

1                                    **BEHAVIORAL HEALTH LICENSING AMENDMENTS**  
2                                    2024 GENERAL SESSION  
3                                    STATE OF UTAH  
4                                    **Chief Sponsor: Curtis S. Bramble**  
5                                    House Sponsor: A. Cory Maloy

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6  
7 **LONG TITLE**

8 **General Description:**

9        This bill amends behavioral health licensing provisions.

10 **Highlighted Provisions:**

11        This bill:

- 12        ▶ requires the Division of Integrated Healthcare to consider interstate portability
- 13        and make recommendations regarding Utah's membership in any interstate licensing compacts;
- 14        ▶ expands the types of licensees who may participate in the Utah Professionals Health
- 15        Program, and removes the absolute requirement for formal proceedings to terminate a Utah
- 16        Professionals Health Program contract and requires the division to make rules for probation
- 17        after termination of a Utah Professionals Health Program contract;
- 18        ▶ creates the Behavioral Health Board, a multi-professional board to replace certain
- 19        individual licensing boards;
- 20        ▶ establishes training and certification requirements for clinical supervisors;
- 21        ▶ changes supervision requirements for mental health therapists to include direct
- 22        observation;
- 23        ▶ defines direct client care, direct clinical supervision, and direct observation of mental
- 24        health therapists;
- 25        ▶ defines unlawful conduct to include failure to provide or disclose certain information to
- 26        patients in a mental health therapy setting;
- 27        ▶ requires a criminal background check for mental health therapists and authorizes the
- 28        division to use the FBI Rap Back System;
- 29        ▶ creates an alternative pathway to certain licensures through increased direct client care
- 30        hours and supervised clinical hours, in lieu of examination requirements;
- 31        ▶ creates the licenses of master addiction counselor and associate master addiction

- 28 counselor;
- 29     ▸ creates the license of behavioral health coach and certification of behavioral health  
30 technician;
- 31     ▸ expands the scope of practice of social service workers and advanced substance use  
32 disorder counselors to include drafting treatment plans and updates and providing manualized  
33 therapeutic interventions in limited circumstances and under supervision;
- 34     ▸ repeals the Vocational Rehabilitation Counselors Licensing Act; and
- 35     ▸ makes technical corrections.

36 **Money Appropriated in this Bill:**

37     None

38 **Other Special Clauses:**

39     This bill provides a coordination clause.

40 **Utah Code Sections Affected:**

41 AMENDS:

- 42     **26B-5-101**, as last amended by Laws of Utah 2023, Chapter 308
- 43     **26B-5-102**, as last amended by Laws of Utah 2023, Chapter 177 and renumbered and  
44 amended by Laws of Utah 2023, Chapter 308
- 45     **58-1-106**, as last amended by Laws of Utah 2018, Chapter 318
- 46     **58-1-201**, as last amended by Laws of Utah 2023, Chapter 223
- 47     **58-1-301.5**, as last amended by Laws of Utah 2023, Chapters 222, 223 and 225
- 48     **58-1-501**, as last amended by Laws of Utah 2023, Chapters 223, 321 and 463
- 49     **58-4a-102**, as last amended by Laws of Utah 2023, Chapter 328
- 50     **58-4a-107**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 51     **58-40-302**, as last amended by Laws of Utah 2020, Chapter 339
- 52     **58-60-102**, as last amended by Laws of Utah 2021, Chapter 313
- 53     **58-60-103.1**, as enacted by Laws of Utah 2022, Chapter 466
- 54     **58-60-106**, as enacted by Laws of Utah 1994, Chapter 32
- 55     **58-60-109**, as last amended by Laws of Utah 2020, Chapter 339
- 56     **58-60-110**, as last amended by Laws of Utah 2019, Chapter 419
- 57     **58-60-202**, as last amended by Laws of Utah 2010, Chapters 78, 214
- 58     **58-60-205**, as last amended by Laws of Utah 2023, Chapters 283, 339
- 59     **58-60-207**, as last amended by Laws of Utah 2023, Chapter 339
- 60     **58-60-302**, as enacted by Laws of Utah 1994, Chapter 32
- 61     **58-60-305**, as last amended by Laws of Utah 2023, Chapter 339

- 62        **58-60-402**, as last amended by Laws of Utah 2012, Chapter 179  
63        **58-60-405**, as last amended by Laws of Utah 2023, Chapter 339  
64        **58-60-407**, as last amended by Laws of Utah 2020, Chapter 339  
65        **58-60-502**, as last amended by Laws of Utah 2019, Chapter 393  
66        **58-60-504**, as last amended by Laws of Utah 2012, Chapter 179  
67        **58-60-506**, as last amended by Laws of Utah 2020, Chapter 339  
68        **58-61-102**, as last amended by Laws of Utah 2013, Chapters 16, 123  
69        **58-61-301**, as last amended by Laws of Utah 2001, Chapter 281  
70        **58-61-304**, as last amended by Laws of Utah 2020, Chapter 339  
71        **58-61-304.1**, as enacted by Laws of Utah 2020, Chapter 339  
72        **58-61-308**, as enacted by Laws of Utah 2001, Chapter 281  
73        **58-61-502**, as last amended by Laws of Utah 2001, Chapter 281  
74        **58-61-705**, as last amended by Laws of Utah 2020, Chapter 339  
75        **58-84-102**, as enacted by Laws of Utah 2014, Chapter 340  
76        **58-84-201**, as last amended by Laws of Utah 2020, Chapter 339

## 77    ENACTS:

- 78        **58-60-102.5**, Utah Code Annotated 1953  
79        **58-60-512**, Utah Code Annotated 1953  
80        **58-60-601**, Utah Code Annotated 1953  
81        **58-60-602**, Utah Code Annotated 1953  
82        **58-60-603**, Utah Code Annotated 1953  
83        **58-60-604**, Utah Code Annotated 1953

## 84    REPEALS:

- 85        **58-60-203**, as last amended by Laws of Utah 2010, Chapter 214  
86        **58-60-303**, as last amended by Laws of Utah 2000, Chapter 159  
87        **58-60-307**, as last amended by Laws of Utah 2019, Chapter 393  
88        **58-60-403**, as last amended by Laws of Utah 2012, Chapter 179  
89        **58-60-503**, as last amended by Laws of Utah 2012, Chapter 179  
90        **58-61-201**, as last amended by Laws of Utah 2015, Chapter 367  
91        **58-78-101**, as enacted by Laws of Utah 2009, Chapter 122  
92        **58-78-102**, as enacted by Laws of Utah 2009, Chapter 122  
93        **58-78-201**, as enacted by Laws of Utah 2009, Chapter 122  
94        **58-78-301**, as enacted by Laws of Utah 2009, Chapter 122  
95        **58-78-302**, as last amended by Laws of Utah 2020, Chapter 339

96 **58-78-303**, as last amended by Laws of Utah 2011, Chapter 367

97 **58-78-304**, as enacted by Laws of Utah 2009, Chapter 122

98 **58-78-401**, as enacted by Laws of Utah 2009, Chapter 122

99 **58-78-501**, as enacted by Laws of Utah 2009, Chapter 122

100 **58-78-502**, as enacted by Laws of Utah 2009, Chapter 122

101 **Utah Code Sections affected by Coordination Clause:**

102 **58-60-205**, as last amended by Laws of Utah 2023, Chapters 283, 339

103

104 *Be it enacted by the Legislature of the state of Utah:*

105 Section 1. Section **26B-5-101** is amended to read:

106 **26B-5-101 . Chapter definitions.**

107 As used in this chapter:

108 (1) "Criminal risk factors" means a person's characteristics and behaviors that:

109 (a) affect the person's risk of engaging in criminal behavior; and

110 (b) are diminished when addressed by effective treatment, supervision, and other support  
111 resources, resulting in reduced risk of criminal behavior.

112 (2) "Director" means the director appointed under Section 26B-5-103.

113 (3) "Division" means the Division of Integrated Healthcare created in Section 26B-1-202.

114 (4) "Local mental health authority" means a county legislative body.

115 (5) "Local substance abuse authority" means a county legislative body.

116 (6) "Mental health crisis" means:

117 (a) a mental health condition that manifests in an individual by symptoms of sufficient  
118 severity that a prudent layperson who possesses an average knowledge of mental  
119 health issues could reasonably expect the absence of immediate attention or  
120 intervention to result in:

121 (i) serious danger to the individual's health or well-being; or

122 (ii) a danger to the health or well-being of others; or

123 (b) a mental health condition that, in the opinion of a mental health therapist or the  
124 therapist's designee, requires direct professional observation or intervention.

125 (7) "Mental health crisis response training" means community-based training that educates  
126 laypersons and professionals on the warning signs of a mental health crisis and how to  
127 respond.

128 (8) "Mental health crisis services" means an array of services provided to an individual who  
129 experiences a mental health crisis, which may include:

- 130 (a) direct mental health services;
- 131 (b) on-site intervention provided by a mobile crisis outreach team;
- 132 (c) the provision of safety and care plans;
- 133 (d) prolonged mental health services for up to 90 days after the day on which an
- 134 individual experiences a mental health crisis;
- 135 (e) referrals to other community resources;
- 136 (f) local mental health crisis lines; and
- 137 (g) the statewide mental health crisis line.
- 138 (9) "Mental health therapist" means the same as that term is defined in Section 58-60-102.
- 139 (10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and mental
- 140 health professionals that, in coordination with local law enforcement and emergency
- 141 medical service personnel, provides mental health crisis services.
- 142 (11) "Office" means the Office of Substance Use and Mental Health created in Section
- 143 26B-5-102.
- 144 (12) (a) "Public funds" means federal money received from the department, and state
- 145 money appropriated by the Legislature to the department, a county governing body,
- 146 or a local substance abuse authority, or a local mental health authority for the
- 147 purposes of providing substance abuse or mental health programs or services.
- 148 (b) "Public funds" include federal and state money that has been transferred by a local
- 149 substance abuse authority or a local mental health authority to a private provider
- 150 under an annual or otherwise ongoing contract to provide comprehensive substance
- 151 abuse or mental health programs or services for the local substance abuse authority or
- 152 local mental health authority. The money maintains the nature of "public funds"
- 153 while in the possession of the private entity that has an annual or otherwise ongoing
- 154 contract with a local substance abuse authority or a local mental health authority to
- 155 provide comprehensive substance use or mental health programs or services for the
- 156 local substance abuse authority or local mental health authority.
- 157 (c) Public funds received for the provision of services under substance use or mental
- 158 health service plans may not be used for any other purpose except those authorized in
- 159 the contract between the local mental health or substance abuse authority and
- 160 provider for the provision of plan services.
- 161 (13) "Severe mental disorder" means schizophrenia, major depression, bipolar disorders,
- 162 delusional disorders, psychotic disorders, and other mental disorders as defined by the
- 163 division.

- 164 (14) "Stabilization services" means in-home services provided to a child with, or who is at  
165 risk for, complex emotional and behavioral needs, including teaching the child's parent  
166 or guardian skills to improve family functioning.
- 167 (15) "Statewide mental health crisis line" means the same as that term is defined in Section  
168 26B-5-610.
- 169 (16) "System of care" means a broad, flexible array of services and supports that:
- 170 (a) serve a child with or who is at risk for complex emotional and behavioral needs;  
171 (b) are community based;  
172 (c) are informed about trauma;  
173 (d) build meaningful partnerships with families and children;  
174 (e) integrate service planning, service coordination, and management across state and  
175 local entities;  
176 (f) include individualized case planning;  
177 (g) provide management and policy infrastructure that supports a coordinated network of  
178 interdepartmental service providers, contractors, and service providers who are  
179 outside of the department; and  
180 (h) are guided by the type and variety of services needed by a child with or who is at risk  
181 for complex emotional and behavioral needs and by the child's family.
- 182 (17) "Targeted case management" means a service that assists Medicaid recipients in a  
183 target group to gain access to needed medical, social, educational, and other services.
- 184 Section 2. Section **26B-5-102** is amended to read:
- 185 **26B-5-102 . Division of Integrated Healthcare -- Office of Substance Use and**  
186 **Mental Health -- Creation -- Responsibilities.**
- 187 (1) (a) The Division of Integrated Healthcare shall exercise responsibility over the  
188 policymaking functions, regulatory and enforcement powers, rights, duties, and  
189 responsibilities outlined in state law that were previously vested in the Division of  
190 Substance Abuse and Mental Health within the department, under the administration  
191 and general supervision of the executive director.
- 192 (b) The division is the substance abuse authority and the mental health authority for this  
193 state.
- 194 (c) There is created the Office of Substance Use and Mental Health within the division.
- 195 (d) The office shall exercise the responsibilities, powers, rights, duties, and  
196 responsibilities assigned to the office by the executive director.
- 197 (2) The division shall:

- 198 (a) (i) educate the general public regarding the nature and consequences of substance  
199 use by promoting school and community-based prevention programs;
- 200 (ii) render support and assistance to public schools through approved school-based  
201 substance abuse education programs aimed at prevention of substance use;
- 202 (iii) promote or establish programs for the prevention of substance use within the  
203 community setting through community-based prevention programs;
- 204 (iv) cooperate with and assist treatment centers, recovery residences, and other  
205 organizations that provide services to individuals recovering from a substance use  
206 disorder, by identifying and disseminating information about effective practices  
207 and programs;
- 208 (v) promote integrated programs that address an individual's substance use, mental  
209 health, and physical health;
- 210 (vi) establish and promote an evidence-based continuum of screening, assessment,  
211 prevention, treatment, and recovery support services in the community for  
212 individuals with a substance use disorder or mental illness;
- 213 (vii) evaluate the effectiveness of programs described in this Subsection (2);
- 214 (viii) consider the impact of the programs described in this Subsection (2) on:
- 215 (A) emergency department utilization;
- 216 (B) jail and prison populations;
- 217 (C) the homeless population; and
- 218 (D) the child welfare system; and
- 219 (ix) promote or establish programs for education and certification of instructors to  
220 educate individuals convicted of driving under the influence of alcohol or drugs or  
221 driving with any measurable controlled substance in the body;
- 222 (b) (i) collect and disseminate information pertaining to mental health;
- 223 (ii) provide direction over the state hospital including approval of the state hospital's  
224 budget, administrative policy, and coordination of services with local service  
225 plans;
- 226 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
227 Rulemaking Act, to educate families concerning mental illness and promote  
228 family involvement, when appropriate, and with patient consent, in the treatment  
229 program of a family member; [~~and~~]
- 230 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
231 Rulemaking Act, to direct that an individual receiving services through a local

- 232 mental health authority or the Utah State Hospital be informed about and, if  
233 desired by the individual, provided assistance in the completion of a declaration  
234 for mental health treatment in accordance with Section 26B-5-313; and  
235 (v) to the extent authorized and in accordance with statute, make rules in accordance  
236 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:  
237 (A) create a certification for targeted case management;  
238 (B) establish training and certification requirements;  
239 (C) specify the types of services each certificate holder is qualified to provide;  
240 (D) specify the type of supervision under which a certificate holder is required to  
241 operate; and  
242 (E) specify continuing education and other requirements for maintaining or  
243 renewing certification;
- 244 (c) (i) consult and coordinate with local substance abuse authorities and local mental  
245 health authorities regarding programs and services;  
246 (ii) provide consultation and other assistance to public and private agencies and  
247 groups working on substance use and mental health issues;  
248 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,  
249 medical and social agencies, public health authorities, law enforcement agencies,  
250 education and research organizations, and other related groups;  
251 (iv) promote or conduct research on substance use and mental health issues, and  
252 submit to the governor and the Legislature recommendations for changes in policy  
253 and legislation;  
254 (v) receive, distribute, and provide direction over public funds for substance use and  
255 mental health services;  
256 (vi) monitor and evaluate programs provided by local substance abuse authorities and  
257 local mental health authorities;  
258 (vii) examine expenditures of local, state, and federal funds;  
259 (viii) monitor the expenditure of public funds by:  
260 (A) local substance abuse authorities;  
261 (B) local mental health authorities; and  
262 (C) in counties where they exist, a private contract provider that has an annual or  
263 otherwise ongoing contract to provide comprehensive substance abuse or  
264 mental health programs or services for the local substance abuse authority or  
265 local mental health authority;



- 266 (ix) contract with local substance abuse authorities and local mental health authorities  
267 to provide a comprehensive continuum of services that include community-based  
268 services for individuals involved in the criminal justice system, in accordance with  
269 division policy, contract provisions, and the local plan;
- 270 (x) contract with private and public entities for special statewide or nonclinical  
271 services, or services for individuals involved in the criminal justice system,  
272 according to division rules;
- 273 (xi) review and approve each local substance abuse authority's plan and each local  
274 mental health authority's plan in order to ensure:
- 275 (A) a statewide comprehensive continuum of substance use services;  
276 (B) a statewide comprehensive continuum of mental health services;  
277 (C) services result in improved overall health and functioning;  
278 (D) a statewide comprehensive continuum of community-based services designed  
279 to reduce criminal risk factors for individuals who are determined to have  
280 substance use or mental illness conditions or both, and who are involved in the  
281 criminal justice system;
- 282 (E) compliance, where appropriate, with the certification requirements in  
283 Subsection [~~(2)(j)~~] (2)(h); and  
284 (F) appropriate expenditure of public funds;
- 285 (xii) review and make recommendations regarding each local substance abuse  
286 authority's contract with the local substance abuse authority's provider of  
287 substance use programs and services and each local mental health authority's  
288 contract with the local mental health authority's provider of mental health  
289 programs and services to ensure compliance with state and federal law and policy;
- 290 (xiii) monitor and ensure compliance with division rules and contract requirements;  
291 and
- 292 (xiv) withhold funds from local substance abuse authorities, local mental health  
293 authorities, and public and private providers for contract noncompliance, failure to  
294 comply with division directives regarding the use of public funds, or for misuse of  
295 public funds or money;
- 296 (d) ensure that the requirements of this part are met and applied uniformly by local  
297 substance abuse authorities and local mental health authorities across the state;
- 298 (e) require each local substance abuse authority and each local mental health authority,  
299 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a

- 300 plan to the division on or before May 15 of each year;
- 301 (f) conduct an annual program audit and review of each local substance abuse authority  
302 and each local substance abuse authority's contract provider, and each local mental  
303 health authority and each local mental health authority's contract provider, including:
- 304 (i) a review and determination regarding whether:
- 305 (A) public funds allocated to the local substance abuse authority or the local  
306 mental health authorities are consistent with services rendered by the authority  
307 or the authority's contract provider, and with outcomes reported by the  
308 authority's contract provider; and
- 309 (B) each local substance abuse authority and each local mental health authority is  
310 exercising sufficient oversight and control over public funds allocated for  
311 substance use disorder and mental health programs and services; and
- 312 (ii) items determined by the division to be necessary and appropriate;
- 313 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4, Alcoholic  
314 Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;
- 315 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer  
316 supports services to an individual with:
- 317 (A) a substance use disorder;
- 318 (B) a mental health disorder; or
- 319 (C) a substance use disorder and a mental health disorder;
- 320 (ii) certify a person to carry out, as needed, the division's duty to train and certify an  
321 adult as a peer support specialist;
- 322 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
323 Rulemaking Act, that:
- 324 (A) establish training and certification requirements for a peer support specialist;
- 325 (B) specify the types of services a peer support specialist is qualified to provide;
- 326 (C) specify the type of supervision under which a peer support specialist is  
327 required to operate; and
- 328 (D) specify continuing education and other requirements for maintaining or  
329 renewing certification as a peer support specialist; and
- 330 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
331 Rulemaking Act, that:
- 332 (A) establish the requirements for a person to be certified to carry out, as needed,  
333 the division's duty to train and certify an adult as a peer support specialist; and

- 334 (B) specify how the division shall provide oversight of a person certified to train  
335 and certify a peer support specialist;
- 336 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze  
337 and provide recommendations to the Legislature regarding:
- 338 (i) pretrial services and the resources needed to reduce recidivism;
- 339 (ii) county jail and county behavioral health early-assessment resources needed for an  
340 individual convicted of a class A or class B misdemeanor; and
- 341 (iii) the replacement of federal dollars associated with drug interdiction law  
342 enforcement task forces that are reduced;
- 343 (j) establish performance goals and outcome measurements for a mental health or  
344 substance use treatment program that is licensed under Chapter 2, Part 1, Human  
345 Services Programs and Facilities, and contracts with the department, including goals  
346 and measurements related to employment and reducing recidivism of individuals  
347 receiving mental health or substance use treatment who are involved with the  
348 criminal justice system;
- 349 (k) annually, on or before November 30, submit a written report to the Judiciary Interim  
350 Committee, the Health and Human Services Interim Committee, and the Law  
351 Enforcement and Criminal Justice Interim Committee, that includes:
- 352 (i) a description of the performance goals and outcome measurements described in  
353 Subsection (2)(j); and
- 354 (ii) information on the effectiveness of the goals and measurements in ensuring  
355 appropriate and adequate mental health or substance use treatment is provided in a  
356 treatment program described in Subsection (2)(j);
- 357 (l) collaborate with the Administrative Office of the Courts, the Department of  
358 Corrections, the Department of Workforce Services, and the Board of Pardons and  
359 Parole to collect data on recidivism in accordance with the metrics and requirements  
360 described in Section 63M-7-102;
- 361 (m) at the division's discretion, use the data described in Subsection (2)(l) to make  
362 decisions regarding the use of funds allocated to the division to provide treatment;
- 363 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l)  
364 and any recommendations to improve the data collection to the State Commission on  
365 Criminal and Juvenile Justice to be included in the report described in Subsection  
366 63M-7-204(1)(x);
- 367 (o) publish the following on the division's website:

- 368 (i) the performance goals and outcome measurements described in Subsection (2)(j);  
369 and
- 370 (ii) a description of the services provided and the contact information for the mental  
371 health and substance use treatment programs described in Subsection (2)(j) and  
372 residential, vocational and life skills programs, as defined in Section 13-53-102;  
373 and
- 374 (p) consult and coordinate with the Division of Child and Family Services to develop  
375 and manage the operation of a program designed to reduce substance use during  
376 pregnancy and by parents of a newborn child that includes:
- 377 (i) providing education and resources to health care providers and individuals in the  
378 state regarding prevention of substance use during pregnancy;
- 379 (ii) providing training to health care providers in the state regarding screening of a  
380 pregnant woman or pregnant minor to identify a substance use disorder; and
- 381 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn  
382 child in need of substance use treatment services to a facility that has the capacity  
383 to provide the treatment services.
- 384 (3) In addition to the responsibilities described in Subsection (2), the division shall, within  
385 funds appropriated by the Legislature for this purpose, implement and manage the  
386 operation of a firearm safety and suicide prevention program, in consultation with the  
387 Bureau of Criminal Identification created in Section 53-10-201, including:
- 388 (a) coordinating with local mental health and substance abuse authorities, a nonprofit  
389 behavioral health advocacy group, and a representative from a Utah-based nonprofit  
390 organization with expertise in the field of firearm use and safety that represents  
391 firearm owners, to:
- 392 (i) produce and periodically review and update a firearm safety brochure and other  
393 educational materials with information about the safe handling and use of firearms  
394 that includes:
- 395 (A) information on safe handling, storage, and use of firearms in a home  
396 environment;
- 397 (B) information about at-risk individuals and individuals who are legally  
398 prohibited from possessing firearms;
- 399 (C) information about suicide prevention awareness; and
- 400 (D) information about the availability of firearm safety packets;
- 401 (ii) procure cable-style gun locks for distribution under this section;

- 402 (iii) produce a firearm safety packet that includes the firearm safety brochure and the  
403 cable-style gun lock described in this Subsection (3); and
- 404 (iv) create a suicide prevention education course that:
- 405 (A) provides information for distribution regarding firearm safety education;
- 406 (B) incorporates current information on how to recognize suicidal behaviors and  
407 identify individuals who may be suicidal; and
- 408 (C) provides information regarding crisis intervention resources;
- 409 (b) distributing, free of charge, the firearm safety packet to the following persons, who  
410 shall make the firearm safety packet available free of charge:
- 411 (i) health care providers, including emergency rooms;
- 412 (ii) mobile crisis outreach teams;
- 413 (iii) mental health practitioners;
- 414 (iv) other public health suicide prevention organizations;
- 415 (v) entities that teach firearm safety courses;
- 416 (vi) school districts for use in the seminar, described in Section 53G-9-702, for  
417 parents of students in the school district; and
- 418 (vii) firearm dealers to be distributed in accordance with Section 76-10-526;
- 419 (c) creating and administering a rebate program that includes a rebate that offers  
420 between \$10 and \$200 off the purchase price of a firearm safe from a participating  
421 firearms dealer or a person engaged in the business of selling firearm safes in Utah,  
422 by a Utah resident;
- 423 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
424 making rules that establish procedures for:
- 425 (i) producing and distributing the suicide prevention education course and the firearm  
426 safety brochures and packets;
- 427 (ii) procuring the cable-style gun locks for distribution; and
- 428 (iii) administering the rebate program; and
- 429 (e) reporting to the Health and Human Services Interim Committee regarding  
430 implementation and success of the firearm safety program and suicide prevention  
431 education course at or before the November meeting each year.
- 432 (4) (a) The division may refuse to contract with and may pursue legal remedies against  
433 any local substance abuse authority or local mental health authority that fails, or has  
434 failed, to expend public funds in accordance with state law, division policy, contract  
435 provisions, or directives issued in accordance with state law.

- 436 (b) The division may withhold funds from a local substance abuse authority or local  
437 mental health authority if the authority's contract provider of substance use or mental  
438 health programs or services fails to comply with state and federal law or policy.
- 439 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority  
440 or local mental health authority, the division shall review and determine whether the  
441 local substance abuse authority or local mental health authority is complying with the  
442 oversight and management responsibilities described in Sections 17-43-201,  
443 17-43-203, 17-43-303, and 17-43-309.
- 444 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and  
445 liability described in Section 17-43-303 and to the responsibility and liability  
446 described in Section 17-43-203.
- 447 (6) In carrying out the division's duties and responsibilities, the division may not duplicate  
448 treatment or educational facilities that exist in other divisions or departments of the state,  
449 but shall work in conjunction with those divisions and departments in rendering the  
450 treatment or educational services that those divisions and departments are competent and  
451 able to provide.
- 452 (7) The division may accept in the name of and on behalf of the state donations, gifts,  
453 devises, or bequests of real or personal property or services to be used as specified by  
454 the donor.
- 455 (8) The division shall annually review with each local substance abuse authority and each  
456 local mental health authority the authority's statutory and contract responsibilities  
457 regarding:
- 458 (a) use of public funds;  
459 (b) oversight of public funds; and  
460 (c) governance of substance use disorder and mental health programs and services.
- 461 (9) The Legislature may refuse to appropriate funds to the division upon the division's  
462 failure to comply with the provisions of this part.
- 463 (10) If a local substance abuse authority contacts the division under Subsection 17-43-201  
464 (10) for assistance in providing treatment services to a pregnant woman or pregnant  
465 minor, the division shall:
- 466 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the  
467 capacity to provide the treatment services; or  
468 (b) otherwise ensure that treatment services are made available to the pregnant woman  
469 or pregnant minor.

470 (11) The division shall employ a school-based mental health specialist to be housed at the  
471 State Board of Education who shall work with the State Board of Education to:

- 472 (a) provide coordination between a local education agency and local mental health  
473 authority;
- 474 (b) recommend evidence-based and evidence informed mental health screenings and  
475 intervention assessments for a local education agency; and
- 476 (c) coordinate with the local community, including local departments of health, to  
477 enhance and expand mental health related resources for a local education agency.

478 Section 3. Section **58-1-106** is amended to read:

479 **58-1-106 . Division -- Duties, functions, and responsibilities.**

- 480 (1) The duties, functions, and responsibilities of the division include the following:
- 481 (a) prescribing, adopting, and enforcing rules to administer this title;
- 482 (b) investigating the activities of any person whose occupation or profession is regulated  
483 or governed by the laws and rules administered and enforced by the division;
- 484 (c) subpoenaing witnesses, taking evidence, and requiring by subpoena duces tecum the  
485 production of any books, papers, documents, records, contracts, recordings, tapes,  
486 correspondence, or information relevant to an investigation upon a finding of  
487 sufficient need by the director or by the director's designee;
- 488 (d) taking administrative and judicial action against persons in violation of the laws and  
489 rules administered and enforced by the division, including the issuance of cease and  
490 desist orders;
- 491 (e) seeking injunctions and temporary restraining orders to restrain unauthorized activity;
- 492 (f) complying with Title 52, Chapter 4, Open and Public Meetings Act;
- 493 (g) issuing, refusing to issue, revoking, suspending, renewing, refusing to renew, or  
494 otherwise acting upon any license;
- 495 (h) preparing and submitting to the governor and the Legislature an annual report of the  
496 division's operations, activities, and goals;
- 497 (i) preparing and submitting to the executive director a budget of the expenses for the  
498 division;
- 499 (j) establishing the time and place for the administration of examinations; [~~and~~]
- 500 (k) preparing lists of licensees and making these lists available to the public at cost upon  
501 request unless otherwise prohibited by state or federal law[.] ; and
- 502 (l) considering interstate portability and the preservation of licensing pathways that are  
503 specific to Utah when making recommendations regarding membership in interstate

- 504            licensing compacts.
- 505    (2) The division may not include home telephone numbers or home addresses of licensees  
506        on the lists prepared under Subsection (1)(k), except as otherwise provided by rules of  
507        the division made in accordance with Title 63G, Chapter 3, Utah Administrative  
508        Rulemaking Act.
- 509    (3) (a) The division may provide the home address or home telephone number of a  
510        licensee on a list prepared under Subsection (1) upon the request of an individual  
511        who provides proper identification and the reason for the request, in writing, to the  
512        division.
- 513        (b) A request under Subsection (3)(a) is limited to providing information on only one  
514        licensee per request.
- 515        (c) The division shall provide, by rule, what constitutes proper identification under  
516        Subsection (3)(a).
- 517    (4) (a) Notwithstanding any contrary provisions in Title 63G, Chapter 2, Government  
518        Records Access and Management Act, the division may share licensee information  
519        with:
- 520            (i) the division's contracted agents when sharing the information in compliance with  
521            state or federal law; and
- 522            (ii) a person who is evaluating the progress or monitoring the compliance of an  
523            individual who has been disciplined by the division under this title.
- 524        (b) The division may make rules to implement the provisions of this Subsection (4).
- 525    (5) All rules made by the division under this title shall be made in accordance with Title  
526        63G, Chapter 3, Utah Administrative Rulemaking Act.
- 527        Section 4. Section **58-1-201** is amended to read:
- 528            **58-1-201 . Boards -- Appointment -- Membership -- Terms -- Vacancies --**  
529            **Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position**  
530            **in professional school that teaches continuing education prohibited.**
- 531    (1) (a) (i) The executive director shall appoint the members of the boards established  
532        under this title.
- 533            (ii) In appointing the board members the executive director shall give consideration  
534            to recommendations by members of the respective professions and the professions'  
535            organizations.
- 536        (b) Each board shall be composed of five members, four of whom are licensed or  
537        certified practitioners in good standing of the profession the board represents, and



538 one of whom is a member of the general public, unless otherwise provided under the  
539 specific licensing chapter.

540 (c) (i) The name of each individual appointed to a board shall be submitted to the  
541 governor for confirmation or rejection.

542 (ii) If an appointee is rejected by the governor, the executive director shall appoint  
543 another individual in the same manner as set forth in Subsection (1)(a).

544 (2) (a) (i) Except as required by Subsection (2)(b), as terms of current board members  
545 expire, the executive director shall appoint each new board member or  
546 reappointed board member to a four-year term.

547 (ii) Upon the expiration of the term of a board member, the board member shall  
548 continue to serve until a successor is appointed, but for a period not to exceed six  
549 months from the expiration date of the board member's term.

550 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,  
551 at the time of appointment or reappointment, adjust the length of terms to ensure that  
552 the terms of board members are staggered so that approximately half of the board is  
553 appointed every two years.

554 (c) A board member may not serve more than two consecutive terms, and a board  
555 member who ceases to serve on a board may not serve again on that board until after  
556 the expiration of a two-year period beginning from that cessation of service.

557 (d) (i) When a vacancy occurs in the board membership for any reason, the  
558 replacement shall be appointed for the unexpired term.

559 (ii) After filling that term, the replacement board member may be appointed for only  
560 one additional full term.

561 (e) The director, with the approval of the executive director, may remove a board  
562 member and replace the board member in accordance with this section for the  
563 following reasons:

564 (i) the board member fails or refuses to fulfill the responsibilities and duties of a  
565 board member, including attendance at board meetings;

566 (ii) the board member engages in unlawful or unprofessional conduct; or

567 (iii) if appointed to the board position as a licensed member of the board, the board  
568 member fails to maintain a license that is active and in good standing.

569 (3) (a) A majority of the board members constitutes a quorum.

570 (b) Except as provided in Subsection 58-1-109(3), a quorum is sufficient authority for  
571 the board to act.

- 572 (4) A board member may not receive compensation or benefits for the~~[board]~~ member's  
 573 service, but may receive per diem and travel expenses in accordance with:
- 574 (a) Section 63A-3-106;  
 575 (b) Section 63A-3-107; and  
 576 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 577 (5) Each board shall annually designate one of the board's members to serve as chair for a  
 578 one-year period.
- 579 (6) A board member may not be a member of the faculty of, or have a financial interest in, a  
 580 vocational or professional college or school that provides continuing education to any  
 581 licensee if that continuing education is required by statute or rule made in accordance  
 582 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 583 Section 5. Section **58-1-301.5** is amended to read:
- 584 **58-1-301.5 . Division access to Bureau of Criminal Identification records.**
- 585 (1) The division shall have direct access to local files maintained by the Bureau of Criminal  
 586 Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification, for  
 587 background screening of individuals who are applying for licensure~~[, licensure]~~ or  
 588 certification, or with respect to a license or certification, renewal, ~~[licensure]~~  
 589 reinstatement, or relicensure or recertification, as required in:
- 590 (a) Sections 58-17b-306 and 58-17b-307;  
 591 (b) Sections 58-24b-302 and 58-24b-302.1;  
 592 (c) Section 58-31b-302;  
 593 (d) Sections 58-42a-302 and 58-42a-302.1, of Chapter 42a, Occupational Therapy  
 594 Practice Act;  
 595 (e) Section 58-44a-302.1;  
 596 (f) Sections 58-47b-302 and 58-47b-302.1;  
 597 (g) Section 58-55-302, as Section 58-55-302 applies to alarm companies and alarm  
 598 company agents, and Section 58-55-302.1;  
 599 (h) Sections 58-60-103.1, 58-60-205, 58-60-305,~~[and]~~ 58-60-405, and 58-60-506 of  
 600 Chapter 60, Mental Health Professional Practice Act;  
 601 (i) Sections 58-61-304 and 58-61-304.1;  
 602 (j) Sections 58-63-302 and 58-63-302.1;  
 603 (k) Sections 58-64-302 and 58-64-302.1;  
 604 (l) Sections 58-67-302 and 58-67-302.1;  
 605 (m) Sections 58-68-302 and 58-68-302.1; and

606 (n) Sections 58-70a-301.1 and 58-70a-302, of Chapter 70a, Utah Physician Assistant Act.

607 (2) The division's access to criminal background information under this section:

608 (a) shall meet the requirements of Section 53-10-108; and

609 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere  
610 held in abeyance, dismissed charges, and charges without a known disposition.

611 (3) The division may not disseminate outside of the division any criminal history record  
612 information that the division obtains from the Bureau of Criminal Identification or the  
613 Federal Bureau of Investigation under the criminal background check requirements of  
614 this section.

615 Section 6. Section **58-1-501** is amended to read:

616 **58-1-501 . Unlawful and unprofessional conduct.**

617 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under  
618 this title and includes:

619 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or  
620 attempting to practice or engage in any profession requiring licensure under this title,  
621 except the behavioral health technician under Chapter 60, Part 6, Behavioral Health  
622 Coach and Technician Licensing Act, if the person is:

623 (i) not licensed to do so or not exempted from licensure under this title; or

624 (ii) restricted from doing so by a suspended, revoked, restricted, temporary,  
625 probationary, or inactive license;

626 (b) (i) impersonating another licensee or practicing a profession under a false or  
627 assumed name, except as permitted by law; or

628 (ii) for a licensee who has had a license under this title reinstated following  
629 disciplinary action, practicing the same profession using a different name than the  
630 name used before the disciplinary action, except as permitted by law and after  
631 notice to, and approval by, the division;

632 (c) knowingly employing any other person to practice or engage in or attempt to practice  
633 or engage in any profession licensed under this title if the employee is not licensed to  
634 do so under this title;

635 (d) knowingly permitting the person's authority to practice or engage in any profession  
636 licensed under this title to be used by another, except as permitted by law;

637 (e) obtaining a passing score on a licensure examination, applying for or obtaining a  
638 license, or otherwise dealing with the division or a licensing board through the use of  
639 fraud, forgery, or intentional deception, misrepresentation, misstatement, or omission;

- 640 (f) (i) issuing, or aiding and abetting in the issuance of, an order or prescription for a  
641 drug or device to a person located in this state:
- 642 (A) without prescriptive authority conferred by a license issued under this title, or  
643 by an exemption to licensure under this title; or
- 644 (B) with prescriptive authority conferred by an exception issued under this title or  
645 a multistate practice privilege recognized under this title, if the prescription  
646 was issued without first obtaining information, in the usual course of  
647 professional practice, that is sufficient to establish a diagnosis, to identify  
648 underlying conditions, and to identify contraindications to the proposed  
649 treatment; and
- 650 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call  
651 or cross coverage situation, provided that the person who issues the prescription  
652 has prescriptive authority conferred by a license under this title, or is exempt from  
653 licensure under this title; or
- 654 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a  
655 profession under this title.
- 656 (2) (a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is  
657 defined as unprofessional conduct under this title or under any rule adopted under  
658 this title and includes:
- 659 (i) violating any statute, rule, or order regulating an a profession under this title;
- 660 (ii) violating, or aiding or abetting any other person to violate, any generally accepted  
661 professional or ethical standard applicable to an occupation or profession  
662 regulated under this title;
- 663 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in  
664 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is  
665 held in abeyance pending the successful completion of probation with respect to a  
666 crime that, when considered with the functions and duties of the profession for  
667 which the license was issued or is to be issued, bears a substantial relationship to  
668 the licensee's or applicant's ability to safely or competently practice the profession;
- 669 (iv) engaging in conduct that results in disciplinary action, including reprimand,  
670 censure, diversion, probation, suspension, or revocation, by any other licensing or  
671 regulatory authority having jurisdiction over the licensee or applicant in the same  
672 profession if the conduct would, in this state, constitute grounds for denial of  
673 licensure or disciplinary proceedings under Section 58-1-401;

- 674 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar  
675 chemicals, to the extent that the conduct does, or might reasonably be considered  
676 to, impair the ability of the licensee or applicant to safely engage in the profession;  
677 (vi) practicing or attempting to practice a profession regulated under this title despite  
678 being physically or mentally unfit to do so;
- 679 (vii) practicing or attempting to practice a or profession regulated under this title  
680 through gross incompetence, gross negligence, or a pattern of incompetency or  
681 negligence;
- 682 (viii) practicing or attempting to practice a profession requiring licensure under this  
683 title by any form of action or communication which is false, misleading,  
684 deceptive, or fraudulent;
- 685 (ix) practicing or attempting to practice a profession regulated under this title beyond  
686 the scope of the licensee's competency, abilities, or education;
- 687 (x) practicing or attempting to practice a profession regulated under this title beyond  
688 the scope of the licensee's license;
- 689 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person  
690 through conduct connected with the licensee's practice under this title or otherwise  
691 facilitated by the licensee's license;
- 692 (xii) acting as a supervisor without meeting the qualification requirements for that  
693 position that are defined by statute or rule;
- 694 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a  
695 drug or device:
- 696 (A) without first obtaining information in the usual course of professional  
697 practice, that is sufficient to establish a diagnosis, to identify conditions, and to  
698 identify contraindications to the proposed treatment; or
- 699 (B) with prescriptive authority conferred by an exception issued under this title, or  
700 a multi-state practice privilege recognized under this title, if the prescription  
701 was issued without first obtaining information, in the usual course of  
702 professional practice, that is sufficient to establish a diagnosis, to identify  
703 underlying conditions, and to identify contraindications to the proposed  
704 treatment;
- 705 (xiv) violating a provision of Section 58-1-501.5;
- 706 (xv) violating the terms of an order governing a license; or
- 707 (xvi) violating Section 58-1-511.

- 708 (b) "Unprofessional conduct" does not include:
- 709 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under
- 710 this title, deviating from medical norms or established practices if the conditions
- 711 described in Subsection (5) are met; and
- 712 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the
- 713 health care provider deviates from medical norms or established practices,
- 714 including the maladies the health care provider treats, if the health care provider:
- 715 (A) does not guarantee any results regarding any health care service;
- 716 (B) fully discloses on the health care provider's website that the health care
- 717 provider deviates from medical norms or established practices with a
- 718 conspicuous statement; and
- 719 (C) includes the health care provider's contact information on the website.
- 720 (3) Unless otherwise specified by statute or administrative rule, in a civil or administrative
- 721 proceeding commenced by the division under this title, a person subject to any of the
- 722 unlawful and unprofessional conduct provisions of this title is strictly liable for each
- 723 violation.
- 724 (4) The following are not evidence of engaging in unprofessional conduct under Subsection
- 725 (2)(a)(iii):
- 726 (a) an arrest not followed by a conviction; or
- 727 (b) a conviction for which an individual's incarceration has ended more than seven years
- 728 before the date of the division's consideration, unless:
- 729 (i) after the incarceration the individual has engaged in additional conduct that results
- 730 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo
- 731 contendere that is held in abeyance pending the successful completion of
- 732 probation; or
- 733 (ii) the conviction was for:
- 734 (A) a violent felony as defined in Section 76-3-203.5;
- 735 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4,
- 736 Sexual Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act; or
- 737 (C) a felony related to criminal fraud or embezzlement, including a felony under
- 738 Title 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft.
- 739 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from
- 740 medical norms or established practices if:
- 741 (a) the health care provider does not deviate outside of the health care provider's scope

- 742 of practice and possesses the education, training, and experience to competently and  
743 safely administer the alternative health care service;
- 744 (b) the health care provider does not provide an alternative health care service that is  
745 otherwise contrary to any state or federal law;
- 746 (c) the alternative health care service has reasonable potential to be of benefit to the  
747 patient to whom the alternative health care service is to be given;
- 748 (d) the potential benefit of the alternative health care service outweighs the known  
749 harms or side effects of the alternative health care service;
- 750 (e) the alternative health care service is reasonably justified under the totality of the  
751 circumstances;
- 752 (f) after diagnosis but before providing the alternative health care service:
- 753 (i) the health care provider educates the patient on the health care services that are  
754 within the medical norms and established practices;
- 755 (ii) the health care provider discloses to the patient that the health care provider is  
756 recommending an alternative health care service that deviates from medical norms  
757 and established practices;
- 758 (iii) the health care provider discusses the rationale for deviating from medical norms  
759 and established practices with the patient;
- 760 (iv) the health care provider discloses any potential risks associated with deviation  
761 from medical norms and established practices; and
- 762 (v) the patient signs and acknowledges a notice of deviation; and
- 763 (g) before providing an alternative health care service, the health care provider discloses  
764 to the patient that the patient may enter into an agreement describing what would  
765 constitute the health care provider's negligence related to deviation.
- 766 (6) As used in this section, "notice of deviation" means a written notice provided by a  
767 health care provider to a patient that:
- 768 (a) is specific to the patient;
- 769 (b) indicates that the health care provider is deviating from medical norms or established  
770 practices in the health care provider's recommendation for the patient's treatment;
- 771 (c) describes how the alternative health care service deviates from medical norms or  
772 established practices;
- 773 (d) describes the potential risks and benefits associated with the alternative health care  
774 service;
- 775 (e) describes the health care provider's reasonably justified rationale regarding the

776 reason for the deviation; and

777 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to  
778 receive the alternative health care service which is outside medical norms and  
779 established practices.

