

Senator Michael K. McKell proposes the following substitute bill:

MENTAL HEALTH PROFESSIONAL LICENSING

AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill amends provisions of the Mental Health Professional Practice Act.

Highlighted Provisions:

This bill:

- ▶ amends the requirements for the provision of remote, transitional mental health therapy and substance use disorder counseling;
- ▶ allows for the provision of remote mental health therapy and substance use disorder counseling, subject to certain conditions;

- ▶ modifies requirements related to the training hours required for licensure as a:

- clinical social worker;
- marriage and family therapist; or
- clinical mental health counselor; ~~and~~

~~requires an applicant for licensure as a clinical social worker, marriage and family therapist, or clinical mental health counselor to enter into a supervision agreement after completing supervised training hours; and]~~

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 AMENDS:

31 **58-60-107**, as last amended by Laws of Utah 2021, Chapter 313

32 **58-60-205**, as last amended by Laws of Utah 2022, Chapters 345, 466

33 **58-60-207**, as last amended by Laws of Utah 2020, Chapter 339

34 **58-60-305**, as last amended by Laws of Utah 2022, Chapters 345, 416 and 466

35 **58-60-405**, as last amended by Laws of Utah 2022, Chapters 345, 416 and 466



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

38 Section 1. Section **58-60-107** is amended to read:

39 **58-60-107. Exemptions from licensure.**

40 (1) Except as modified in Section **58-60-103**, the exemptions from licensure in Section
41 **58-1-307** apply to this chapter.

42 (2) In addition to the exemptions from licensure in Section **58-1-307**, the following
43 may engage in acts included within the definition of practice as a mental health therapist,
44 subject to the stated circumstances and limitations, without being licensed under this chapter:

45 (a) the following when practicing within the scope of the license held:

46 (i) a physician and surgeon or osteopathic physician and surgeon licensed under
47 Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;

48 (ii) an advanced practice registered nurse, specializing in psychiatric mental health
49 nursing, licensed under Chapter 31b, Nurse Practice Act;

50 (iii) a psychologist licensed under Chapter 61, Psychologist Licensing Act; and

51 (iv) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act,
52 and specializing in mental health care under Section **58-70a-501.1**;

53 (b) a recognized member of the clergy while functioning in a ministerial capacity as
54 long as the member of the clergy does not represent that the member of the clergy is, or use the
55 title of, a license classification in Subsection **58-60-102(5)**;

56 (c) an individual who is offering expert testimony in a proceeding before a court,

57 administrative hearing, deposition upon the order of a court or other body having power to
58 order the deposition, or a proceeding before a master, referee, or alternative dispute resolution
59 provider;

60 (d) an individual engaged in performing hypnosis who is not licensed under this title in
61 a profession which includes hypnosis in its scope of practice, and who:

62 (i) (A) induces a hypnotic state in a client for the purpose of increasing motivation or
63 altering lifestyles or habits, such as eating or smoking, through hypnosis;

64 (B) consults with a client to determine current motivation and behavior patterns;

65 (C) prepares the client to enter hypnotic states by explaining how hypnosis works and
66 what the client will experience;

67 (D) tests clients to determine degrees of suggestibility;

68 (E) applies hypnotic techniques based on interpretation of consultation results and
69 analysis of client's motivation and behavior patterns; and

70 (F) trains clients in self-hypnosis conditioning;

71 (ii) may not:

72 (A) engage in the practice of mental health therapy;

73 (B) use the title of a license classification in Subsection 58-60-102(5); or

74 (C) use hypnosis with or treat a medical, psychological, or dental condition defined in
75 generally recognized diagnostic and statistical manuals of medical, psychological, or dental
76 disorders;

77 (e) an individual's exemption from licensure under Subsection 58-1-307(1)(b)
78 terminates when the student's training is no longer supervised by qualified faculty or staff and
79 the activities are no longer a defined part of the degree program;

80 (f) an individual holding an earned doctoral degree or master's degree in social work,
81 marriage and family therapy, or clinical mental health counseling, who is employed by an
82 accredited institution of higher education and who conducts research and teaches in that
83 individual's professional field, but only if the individual does not engage in providing or
84 supervising professional services regulated under this chapter to individuals or groups
85 regardless of whether there is compensation for the services;