780 Section 7. Section **58-4a-102** is amended to read:

781 **58-4a-102 . Definitions.**

782 As used in this chapter:

783 (1) "Diversion agreement" means a written agreement entered into by a licensee and the  
784 division that describes the requirements of the licensee's monitoring regimen and that  
785 was entered into before May 12, 2020.

786 (2) "Licensee" means an individual licensed to practice~~[under]~~:

787 (a) under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

788 (b) under Title 58, Chapter 17b, Pharmacy Practice Act;

789 (c) under Title 58, Chapter 28, Veterinary Practice Act;

790 (d) under Title 58, Chapter 31b, Nurse Practice Act;

791 (e) mental health therapy under Title 58, Chapter 60, Mental Health Professional  
792 Practice Act;

793 (f) mental health therapy under Title 58, Chapter 61, Psychologist Licensing Act;

794 [~~e~~] (g) under Title 58, Chapter 67, Utah Medical Practice Act;

795 [~~f~~] (h) under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

796 [~~g~~] (i) under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act; or

797 [~~h~~] (j) under Title 58, Chapter 70a, Utah Physician Assistant Act.

798 (3) "Program" means the Utah Professionals Health Program.

799 (4) "Program contract" means a written agreement entered into by a licensee and the  
800 division that allows the licensee to participate in the program.

801 (5) "Substance use disorder" means the same as that term is defined in Section 26B-5-501.

802 Section 8. Section **58-4a-107** is amended to read:

803 **58-4a-107 . Violation of a program contract -- Adjudicative proceedings --**

804 **Penalties.**

805 (1) The division [~~shall~~] may serve an order to show cause on the licensee if the licensee:

806 (a) violates any term or condition of the program contract or diversion agreement;

807 (b) makes an intentional, material misrepresentation of fact in the program contract or  
808 diversion agreement; or

809 (c) violates any rule or law governing the licensee's profession.



- 810 (2) The order to show cause described in Subsection (1) shall:
- 811 (a) describe the alleged misconduct;
- 812 (b) set a time and place for a hearing~~[before an administrative law judge]~~ to determine
- 813 whether the licensee's program contract should be terminated; and
- 814 (c) contain all of the information required by a notice of agency action in Subsection
- 815 63G-4-201(2).
- 816 (3) Proceedings to terminate a program contract shall comply with~~[the rules for a formal~~
- 817 ~~proceeding described in]~~ Title 63G, Chapter 4, Administrative Procedures Act, except
- 818 the notice of agency action shall be in the form of the order to show cause described in
- 819 Subsection (2).
- 820 ~~[(4) In accordance with Subsection 63G-4-205(1), the division shall make rules for~~
- 821 ~~discovery adequate to permit all parties to obtain all relevant information necessary to~~
- 822 ~~support their claims or defenses.]~~
- 823 ~~[(5)]~~ (4) During a proceeding to terminate a program contract, the licensee, the licensee's
- 824 legal representative, and the division shall have access to information contained in the
- 825 division's program file as permitted by law.
- 826 ~~[(6)]~~ (5) The director shall terminate the program contract and place the licensee on
- 827 probation ~~[for a period of five years, with probationary terms matching the terms of the~~
- 828 ~~program contract,]~~ in accordance with rules made by the division in accordance with
- 829 Title 63G, Chapter 3, Utah Administrative Rulemaking Act if, during the administrative
- 830 proceedings described in Subsection (3), the ~~[administrative law judge]~~ presiding officer
- 831 finds that the licensee has:
- 832 (a) violated the program contract;
- 833 (b) made an intentional material misrepresentation of fact in the program contract; or
- 834 (c) violated a law or rule governing the licensee's profession.
- 835 ~~[(7)]~~ (6) If, during the proceedings described in Subsection (3), the ~~[administrative law judge]~~
- 836 presiding officer finds that the licensee has engaged in especially egregious misconduct,
- 837 the director may revoke the licensee's license or take other appropriate disciplinary action.
- 838 ~~[(8)]~~ (7) A licensee who is terminated from the program may have disciplinary action taken
- 839 under Title 58, Chapter 1, Part 4, License Denial, for misconduct committed before,
- 840 during, or after the licensee's participation in the program.
- 841 Section 9. Section **58-40-302** is amended to read:
- 842 **58-40-302 . Qualifications for licensure.**
- 843 (1) An applicant for licensure under this chapter shall:

- 844 (a) submit an application in a form prescribed by the division; and  
 845 (b) pay a fee determined by the department under Section 63J-1-504.
- 846 (2) In addition to the requirements of Subsection (1), an applicant for licensure as a master  
 847 therapeutic recreation specialist under this chapter shall as defined by division rule:
- 848 (a) complete an approved graduate degree;  
 849 (b) complete 4,000 qualifying hours of paid experience as:  
 850 (i) a licensed therapeutic recreation specialist if completed in the state; or  
 851 (ii) a certified therapeutic recreation specialist certified in good standing by the  
 852 National Council for Therapeutic Recreation Certification if completed outside of  
 853 the state; and
- 854 (c) pass an approved examination.
- 855 (3) In addition to the requirements of Subsection (1), an applicant for licensure as a  
 856 therapeutic recreation specialist under this chapter shall, as defined by division rule:
- 857 (a) (i) complete an approved:  
 858 [(i)] (A) bachelor's degree in therapeutic recreation or recreational therapy;  
 859 [(ii)] (B) bachelor's degree with an approved emphasis, option, or concentration in  
 860 therapeutic recreation or recreational therapy; or  
 861 [(iii)] (C) graduate degree;  
 862 [(b)] (ii) complete an approved practicum; and  
 863 [(c)] (iii) pass an approved examination[-]; or
- 864 (b) document proof of current certification in good standing as a Certified Therapeutic  
 865 Recreation Specialist by the National Council for Therapeutic Recreation  
 866 Certification, or an equivalence of that certification, as determined by division rule  
 867 made in consultation with the board.
- 868 (4) In addition to the requirements of Subsection (1), an applicant for licensure as a  
 869 therapeutic recreation technician under this chapter shall, as defined by division rule:
- 870 [(a) have a high school diploma or GED equivalent;]  
 871 [(b)] (a) complete an approved:  
 872 (i) educational course in therapeutic recreation taught by a licensed master  
 873 therapeutic recreation specialist; or  
 874 (ii) six semester hours or nine quarter hours in therapeutic recreation or recreational  
 875 therapy from an accredited college or university;  
 876 [(c)] (b) complete an approved practicum under the supervision of:  
 877 (i) a licensed master therapeutic recreation specialist; or

878 (ii) an on-site, full-time, employed therapeutic recreation specialist; and  
879 [~~(d) pass an approved examination; and~~]  
880 [~~(e)~~] (c) complete a minimum of two hours of training in suicide prevention via a course  
881 that the division designates as approved.

882 Section 10. Section **58-60-102** is amended to read:

883 **58-60-102 . Definitions.**

884 [~~In addition to the definitions in Section 58-1-102, as~~] As used in this chapter,  
885 unless a different meaning is established by definition under a specific section or part:

- 886 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.
- 887 (2) "Client" or "patient" means an individual who consults or is examined or interviewed by  
888 an individual licensed under this chapter who is acting in the individual's professional  
889 capacity.
- 890 (3) "Clinical supervision" means work experience conducted under the supervision of a  
891 clinical supervisor, including:
- 892 (a) the practice of mental health therapy, direct client care, direct clinical supervision,  
893 direct observation, and other duties and activities completed in the course of the  
894 day-to-day job functions and work of a:
- 895 (i) certified social worker;
- 896 (ii) associate marriage and family therapist;
- 897 (iii) associate clinical mental health counselor; or
- 898 (iv) associate master addiction counselor, wherein the supervisor is available for  
899 consultation with the supervisee by personal face-to-face contact, or direct voice  
900 contact by telephone, radio, or other means within a reasonable time consistent  
901 with the acts and practices in which the supervisee is engaged.
- 902 (4) "Clinical supervisor" means an individual who oversees and mentors one or more  
903 mental health therapists licensed under this chapter, and who:
- 904 (a) (i) is licensed, in good standing, as a mental health therapist;
- 905 (ii) is approved or certified in good standing as a supervisor by a national  
906 professional organization for social work, mental health counseling, addiction  
907 counseling, marriage and family therapy, psychology, medicine, or nursing, or  
908 other organization as approved by the division;
- 909 (iii) (A) has completed eight or more hours of supervision instruction that meets  
910 minimum standards established by the division in rule; or
- 911 (B) has completed a graduate course on clinical supervision from an accredited

- 912                    program;
- 913                    (iv) completes continuing education in clinical supervision, as established by the
- 914                    division in rule; and
- 915                    (v) provides supervision to no more than the number of individuals to whom the
- 916                    supervisor can reasonably provide clinical supervision by performing the duties
- 917                    and responsibilities of a supervisor, including:
- 918                    (A) being available to the supervisee for consultation by personal face-to-face
- 919                    contact, or by direct voice contact by telephone, video conference, or other
- 920                    means within a reasonable time frame;
- 921                    (B) providing instruction, direction, oversight, observation, evaluation, and
- 922                    feedback, to enable the supervisee to acquire the knowledge, skills, techniques,
- 923                    and abilities necessary to engage in the practice of behavioral health care
- 924                    ethically, safely, and competently; and
- 925                    (C) maintaining routine personal contact with the supervisee; and
- 926                    (b) (i) is qualified and acting as a valid supervisor, in accordance with applicable law
- 927                    and division rules, as of April 30, 2024; and
- 928                    (ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.
- 929                    ~~[(2)]~~ (5) "Confidential communication" means information obtained by an individual
- 930                    licensed under this chapter, including information obtained by the individual's
- 931                    examination of the client or patient, which is:
- 932                    (a) (i) transmitted between the client or patient and an individual licensed under this
- 933                    chapter in the course of that relationship; or
- 934                    (ii) transmitted among the client or patient, an individual licensed under this chapter,
- 935                    and individuals who are participating in the diagnosis or treatment under the
- 936                    direction of an individual licensed under this chapter, including members of the
- 937                    client's or patient's family; and
- 938                    (b) made in confidence, for the diagnosis or treatment of the client or patient by the
- 939                    individual licensed under this chapter, and by a means not intended to be disclosed to
- 940                    third persons other than those individuals:
- 941                    (i) present to further the interest of the client or patient in the consultation,
- 942                    examination, or interview;
- 943                    (ii) reasonably necessary for the transmission of the communications; or
- 944                    (iii) participating in the diagnosis and treatment of the client or patient under the
- 945                    direction of the mental health therapist.

- 946 (6) "Designated examiner" means the same as that term is defined in Section 26B-5-301.
- 947 [~~3~~] (7) (a) "Direct client care" means the practice of mental health therapy performed as
- 948 an applicant for licensure.
- 949 (b) "Direct client care" includes:
- 950 (i) the practice of mental health therapy;
- 951 (ii) the utilization of patient-reported progress and outcomes to inform care; and
- 952 (iii) direct observation.
- 953 (8) (a) "Direct clinical supervision" means an applicant for licensure and the applicant's
- 954 direct clinical supervisor meeting in real time and in accordance with the applicant
- 955 for licensure's supervision contract as defined by division rule.
- 956 (b) "Direct clinical supervision" includes group supervision.
- 957 (9) "Direct clinical supervisor" means the clinical supervisor who has signed the
- 958 supervision contract with the applicant for licensure.
- 959 (10) "Direct observation" means observation of an applicant for licensure's live or recorded
- 960 direct client care:
- 961 (a) (i) by the applicant for licensure's clinical supervisor; or
- 962 (ii) by a licensee under Subsection (4)(a) who the applicant for licensure's direct
- 963 clinical supervisor approves; and
- 964 (b) after which the applicant for licensure and the observer under Subsection (10)(a)
- 965 meet, in-person or electronically, to discuss the direct client care for the purpose of
- 966 developing the applicant for licensure's clinical knowledge and skill.
- 967 (11) "FBI Rap Back System" means the same as that term is defined in Section 53-10-108.
- 968 (12) "Group supervision" means an applicant for licensure meeting with the applicant's
- 969 direct clinical supervisor and at least one of the direct clinical supervisor's other
- 970 supervised applicants for licensure:
- 971 (a) while the clinical supervisor and the applicants:
- 972 (i) can see and openly communicate with each other; and
- 973 (ii) are present in the same room or via electronic video; and
- 974 (b) for the purpose of developing the applicants' clinical knowledge and skill.
- 975 (13) "Hypnosis" means, when referring to individuals exempted from licensure under this
- 976 chapter, a process by which an individual induces or assists another individual into a
- 977 hypnotic state without the use of drugs or other substances and for the purpose of
- 978 increasing motivation or to assist the individual to alter lifestyles or habits.
- 979 [~~4~~] (14) "Individual" means a natural person.

- 980 ~~[(5)]~~ (15) "Mental health therapist" means an individual who is practicing within the scope  
981 of practice defined in the individual's respective licensing act and is licensed under this  
982 title as:
- 983 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental  
984 health therapy;
  - 985 (b) an advanced practice registered nurse, specializing in psychiatric mental health  
986 nursing;
  - 987 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health  
988 nursing;
  - 989 (d) a psychologist qualified to engage in the practice of mental health therapy;
  - 990 (e) a certified psychology resident qualifying to engage in the practice of mental health  
991 therapy;
  - 992 (f) a physician assistant specializing in mental health care under Section 58-70a-501.1;
  - 993 (g) a clinical social worker;
  - 994 (h) a certified social worker;
  - 995 (i) a marriage and family therapist;
  - 996 (j) an associate marriage and family therapist;
  - 997 (k) a clinical mental health counselor; ~~[or]~~
  - 998 (l) an associate clinical mental health counselor~~[;]~~ ;
  - 999 (m) a master addiction counselor; or
  - 1000 (n) an associate master addiction counselor.
- 1001 ~~[(6)]~~ (16) "Mental illness" means a mental or emotional condition defined in an approved  
1002 diagnostic and statistical manual for mental disorders generally recognized in the  
1003 professions of mental health therapy listed under Subsection ~~[(5)]~~ (15).
- 1004 ~~[(7)]~~ (17) "Practice of mental health therapy" means treatment or prevention of mental  
1005 illness, whether in person or remotely, including:
- 1006 (a) conducting a professional evaluation of an individual's condition of mental health,  
1007 mental illness, or emotional disorder consistent with standards generally recognized  
1008 in the professions of mental health therapy listed under Subsection ~~[(5)]~~ (15);
  - 1009 (b) establishing a diagnosis in accordance with established written standards generally  
1010 recognized in the professions of mental health therapy listed under Subsection ~~[(5)]~~  
1011 (15);
  - 1012 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or  
1013 emotional disorder; and

1014 (d) engaging in the conduct of professional intervention, including psychotherapy by the  
 1015 application of established methods and procedures generally recognized in the  
 1016 professions of mental health therapy listed under Subsection ~~[(5)]~~ (15).

1017 ~~[(8)]~~ (18) "Remotely" means communicating via Internet, telephone, or other electronic  
 1018 means that facilitate real-time audio or visual interaction between individuals when they  
 1019 are not physically present in the same room at the same time.

1020 ~~[(9)]~~ (19) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.

1021 ~~[(10)]~~ (20) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110, and  
 1022 may be further defined by division rule.

1023 Section 11. Section **58-60-102.5** is enacted to read:

1024 **58-60-102.5 . Behavioral Health Board -- Advisory committees.**

1025 (1) There is created the Behavioral Health Board consisting of:

1026 (a) no less than six behavioral health care providers licensed in Utah to practice as a:

1027 (i) clinical social worker;

1028 (ii) marriage and family therapist;

1029 (iii) clinical mental health counselor;

1030 (iv) master addiction counselor;

1031 (v) psychologist under Chapter 61, Psychologist Licensing Act; or

1032 (vi) behavior analyst or specialist;

1033 (b) no less than two other behavioral health care providers licensed in Utah to practice as:

1034 (i) a certified social worker;

1035 (ii) a social service worker;

1036 (iii) an associate marriage and family therapist;

1037 (iv) an associate clinical mental health counselor;

1038 (v) an associate master addiction counselor;

1039 (vi) an advanced substance use disorder counselor;

1040 (vii) a substance use disorder counselor;

1041 (viii) a certified psychology resident; or

1042 (ix) an assistant behavior analyst or specialist;

1043 (c) no less than four public members:

1044 (i) who comprise no less than 1/3 of the total membership of the board;

1045 (ii) who are not licensed to practice under:

1046 (A) this chapter; or

1047 (B) Chapter 61, Psychologist Licensing Act;

- 1048 (iii) two of whom shall, at the time of appointment to the board, hold a leadership  
 1049 position with:
- 1050 (A) a behavioral health consumer advocacy organization;
  - 1051 (B) a behavioral health employer;
  - 1052 (C) a behavioral health payor;
  - 1053 (D) an academic institution conducting research related to the behavioral health  
 1054 licenses under Subsection (3)(b), including public health, epidemiology,  
 1055 economics, and the health care workforce;
  - 1056 (E) a training institution providing education credentials required for a license  
 1057 under Subsection (3)(b);
  - 1058 (F) a licensed health care facility as defined in Section 26B-2-201; or
  - 1059 (G) a licensed human services program as defined in Section 26B-2-101;
- 1060 (iv) one of whom the executive director of the Department of Health and Human  
 1061 Services appoints; and
- 1062 (v) one of whom is licensed in Utah to practice as a:
- 1063 (A) physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah  
 1064 Osteopathic Medical Practice Act;
  - 1065 (B) physician assistant under Chapter 70a, Utah Physician Assistant Act; or
  - 1066 (C) nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure  
 1067 Compact - Revised.
- 1068 (2) Board members shall be appointed, serve terms, and be compensated in accordance with  
 1069 Section 58-1-201.
- 1070 (3) The board shall:
- 1071 (a) operate in accordance with Section 58-1-202, unless otherwise provided in this  
 1072 section;
  - 1073 (b) oversee licenses under:
    - 1074 (i) this chapter; and
    - 1075 (ii) Chapter 61, Psychologist Licensing Act;
  - 1076 (c) recommend to the appropriate legislative committee statutory changes to:
    - 1077 (i) ensure that regulation supports an adequate workforce to meet consumer demand  
 1078 for behavioral health services; and
    - 1079 (ii) prevent harm to the health, safety, and financial welfare of the public;
  - 1080 (d) recommend to the appropriate legislative committee statutory changes to remove  
 1081 regulations that are no longer necessary or effective in protecting the public and



- 1082 enhancing commerce; and
- 1083 (e) disqualify any member from acting as a presiding officer in any administrative
- 1084 procedure in which that member has previously reviewed the complaint or advised
- 1085 the division.
- 1086 (4) (a) There are created the following advisory committees to the board:
- 1087 (i) the Qualifications and Professional Development Advisory Committee;
- 1088 (ii) the Background and Investigations Advisory Committee; and
- 1089 (iii) the Probation and Compliance Advisory Committee.
- 1090 (b) Each advisory committee shall consist of:
- 1091 (i) a committee chair who is a member of the Behavioral Health Board;
- 1092 (ii) a member of each profession regulated under this chapter;
- 1093 (iii) Chapter 61, Psychologist Licensing Act; and
- 1094 (iv) as determined by the division in rule, additional members from the professions
- 1095 licensed under this chapter or Chapter 61, Psychologist Licensing Act.
- 1096 (c) In addition to the requirements of Subsection (4)(b):
- 1097 (i) the Qualifications and Professional Development Advisory Committee shall also
- 1098 consist of an educator for each profession regulated under this chapter and
- 1099 Chapter 61, Psychologist Licensing Act; and
- 1100 (ii) the Background and Investigations Advisory Committee shall also consist of a
- 1101 criminal justice professional.
- 1102 (d) The Qualifications and Professional Development Advisory Committee shall:
- 1103 (i) advise the division regarding qualifications for licensure, including passing scores
- 1104 for applicant examinations and standards of supervision for students or persons in
- 1105 training to become licensed;
- 1106 (ii) recommend evidence-based ongoing professional development requirements for
- 1107 licensure that:
- 1108 (A) ensure an adequate workforce to meet consumer demand; and
- 1109 (B) prevent harm to the health, safety, and financial welfare of the public;
- 1110 (iii) advise the division on the licensing, renewal, reinstatement, and relicensure of:
- 1111 (A) internationally trained applicants;
- 1112 (B) applicants applying via licensure by endorsement; and
- 1113 (C) applicants applying using an alternate pathway to licensure including a
- 1114 non-exam or equivalent field degree path;
- 1115 (iv) draw on additional profession-specific advisors as needed;