86 (g) an individual in an on-the-job training program approved by the division while
87 under the supervision of qualified persons;

88 (h) an individual providing general education in the subjects of alcohol, drug use, or
89 substance use disorders, including prevention;

90 (i) an individual providing advice or counsel to another individual in a setting of their
91 association as friends or relatives and in a nonprofessional and noncommercial relationship, if
92 there is no compensation paid for the advice or counsel; and

93 (j) an individual who is licensed, in good standing, to practice mental health therapy or
94 substance use disorder counseling in a state or territory of the United States outside of Utah
95 may provide short term transitional mental health therapy remotely or short term transitional
96 substance use disorder counseling remotely to a client in Utah ~~[only]~~ if:

97 (i) the individual is present in the state or territory where the individual is licensed to
98 practice mental health therapy or substance use disorder counseling;

99 (ii) the client relocates to Utah;

100 (iii) the client is a client of the individual immediately before the client relocates to
101 Utah;

102 (iv) the individual provides the short term transitional mental health therapy or short
103 term transitional substance use disorder counseling remotely to the client only during the ~~[45]~~
104 90 day period beginning on the day on which the client relocates to Utah;

105 (v) within ~~[10 days]~~ one day after the day on which the ~~[client relocates to]~~ individual
106 first provides mental health therapy or substance use disorder counseling remotely to the client
107 in Utah, the individual provides written notice to the division of the individual's intent to
108 provide short term transitional mental health therapy or short term transitional substance use
109 disorder counseling remotely to the client; and

110 (vi) the individual does not engage in unlawful conduct or unprofessional conduct.

111 (3) (a) As used in this Subsection (3):

112 (i) "Prescribe" means the same as that term is defined in Section [58-17b-102](#).

113 (ii) "Prescription drug" means the same as that term is defined in Section [58-17b-102](#).

114 (b) ~~Ŝ~~ → ~~[An]~~ **Except as otherwise provided in an interstate compact enacted under this**
114a **title, an** ~~Ŝ~~ individual who is licensed, in good standing, to practice mental health therapy
115 or substance use disorder counseling in a state or territory of the United States outside of Utah,
116 and who provides mental health therapy remotely or substance use disorder counseling
117 remotely to a client in Utah:

118 (i) may not prescribe a prescription drug for a client in Utah unless the individual is

119 licensed in Utah to prescribe the prescription drug;
120 (ii) shall, before providing mental health therapy remotely or substance use disorder
121 counseling remotely to a client in Utah, be aware of:

122 (A) how to access emergency services and resources in Utah; and

123 (B) all applicable laws and rules regarding the required or permitted reporting or
124 disclosing of confidential client communications;

125 (iii) shall, within one day after the day on which the individual first provides mental
126 health therapy remotely or substance use disorder counseling remotely to a client in Utah,
127 submit to the division a signed notice, in the form required by the division, notifying the
128 division that the individual is providing therapy or counseling under the exemption in this
129 Subsection (3); and

130 (iv) shall obtain a Utah license:

131 (A) within nine months after the day on which the individual first provides mental
132 health therapy remotely or substance use disorder counseling remotely to a client in Utah; or

133 (B) if at any time the individual provides mental health therapy remotely or substance
134 use disorder counseling remotely to more than one client in Utah.

135 (4) The division shall report to the Health and Human Services Interim Committee at
136 or before the committee's October 2026 meeting regarding the exemption described in
137 Subsection (3), including information about any complaints the division has received
138 concerning individuals who have provided therapy or counseling under that exemption.

139 Section 2. Section **58-60-205** is amended to read:

140 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
141 **certified social worker, and social service worker.**

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

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

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

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

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

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

153 (d) have completed a minimum of 3,000 hours of clinical social work training as
154 defined by division rule under Section 58-1-203:

155 [~~(i) in not less than two years;~~]

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

158 (A) clinical mental health counselor;

159 (B) psychiatrist;

160 (C) psychologist;

161 (D) registered psychiatric mental health nurse practitioner;

162 (E) marriage and family therapist; or

163 (F) clinical social worker; and

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

166 (e) document successful completion of not less than 1,000 hours of supervised training
167 in mental health therapy obtained after completion of the education requirement in Subsection
168 (1)(c), which training may be included as part of the 3,000 hours of training in Subsection
169 (1)(d), and of which documented evidence demonstrates not less than [~~100~~] 75 of the hours
170 were obtained under the direct supervision, as defined by rule, of a supervisor described in
171 Subsection [~~(1)(d)(ii)~~] (1)(d)(i);

172 (f) have completed a case work, group work, or family treatment course sequence with
173 a clinical practicum in content as defined by rule under Section 58-1-203;

174 (g) pass the examination requirement established by rule under Section 58-1-203; and

175 (h) if the applicant is applying to participate in the Counseling Compact under Chapter
176 60a, Counseling Compact, consent to a criminal background check in accordance with Section
177 58-60-103.1 and any requirements established by division rule made in accordance with Title
178 63G, Chapter 3, Utah Administrative Rulemaking Act.

179 (2) An applicant for licensure as a certified social worker shall:

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

- 181 (b) pay a fee determined by the department under Section 63J-1-504;
- 182 (c) produce certified transcripts from an accredited institution of higher education
183 recognized by the division in collaboration with the board verifying satisfactory completion of
184 an education and an earned degree as follows:
- 185 (i) a master's degree in a social work program accredited by the Council on Social
186 Work Education or by the Canadian Association of Schools of Social Work; or
- 187 (ii) a doctoral degree that contains a clinical social work concentration and practicum
188 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
189 Administrative Rulemaking Act, that is consistent with Section 58-1-203; and
- 190 (d) pass the examination requirement established by rule under Section 58-1-203.
- 191 (3) (a) An applicant for certification as a certified social worker intern shall meet the
192 requirements of Subsections (2)(a)~~[-(b), and]~~ through (c).
- 193 (b) Certification under Subsection (3)(a) is limited to the time necessary to pass the
194 examination required under Subsection (2)(d) or six months, whichever occurs first.
- 195 (c) A certified social worker intern may provide mental health therapy under the
196 general supervision, as defined by rule, of a supervisor described in Subsection ~~[(1)(d)(ii)]~~
197 (1)(d)(i).
- 198 (4) An applicant for licensure as a social service worker shall:
- 199 (a) submit an application on a form provided by the division;
- 200 (b) pay a fee determined by the department under Section 63J-1-504;
- 201 (c) produce certified transcripts from an accredited institution of higher education
202 recognized by the division in collaboration with the board verifying satisfactory completion of
203 an education and an earned degree as follows:
- 204 (i) a bachelor's degree in a social work program accredited by the Council on Social
205 Work Education or by the Canadian Association of Schools of Social Work;
- 206 (ii) a master's degree in a field approved by the division in collaboration with the
207 board;
- 208 (iii) a bachelor's degree in any field if the applicant:
- 209 (A) has completed at least three semester hours, or the equivalent, in each of the
210 following areas:
- 211 (I) social welfare policy;

212 (II) human growth and development; and
 213 (III) social work practice methods, as defined by rule; and
 214 (B) provides documentation that the applicant has completed at least 2,000 hours of
 215 qualifying experience under the supervision of a mental health therapist, which experience is
 216 approved by the division in collaboration with the board, and which is performed after
 217 completion of the requirements to obtain the bachelor's degree required under this Subsection
 218 (4); or

219 (iv) successful completion of the first academic year of a Council on Social Work
 220 Education approved master's of social work curriculum and practicum; and

221 (d) pass the examination requirement established by rule under Section 58-1-203.

222 (5) The division shall ensure that the rules for an examination described under
 223 Subsections (1)(g), (2)(d), and (4)(d) allow additional time to complete the examination if
 224 requested by an applicant who is:

225 (a) a foreign born legal resident of the United States for whom English is a second
 226 language; or

227 (b) an enrolled member of a federally recognized Native American tribe.