- 1116 (v) make policy recommendations to the board regarding qualifications for licensure  
1117 or renewal for a specific profession, including the committee chair assigning at  
1118 least one committee member licensed under that profession to serve as a subject  
1119 matter expert; and
- 1120 (vi) make recommendations to the board related to an individual applicant for a  
1121 specific license, including the committee chair assigning at least one committee  
1122 member licensed under the same profession as the applicant to serve as a subject  
1123 matter expert.
- 1124 (e) The Background and Investigations Advisory Committee shall:
- 1125 (i) advise the division on establishing criteria for licensure for those with a criminal  
1126 conviction according to Section 58-1-401;
- 1127 (ii) advise the division on establishing criteria for referral to the Utah Professionals  
1128 Health Program under Chapter 4a, Utah Professionals Health Program;
- 1129 (iii) screen applicants with a criminal history for licensing, renewal, reinstatement,  
1130 and relicensure and recommending licensing, renewal, reinstatement, and  
1131 relicensure actions to the division;
- 1132 (iv) advise the division on investigative practices and procedures and administrative  
1133 sanctions for consistency and fairness across relevant occupations;
- 1134 (v) make recommendations to the board for sanctions against individual licensees and  
1135 certificate holders and referral to the Utah Professionals Health Program under  
1136 Chapter 4a, Utah Professionals Health Program;
- 1137 (vi) draw on additional profession-specific advisors as needed; and
- 1138 (vii) make recommendations to the board related to the disposition for any specific  
1139 applicant or licensee, including the committee chair assigning at least one  
1140 committee member licensed under the same profession as the applicant or licensee  
1141 to serve as a subject matter expert.
- 1142 (f) The Probation and Compliance Advisory Committee shall:
- 1143 (i) review compliance with probationary orders;
- 1144 (ii) review early termination and make any recommendations as requested by the  
1145 board;
- 1146 (iii) advise the board regarding the screening of applicants previously sanctioned for  
1147 licensing, renewal, reinstatement, and relicensure, including recommending  
1148 licensing, renewal, reinstatement, and relicensure actions to the board;
- 1149 (iv) establish procedures for monitoring sanctioned licensees or certificate holders;

- 1150 (v) draw on additional profession-specific advisors as needed; and
- 1151 (vi) make recommendations to the board related to the disposition for any specific
- 1152 licensee or certification holder, including the committee chair assigning a
- 1153 committee member licensed under the same profession as the licensee or
- 1154 certification holder to serve as a subject-matter expert related to that disposition.
- 1155 (5) The division, in consultation with the board, may establish one or more standing or ad
- 1156 hoc subcommittees to consider and advise the board regarding any aspect of licensing,
- 1157 including:
- 1158 (a) client or patient access to qualified licensees;
- 1159 (b) education, examination, and supervision of applicants for licensure;
- 1160 (c) verification of applicant for licensure qualifications;
- 1161 (d) continuing education requirements;
- 1162 (e) alternate pathways to licensure; and
- 1163 (f) probation and recovery assistance.
- 1164 (6) The division may consult with licensed psychologists on matters specific to the
- 1165 oversight of doctoral-level licensed psychologists.
- 1166 (7) Members of the board and any subcommittees created under this section may not
- 1167 receive compensation or benefits for the member's service, but may receive per diem and
- 1168 travel expenses in accordance with:
- 1169 (a) Section 63A-3-106;
- 1170 (b) Section 63A-3-107; and
- 1171 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- 1172 (8) The division shall consult with the Physicians Licensing Board created in Section
- 1173 58-67-201 on any matters relating to:
- 1174 (a) the licensing of individual certified prescribing psychologists and provisional
- 1175 prescribing psychologists; and
- 1176 (b) rulemaking related to the occupation of prescribing psychology.
- 1177 Section 12. Section **58-60-103.1** is amended to read:
- 1178 **58-60-103.1 . Criminal background check.**
- 1179 (1) An applicant for licensure under this chapter who requires a criminal background check
- 1180 shall:
- 1181 (a) submit fingerprint cards in a form acceptable to the division at the time the license
- 1182 application is filed; and
- 1183 (b) consent to a fingerprint background check conducted by the Bureau of Criminal

- 1184 Identification and the Federal Bureau of Investigation, including the use of the FBI  
1185 Rap Back System, regarding the application and the applicant's future status as a  
1186 license holder.
- 1187 (2) The division shall:
- 1188 (a) in addition to other fees authorized by this chapter, collect from each applicant  
1189 submitting fingerprints in accordance with this section the fee that the Bureau of  
1190 Criminal Identification is authorized to collect for the services provided under  
1191 Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for  
1192 fingerprint processing for the purpose of obtaining federal criminal history record  
1193 information;
- 1194 (b) submit from each applicant the fingerprint card and the fees described in Subsection  
1195 (2)(a) to the Bureau of Criminal Identification; and
- 1196 (c) obtain and retain in division records a signed waiver approved by the Bureau of  
1197 Criminal Identification in accordance with Section 53-10-108 for each applicant.
- 1198 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of  
1199 Section 53-10-108:
- 1200 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state  
1201 and regional criminal records databases;
- 1202 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal  
1203 history background check; and
- 1204 (c) provide the results from the state, regional, and nationwide criminal history  
1205 background checks to the division.
- 1206 (4) For purposes of conducting a criminal background check required under this section, the  
1207 division shall have direct access to criminal background information maintained under  
1208 Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- 1209 (5) The division may not:
- 1210 (a) disseminate outside of the division any criminal history record information that the  
1211 division obtains from the Bureau of Criminal Identification or the Federal Bureau of  
1212 Investigation under the criminal background check requirements of this section; or
- 1213 (b) issue a letter of qualification to participate in the Counseling Compact under Chapter  
1214 60a, Counseling Compact, until the criminal background check described in this  
1215 section is completed.
- 1216 Section 13. Section **58-60-106** is amended to read:
- 1217 **58-60-106 . Status of licenses held on the effective date of this chapter --**

1218 **Grandfather provisions.**

1219 (1) An individual holding a valid Utah license as a clinical social worker, certified social  
 1220 worker, social service worker, or marriage and family therapist under any licensing or  
 1221 practice acts in this title in effect immediately prior to July 1, 1994, is on and after July  
 1222 1, 1994, considered to hold a current license under this chapter in the comparable  
 1223 classification as a clinical social worker, certified social worker, social service worker,  
 1224 or marriage and family therapist.

1225 (2) (a) An individual who, prior to May 1, 2024, began accruing supervised hours  
 1226 toward licensure or certification under supervision hours that change, may continue  
 1227 to qualify for licensure under the unchanged supervision hours requirements until  
 1228 January 1, 2027.

1229 (b) An individual who is acting as a supervisor, or working toward qualification to act as  
 1230 a supervisor, under qualification requirements that change, may continue to qualify to  
 1231 act as a supervisor under the unchanged qualification requirements until January 1,  
 1232 2027.

1233 Section 14. Section **58-60-109** is amended to read:

1234 **58-60-109 . Unlawful conduct.**

1235 (1) As used in this chapter, "unlawful conduct" includes:

1236 [(+) (a) practice of the following unless licensed in the appropriate classification or  
 1237 exempted from licensure under this title:

1238 [(a)] (i) mental health therapy;

1239 [(b)] (ii) clinical social work;

1240 [(c)] (iii) certified social work;

1241 [(d)] (iv) marriage and family therapy;

1242 [(e)] (v) clinical mental health [counselor] counseling;

1243 [(f)] (vi) [~~practice as a social service worker; or~~] social service work;

1244 (vii) master addiction counseling;

1245 [(g)] (viii) substance use disorder [counselor] counseling;

1246 (ix) advanced substance use disorder counseling; or

1247 (x) behavioral health coach work;

1248 [(2)] (b) practice of mental health therapy by a licensed psychologist who has not  
 1249 acceptably documented to the division the licensed psychologist's completion of the  
 1250 supervised training in mental health therapy required under Subsection 58-61-304  
 1251 (1)(e); or

- 1252 [(3)] (c) representing oneself as, or using the title of, the following:
- 1253 [(a)] (i) unless currently licensed in a license classification under this title:
- 1254 [(i)] (A) psychiatrist;
- 1255 [(ii)] (B) psychologist;
- 1256 [(iii)] (C) registered psychiatric mental health nurse specialist;
- 1257 [(iv)] (D) mental health therapist;
- 1258 [(v)] (E) clinical social worker;
- 1259 (F) master addiction counselor;
- 1260 [(vi)] (G) certified social worker;
- 1261 [(vii)] (H) marriage and family therapist;
- 1262 [(viii)] (I) clinical mental health counselor;
- 1263 [(ix)] (J) social service worker;
- 1264 [(x)] (K) substance use disorder counselor;
- 1265 [(xi)] (L) associate clinical mental health counselor;[-or]
- 1266 [(xii)] (M) associate marriage and family therapist;
- 1267 (N) associate master addiction counselor;
- 1268 (O) behavioral health coach; or
- 1269 (P) behavioral health technician; or
- 1270 [(b)] (ii) unless currently in possession of the credentials described in Subsection [(4)]
- 1271 (2), social worker.
- 1272 [(4)] (2) An individual may represent oneself as a, or use the title of, social worker if the
- 1273 individual possesses certified transcripts from an accredited institution of higher
- 1274 education, recognized by the division in collaboration with the [~~Social Work Licensing~~
- 1275 ~~Board~~] board, verifying satisfactory completion of an education and an earned degree as
- 1276 follows:
- 1277 (a) a bachelor's or master's degree in a social work program accredited by the Council on
- 1278 Social Work Education or by the Canadian Association of Schools of Social Work; or
- 1279 (b) a doctoral degree that contains a clinical social work concentration and practicum
- 1280 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
- 1281 Administrative Rulemaking Act, that is consistent with Section 58-1-203.
- 1282 Section 15. Section **58-60-110** is amended to read:
- 1283 **58-60-110 . Unprofessional conduct.**
- 1284 (1) As used in this chapter, "unprofessional conduct" includes:
- 1285 (a) using or employing the services of any individual to assist a licensee in any manner

- 1286 not in accordance with the generally recognized practices, standards, or ethics of the  
1287 profession for which the individual is licensed, or the laws of the state;
- 1288 (b) failure to confine practice conduct to those acts or practices:
- 1289 (i) in which the individual is competent by education, training, and experience within  
1290 limits of education, training, and experience; and
- 1291 (ii) which are within applicable scope of practice laws of this chapter;
- 1292 (c) disclosing or refusing to disclose any confidential communication under Section  
1293 58-60-114 or 58-60-509; [and]
- 1294 (d) a pattern of failing to offer a patient the opportunity to waive the patient's privacy  
1295 rights under the Standards for Privacy of Individually Identifiable Health  
1296 Information, 45 C.F.R., Parts 160 and 164[-] ;
- 1297 (e) a pattern of failing to provide to patients in a mental health therapy setting:
- 1298 (i) information regarding the license holder, including the name under which the  
1299 license holder is licensed, the type of license held, the license number, and the  
1300 license holder's contact information;
- 1301 (ii) if the individual's license requires the license holder to be supervised by another  
1302 licensed provider, information regarding the supervisor, including the name under  
1303 which the supervisor is licensed, the type of license held, the license number, and  
1304 the supervisor's contact information;
- 1305 (iii) information regarding standards of appropriate care and ethical boundaries,  
1306 including a plain language statement that in a professional relationship with a  
1307 mental health practitioner, a dual relationship between a client and a provider, or  
1308 one that is romantic, financially motivated, sexual, or otherwise risks impacting  
1309 the provider's judgment or the quality of the services provided, is never  
1310 appropriate and should be reported to the Division of Professional Licensing;
- 1311 (iv) unless the individual is under an order of temporary commitment or involuntary  
1312 commitment, information regarding the client's rights, including that the client has  
1313 the right to seek a second opinion, to ask for additional information, and to  
1314 terminate treatment at any time; or
- 1315 (v) the contact information for the Division of Professional Licensing, including how  
1316 to file a complaint; and
- 1317 (f) a pattern of failing to provide to patients, upon request, in a mental health setting:
- 1318 (i) information about the license holder's qualifications and experience, including a  
1319 listing of any degrees, credentials, certifications, registrations, and licenses held or

1320 completed by the license holder, the name of the granting school or institution,  
 1321 and the continuing education that the licensee is required to complete in order to  
 1322 retain the license;

1323 (ii) information regarding standards of appropriate care and ethical boundaries,  
 1324 including a copy of the statutory and administrative rule definitions of  
 1325 unprofessional conduct, or a copy of the generally recognized professional or  
 1326 ethical standards;

1327 (iii) for any course of treatment, the method of treatment recommended, the  
 1328 reasoning supporting the method of treatment, the techniques used, the expected  
 1329 duration of the treatment, if known, and the fee structure; or

1330 (iv) information regarding the individuals who have or have had access to  
 1331 confidential data related to the care of the patient, including evaluations,  
 1332 assessments, diagnoses, prevention or treatment plans, reports, progress notes,  
 1333 discharge summaries, treatment or documentation of treatment, including video  
 1334 recording, live stream, or in-person observations of psychotherapy or other  
 1335 treatment methods.

1336 (2) "Unprofessional conduct" under this chapter may be further defined by division rule.

1337 (3) Notwithstanding Section 58-1-401, the division may not act upon the license of a  
 1338 licensee for unprofessional conduct under Subsection (1)(d).

1339 Section 16. Section **58-60-202** is amended to read:

1340 **58-60-202 . Definitions.**

1341 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this  
 1342 part:

1343 [~~(1) "Board" means the Social Worker Licensing Board created in Section 58-60-203.~~]

1344 [~~(2)~~] (1) (a) "Practice as a social service worker" means performance of general entry  
 1345 level services under general supervision of a mental health therapist through the  
 1346 application of social work theory, methods, and ethics in order to enhance the social  
 1347 or psychosocial functioning of an individual, a couple, a family, a group, or a  
 1348 community, including:

1349 (i) conducting:

1350 (A) a non-clinical psychosocial assessment; or

1351 (B) a home study;

1352 (ii) collaborative planning and goal setting[;] , including drafting initial treatment  
 1353 plans, if:



- 1354           (A) the treatment plan is for a client with mild to moderate behavioral health  
1355           symptoms or disorders, as assessed or diagnosed by a mental health therapist;  
1356           (B) before treatment begins, the mental health therapist has reviewed and  
1357           approved the treatment plan, and the client has been given an opportunity to  
1358           consult with the mental health therapist; and  
1359           (C) the social service worker is authorized in writing by a licensed health facility,  
1360           as defined in Section 26B-2-201, or a licensed human service program, as  
1361           defined in Section 26B-2-101;
- 1362           (iii) ongoing case management;
- 1363           (iv) progress monitoring, including drafting treatment plan reviews and updates, if  
1364           the requirements of Subsections (1)(a)(ii)(A) through (C) have been met;
- 1365           (v) supportive counseling and psychosocial education, including:
- 1366           (A) providing individual and group support and psychosocial education related to  
1367           behavioral health literacy, wellness education and promotion, goal setting, life  
1368           skills, and coping skills;
- 1369           (B) providing evidence-based, manualized therapeutic interventions according to a  
1370           treatment plan approved by a mental health therapist, while under the  
1371           supervision of a mental health therapist, in the treatment of mild to moderate  
1372           behavioral health symptoms or disorders, as assessed or diagnosed by the  
1373           mental health therapist; and
- 1374           (C) co-facilitating group therapy with a mental health therapist;
- 1375           (vi) information gathering;
- 1376           (vii) making referrals, including crisis referrals; [and]
- 1377           (viii) engaging in advocacy[-];
- 1378           (ix) care navigation; and
- 1379           (x) the supervision and training of social work students of an accredited institution  
1380           who are seeking bachelor's degrees in social work, if the social service worker has  
1381           two years of post-licensure work experience.
- 1382           (b) Except for the acts described in Subsection (1)(a)(v)(B), "[Practice] practice as a  
1383           social service worker" does not include:
- 1384           (i) diagnosing or treating mental illness; or
- 1385           (ii) providing psychotherapeutic services to an individual, couple, family, group, or
- 1386           community.
- 1387           [~~(3)~~] (2) "Practice of clinical social work" includes:

- 1388 (a) the practice of mental health therapy by observation, description, evaluation,  
 1389 interpretation, intervention, and treatment to effect modification of behavior by the  
 1390 application of generally recognized professional social work principles, methods, and  
 1391 procedures for the purpose of preventing, treating, or eliminating mental or emotional  
 1392 illness or dysfunction, the symptoms of any of these, or maladaptive behavior;  
 1393 (b) the application of generally recognized psychotherapeutic and social work principles  
 1394 and practices requiring the education, training, and clinical experience of a clinical  
 1395 social worker; and  
 1396 (c) supervision of the practice of a certified social worker or social service worker as the  
 1397 supervision is required under this chapter and as further defined by division rule.

1398 [(4)] (3) "Practice of certified social work" includes:

- 1399 (a) the supervised practice of mental health therapy by a clinical social worker by  
 1400 observation, description, evaluation, interpretation, intervention, and treatment to  
 1401 effect modification of behavior by the application of generally recognized  
 1402 professional social work principles, methods, and procedures for the purpose of  
 1403 preventing, treating, or eliminating mental or emotional illness or dysfunctions, the  
 1404 symptoms of any of these, or maladaptive behavior;  
 1405 (b) the supervised or independent and unsupervised application of generally recognized  
 1406 professional social work principles and practices requiring the education, training,  
 1407 and experience of a certified social worker; and  
 1408 (c) supervision of the practice of a social service worker as the supervision is required  
 1409 under this chapter and as further defined by division rule.

1410 [(5)] (4) "Program accredited by the Council on Social Work Education" means a program  
 1411 that:

- 1412 (a) was accredited by the Council on Social Work Education on the day on which the  
 1413 applicant for licensure satisfactorily completed the program; or  
 1414 (b) was in candidacy for accreditation by the Council on Social Work Education on the  
 1415 day on which the applicant for licensure satisfactorily completed the program.

1416 [(6)] (5) "Supervision of a social service worker" means supervision conducted by an  
 1417 individual licensed as a mental health therapist under this title in accordance with  
 1418 division rules made in collaboration with the board.

1419 *The following section is affected by a coordination clause at the end of this bill.*

1420 Section 17. Section **58-60-205** is amended to read:

1421 **58-60-205 . Qualifications for licensure or certification as a clinical social worker,**

1422 **certified social worker, and social service worker.**

1423 (1) An applicant for licensure as a clinical social worker shall:

1424 (a) submit an application on a form provided by the division;

1425 (b) pay a fee determined by the department under Section 63J-1-504;

1426 (c) produce certified transcripts from an accredited institution of higher education  
1427 recognized by the division in collaboration with the board verifying satisfactory  
1428 completion of an education and an earned degree as follows:

1429 (i) a master's degree in a social work program accredited by the Council on Social  
1430 Work Education or by the Canadian Association of Schools of Social Work; or

1431 (ii) a doctoral degree that contains a clinical social work concentration and practicum  
1432 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah  
1433 Administrative Rulemaking Act, that is consistent with Section 58-1-203;

1434 [~~(d) have completed a minimum of 3,000 hours of clinical social work training as  
1435 defined by division rule under Section 58-1-203;~~]

1436 [~~(i) under the supervision of a supervisor approved by the division in collaboration with  
1437 the board who is a:~~]

1438 [~~(A) clinical mental health counselor;~~]

1439 [~~(B) psychiatrist;~~]

1440 [~~(C) psychologist;~~]

1441 [~~(D) registered psychiatric mental health nurse practitioner;~~]

1442 [~~(E) marriage and family therapist; or~~]

1443 [~~(F) clinical social worker; and~~]

1444 [~~(ii) including a minimum of two hours of training in suicide prevention via a course  
1445 that the division designates as approved;~~]

1446 (d) if required under federal law for any licensee as a clinical social worker to qualify as  
1447 an eligible professional under CMS rules for Medicare payment, document  
1448 completion of:

1449 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued  
1450 under Subsection (1)(e); or

1451 (ii) not less than two years of clinical supervision;

1452 (e) document successful completion of not less than 1,200 direct client care hours:

1453 (i) obtained after completion of the education requirements under Subsection (1)(c);

1454 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical  
1455 supervision hours under the supervision of a clinical supervisor;

- 1456            (iii) not less than 25 of which are direct observation hours; and
- 1457            (iv) not more than 25 of which are group supervision hours accrued concurrently with
- 1458            more than one other applicant for licensure;
- 1459            ~~[(e) document successful completion of not less than 1,000 hours of supervised training~~
- 1460            ~~in mental health therapy obtained after completion of the education requirement in~~
- 1461            ~~Subsection (1)(c), which training may be included as part of the 3,000 hours of~~
- 1462            ~~training in Subsection (1)(d), and of which documented evidence demonstrates not~~
- 1463            ~~less than 75 of the hours were obtained under the direct supervision, as defined by~~
- 1464            ~~rule, of a supervisor described in Subsection (1)(d)(i);]~~
- 1465            (f) document successful completion of not less than two hours of training in suicide
- 1466            prevention, obtained after completion of the education requirements under
- 1467            Subsection (1)(c) via a course that the division designates as approved;
- 1468            ~~[(f)]~~ (g) have completed a case work, group work, or family treatment course sequence
- 1469            with a clinical practicum in content as defined by rule under Section 58-1-203;
- 1470            ~~[(g)]~~ (h) (i) pass the examination requirement established by rule under Section
- 1471            58-1-203; [and] or
- 1472            (ii) satisfy the following requirements:
- 1473            (A) document at least one examination attempt that did not result in a passing
- 1474            score;
- 1475            (B) document successful completion of not less than 500 additional direct client
- 1476            care hours, at least 25 of which are direct clinical supervision hours, and at
- 1477            least five of which are direct observation hours;
- 1478            (C) submit to the division a recommendation letter from the applicant's direct
- 1479            clinical supervisor; and
- 1480            (D) submit to the division a recommendation letter from another licensed mental
- 1481            health therapist who has directly observed the applicant's direct client care
- 1482            hours and who is not the applicant's direct clinical supervisor; and
- 1483            ~~[(h)]~~ (i) [if the applicant is applying to participate in the Counseling Compact under
- 1484            Chapter 60a, Counseling Compact,] consent to a criminal background check in
- 1485            accordance with Section 58-60-103.1 and any requirements established by division
- 1486            rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
- 1487            Act.
- 1488            (2) An applicant for licensure as a certified social worker shall:
- 1489            (a) submit an application on a form provided by the division;