228 ~~§→ [(6) (a) An applicant for licensure as a clinical social worker shall, after completing the~~
 229 ~~hours described in Subsections (1)(d) and (e), enter into a supervision agreement with a~~
 230 ~~supervisor described in Subsection (1)(d)(i):~~

231 ~~—— (b) A supervision agreement shall be for a term of at least six months.~~

232 ~~—— (c) An applicant for licensure as a clinical social worker may be licensed during the~~
 233 ~~term of a supervision agreement if the individual meets the requirements for licensure.~~

234 ~~—— (d) A supervisor who enters into a supervision agreement with an applicant under~~
 235 ~~Subsection (6)(a) shall notify the division if the applicant fails to complete the term of the~~
 236 ~~supervision agreement.] ←§~~

237 Section 3. Section 58-60-207 is amended to read:

238 **58-60-207. Scope of practice -- Limitations.**

239 (1) (a) A clinical social worker may engage in all acts and practices defined as the
 240 practice of clinical social work without supervision, in private and independent practice, or as
 241 an employee of another person, limited only by the licensee's education, training, and
 242 competence.

243 (b) A clinical social worker may not supervise more than six individuals who are
244 lawfully engaged in training for the practice of mental health therapy, unless granted an
245 exception in writing from the division in collaboration with the board.

246 (2) To the extent an individual is professionally prepared by the education and training
247 track completed while earning a master's or doctor of social work degree, a licensed certified
248 social worker may engage in all acts and practices defined as the practice of certified social
249 work consistent with the licensee's education, clinical training, experience, and competence:

250 (a) under supervision of an individual described in Subsection [58-60-205(1)(d)(ii)]
251 58-60-205(1)(d)(i) and as an employee of another person when engaged in the practice of
252 mental health therapy;

253 (b) without supervision and in private and independent practice or as an employee of
254 another person, if not engaged in the practice of mental health therapy;

255 (c) including engaging in the private, independent, unsupervised practice of social
256 work as a self-employed individual, in partnership with other mental health therapists, as a
257 professional corporation, or in any other capacity or business entity, so long as he does not
258 practice unsupervised psychotherapy; and

259 (d) supervising social service workers as provided by division rule.

260 Section 4. Section 58-60-305 is amended to read:

261 **58-60-305. Qualifications for licensure.**

262 (1) All applicants for licensure as marriage and family therapists shall:

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

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

265 (c) produce certified transcripts evidencing completion of a masters or doctorate degree
266 in marriage and family therapy from:

267 (i) a program accredited by the Commission on Accreditation for Marriage and Family
268 Therapy Education; or

269 (ii) an accredited institution meeting criteria for approval established by rule under
270 Section 58-1-203;

271 (d) have completed a minimum of 3,000 hours of marriage and family therapy training
272 as defined by division rule under Section 58-1-203:

273 [~~(i) in not less than two years;~~]

274 ~~[(iv)]~~ (i) under the supervision of a mental health therapist supervisor who meets the
275 requirements of Section 58-60-307;

276 ~~[(iii)]~~ (ii) obtained after completion of the education requirement in Subsection (1)(c);
277 and

278 ~~[(iv)]~~ (iii) including a minimum of two hours of training in suicide prevention via a
279 course that the division designates as approved;

280 (e) document successful completion of not less than 1,000 hours of supervised training
281 in mental health therapy obtained after completion of the education requirement described in
282 Subsection ~~[(1)(c)(i) or (1)(c)(ii)]~~ (1)(c), which training may be included as part of the 3,000
283 hours of training described in Subsection (1)(d), and of which documented evidence
284 demonstrates not less than ~~[100]~~ 75 of the supervised hours were obtained during direct,
285 personal supervision, as defined by rule, by a mental health therapist supervisor qualified under
286 Section 58-60-307;

287 (f) pass the examination requirement established by division rule under Section
288 58-1-203; and

289 (g) if the applicant is applying to participate in the Counseling Compact under Chapter
290 60a, Counseling Compact, consent to a criminal background check in accordance with Section
291 58-60-103.1 and any requirements established by division rule made in accordance with Title
292 63G, Chapter 3, Utah Administrative Rulemaking Act.

293 (2) (a) All applicants for licensure as an associate marriage and family therapist shall
294 comply with the provisions of Subsections (1)(a)~~[(b), and]~~ through (c).

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

303 ~~Ŝ → [(3) (a) An applicant for licensure as a marriage and family therapist shall, after~~
304 ~~completing the hours described in Subsections (1)(d) and (e), enter into a supervision~~

305 ~~Agreement with a supervisor qualified under Section 58-60-307:~~
 306 ~~— (b) A supervision agreement shall be for a term of at least six months.~~
 307 ~~— (c) An applicant for licensure as a marriage and family therapist may be licensed~~
 308 ~~during the term of a supervision agreement if the individual meets the requirements for~~
 309 ~~licensure.~~
 310 ~~— (d) A supervisor who enters into a supervision agreement with an applicant under~~
 311 ~~Subsection (3)(a) shall notify the division if the applicant fails to complete the term of the~~
 312 ~~supervision agreement.] ←S~~

313 Section 5. Section 58-60-405 is amended to read:

314 **58-60-405. Qualifications for licensure.**

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

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

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

318 (c) produce certified transcripts evidencing completion of:

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

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

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

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

328 (d) have completed a minimum of 3,000 hours of clinical mental health counselor
 329 training as defined by division rule under Section 58-1-203:

330 [(i) in not less than two years;]

331 [(ii)] (i) under the supervision of a clinical mental health counselor, psychiatrist,
 332 psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or
 333 marriage and family therapist supervisor approved by the division in collaboration with the
 334 board;

335 [(iii)] (ii) obtained after completion of the education requirement in Subsection (1)(c);

336 and

337 ~~[(iv)]~~ (iii) including a minimum of two hours of training in suicide prevention via a
338 course that the division designates as approved;

339 (e) document successful completion of not less than 1,000 hours of supervised training
340 in mental health therapy obtained after completion of the education requirement in Subsection
341 (1)(c), which training may be included as part of the 3,000 hours of training in Subsection
342 (1)(d), and of which documented evidence demonstrates not less than ~~[100]~~ 75 of the hours
343 were obtained under the direct supervision of a mental health therapist, as defined by rule;

344 (f) pass the examination requirement established by division rule under Section
345 58-1-203; and

346 (g) if the applicant is applying to participate in the Counseling Compact under Chapter
347 60a, Counseling Compact, consent to a criminal background check in accordance with Section
348 58-60-103.1 and any requirements established by division rule made in accordance with Title
349 63G, Chapter 3, Utah Administrative Rulemaking Act.

350 (2) (a) An applicant for licensure as an associate clinical mental health counselor shall
351 comply with the provisions of Subsections (1)(a)~~[-(b), and]~~ through (c).

352 (b) Except as provided under Subsection (2)(c), an individual's licensure as an
353 associate clinical mental health counselor is limited to the period of time necessary to complete
354 clinical training as described in Subsections (1)(d) and (e) and extends not more than two year
355 from the date the minimum requirement for training is completed.

356 (c) The time period under Subsection (2)(b) may be extended to a maximum of four
357 years past the date the minimum supervised clinical training requirement has been completed,
358 if the applicant presents satisfactory evidence to the division and the appropriate board that the
359 individual is:

360 (i) making reasonable progress toward passing of the qualifying examination for that
361 profession; or

362 (ii) otherwise on a course reasonably expected to lead to licensure.

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

365 (a) satisfactory completion of a doctoral or master's degree from an educational
366 program in rehabilitation counseling accredited by the Council for Accreditation of Counseling

367 and Related Educational Programs;

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

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

371 (i) the National Counselor Examination; and

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

373 ~~Ŝ→ [(4) (a) An applicant for licensure as a clinical mental health counselor shall, after~~
374 ~~completing the hours described in Subsections (1)(d) and (e), enter into a supervision~~
375 ~~agreement with a mental health therapist supervisor.~~

376 ~~—— (b) A supervision agreement shall be for a term of at least six months.~~

377 ~~—— (c) An applicant for licensure as a clinical mental health counselor may be licensed~~
378 ~~during the term of a supervision agreement if the individual meets the requirements for~~
379 ~~licensure.~~

380 ~~—— (d) A supervisor who enters into a supervision agreement with an applicant under~~
381 ~~Subsection (4)(a) shall notify the division if the applicant fails to complete the term of the~~
382 ~~supervision agreement.] ←Ŝ~~