- 1490 (b) pay a fee determined by the department under Section 63J-1-504;~~and~~
- 1491 (c) produce certified transcripts from an accredited institution of higher education
- 1492 recognized by the division in collaboration with the board verifying satisfactory
- 1493 completion of an education and an earned degree as follows:
- 1494 (i) a master's degree in a social work program accredited by the Council on Social
- 1495 Work Education or by the Canadian Association of Schools of Social Work; or
- 1496 (ii) a doctoral degree that contains a clinical social work concentration and practicum
- 1497 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
- 1498 Administrative Rulemaking Act, that is consistent with Section 58-1-203~~[-]~~ ; and
- 1499 (d) consent to a criminal background check in accordance with Section 58-60-103.1 and
- 1500 any requirements established by division rule made in accordance with Title 63G,
- 1501 Chapter 3, Utah Administrative Rulemaking Act.
- 1502 (3) An applicant for licensure as a social service worker shall:
- 1503 (a) submit an application on a form provided by the division;
- 1504 (b) pay a fee determined by the department under Section 63J-1-504; and
- 1505 (c) produce certified transcripts from an accredited institution of higher education
- 1506 recognized by the division in collaboration with the board verifying satisfactory
- 1507 completion of an education and an earned degree as follows:
- 1508 (i) a bachelor's degree in a social work program accredited by the Council on Social
- 1509 Work Education or by the Canadian Association of Schools of Social Work;
- 1510 (ii) a master's degree in a field approved by the division in collaboration with the
- 1511 board;
- 1512 (iii) a bachelor's degree in any field if the applicant:
- 1513 (A) has completed at least three semester hours, or the equivalent, in each of the
- 1514 following areas:
- 1515 (I) social welfare policy;
- 1516 (II) human growth and development; and
- 1517 (III) social work practice methods, as defined by rule; and
- 1518 (B) provides documentation that the applicant has completed at least 2,000 hours
- 1519 of qualifying experience under the supervision of a mental health therapist,
- 1520 which experience is approved by the division in collaboration with the board,
- 1521 and which is performed after completion of the requirements to obtain the
- 1522 bachelor's degree required under this Subsection [~~(4)~~] (3); or
- 1523 (iv) successful completion of the first academic year of a Council on Social Work

- 1524 Education approved master's of social work curriculum and practicum.
- 1525 (4) The division shall ensure that the rules for an examination described under Subsection [  
 1526 ~~(1)(g)~~ (1)(h)(i) allow additional time to complete the examination if requested by an  
 1527 applicant who is:
- 1528 (a) a foreign born legal resident of the United States for whom English is a second  
 1529 language; or
- 1530 (b) an enrolled member of a federally recognized Native American tribe.

1531 Section 18. Section **58-60-207** is amended to read:

1532 **58-60-207 . Scope of practice -- Limitations.**

- 1533 (1) ~~[(a)]~~ A clinical social worker may engage in all acts and practices defined as the  
 1534 practice of clinical social work without supervision, in private and independent  
 1535 practice, or as an employee of another person, limited only by the licensee's  
 1536 education, training, and competence.
- 1537 ~~[(b) A clinical social worker may not supervise more than six individuals who are  
 1538 lawfully engaged in training for the practice of mental health therapy, unless granted  
 1539 an exception in writing from the division in collaboration with the board.]~~
- 1540 (2) To the extent an individual is professionally prepared by the education and training  
 1541 track completed while earning a master's or doctor of social work degree, a licensed  
 1542 certified social worker may engage in all acts and practices defined as the practice of  
 1543 certified social work consistent with the licensee's education, clinical training,  
 1544 experience, and competence:
- 1545 (a) under supervision of an individual described in Subsection [~~58-60-205(1)(d)(i)~~  
 1546 58-60-205(2)(d)(ii)] and as an employee of another person when engaged in the  
 1547 practice of mental health therapy;
- 1548 (b) without supervision and in private and independent practice or as an employee of  
 1549 another person, if not engaged in the practice of mental health therapy;
- 1550 (c) including engaging in the private, independent, unsupervised practice of social work  
 1551 as a self-employed individual, in partnership with other mental health therapists, as a  
 1552 professional corporation, or in any other capacity or business entity, so long as he  
 1553 does not practice unsupervised psychotherapy; and
- 1554 (d) supervising social service workers as provided by division rule.

1555 Section 19. Section **58-60-302** is amended to read:

1556 **58-60-302 . Definitions.**

1557 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this

1558 part:

- 1559 (1) "Assess" means the use of diagnostic procedures, tests, and interview techniques  
 1560 generally accepted as standard in mental health therapy to diagnose any condition  
 1561 related to mental, emotional, behavioral, and social disorders or dysfunctions.  
 1562 [~~(2) "Board" means the Marriage and Family Therapist Licensing Board created in Section~~  
 1563 ~~58-60-303.~~]  
 1564 [~~(3)~~] (2) "Practice of marriage and family therapy" includes:  
 1565 (a) the process of providing professional mental health therapy including psychotherapy  
 1566 to individuals, couples, families, or groups;  
 1567 (b) utilizing established principles that recognize the interrelated nature of individual  
 1568 problems and dysfunctions in family members to assess, diagnose, and treat mental,  
 1569 emotional, and behavioral disorders;  
 1570 (c) individual, premarital, relationship, marital, divorce, and family therapy;  
 1571 (d) specialized modes of treatment for the purpose of diagnosing and treating mental,  
 1572 emotional, and behavioral disorders, modifying interpersonal and intrapersonal  
 1573 dysfunction, and promoting mental health; and  
 1574 (e) assessment utilized to develop, recommend, and implement appropriate plans of  
 1575 treatment, dispositions, and placement related to the functioning of the individual,  
 1576 couple, family, or group.

1577 Section 20. Section **58-60-305** is amended to read:

1578 **58-60-305 . Qualifications for licensure.**

- 1579 (1) All applicants for licensure as marriage and family therapists shall:  
 1580 (a) submit an application on a form provided by the division;  
 1581 (b) pay a fee determined by the department under Section 63J-1-504;  
 1582 (c) produce certified transcripts evidencing completion of a masters or doctorate degree  
 1583 in marriage and family therapy from:  
 1584 (i) a program accredited by the Commission on Accreditation for Marriage and  
 1585 Family Therapy Education; or  
 1586 (ii) an accredited institution meeting criteria for approval established by rule under  
 1587 Section 58-1-203;  
 1588 [~~(d) have completed a minimum of 3,000 hours of marriage and family therapy training~~  
 1589 ~~as defined by division rule under Section 58-1-203;~~]  
 1590 [~~(i) under the supervision of a mental health therapist supervisor who meets the~~  
 1591 ~~requirements of Section 58-60-307;~~]

- 1592 ~~[(ii) obtained after completion of the education requirement in Subsection (1)(c); and]~~  
 1593 (d) if required under federal law for any licensee as a marriage and family therapist to  
 1594 qualify as an eligible professional under CMS rules for Medicare payment, document  
 1595 completion of:  
 1596 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued  
 1597 under Subsection (2)(e); or  
 1598 (ii) not less than two years of clinical supervision;  
 1599 (e) document successful completion of not less than 1,200 direct client care hours:  
 1600 (i) obtained after completion of the education requirements under Subsection (1)(c);  
 1601 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical  
 1602 supervision hours under the supervision of a clinical supervisor obtained after  
 1603 completion of the education requirements under Subsection (1)(c);  
 1604 (iii) not less than 25 of which are direct observation hours; and  
 1605 (iv) not more than 25 of which are group supervision hours concurrently with more  
 1606 than one other applicant for licensure;  
 1607 ~~[(iii)]~~ (f) [including a minimum of] document successful completion of not less than two  
 1608 hours of training in suicide prevention obtained after completion of the education  
 1609 requirements under Subsection (1)(c) via a course that the division designates as  
 1610 approved;  
 1611 ~~[(e) document successful completion of not less than 1,000 hours of supervised training~~  
 1612 ~~in mental health therapy obtained after completion of the education requirement~~  
 1613 ~~described in Subsection (1)(c), which training may be included as part of the 3,000~~  
 1614 ~~hours of training described in Subsection (1)(d), and of which documented evidence~~  
 1615 ~~demonstrates not less than 75 of the supervised hours were obtained during direct,~~  
 1616 ~~personal supervision, as defined by rule, by a mental health therapist supervisor~~  
 1617 ~~qualified under Section 58-60-307;]~~  
 1618 ~~[(f)]~~ (g) (i) pass the examination requirement established by division rule under  
 1619 Section 58-1-203; [and] or  
 1620 (ii) satisfy the following requirements:  
 1621 (A) document at least one examination attempt that did not result in a passing  
 1622 score;  
 1623 (B) document successful completion of not less than 500 additional direct client  
 1624 care hours, not less than 25 of which are direct clinical supervision hours, and  
 1625 not less than five of which are direct observation hours by a mental health



- 1626 therapist or supervisor;
- 1627 (C) submit to the division a recommendation letter from the applicant's direct
- 1628 clinical supervisor; and
- 1629 (D) submit to the division a recommendation letter from another licensed mental
- 1630 health therapist who has directly observed the applicant's direct client care
- 1631 hours and who is not the applicant's direct clinical supervisor; and

1632 ~~[(g)]~~ (h) [if the applicant is applying to participate in the Counseling Compact under  
 1633 Chapter 60a, Counseling Compact,] consent to a criminal background check in  
 1634 accordance with Section 58-60-103.1 and any requirements established by division  
 1635 rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking  
 1636 Act.

1637 (2) ~~[(a)]~~ All applicants for licensure as an associate marriage and family therapist shall  
 1638 comply with the provisions of Subsections (1)(a) through (c) ~~[-]~~ and (h).

1639 ~~[(b) An individual's license as an associate marriage and family therapist is limited to~~  
 1640 ~~the period of time necessary to complete clinical training as described in Subsections~~  
 1641 ~~(1)(d) and (e) and extends not more than two years from the date the minimum~~  
 1642 ~~requirement for training is completed, unless the individual presents satisfactory~~  
 1643 ~~evidence to the division and the appropriate board that the individual is making~~  
 1644 ~~reasonable progress toward passing of the qualifying examination for that profession~~  
 1645 ~~or is otherwise on a course reasonably expected to lead to licensure, but the period of~~  
 1646 ~~time under this Subsection (2)(b) may not exceed four years past the date the~~  
 1647 ~~minimum supervised clinical training requirement has been completed.]~~

1648 Section 21. Section **58-60-402** is amended to read:

1649 **58-60-402 . Definitions.**

1650 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this  
 1651 part~~[-]~~ ,

1652 ~~[(1) "Board" means the Clinical Mental Health Counselor Licensing Board created in~~  
 1653 ~~Section 58-60-403.]~~

1654 ~~[(2)]~~ "[~~Practice~~] practice of clinical mental health counseling" means the practice of mental  
 1655 health therapy by means of observation, description, evaluation, interpretation,  
 1656 intervention, and treatment to effect modification of human behavior by the application  
 1657 of generally recognized clinical mental health counseling principles, methods, and  
 1658 procedures for the purpose of preventing, treating, or eliminating mental or emotional  
 1659 illness or dysfunction, symptoms of any of these, or maladaptive behavior.

1660 Section 22. Section **58-60-405** is amended to read:

1661 **58-60-405 . Qualifications for licensure.**

1662 (1) An applicant for licensure as a clinical mental health counselor shall:

1663 (a) submit an application on a form provided by the division;

1664 (b) pay a fee determined by the department under Section 63J-1-504;

1665 (c) produce certified transcripts evidencing completion of:

1666 (i) a master's or doctorate degree conferred to the applicant in:

1667 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor  
1668 education and supervision from a program accredited by the Council for  
1669 Accreditation of Counseling and Related Educational Programs; or

1670 (B) clinical mental health counseling or an equivalent field from a program  
1671 affiliated with an institution that has accreditation that is recognized by the  
1672 Council for Higher Education Accreditation; and

1673 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related  
1674 to an educational program described in Subsection (1)(c)(i);

1675 [~~(d) have completed a minimum of 3,000 hours of clinical mental health counselor  
1676 training as defined by division rule under Section 58-1-203;~~]

1677 (d) if required under federal law for any licensee as a clinical mental health counselor to  
1678 qualify as an eligible professional under CMS rules for Medicare payment, document  
1679 completion of:

1680 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued  
1681 under Subsection (1)(e); or

1682 (ii) not less than two years of clinical supervision;

1683 (e) document successful completion of not less than 1,200 direct client care hours:

1684 (i) obtained after completion of the education requirements under Subsection (1)(c);

1685 [(i)] (ii) [under the supervision of a clinical mental health counselor, psychiatrist,  
1686 psychologist, clinical social worker, registered psychiatric mental health nurse  
1687 specialist, or marriage and family therapist supervisor approved by the division in  
1688 collaboration with the board;] subject to Subsection (1)(e)(iii), not less than 100 of  
1689 which are direct clinical supervision hours under the supervision of a clinical  
1690 supervisor;

1691 (iii) not less than 25 of which are direct observation hours; and

1692 (iv) not more than 25 of which are group supervision hours concurrently with more  
1693 than one other applicant for licensure;

- 1694 ~~[(ii) obtained after completion of the education requirement in Subsection (1)(c); and]~~  
1695 ~~[(iii)] (f) [including a minimum of] document successful completion of not less than two~~  
1696 ~~hours of training in suicide prevention obtained after completion of the education~~  
1697 ~~requirements under Subsection (1)(c) via a course that the division designates as~~  
1698 ~~approved;~~
- 1699 ~~[(e) document successful completion of not less than 1,000 hours of supervised training~~  
1700 ~~in mental health therapy obtained after completion of the education requirement in~~  
1701 ~~Subsection (1)(c), which training may be included as part of the 3,000 hours of~~  
1702 ~~training in Subsection (1)(d), and of which documented evidence demonstrates not~~  
1703 ~~less than 75 of the hours were obtained under the direct supervision of a mental~~  
1704 ~~health therapist, as defined by rule;]~~
- 1705 ~~[(f)] (g) (i) pass the examination requirement established by division rule under~~  
1706 ~~Section 58-1-203; [and] or~~  
1707 ~~(ii) satisfy the following requirements:~~
- 1708 ~~(A) document at least one examination attempt that did not result in a passing~~  
1709 ~~score;~~
- 1710 ~~(B) document successful completion of not less than 500 additional direct client~~  
1711 ~~care hours, not less than 25 of which are direct clinical supervision hours, and~~  
1712 ~~not less than five of which are direct observation hours by a clinical supervisor;~~
- 1713 ~~(C) submit to the division a recommendation letter from the applicant's direct~~  
1714 ~~clinical supervisor; and~~
- 1715 ~~(D) submit to the division a recommendation letter from another licensed mental~~  
1716 ~~health therapist who has directly observed the applicant's direct client care~~  
1717 ~~hours and who is not the applicant's direct clinical supervisor; and~~
- 1718 ~~[(g)] (h) [if the applicant is applying to participate in the Counseling Compact under~~  
1719 ~~Chapter 60a, Counseling Compact,] consent to a criminal background check in~~  
1720 ~~accordance with Section 58-60-103.1 and any requirements established by division~~  
1721 ~~rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking~~  
1722 ~~Act.~~
- 1723 (2) ~~[(a)]~~ An applicant for licensure as an associate clinical mental health counselor shall  
1724 comply with the provisions of Subsections (1)(a) through (c) and (h).
- 1725 ~~[(b) Except as provided under Subsection (2)(c), an individual's licensure as an~~  
1726 ~~associate clinical mental health counselor is limited to the period of time necessary to~~  
1727 ~~complete clinical training as described in Subsections (1)(d) and (e) and extends not~~

1728 ~~more than two year from the date the minimum requirement for training is completed.]~~

1729 ~~[(e) The time period under Subsection (2)(b) may be extended to a maximum of four~~  
 1730 ~~years past the date the minimum supervised clinical training requirement has been~~  
 1731 ~~completed, if the applicant presents satisfactory evidence to the division and the~~  
 1732 ~~appropriate board that the individual is:]~~

1733 ~~[(i) making reasonable progress toward passing of the qualifying examination for that~~  
 1734 ~~profession; or]~~

1735 ~~[(ii) otherwise on a course reasonably expected to lead to licensure.]~~

1736 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement  
 1737 described in Subsection (1)(c) if the applicant submits documentation verifying:

1738 (a) satisfactory completion of a doctoral or master's degree from an educational program  
 1739 in rehabilitation counseling accredited by the Council for Accreditation of  
 1740 Counseling and Related Educational Programs;

1741 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit hours  
 1742 of coursework related to an educational program described in Subsection (1)(c)(i);  
 1743 and

1744 (c) that the applicant received a passing score that is valid and in good standing on:

1745 (i) the National Counselor Examination; and

1746 (ii) the National Clinical Mental Health Counseling Examination.

1747 Section 23. Section ~~58-60-407~~ is amended to read:

1748 **~~58-60-407 . Scope of practice -- Limitations.~~**

1749 (1) ~~[(a)]~~ A licensed clinical mental health counselor may engage in all acts and practices  
 1750 defined as the practice of clinical mental health counseling without supervision, in  
 1751 private and independent practice, or as an employee of another person, limited only  
 1752 by the licensee's education, training, and competence.

1753 ~~[(b) A licensed clinical mental health counselor may not supervise more than six~~  
 1754 ~~individuals who are lawfully engaged in training for the practice of mental health~~  
 1755 ~~therapy, unless granted an exception in writing from the division in collaboration~~  
 1756 ~~with the board.]~~

1757 (2) (a) To the extent an individual has completed the educational requirements of  
 1758 Subsection ~~58-60-305~~(1)(c), a licensed associate clinical mental health counselor  
 1759 may engage in all acts and practices defined as the practice of clinical mental health  
 1760 counseling if the practice is:

1761 (i) within the scope of employment as a licensed clinical mental health counselor

- 1762 with a public agency or private clinic as defined by division rule; and  
1763 (ii) under supervision of a qualified licensed mental health therapist as defined in  
1764 Section 58-60-102.
- 1765 (b) A licensed associate clinical mental health counselor may not engage in the  
1766 independent practice of clinical mental health counseling.  
1767 Section 24. Section **58-60-502** is amended to read:  
1768 **58-60-502 . Definitions.**
- 1769 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this  
1770 part:
- 1771 [~~(1)~~] ~~"Board" means the Substance Use Disorder Counselor Licensing Board created in~~  
1772 ~~Section 58-60-503.]~~
- 1773 [~~(2)~~] (1) (a) "Counseling" means a collaborative process that facilitates the client's  
1774 progress toward mutually determined treatment goals and objectives.  
1775 (b) "Counseling" includes:  
1776 (i) methods that are sensitive to an individual client's characteristics, to the influence  
1777 of significant others, and to the client's cultural and social context; and  
1778 (ii) an understanding, appreciation, and ability to appropriately use the contributions  
1779 of various addiction counseling models as the counseling models apply to  
1780 modalities of care for individuals, groups, families, couples, and significant others.
- 1781 [~~(3)~~] (2) "Direct supervision" means:  
1782 (a) a minimum of one hour of supervision by a supervisor of the substance use disorder  
1783 counselor for every 40 hours of client care provided by the substance use disorder  
1784 counselor, which supervision may include group supervision;  
1785 (b) the supervision is conducted in a face-to-face manner, unless otherwise approved on  
1786 a case-by-case basis by the division in collaboration with the board; and  
1787 (c) a supervisor is available for consultation with the counselor at all times.
- 1788 [~~(4)~~] (3) "General supervision" shall be defined by division rule.
- 1789 [~~(5)~~] (4) "Group supervision" means more than one counselor licensed under this part meets  
1790 with the supervisor at the same time.
- 1791 [~~(6)~~] (5) "Individual supervision" means only one counselor licensed under this part meets  
1792 with the supervisor at a given time.
- 1793 [~~(7)~~] ~~"Practice as a certified advanced substance use disorder counselor" and "practice as a~~  
1794 ~~certified advanced substance use disorder counselor intern" means providing services~~  
1795 ~~described in Subsection (9) under the direct supervision of a mental health therapist or~~

- 1796 ~~licensed advanced substance use disorder counselor.]~~
- 1797 [(8) "Practice as a certified substance use disorder counselor" and "practice as a certified
- 1798 substance use disorder counselor intern" means providing the services described in
- 1799 Subsections (10)(a) and (b) under the direct supervision of a mental health therapist or
- 1800 ~~licensed advanced substance use disorder counselor.]~~
- 1801 [(9)] (6) "Practice as ~~[a licensed]~~ an advanced substance use disorder counselor" means:
- 1802 (a) providing the services described in Subsections ~~[(10)(a)]~~ (9)(a) and (b);
- 1803 (b) screening and assessing of individuals, including identifying substance use disorder
- 1804 symptoms and behaviors and co-occurring mental health issues;
- 1805 (c) treatment planning for substance use disorders, including initial planning, reviewing
- 1806 and updating treatment plans for substance use disorders, ongoing intervention,
- 1807 continuity of care, discharge planning, planning for relapse prevention, and long term
- 1808 recovery support; ~~[and]~~
- 1809 (d) supervising a ~~[certified substance use disorder counselor, certified substance use~~
- 1810 ~~disorder counselor intern, certified advanced substance use disorder counselor,~~
- 1811 ~~certified advanced substance use disorder counselor intern, or licensed]~~ substance use
- 1812 disorder counselor in accordance with Subsection 58-60-508(2)[~~;~~] ; and
- 1813 (e) conducting supportive counseling and psychosocial education for substance use
- 1814 disorders and co-occurring mental health disorders, including:
- 1815 (i) providing individual and group support;
- 1816 (ii) providing individual and group psychosocial education; and
- 1817 (iii) providing manualized therapeutic interventions if:
- 1818 (A) conducted under the supervision of a mental health therapist;
- 1819 (B) for the treatment of mild to moderate behavioral health symptoms or
- 1820 disorders, as diagnosed by a mental health therapist; and
- 1821 (C) consistent with the client's treatment plan approved by a mental health
- 1822 therapist.
- 1823 (7) "Practice as a master addiction counselor" means the practice of mental health therapy
- 1824 by means of observation, description, evaluation, interpretation, intervention, and
- 1825 treatment to effect modification of human behavior by:
- 1826 (a) the application of generally recognized substance use disorder counseling and
- 1827 addiction counseling principles, methods, and procedures for the purpose of
- 1828 preventing, treating, or eliminating mental or emotional illness or dysfunction,
- 1829 symptoms of any of these, or maladaptive behavior; and

1830 (b) the supervision of an advanced substance use disorder counselor or a substance use  
1831 disorder counselor.

1832 (8) "Practice as an associate master addiction counselor" means the same as the practice as  
1833 a master addiction counselor, except while under the supervision of a clinical supervisor.

1834 [(10)] (9) (a) "Practice as a substance use disorder counselor" means providing services  
1835 as an employee of a substance use disorder agency under the general supervision of a  
1836 licensed mental health therapist to individuals or groups of persons, whether in  
1837 person or remotely, for conditions of substance use disorders consistent with the  
1838 education and training of a substance use disorder counselor required under this part,  
1839 and the standards and ethics of the profession as approved by the division in  
1840 collaboration with the board.

1841 (b) "Practice as a substance use disorder counselor" includes:

1842 (i) administering the screening process by which a client is determined to need  
1843 substance use disorder services, which may include screening, brief intervention,  
1844 and treatment referral;

1845 (ii) conducting the administrative intake procedures for admission to a program;

1846 (iii) conducting orientation of a client, including:

1847 (A) describing the general nature and goals of the program;

1848 (B) explaining rules governing client conduct and infractions that can lead to  
1849 disciplinary action or discharge from the program;

1850 (C) explaining hours during which services are available in a nonresidential  
1851 program;

1852 (D) treatment costs to be borne by the client, if any; and

1853 (E) describing the client's rights as a program participant;

1854 (iv) conducting assessment procedures by which a substance use disorder counselor  
1855 gathers information related to an individual's strengths, weaknesses, needs, and  
1856 substance use disorder symptoms for the development of the treatment plan;

1857 (v) participating in the process of treatment planning, including recommending  
1858 specific interventions to support existing treatment goals and objectives developed  
1859 by the substance use disorder counselor, the mental health therapist, and the client  
1860 to:

1861 (A) identify and rank problems needing resolution;

1862 (B) establish agreed upon immediate and long term goals; and

1863 (C) decide on a treatment process and the resources to be utilized;

- 1864 (vi) monitoring compliance with treatment plan progress;
- 1865 (vii) providing substance use disorder counseling services to alcohol and drug use
- 1866 disorder clients and significant people in the client's life as part of a
- 1867 comprehensive treatment plan, including:
- 1868 (A) leading specific task-oriented groups, didactic groups, and group discussions;
- 1869 (B) cofacilitating group therapy with a licensed mental health therapist; and
- 1870 (C) engaging in one-on-one interventions and interactions coordinated by a mental
- 1871 health therapist;
- 1872 (viii) performing case management activities that bring services, agencies, resources,
- 1873 or people together within a planned framework of action toward the achievement
- 1874 of established goals, including, when appropriate, liaison activities and collateral
- 1875 contacts;
- 1876 (ix) providing substance use disorder crisis intervention services;
- 1877 (x) providing client education to individuals and groups concerning alcohol and other
- 1878 substance use disorders, including identification and description of available
- 1879 treatment services and resources;
- 1880 (xi) identifying the needs of the client that cannot be met by the substance use
- 1881 disorder counselor or substance use disorder agency and referring the client to
- 1882 appropriate services and community resources;
- 1883 (xii) developing and providing effective reporting and recordkeeping procedures and
- 1884 services, which include charting the results of the assessment and treatment plan,
- 1885 writing reports, progress notes, discharge summaries, and other client-related data;
- 1886 and
- 1887 (xiii) consulting with other professionals in regard to client treatment and services to
- 1888 assure comprehensive quality care for the client.
- 1889 (c) "Practice as a substance use disorder counselor" does not include:
- 1890 (i) the diagnosing of mental illness, including substance use disorders, as defined in
- 1891 Section 58-60-102;
- 1892 (ii) engaging in the practice of mental health therapy as defined in Section 58-60-102;
- 1893 or
- 1894 (iii) the performance of a substance use disorder diagnosis, other mental illness
- 1895 diagnosis, or psychological testing.
- 1896 [(H)] (10) "Program" means a substance use disorder agency that provides substance use
- 1897 disorder services, including recovery support services.



1898 [(12)] (11) "Recovery support services" means services provided to an individual who is  
 1899 identified as having need of substance use disorder preventive or treatment services,  
 1900 either before, during, or after an episode of care that meets the level of care standards  
 1901 established by division rule.

1902 [(13)] (12) "Substance use disorder agency" means a public or private agency, health care  
 1903 facility, or health care practice that:

1904 (a) provides substance use disorder services, recovery support services, primary health  
 1905 care services, or substance use disorder preventive services; and

1906 (b) employs qualified mental health therapists in sufficient number to:

1907 (i) evaluate the condition of clients being treated by each counselor licensed under  
 1908 this part and employed by the substance use disorder agency; and

1909 (ii) ensure that appropriate substance use disorder services are being given.

1910 [(14)] (13) "Substance use disorder education program" means a formal program of  
 1911 substance use disorder education offered by an accredited institution of higher education  
 1912 that meets standards established by division rule.

1913 Section 25. Section **58-60-504** is amended to read:

1914 **58-60-504 . License classification.**

1915 The division shall issue substance use disorder counselor licenses to individuals  
 1916 qualified under this part in the classification of:

1917 (1) master addiction counselor;

1918 (2) associate master addiction counselor;

1919 [(1)] (3) licensed advanced substance use disorder counselor; and

1920 [(2) certified advanced substance use disorder counselor;]

1921 [(3) certified advanced substance use disorder counselor intern;]

1922 (4) licensed substance use disorder counselor[;] .

1923 [(5) certified substance use disorder counselor; and]

1924 [(6) certified substance use disorder counselor intern.]

1925 Section 26. Section **58-60-506** is amended to read:

1926 **58-60-506 . Qualifications for licensure.**

1927 [(1) An applicant for licensure under this part on and after July 1, 2012, must meet the  
 1928 following qualifications:]

1929 [(a) submit an application in a form prescribed by the division;]

1930 [(b) pay a fee determined by the department under Section 63J-1-504;]

1931 [(c) satisfy the requirements of Subsection (2), (3), (4), (5), (6), or (7) respectively; and]

- 1932 ~~[(d) except for licensure as a certified substance use disorder counselor intern and a~~  
1933 ~~certified advanced substance use disorder counselor intern, satisfy the examination~~  
1934 ~~requirement established by division rule under Section 58-1-203.]~~
- 1935 (1) Subject to Subsection (2), an applicant for licensure as master addiction counselor based  
1936 on education, training, and experience shall:
- 1937 (a) submit an application on a form provided by the division;  
1938 (b) pay a fee determined by the department under Section 63J-1-504;  
1939 (c) document successful completion of not less than two hours of training in suicide  
1940 prevention obtained after completion of the education requirements under Subsection  
1941 (1)(d) via a course that the division designates as approved;  
1942 (d) produce a certified transcript from an accredited institution of higher education that  
1943 meets standards established by division rule under Section 58-1-203, verifying the  
1944 satisfactory completion of:
- 1945 (i) a doctoral or master's degree in:
- 1946 (A) substance use disorders or addiction counseling and treatment; or  
1947 (B) a counseling subject approved by the division in collaboration with the board,  
1948 which may include social work, mental health counseling, marriage and family  
1949 therapy, psychology, or medicine;
- 1950 (ii) an associate's degree or higher, or 18 credit hours, in substance use disorder or  
1951 addiction counseling and treatment from a regionally accredited institution of  
1952 higher education;
- 1953 (e) if required under federal law for any licensee as a master addiction counselor to  
1954 qualify as an eligible professional under CMS rules for Medicare payment, document  
1955 completion of:
- 1956 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued  
1957 under Subsection (1)(g); or  
1958 (ii) not less than two years of clinical supervision;
- 1959 (f) document successful completion of not less than 1,200 direct client care hours:
- 1960 (i) obtained after completion of the education requirements under Subsection  
1961 (1)(d)(ii);  
1962 (ii) subject to Subsection (1)(f)(iii), not less than 100 of which are direct clinical  
1963 supervision hours under the supervision of a clinical supervisor;  
1964 (iii) not less than 25 of which are direct observation hours; and  
1965 (iv) not more than 25 of which are group supervision hours concurrently with more

- 1966 than one other applicant for licensure;
- 1967 (g) if the applicant for licensure produces a transcript described in Subsection (1)(d)(ii),
- 1968 evidence completion of an additional 200 hours of direct client care hours in
- 1969 substance use disorder or addiction treatment;
- 1970 (h) (i) pass the examination requirement established by division rule under Section
- 1971 58-1-203; or
- 1972 (ii) satisfy the following requirements:
- 1973 (A) document at least one examination attempt that did not result in a passing
- 1974 score;
- 1975 (B) document successful completion of not less than 500 additional direct client
- 1976 care hours, not less than 25 of which are direct clinical supervision hours, and
- 1977 not less than five of which are direct observation hours by a clinical supervisor;
- 1978 (C) submit to the division a recommendation letter from the applicant's direct
- 1979 clinical supervisor; and
- 1980 (D) submit to the division a recommendation letter from another licensed mental
- 1981 health therapist who has directly observed the applicant's direct client care
- 1982 hours and who is not the applicant's direct clinical supervisor; and
- 1983 (i) consent to a criminal background check in accordance with Section 58-60-103.1 and
- 1984 any requirements established by division rule made in accordance with Title 63G,
- 1985 Chapter 3, Utah Administrative Rulemaking Act.
- 1986 (2) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for
- 1987 licensure as master addiction counselor may document current certification in good
- 1988 standing as:
- 1989 (a) a master addiction counselor by the National Certification Commission for Addiction
- 1990 Professionals;
- 1991 (b) a master addiction counselor by the National Board for Certified Counselors; or
- 1992 (c) an equivalent certification as under Subsections (2)(a) and (b), as determined in rule
- 1993 made by the division in collaboration with the board.
- 1994 (3) An applicant for licensure as an associate master addiction counselor shall satisfy the
- 1995 requirements under Subsections (1)(a) through (c) and (i).
- 1996 (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use
- 1997 disorder counselor shall:
- 1998 (a) submit an application on a form provided by the division;
- 1999 (b) pay a fee determined by the department under Section 63J-1-504; and

- 2000 (c) (i) produce certified transcripts verifying satisfactory completion of:
- 2001 (A) a bachelor's degree or higher, from a regionally accredited institution of
- 2002 higher learning, in substance use disorders, addiction, or related counseling
- 2003 subjects, including social work, mental health counseling, marriage and family
- 2004 counseling, or psychology; or
- 2005 (B) two academic years of study in a master's of addiction counseling curriculum
- 2006 and practicum approved by the National Addictions Studies Accreditation
- 2007 Commission;
- 2008 (ii) document completion of at least 500 hours of supervised experience while
- 2009 licensed as a substance use disorder counselor under this section, which the
- 2010 applicant may complete while completing the education requirements under
- 2011 Subsection (1)(c)(i); and
- 2012 (iii) satisfy examination requirements established by the division in rule.
- 2013 (5) The requirements of Subsection (4)(c) may be satisfied by providing official verification
- 2014 of current certification in good standing:
- 2015 (a) (i) as a National Certified Addiction Counselor Level II (NCAC II) from the
- 2016 National Certification Commission for Addiction Professionals (NCC AP); or
- 2017 (ii) as an Advanced Alcohol & Drug Counselor (AADC), from the International
- 2018 Certification and Reciprocity Consortium; or
- 2019 (b) of substantive equivalence to the certifications under Subsection (5)(a), as
- 2020 determined by division rule made in consultation with the board.
- 2021 [~~(2) In accordance with division rules, an applicant for licensure as an advanced substance~~
- 2022 ~~use disorder counselor shall produce:]~~
- 2023 [~~(a) certified transcripts from an accredited institution of higher education that:]~~
- 2024 [~~(i) meet division standards;~~]
- 2025 [~~(ii) verify the satisfactory completion of a baccalaureate or graduate degree; and]~~
- 2026 [~~(iii) verify the completion of prerequisite courses established by division rules;]~~
- 2027 [~~(b) documentation of the applicant's completion of a substance use disorder education~~
- 2028 ~~program that includes:]~~
- 2029 [~~(i) at least 300 hours of substance use disorder related education, of which 200 hours may~~
- 2030 ~~have been obtained while qualifying for a substance use disorder counselor license; and]~~
- 2031 [~~(ii) a supervised practicum of at least 350 hours, of which 200 hours may have been~~
- 2032 ~~obtained while qualifying for a substance use disorder counselor license; and]~~
- 2033 [~~(e) documentation of the applicant's completion of at least 4,000 hours of supervised~~

- 2034 ~~experience in substance use disorder treatment, of which 2,000 hours may have been~~  
2035 ~~obtained while qualifying for a substance use disorder counselor license, that:]~~  
2036 ~~[(i) meets division standards; and]~~  
2037 ~~[(ii) is performed within a four-year period after the applicant's completion of the~~  
2038 ~~substance use disorder education program described in Subsection (2)(b), unless, as~~  
2039 ~~determined by the division after consultation with the board, the time for performance is~~  
2040 ~~extended due to an extenuating circumstance.]~~
- 2041 ~~[(3) An applicant for licensure as a certified advanced substance use disorder counselor~~  
2042 ~~shall meet the requirements in Subsections (2)(a) and (b).]~~
- 2043 ~~[(4) (a) An applicant for licensure as a certified advanced substance use disorder counselor~~  
2044 ~~intern shall meet the requirements in Subsections (2)(a) and (b).]~~
- 2045 ~~[(b) A certified advanced substance use disorder counselor intern license expires at the~~  
2046 ~~earlier of:]~~
- 2047 ~~[(i) the licensee passing the examination required for licensure as a certified advanced~~  
2048 ~~substance use disorder counselor; or]~~
- 2049 ~~[(ii) six months after the certified advanced substance use disorder counselor intern license~~  
2050 ~~is issued.]~~
- 2051 ~~[(5)]~~ (6) In accordance with division rules, an applicant for licensure as a substance use  
2052 disorder counselor shall produce:
- 2053 (a) certified transcripts from an accredited institution that:
- 2054 (i) meet division standards;
- 2055 (ii) verify satisfactory completion of an associate's degree or equivalent as defined by  
2056 the division in rule; and
- 2057 (iii) verify the completion of prerequisite courses established by division rules;
- 2058 (b) documentation of the applicant's completion of a substance use disorder education  
2059 program that includes:
- 2060 (i) completion of at least 200 hours of substance use disorder related education;
- 2061 (ii) included in the 200 hours described in Subsection ~~[(5)(b)(i)]~~ (6)(b)(i), a minimum  
2062 of two hours of training in suicide prevention via a course that the division  
2063 designates as approved; and
- 2064 (iii) completion of a supervised practicum of at least 200 hours; and
- 2065 (c) documentation of the applicant's completion of at least 2,000 hours of supervised  
2066 experience in substance use disorder treatment that:
- 2067 (i) meets division standards; and

2068 (ii) is performed within a two-year period after the applicant's completion of the  
 2069 substance use disorder education program described in Subsection ~~[(5)(b)]~~ (6)(b),  
 2070 unless, as determined by the division after consultation with the board, the time  
 2071 for performance is extended due to an extenuating circumstance.

2072 ~~[(6) An applicant for licensure as a certified substance use disorder counselor shall meet~~  
 2073 ~~the requirements of Subsections (5)(a) and (b).]~~

2074 ~~[(7) (a) An applicant for licensure as a certified substance use disorder counselor intern~~  
 2075 ~~shall meet the requirements of Subsections (5)(a) and (b).]~~

2076 ~~[(b) A certified substance use disorder counselor intern license expires at the earlier of:]~~

2077 ~~[(i) the licensee passing the examination required for licensure as a certified substance use~~  
 2078 ~~disorder counselor; or]~~

2079 ~~[(ii) six months after the certified substance use disorder counselor intern license is issued.]~~

2080 Section 27. Section **58-60-512** is enacted to read:

2081 **58-60-512 . Scope of practice -- Limitations.**

2082 (1) An individual who is licensed as a master addiction counselor:

2083 (a) may engage in practice as a licensed master addiction counselor without supervision,  
 2084 in private and independent practice or as an employee of another person, limited only  
 2085 by the licensee's education, training, and competence; and

2086 (b) may engage in the practice of mental health therapy.

2087 (2) To the extent an individual has completed the educational requirements of Section  
 2088 58-60-506, a licensed associate master addiction counselor may engage in the practice as  
 2089 a licensed master addiction counselor and licensed advanced substance use disorder  
 2090 counselor if the practice is:

2091 (a) within the scope of employment as a licensed master addiction counselor or a  
 2092 licensed advanced substance use disorder counselor with, as defined by the division  
 2093 in rule, a public agency or private clinic; and

2094 (b) under supervision of a qualified licensed mental health therapist as defined in  
 2095 Section 58-60-102.

2096 (3) A licensed associate master addiction counselor may not engage in the unsupervised  
 2097 practice of master addiction counseling.

2098 Section 28. Section **58-60-601** is enacted to read:

2099 **Part 6. Behavioral Health Coach and Technician Licensing Act**

2100 **58-60-601 . Definitions.**

2101 As used in this part:

- 2102 (1) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- 2103 (2) "Human services program" means the same as that term is defined in Section 26B-2-101.
- 2104 (3) "Practice of mental health therapy" means the same as that term is defined in Section  
2105 58-60-102.
- 2106 (4) "Practice as a behavioral health coach" means, subject to Subsection (5), providing  
2107 services as an employee of a substance use disorder or mental health agency, and  
2108 working under the general supervision of a mental health therapist and includes:
- 2109 (a) providing services under the definition of practice as a behavioral health technician  
2110 in Subsection (6);
- 2111 (b) conducting administrative and care coordination activities, including:
- 2112 (i) providing targeted case management;
- 2113 (ii) providing care navigation services, including:
- 2114 (A) connecting individuals to behavioral health resources and social services; and
- 2115 (B) facilitating communication with other behavioral health providers;
- 2116 (iii) providing referrals and crisis referrals, including:
- 2117 (A) engaging in warm handoffs with other behavioral health providers; and
- 2118 (B) adhering to a standardized protocol in responding to a crisis or risk of crisis  
2119 within a behavioral health facility, program, or other entity;
- 2120 (iv) providing additional support to other behavioral health providers, facilities,  
2121 programs, and entities, including:
- 2122 (A) conducting administrative activities; and
- 2123 (B) extending non-clinical behavioral health support; and
- 2124 (v) providing discharge, post-treatment referral, and non-clinical after-care services;
- 2125 (c) conducting patient assessment, monitoring, and planning activities, including:
- 2126 (i) conducting non-clinical psychosocial assessments and screenings;
- 2127 (ii) conducting collaborative planning, care planning, and goal setting;
- 2128 (iii) gathering information to inform a mental health therapist's:
- 2129 (A) diagnostic evaluations;
- 2130 (B) initial treatment plans; and
- 2131 (C) treatment plan reviews and updates;
- 2132 (iv) monitoring client progress and tracking outcomes to inform a mental health  
2133 therapist's:
- 2134 (A) diagnostic evaluations; and

- 2135 (B) treatment plan reviews and updates;
- 2136 (v) assisting in drafting initial treatment plans by gathering information on a client's
- 2137 history and demographics, only:
- 2138 (A) in the treatment of clients with mild to moderate behavioral health symptoms
- 2139 or disorders, as assessed or diagnosed by a mental health therapist, and as
- 2140 defined by the division in rule;
- 2141 (B) with completion of the treatment plan by a mental health therapist after
- 2142 assessing the client before treatment begins; and
- 2143 (C) at the discretion of and with prior documented authorization from a licensed
- 2144 health care facility, or from a licensed human services program; and
- 2145 (vi) assisting in the information gathering process of reviewing and updating
- 2146 treatment goals, only:
- 2147 (A) in the treatment of clients with mild to moderate behavioral health symptoms
- 2148 or disorders, as assessed or diagnosed by a mental health therapist;
- 2149 (B) with completion of the treatment plan from a mental health therapist after
- 2150 assessing the client before subsequent treatment begins; and
- 2151 (C) at the discretion of and with prior documented authorization from a licensed
- 2152 health facility or a licensed human service program; and
- 2153 (d) conducting intervention and treatment activities, including:
- 2154 (i) providing psychosocial education groups related to behavioral health literacy,
- 2155 wellness education and promotion, goal setting, life skills, and coping skills;
- 2156 (ii) providing other interventions to enhance client social skills, emotional
- 2157 well-being, and overall functioning, including:
- 2158 (A) supportive consultations;
- 2159 (B) habilitation services; and
- 2160 (C) activity-based programs;
- 2161 (iii) providing evidence-based, manualized interventions, only:
- 2162 (A) under the supervision of a mental health therapist;
- 2163 (B) in the treatment of mild to moderate behavioral health symptoms or disorders,
- 2164 as assessed or diagnosed by a mental health therapist; and
- 2165 (C) according to a treatment plan reviewed and signed by a mental health
- 2166 therapist; and
- 2167 (iv) co-facilitating group therapy with a mental health therapist.
- 2168 (5) "Practice as a behavioral health coach" does not include engaging in the practice of



- 2169 mental health therapy.
- 2170 (6) (a) "Practice as a behavioral health technician" means working under the general
- 2171 supervision of a mental health therapist and includes:
- 2172 (i) supporting administrative and care coordination activities, including:
- 2173 (A) maintaining accurate and confidential client records, progress notes, and
- 2174 incident reports, in compliance with applicable legal and ethical standards; and
- 2175 (B) assisting in discharge, referral, and after-care documentation, coordination,
- 2176 and administration;
- 2177 (ii) supporting patient non-clinical assessment, monitoring, and care planning
- 2178 activities, including:
- 2179 (A) collecting intake and non-clinical psychosocial assessment information;
- 2180 (B) gathering information to support diagnostic and treatment planning activities
- 2181 conducted by a mental health therapist; and
- 2182 (C) observing, documenting, and reporting on client behaviors, treatment
- 2183 interventions, progress, and outcomes to a mental health therapist;
- 2184 (iii) supporting intervention and treatment activities, including:
- 2185 (A) supporting licensed professionals in implementing interventions designed to
- 2186 address behavioral health issues;
- 2187 (B) facilitating psychoeducational groups or activities, development skills or
- 2188 activities, or social support groups or activities to enhance client social skills,
- 2189 emotional well-being, and overall functioning;
- 2190 (C) providing education and support to clients and their families on behavioral
- 2191 health issues, treatment options, and community resources;
- 2192 (D) implementing behavioral management strategies including de-escalation
- 2193 techniques and crisis intervention as needed; and
- 2194 (E) implementing crisis intervention strategies in accordance with established
- 2195 protocols, and ensuring the safety and well-being of clients during emergencies.
- 2196 (b) "Practice as a behavioral health technician" does not include:
- 2197 (i) engaging in the practice of mental health therapy; or
- 2198 (ii) serving as a designated examiner.
- 2199 (7) Notwithstanding any other provision of this part, no behavioral health coach is
- 2200 authorized to practice outside of or beyond his or her area of training, experience, or
- 2201 competence.
- 2202 (8) Notwithstanding any other provision of this part, no behavioral health technician is

2203 authorized to practice outside of or beyond his or her area of training, experience, or  
2204 competence.

2205 Section 29. Section **58-60-602** is enacted to read:

2206 **58-60-602 . Limitation on state licensure and certification.**

2207 Nothing in this title shall be construed to prevent a person from lawfully engaging  
2208 in practice as a behavioral health technician without certification.

2209 Section 30. Section **58-60-603** is enacted to read:

2210 **58-60-603 . Qualification for licensure -- Ongoing development requirements.**

2211 (1) The division shall grant licensure to a person who qualifies under this chapter to  
2212 practice as a behavioral health coach.

2213 (2) The division shall grant state certification to a person who qualifies under this chapter to  
2214 practice as a behavioral health technician.

2215 (3) An applicant for state certification as a behavioral health technician shall:

2216 (a) submit an application in a form prescribed by the division;

2217 (b) pay a fee determined by the department under Section 63J-1-504; and

2218 (c) provide certified transcripts verifying satisfactory completion of:

2219 (i) a one-year academic certificate relevant to practice as a behavioral health  
2220 technician from a regionally accredited institution of higher learning, or an  
2221 equivalence of that certification as determined by the division in rule; or

2222 (ii) an associate's degree or higher in a field determined by the division to be relevant  
2223 to practice as a behavioral health technician, from a regionally accredited  
2224 institution of higher learning, including:

2225 (A) human and social services;

2226 (B) counseling;

2227 (C) psychology;

2228 (D) social, behavioral, and health sciences; and

2229 (E) education and human development.

2230 (4) An applicant for licensure as a behavioral health coach by:

2231 (a) the higher education pathway shall:

2232 (i) submit an application in a form prescribed by the division;

2233 (ii) pay a fee determined by the department under Section 63J-1-504; and

2234 (iii) provide certified transcripts verifying satisfactory completion of a bachelor's

2235 degree or higher in a field determined by the division to be relevant to practice as

2236 a behavioral health coach, from a regionally accredited institution of higher

- 2237 learning, or an equivalence of that degree or higher, as determined by the division  
2238 in rule, including:
- 2239 (A) human and social services;
  - 2240 (B) counseling;
  - 2241 (C) psychology;
  - 2242 (D) social, behavioral, and health sciences; and
  - 2243 (E) education and human development;
- 2244 (iv) provide certified transcripts verifying satisfactory completion of no less than nine  
2245 credit hours in applied skills relevant to practice as a behavioral health coach,  
2246 including:
- 2247 (A) ethical, legal, and professional issues in behavioral health;
  - 2248 (B) therapeutic, counseling, or direct practice skills and methods;
  - 2249 (C) clinical documentation;
  - 2250 (D) case management; and
  - 2251 (E) supervised internship or practicum experience; and
- 2252 (v) provide a letter of recommendation from an individual with direct knowledge of  
2253 the applicant's competency to the practice as a behavioral health coach, who is  
2254 qualified to evaluate the applicant's competency, including:
- 2255 (A) a supervisor from a current or past work experience, internship, or practicum  
2256 relevant to the practice as a behavioral health coach; or
  - 2257 (B) an instructor of an applied skills course relevant to the practice as a behavioral  
2258 health coach; and
- 2259 (b) the stacked credentials and experience pathway shall:
- 2260 (i) submit an application in a form prescribed by the division;
  - 2261 (ii) pay a fee determined by the department under Section 63J-1-504;
  - 2262 (iii) provide certified transcripts verifying satisfactory completion of an associate's  
2263 degree or higher in a field determined by the division to be relevant to the practice  
2264 as a behavioral health coach from a regionally accredited institution of higher  
2265 learning, including:
- 2266 (A) human and social services;
  - 2267 (B) counseling;
  - 2268 (C) psychology;
  - 2269 (D) social, behavioral, and health sciences; and
  - 2270 (E) education and human development;

- 2271 (iv) provide certified transcripts verifying satisfactory completion of no less than nine  
 2272 credit hours in applied skills relevant to the practice as a behavioral health coach,  
 2273 including:  
 2274 (A) ethical, legal, and professional issues in behavioral health;  
 2275 (B) therapeutic, counseling, or direct practice skills and methods;  
 2276 (C) clinical documentation;  
 2277 (D) case management; and  
 2278 (E) supervised internship or practicum experience;  
 2279 (v) provide documentation of two years full-time work experience, or equivalent, in a  
 2280 context or role determined by the division to be relevant to the practice as a  
 2281 behavioral health coach, including as a:  
 2282 (A) certified behavioral health technician;  
 2283 (B) certified peer support specialist;  
 2284 (C) certified case manager;  
 2285 (D) certified crisis worker; or  
 2286 (E) substance use disorder counselor; and  
 2287 (vi) provide a letter of recommendation from an individual with direct knowledge of  
 2288 the applicant's competency to the practice as a behavioral health coach, who is  
 2289 qualified to evaluate the applicant's competency, including:  
 2290 (A) a supervisor from a current or past work experience, internship, or practicum  
 2291 relevant to the practice as a behavioral health coach; or  
 2292 (B) an instructor of an applied skills course relevant to the practice as a behavioral  
 2293 health coach.
- 2294 (5) (a) Subject to Subsection (5)(b), Section 58-60-104 governs the term, expiration, and  
 2295 renewal of licenses and certifications the division grants under this part.  
 2296 (b) At the time of renewal, an applicant for renewal shall provide satisfactory  
 2297 documentation that the applicant has completed any ongoing professional  
 2298 development requirements, as established by the division in rule made in consultation  
 2299 with the board.
- 2300 Section 31. Section **58-60-604** is enacted to read:  
 2301 **58-60-604 . Unlawful conduct.**  
 2302 It is unlawful for a person who is not licensed or certified under this chapter to:  
 2303 (1) use the titles:  
 2304 (a) state certified behavioral health technician; or

- 2305 (b) licensed behavioral health coach; or
- 2306 (2) represent that the person is, in connection with the person's name or business:
- 2307 (a) a state certified behavioral health technician; or
- 2308 (b) licensed behavioral health coach.
- 2309 Section 32. Section **58-61-102** is amended to read:
- 2310 **58-61-102 . Definitions.**
- 2311 In addition to the definitions in Section 58-1-102, as used in this chapter:
- 2312 (1) "Board" means the [~~Psychologist Licensing Board created in Section 58-61-201]~~
- 2313 Behavioral Health Board created in Section 58-60-102.5.
- 2314 (2) "Client" or "patient" means an individual who consults or is examined or interviewed by
- 2315 a psychologist acting in his professional capacity.
- 2316 (3) "Confidential communication" means information, including information obtained by
- 2317 the psychologist's examination of the client or patient, which is:
- 2318 (a) (i) transmitted between the client or patient and a psychologist in the course of
- 2319 that relationship; or
- 2320 (ii) transmitted among the client or patient, the psychologist, and individuals who are
- 2321 participating in the diagnosis or treatment under the direction of the psychologist,
- 2322 including members of the client's or patient's family; and
- 2323 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
- 2324 psychologist, and by a means not intended to be disclosed to third persons other than
- 2325 those individuals:
- 2326 (i) present to further the interest of the client or patient in the consultation,
- 2327 examination, or interview;
- 2328 (ii) reasonably necessary for the transmission of the communications; or
- 2329 (iii) participating in the diagnosis and treatment of the client or patient under the
- 2330 direction of the psychologist.
- 2331 (4) "Hypnosis" means, regarding individuals exempted from licensure under this chapter, a
- 2332 process by which one individual induces or assists another individual into a hypnotic
- 2333 state without the use of drugs or other substances and for the purpose of increasing
- 2334 motivation or to assist the individual to alter lifestyles or habits.
- 2335 (5) "Individual" means a natural person.
- 2336 (6) "Mental health therapist" means an individual licensed under this title as a:
- 2337 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental
- 2338 health therapy;

- 2339 (b) an advanced practice registered nurse, specializing in psychiatric mental health  
2340 nursing;
- 2341 (c) an advanced practice registered nurse intern, specializing in psychiatric mental health  
2342 nursing;
- 2343 (d) psychologist qualified to engage in the practice of mental health therapy;
- 2344 (e) a certified psychology resident qualifying to engage in the practice of mental health  
2345 therapy;
- 2346 (f) clinical social worker;
- 2347 (g) certified social worker;
- 2348 (h) marriage and family therapist;
- 2349 (i) an associate marriage and family therapist;
- 2350 (j) a clinical mental health counselor; or
- 2351 (k) an associate clinical mental health counselor.
- 2352 (7) "Mental illness" means a mental or emotional condition defined in an approved  
2353 diagnostic and statistical manual for mental disorders generally recognized in the  
2354 professions of mental health therapy listed under Subsection (6).
- 2355 (8) "Practice of mental health therapy" means the treatment or prevention of mental illness,  
2356 whether in person or remotely, including:
- 2357 (a) conducting a professional evaluation of an individual's condition of mental health,  
2358 mental illness, or emotional disorder;
- 2359 (b) establishing a diagnosis in accordance with established written standards generally  
2360 recognized in the professions of mental health therapy listed under Subsection (6);
- 2361 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or  
2362 emotional disorder; and
- 2363 (d) engaging in the conduct of professional intervention, including psychotherapy by the  
2364 application of established methods and procedures generally recognized in the  
2365 professions of mental health therapy listed under Subsection (6).
- 2366 (9) (a) "Practice of psychology" includes:
- 2367 (i) the practice of mental health therapy by means of observation, description,  
2368 evaluation, interpretation, intervention, and treatment to effect modification of  
2369 human behavior by the application of generally recognized professional  
2370 psychological principles, methods, and procedures for the purpose of preventing,  
2371 treating, or eliminating mental or emotional illness or dysfunction, the symptoms  
2372 of any of these, or maladaptive behavior;

- 2373 (ii) the observation, description, evaluation, interpretation, or modification of human  
 2374 behavior by the application of generally recognized professional principles,  
 2375 methods, or procedures requiring the education, training, and clinical experience  
 2376 of a psychologist, for the purpose of assessing, diagnosing, preventing, or  
 2377 eliminating symptomatic, maladaptive, or undesired behavior and of enhancing  
 2378 interpersonal relationships, work and life adjustment, personal effectiveness,  
 2379 behavioral health, and mental health;
- 2380 (iii) psychological testing and the evaluation or assessment of personal characteristics  
 2381 such as intelligence, personality, abilities, interests, aptitudes, and  
 2382 neuropsychological functioning;
- 2383 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy,  
 2384 hypnosis, and behavior analysis and therapy;
- 2385 (v) diagnosis and treatment of mental and emotional disorders of disability,  
 2386 alcoholism and substance abuse, disorders of habit or conduct, and the  
 2387 psychological aspects of physical illness, accident, injury, or disability; and
- 2388 (vi) psychoeducational evaluation, therapy, remediation, and consultation.
- 2389 (b) An individual practicing psychology may provide services to individuals, couples,  
 2390 families, groups of individuals, members of the public, and individuals or groups  
 2391 within organizations or institutions.
- 2392 (10) "Remotely" means communicating via Internet, telephone, or other electronic means  
 2393 that facilitate real-time audio or visual interaction between individuals when they are not  
 2394 physically present in the same room at the same time.
- 2395 (11) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-61-501.
- 2396 (12) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-61-502, and may  
 2397 be further defined by division rule.
- 2398 Section 33. Section **58-61-301** is amended to read:
- 2399 **58-61-301 . Licensure required -- Certifications.**
- 2400 (1) (a) A license is required to engage in the practice of psychology, except as  
 2401 specifically provided in Section 58-1-307.
- 2402 (b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be  
 2403 certified under this chapter as a psychology resident in order to engage in a residency  
 2404 program of supervised clinical training necessary to meet licensing requirements as a  
 2405 psychologist under this chapter.
- 2406 (2) The division shall issue to [~~a person~~] an individual who qualifies under this chapter[-] :

- 2407 (a) a license in the classification of:
- 2408 [~~(a)~~] (i) psychologist; [~~or~~] and
- 2409 [~~(b)~~] (ii) certified psychology resident[-] ; and
- 2410 (b) a certification in the classification of:
- 2411 (i) certified prescribing psychologist; and
- 2412 (ii) provisional prescribing psychologist.
- 2413 Section 34. Section **58-61-304** is amended to read:
- 2414 **58-61-304 . Qualifications for licensure by examination or endorsement.**
- 2415 (1) An applicant for licensure as a psychologist based upon education, clinical training, and
- 2416 examination shall:
- 2417 (a) submit an application on a form provided by the division;
- 2418 (b) pay a fee determined by the department under Section 63J-1-504;
- 2419 (c) produce certified transcripts of credit verifying satisfactory completion of a doctoral
- 2420 degree in psychology that includes specific core course work established by division
- 2421 rule under Section 58-1-203, from an institution of higher education whose doctoral
- 2422 program, at the time the applicant received the doctoral degree, met approval criteria
- 2423 established by division rule made in consultation with the board;
- 2424 (d) have completed a minimum of 4,000 hours of psychology training as defined by
- 2425 division rule under Section 58-1-203 in not less than two years and under the
- 2426 supervision of a psychologist supervisor approved by the division in collaboration
- 2427 with the board;
- 2428 (e) to be qualified to engage in mental health therapy, document successful completion
- 2429 of not less than 1,000 hours of supervised training in mental health therapy obtained
- 2430 after completion of a master's level of education in psychology, which training may
- 2431 be included as part of the 4,000 hours of training required in Subsection (1)(d), and
- 2432 for which documented evidence demonstrates not less than one hour of supervision
- 2433 for each 40 hours of supervised training was obtained under the direct supervision of
- 2434 a psychologist, as defined by rule;
- 2435 (f) pass the examination requirement established by division rule under Section 58-1-203;
- 2436 (g) consent to a criminal background check in accordance with Section 58-61-304.1 and
- 2437 any requirements established by rule made in accordance with Title 63G, Chapter 3,
- 2438 Utah Administrative Rulemaking Act; and
- 2439 (h) meet with the board, upon request for good cause, for the purpose of evaluating the
- 2440 applicant's qualifications for licensure.



- 2441 (2) An applicant for licensure as a psychologist by endorsement based upon licensure in  
2442 another jurisdiction shall:
- 2443 (a) submit an application on a form provided by the division;  
2444 (b) pay a fee determined by the department under Section 63J-1-504;  
2445 (c) not have any disciplinary action pending or in effect against the applicant's  
2446 psychologist license in any jurisdiction;  
2447 (d) have passed the Utah Psychologist Law and Ethics Examination established by  
2448 division rule;  
2449 (e) provide satisfactory evidence the applicant is currently licensed in another state,  
2450 district, or territory of the United States, or in any other jurisdiction approved by the  
2451 division in collaboration with the board;  
2452 (f) provide satisfactory evidence the applicant has actively practiced psychology in that  
2453 jurisdiction for not less than 2,000 hours or one year, whichever is greater;  
2454 (g) provide satisfactory evidence that:
- 2455 (i) the education, supervised experience, examination, and all other requirements for  
2456 licensure in that jurisdiction at the time the applicant obtained licensure were  
2457 substantially equivalent to the licensure requirements for a psychologist in Utah at  
2458 the time the applicant obtained licensure in the other jurisdiction; or  
2459 (ii) the applicant is:
- 2460 (A) a current holder of Board Certified Specialist status in good standing from the  
2461 American Board of Professional Psychology;  
2462 (B) currently credentialed as a health service provider in psychology by the  
2463 National Register of Health Service Providers in Psychology; or  
2464 (C) currently holds a Certificate of Professional Qualification (CPQ) granted by  
2465 the Association of State and Provincial Psychology Boards;  
2466 (h) consent to a criminal background check in accordance with Section 58-61-304.1 and  
2467 any requirements established by rule made in accordance with Title 63G, Chapter 3,  
2468 Utah Administrative Rulemaking Act; and  
2469 (i) meet with the board, upon request for good cause, for the purpose of evaluating the  
2470 applicant's qualifications for licensure.
- 2471 (3) (a) An applicant for certification as a psychology resident shall comply with the  
2472 provisions of Subsections (1)(a), (b), (c), (g), and (h).  
2473 (b) (i) An individual's certification as a psychology resident is limited to the period of  
2474 time necessary to complete clinical training as described in Subsections (1)(d) and

- 2475 (e) and extends not more than one year from the date the minimum requirement  
2476 for training is completed, unless the individual presents satisfactory evidence to  
2477 the division and the ~~[Psychologist Licensing Board]~~ board that the individual is  
2478 making reasonable progress toward passing the qualifying examination or is  
2479 otherwise on a course reasonably expected to lead to licensure as a psychologist.
- 2480 (ii) The period of time under Subsection (3)(b)(i) may not exceed two years past the  
2481 date the minimum supervised clinical training requirement has been completed.
- 2482 (4) An applicant for certification as a certified prescribing psychologist based upon  
2483 education, clinical training, and examination shall:
- 2484 (a) have authority to engage in the practice of psychology under Subsection 58-61-301;  
2485 (b) pay a fee determined by the department under Section 63J-1-504;  
2486 (c) demonstrate by official transcript, or other official evidence satisfactory to the  
2487 division, that the applicant:
- 2488 (i) has completed a doctoral degree in psychology that includes specific core course  
2489 work established by division rule under Section 58-1-203, from an institution of  
2490 higher education whose doctoral program, at the time the applicant received the  
2491 doctoral degree, met approval criteria established by division rule made in  
2492 consultation with the board;
- 2493 (ii) has completed a master's degree in clinical psychopharmacology from an  
2494 institution of higher learning whose master's program, at the time the applicant  
2495 received the master's degree, included at least 30 credit hours of didactics  
2496 coursework over no less than four semesters, met approval criteria established by  
2497 division rule made in consultation with the board and includes the following core  
2498 areas of instruction:
- 2499 (A) neuroscience, pharmacology, psychopharmacology, physiology, and  
2500 pathophysiology;
- 2501 (B) appropriate and relevant physical and laboratory assessment;
- 2502 (C) basic sciences, including general biology, microbiology, cell and molecular  
2503 biology, human anatomy, human physiology, biochemistry, and genetics, as  
2504 part of or prior to enrollment in a master's degree in clinical  
2505 psychopharmacology; and
- 2506 (D) any other areas of instruction determined necessary by the division, in  
2507 collaboration with the board, as established by division rule; and
- 2508 (iii) has completed postdoctoral supervised training, as defined by division rule made

- 2509 in consultation with the board, in prescribing psychology under the direction of a  
2510 licensed physician, including:
- 2511 (A) not less than 4,000 hours of supervised clinical training throughout a period of  
2512 at least two years; and
- 2513 (B) for an applicant for a prescription certificate who specializes in the  
2514 psychological care of children 17 years old or younger, persons 65 years old or  
2515 older, or persons with comorbid medical conditions, at least one year  
2516 prescribing psychotropic medications to those populations, as certified by the  
2517 applicant's supervising licensed physician;
- 2518 (d) have passed:
- 2519 (i) the Psychopharmacology Examination for Psychologists developed by the  
2520 Association of State and Provincial Psychology Boards, or its successor  
2521 organization; or
- 2522 (ii) an equivalent examination as defined by the division in rule;
- 2523 (e) not have any disciplinary action pending or in effect against the applicant's  
2524 psychologist license or other professional license authorizing the applicant to  
2525 prescribe in any jurisdiction;
- 2526 (f) consent to a criminal background check in accordance with Section 58-61-304.1 and  
2527 any requirements established by rule made in accordance with Title 63G, Chapter 3,  
2528 Utah Administrative Rulemaking Act;
- 2529 (g) commit to maintaining professional liability insurance while acting as a certified  
2530 prescribing psychologist; and
- 2531 (h) meet with the board, upon request for good cause, for the purpose of evaluating the  
2532 applicant's qualifications for licensure.
- 2533 (5) An applicant for certification as a certified prescribing psychologist by endorsement  
2534 based upon licensure in another jurisdiction shall:
- 2535 (a) submit an application on a form provided by the division;
- 2536 (b) pay a fee determined by the department under Section 63J-1-504;
- 2537 (c) not have any disciplinary action pending or in effect against the applicant's  
2538 psychologist license or other professional license authorizing the applicant to  
2539 prescribe in any jurisdiction;
- 2540 (d) have passed the Utah Psychologist Law and Ethics Examination established by  
2541 division rule;
- 2542 (e) provide satisfactory evidence that the applicant is currently licensed as a prescribing

- 2543 psychologist in another state, district, or territory of the United States, or in any other  
2544 jurisdiction approved by the division in collaboration with the board;
- 2545 (f) provide satisfactory evidence that the applicant has actively practiced as a prescribing  
2546 psychologist in that jurisdiction for not less than 4,000 hours or two years, whichever  
2547 is greater;
- 2548 (g) provide satisfactory evidence that the applicant has satisfied the education,  
2549 supervised experience, examination, and all other requirements for licensure as a  
2550 prescribing psychologist in that jurisdiction at the time the applicant obtained  
2551 licensure were substantially equivalent to the licensure requirements for a certified  
2552 prescribing psychologist in Utah at the time the applicant obtained licensure in the  
2553 other jurisdiction;
- 2554 (h) consent to a criminal background check in accordance with Section 58-61-304.1 and  
2555 any requirements established by rule made in accordance with Title 63G, Chapter 3,  
2556 Utah Administrative Rulemaking Act;
- 2557 (i) commit to maintaining professional liability insurance while acting as a certified  
2558 prescribing psychologist; and
- 2559 (j) meet with the board, upon request for good cause, for the purpose of evaluating the  
2560 applicant's qualifications for licensure.
- 2561 (6) An applicant for certification as a provisional prescribing psychologist shall:
- 2562 (a) have authority to engage in the practice of psychology under Section 58-61-301;
- 2563 (b) pay a fee determined by the department under Section 63J-1-504;
- 2564 (c) demonstrate by official transcript, or other official evidence satisfactory to the  
2565 division, that the applicant:
- 2566 (i) has completed a doctoral degree in psychology that includes specific core course  
2567 work established by division rule under Section 58-1-203, from an institution of  
2568 higher education whose doctoral program, at the time the applicant received the  
2569 doctoral degree, met approval criteria established by division rule made in  
2570 consultation with the board; and
- 2571 (ii) has completed a master's degree in clinical psychopharmacology from an  
2572 institution of higher learning whose master's program, at the time the applicant  
2573 received the master's degree, met approval criteria established by division rule  
2574 made in consultation with the board and includes the following core areas of  
2575 instruction:
- 2576 (A) neuroscience, pharmacology, psychopharmacology, physiology, and

- 2577 pathophysiology;
- 2578 (B) appropriate and relevant physical and laboratory assessment;
- 2579 (C) basic sciences, including general biology, microbiology, cell and molecular
- 2580 biology, human anatomy, human physiology, biochemistry, and genetics, as
- 2581 part of or prior to enrollment in a master's degree in clinical
- 2582 psychopharmacology; and
- 2583 (D) any other areas of instruction determined necessary by the division, in
- 2584 collaboration with the board, as established by division rule;
- 2585 (d) have no disciplinary action pending or in effect against the applicant's psychologist
- 2586 license or other professional license authorizing the applicant to prescribe in any
- 2587 jurisdiction;
- 2588 (e) consent to a criminal background check in accordance with Section 58-61-304.1 and
- 2589 any requirements established by rule made in accordance with Title 63G, Chapter 3,
- 2590 Utah Administrative Rulemaking Act;
- 2591 (f) commit to maintaining professional liability insurance while acting as a provisional
- 2592 prescribing psychologist;
- 2593 (g) meet with the board, upon request for good cause, for the purpose of evaluating the
- 2594 applicant's qualifications for licensure; and
- 2595 (h) satisfy any further requirements, as established by the division in rule.

2596 Section 35. Section **58-61-304.1** is amended to read:

2597 **58-61-304.1 . Criminal background check.**

- 2598 (1) An applicant for licensure under this chapter who requires a criminal background check
- 2599 shall:
- 2600 (a) submit fingerprint cards in a form acceptable to the division at the time the license
- 2601 application is filed; and
- 2602 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
- 2603 Identification and the Federal Bureau of Investigation, including the use of the FBI
- 2604 Rap Back System, regarding the application and the applicant's future status as a
- 2605 license holder.
- 2606 (2) The division shall:
- 2607 (a) in addition to other fees authorized by this chapter, collect from each applicant
- 2608 submitting fingerprints in accordance with this section the fee that the Bureau of
- 2609 Criminal Identification is authorized to collect for the services provided under
- 2610 Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for

- 2611 fingerprint processing for the purpose of obtaining federal criminal history record  
 2612 information;
- 2613 (b) submit from each applicant the fingerprint card and the fees described in Subsection  
 2614 (2)(a) to the Bureau of Criminal Identification; and
- 2615 (c) obtain and retain in division records a signed waiver approved by the Bureau of  
 2616 Criminal Identification in accordance with Section 53-10-108 for each applicant.
- 2617 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of  
 2618 Section 53-10-108:
- 2619 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state  
 2620 and regional criminal records databases;
- 2621 (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal  
 2622 history background check; and
- 2623 (c) provide the results from the state, regional, and nationwide criminal history  
 2624 background checks to the division.
- 2625 (4) The division may not disseminate outside of the division any criminal history record  
 2626 information that the division obtains from the Bureau of Criminal Identification or the  
 2627 Federal Bureau of Investigation under the criminal background check requirements of  
 2628 this section.

2629 Section 36. Section **58-61-308** is amended to read:

2630 **58-61-308 . Scope of practice -- Limitations.**

- 2631 (1) (a) [A] Subject to Subsections (1)(b) through (f), a psychologist may engage in all  
 2632 acts and practices defined as the practice of psychology without supervision, in  
 2633 private and independent practice, or as an employee of another person, limited only  
 2634 by the licensee's education, training, and competence.
- 2635 (b) Only a certified prescribing psychologist or provisional prescribing psychologist may  
 2636 prescribe, administer, and discontinue selective serotonin reuptake inhibitors, and  
 2637 other medications approved under Subsection (1)(c), recognized in or customarily  
 2638 used in the diagnosis, treatment, and management of individuals with psychiatric,  
 2639 mental, cognitive, nervous, emotional, developmental, or behavioral disorders,  
 2640 including:
- 2641 (i) laboratory tests;  
 2642 (ii) diagnostic examinations; and  
 2643 (iii) procedures that are:
- 2644 (A) necessary to obtain laboratory tests or diagnostic examinations;

- 2645           (B) relevant to the practice of psychology; and  
2646           (C) in accordance with division rule made in consultation with the board.
- 2647       (c) (i) The division may, by rule made in consultation with the Physicians Licensing Board  
2648           created in Section 58-67-201, approve medications other than selective serotonin reuptake  
2649           inhibitors for prescribing by certified prescribing psychologists or provisional prescribing  
2650           psychologists.
- 2651           (ii) If the division approves a medication under Subsection (1)(c)(i), the division shall  
2652           notify the Health and Human Services Interim Committee of the approval within 14 days after  
2653           the day on which the medication is approved.
- 2654       (d) (i) A certified prescribing psychologist may only prescribe psychotropic  
2655           medication for a patient if the certified prescribing psychologist:
- 2656           (A) identifies a health care practitioner currently overseeing the patient's general  
2657           medical care; and
- 2658           (B) establishes and maintains a collaborative relationship with that health care  
2659           practitioner.
- 2660       (ii) When prescribing a psychotropic medication for a patient, a certified prescribing  
2661           psychologist shall establish and maintain a collaborative relationship with a health  
2662           care practitioner who oversees the patient's general medical care to ensure that:
- 2663           (A) necessary medical examinations are conducted;  
2664           (B) the psychotropic medication is appropriate for the patient's medical condition;  
2665           and
- 2666           (C) significant changes in the patient's medical or psychological conditions are  
2667           discussed.
- 2668       (iii) A health care practitioner under Subsections (1)(c)(i) and (ii) shall be:
- 2669           (A) a physician licensed under Chapter 67, Utah Medical Practice Act, or Chapter  
2670           68, Utah Osteopathic Medical Practice Act; or
- 2671           (B) a psychiatric mental health nurse practitioner, as defined in Section 58-1-111.
- 2672       (e) A certified prescribing psychologist and provisional prescribing psychologist may  
2673           not prescribe or administer:
- 2674           (i) narcotics; or  
2675           (ii) controlled substances.
- 2676       (f) The division, in consultation with the board and the Physicians Licensing Board  
2677           created in Section 58-67-201, may make rules further defining this section's  
2678           limitations relating to prescribing psychology, allowable medications, and

2679 collaborative relationship requirements.

2680 (2) An individual certified as a psychology resident may engage in all acts and practices  
 2681 defined as the practice of psychology only under conditions of employment as a  
 2682 psychology resident and under the supervision of a licensed psychologist who is an  
 2683 approved psychology training supervisor as defined by division rule. A certified  
 2684 psychology resident shall not engage in the independent practice of psychology.

2685 Section 37. Section **58-61-502** is amended to read:

2686 **58-61-502 . Unprofessional conduct.**

2687 (1) As used in this chapter, "unprofessional conduct" includes:

2688 (a) using or employing the services of any individual to assist a licensee in any manner  
 2689 not in accordance with the generally recognized practices, standards, or ethics of the  
 2690 profession for which the individual is licensed, or the laws of the state;

2691 (b) failure to confine practice conduct to those acts or practices:

2692 (i) in which the individual is competent by education, training, and experience within  
 2693 limits of education, training, and experience; and

2694 (ii) which are within applicable scope of practice laws of this chapter;[~~and~~]

2695 (c) disclosing or refusing to disclose any confidential communication under Section  
 2696 58-61-602[~~7~~];

2697 (d) a pattern of failing to provide to patients in a mental health therapy setting:

2698 (i) information regarding the license holder, including the name under which the  
 2699 license holder is licensed, the type of license held, the license number, and the  
 2700 license holder's contact information;

2701 (ii) if an individual's license requires the license holder to be supervised by another  
 2702 licensed provider, information regarding the supervisor, including the name under  
 2703 which the supervisor is licensed, the type of license held, the license number, and  
 2704 the supervisor's contact information;

2705 (iii) information regarding standards of appropriate care and ethical boundaries,  
 2706 including a plain language statement that in a professional relationship with a  
 2707 mental health practitioner, a dual relationship between a client and a provider, or  
 2708 one that is romantic, financially motivated, sexual, or otherwise risks impacting  
 2709 the provider's judgment or the quality of the services provided, is never  
 2710 appropriate and should be reported to the Division of Professional Licensing;

2711 (iv) unless the individual is under an order of temporary commitment or involuntary  
 2712 commitment, information regarding the client's rights, including that the client has



- 2713 the right to seek a second opinion, to ask for additional information, and to  
 2714 terminate treatment at any time; or  
 2715 (v) the contact information for the Division of Professional Licensing, including how  
 2716 to file a complaint; and  
 2717 (e) a pattern of failing to provide to patients, upon request:  
 2718 (i) information about the license holder's qualifications and experience, including a  
 2719 listing of any degrees, credentials, certifications, registrations, and licenses held or  
 2720 completed by the license holder, the name of the granting school or institution,  
 2721 and the continuing education that the licensee is required to complete in order to  
 2722 retain the license;  
 2723 (ii) information regarding standards of appropriate care and ethical boundaries,  
 2724 including a copy of the statutory and administrative rule definitions of  
 2725 unprofessional conduct, and a copy of generally recognized professional or ethical  
 2726 standards;  
 2727 (iii) for any course of treatment, the method of treatment recommended, the  
 2728 reasoning supporting the method of treatment, the techniques used, the expected  
 2729 duration of the treatment, if known, and the fee structure; or  
 2730 (iv) information regarding the individuals who have or have had access to  
 2731 confidential data related to the care of the patient, including evaluations,  
 2732 assessments, diagnoses, prevention or treatment plans, reports, progress notes,  
 2733 discharge summaries, treatment, or the documentation of treatment, including  
 2734 video recording, live stream, or in-person observations of psychotherapy or other  
 2735 treatment methods.

2736 (2) "Unprofessional conduct" under this chapter may be further defined by division rule.

2737 Section 38. Section **58-61-705** is amended to read:

2738 **58-61-705 . Qualifications for licensure -- By examination -- By certification.**

- 2739 (1) An applicant for licensure as a behavior analyst based upon education, supervised  
 2740 experience, and national examination shall:  
 2741 (a) (i) submit an application on a form provided by the division;  
 2742 [(b)] (ii) pay a fee determined by the department under Section 63J-1-504;  
 2743 [(c)] (iii) produce certified transcripts of credit verifying satisfactory completion of a  
 2744 master's or doctoral degree in applied behavior analysis from an accredited  
 2745 institution of higher education or an equivalent master or doctorate degree as  
 2746 determined by the division by administrative rule;

2747 ~~[(d)]~~ (iv) as defined by the division by administrative rule, have completed at least  
 2748 1,500 hours of experiential behavior analysis training within a five year period of  
 2749 time with a qualified supervisor; and

2750 ~~[(e)]~~ (v) pass the examination requirement established by division rule under Section  
 2751 58-1-203~~[-]~~ ; or

2752 (b) document proof of current certification in good standing as a Board Certified  
 2753 Behavior Analyst by the Behavior Analyst Certification Board, or an equivalence of  
 2754 that certification, as determined by division rule made in consultation with the board.

2755 ~~[(2) An applicant for licensure as a behavior analyst based upon certification shall:]~~

2756 ~~[(a) without exception, on or before November 15, 2015, submit to the division an~~  
 2757 ~~application on a form provided by the division;]~~

2758 ~~[(b) pay a fee determined by the department under Section 63J-1-504; and]~~

2759 ~~[(c) provide official verification of current certification as a board certified behavior~~  
 2760 ~~analyst from the Behavior Analyst Certification Board.]~~

2761 ~~[(3)]~~ (2) An applicant for licensure as an assistant behavior analyst based upon education,  
 2762 supervised experience, and national examination shall:

2763 (a) (i) submit an application on a form provided by the division;

2764 ~~[(b)]~~ (ii) pay a fee determined by the department under Section 63J-1-504;

2765 ~~[(c)]~~ (iii) produce certified transcripts of credit verifying satisfactory completion of a  
 2766 bachelor's degree from an accredited institution of higher education and  
 2767 satisfactory completion of specific core course work in behavior analysis  
 2768 established under Section 58-1-203 from an accredited institution of higher  
 2769 education;

2770 ~~[(d)]~~ (iv) as defined by the division by administrative rule, have completed at least  
 2771 1,000 hours of experiential behavior analysis training within a five-year period of  
 2772 time with a qualified supervisor; and

2773 ~~[(e)]~~ (v) pass the examination requirement [established by division rule under Section  
 2774 58-1-203~~[-]~~ ; or

2775 (b) document proof of current certification in good standing as a Board Certified  
 2776 Assistant Behavior Analyst by the Behavior Analyst Certification Board, or an  
 2777 equivalence of that certification, as determined by division rule made in consultation  
 2778 with the board.

2779 ~~[(4) An applicant for licensure as an assistant behavior analyst based upon certification~~  
 2780 ~~shall:]~~

- 2781 [(a) without exception, on or before November 15, 2015, submit to the division an  
 2782 application on a form provided by the division;]  
 2783 [(b) pay a fee determined by the department under Section 63J-1-504; and]  
 2784 [(c) provide official verification of current certification as a board certified assistant  
 2785 behavior analyst from the Behavior Analyst Certification Board.]  
 2786 [(5)] (3) An applicant for registration as a behavior specialist based upon professional  
 2787 experience in behavior analysis shall:  
 2788 (a) without exception, on or before November 15, 2015, submit to the division, an  
 2789 application on a form provided by the division;  
 2790 (b) pay a fee determined by the department under Section 63J-1-504;  
 2791 (c) have at least five years of experience as a professional engaged in the practice of  
 2792 behavior analysis on or before May 15, 2015; and  
 2793 (d) be employed as a professional engaging in the practice of behavior analysis within an  
 2794 organization contracted with a division of the Utah Department of Human Services to  
 2795 provide behavior analysis on or before July 1, 2015.  
 2796 [(6)] (4) An applicant for registration as an assistant behavior specialist based upon  
 2797 professional experience in behavior analysis shall:  
 2798 (a) without exception, on or before November 15, 2015, submit to the division, an  
 2799 application on a form provided by the division;  
 2800 (b) pay a fee determined by the department under Section 63J-1-504;  
 2801 (c) have at least one year of experience as a professional engaging in the practice of  
 2802 behavior analysis prior to July 1, 2015; and  
 2803 (d) be employed as a professional engaging in the practice of behavior analysis within an  
 2804 organization contracted with a division of the Utah Department of Human Services to  
 2805 provide behavior analysis on or before July 1, 2015.  
 2806 Section 39. Section **58-84-102** is amended to read:  
 2807 **58-84-102 . Definitions.**  
 2808 In addition to the definitions in Section 58-1-102, as used in this chapter:  
 2809 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.  
 2810 [(1)] (2) "Practice of music therapy" means the clinical and evidence-based use of music  
 2811 interventions to accomplish individualized goals within a therapeutic relationship.  
 2812 [(2)] (3) "State certification" means a designation granted by the division in collaboration  
 2813 with the board on behalf of the state to an individual who has met the requirements for  
 2814 state certification related to an occupation or profession described in this chapter.

2815 [(3)] (4) "State certified" means, when used in conjunction with an occupation or profession  
 2816 described in this chapter, a title that:

- 2817 (a) may be used by a person who has met the state certification requirements related to  
 2818 that occupation or profession described in this chapter; and  
 2819 (b) may not be used by a person who has not met the state certification requirements  
 2820 related to that occupation or profession described in this chapter.

2821 Section 40. Section **58-84-201** is amended to read:

2822 **58-84-201 . Qualifications for state certification.**

- 2823 (1) The division shall grant state certification to a person who qualifies under this chapter to  
 2824 engage in the practice of music therapy as a state certified music therapist.  
 2825 (2) Each applicant for state certification as a state certified music therapist shall:  
 2826 (a) submit an application in a form prescribed by the division;  
 2827 (b) pay a fee determined by the department under Section 63J-1-504; and  
 2828 (c) provide satisfactory documentation that the applicant is board certified by, and in  
 2829 good standing with, the Certification Board for Music Therapists, or an equivalent  
 2830 board as determined by division rule in collaboration with the board.

2831 Section 41. **Repealer.**

2832 This bill repeals:

2833 Section **58-60-203, Board.**

2834 Section **58-60-303, Board -- Powers.**

2835 Section **58-60-307, Supervisors of marriage and family therapists -- Qualifications.**

2836 Section **58-60-403, Board.**

2837 Section **58-60-503, Board.**

2838 Section **58-61-201, Board.**

2839 Section **58-78-101, Title.**

2840 Section **58-78-102, Definitions.**

2841 Section **58-78-201, Board.**

2842 Section **58-78-301, License required.**

2843 Section **58-78-302, Qualifications for licensure -- Licensure by credential.**

2844 Section **58-78-303, Term of license -- Expiration -- Renewal.**

2845 Section **58-78-304, Exemption from licensure.**

2846 Section **58-78-401, Grounds for denial of license -- Disciplinary proceedings.**

2847 Section **58-78-501, Unlawful conduct.**

2848 Section **58-78-502, Unprofessional conduct.**

2849 Section 42. **Effective date.**

2850 This bill takes effect on May 1, 2024.

2851 Section 43. **Coordinating S.B. 26 with H.B. 44.**

2852 If S.B. 26, Behavioral Health Licensing Amendments, and H.B. 44, Social Work

2853 Licensure Compact, both pass and become law, the Legislature intends that on May

2854 1, 2024, the changes to Section 58-60-205 in S.B. 26 supersede the changes to

2855 Section 58-60-205 in H.B. 44.