

MENTAL HEALTH PROFESSIONAL PRACTICE ACT

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ allows certain training and supervision to be conducted online;
- ▶ allows certain mental health therapists to practice as an independent contractor; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-60-102, as last amended by Laws of Utah 1999, Chapter 81

58-60-107, as last amended by Laws of Utah 2001, Chapter 281

58-60-202, as last amended by Laws of Utah 2010, Chapters 78 and 214

58-60-207, as enacted by Laws of Utah 1994, Chapter 32

58-60-302, as enacted by Laws of Utah 1994, Chapter 32

58-60-308, as last amended by Laws of Utah 2010, Chapter 214



- 28 **58-60-402**, as enacted by Laws of Utah 1994, Chapter 32
- 29 **58-60-407**, as last amended by Laws of Utah 2010, Chapter 214
- 30 **58-60-502**, as last amended by Laws of Utah 2007, Chapter 283
- 31 **58-60-508**, as last amended by Laws of Utah 2010, Chapter 214
- 32 **58-61-307**, as last amended by Laws of Utah 2007, Chapter 306

33 ENACTS:

34 **58-60-118**, Utah Code Annotated 1953

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

37 Section 1. Section **58-60-102** is amended to read:

38 **58-60-102. Definitions.**

39 In addition to the definitions in Section 58-1-102, as used in this chapter:

40 (1) "Client" or "patient" means an individual who consults or is examined or
41 interviewed by a mental health therapist acting in his professional capacity.

42 (2) "Confidential communication" means information, including information obtained
43 by the mental health therapist's examination of the client or patient, which is:

44 (a) (i) transmitted between the client or patient and a mental health therapist in the
45 course of that relationship; or

46 (ii) transmitted among the client or patient, the mental health therapist, and individuals
47 who are participating in the diagnosis or treatment under the direction of the mental health
48 therapist, including members of the client's or patient's family; and

49 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
50 mental health therapist, and by a means not intended to be disclosed to third persons other than
51 those individuals:

52 (i) present to further the interest of the client or patient in the consultation,
53 examination, or interview;

54 (ii) reasonably necessary for the transmission of the communications; or

55 (iii) participating in the diagnosis and treatment of the client or patient under the
56 direction of the mental health therapist.

57 (3) "Generally recognized" refers to practices and standards, not necessarily national
58 standards, recognized by mental health therapists in their respective field of practice.

59 ~~[(3)]~~ (4) "Hypnosis" means, regarding individuals exempted from licensure under this
60 chapter, a process by which one individual induces or assists another individual into a hypnotic
61 state without the use of drugs or other substances and for the purpose of increasing motivation
62 or to assist the individual to alter lifestyles or habits.

63 ~~[(4)]~~ (5) "Individual" means a natural person.

64 ~~[(5)]~~ (6) "Mental health therapist" means an individual licensed under this title as:

65 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental
66 health therapy;

67 (b) an advanced practice registered nurse, specializing in psychiatric mental health
68 nursing;

69 (c) a psychologist qualified to engage in the practice of mental health therapy;

70 (d) a clinical social worker;

71 (e) a certified social worker;

72 (f) a marriage and family therapist; or

73 (g) a professional counselor.

74 ~~[(6)]~~ (7) "Mental illness" means a mental or emotional condition defined in an
75 approved diagnostic and statistical manual for mental disorders generally recognized in the
76 professions of mental health therapy listed under Subsection ~~[(5)]~~ (6).

77 ~~[(7)]~~ (8) "Practice of mental health therapy" means treatment or prevention of mental
78 illness, including:

79 (a) conducting a professional evaluation of an individual's condition of mental health,
80 mental illness, or emotional disorder consistent with standards generally recognized in the
81 professions of mental health therapy listed under Subsection ~~[(5)]~~ (6);

82 (b) establishing a diagnosis in accordance with established written standards generally
83 recognized in the professions of mental health therapy listed under Subsection ~~[(5)]~~ (6);

84 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
85 emotional disorder; and

86 (d) engaging in the conduct of professional intervention, including psychotherapy by
87 the application of established methods and procedures generally recognized in the professions
88 of mental health therapy listed under Subsection ~~[(5)]~~ (6).

89 ~~[(8)]~~ (9) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.

90 [~~9~~] (10) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110,
91 and may be further defined by division rule.

92 Section 2. Section **58-60-107** is amended to read:

93 **58-60-107. Exemptions from licensure.**

94 (1) Except as modified in Section 58-60-103, the exemptions from licensure in Section
95 58-1-307 apply to this chapter.

96 (2) [~~a~~] In addition to the exemptions from licensure in Section 58-1-307, the
97 following may engage in acts included within the definition of practice as a mental health
98 therapist, subject to the stated circumstances and limitations, without being licensed under this
99 chapter:

100 [~~b~~] (a) the following when practicing within the scope of the license held:

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

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

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

106 [~~3~~] (b) a recognized member of the clergy while functioning in his ministerial
107 capacity as long as he does not represent himself as or use the title of a license classification in
108 Subsection 58-60-102[~~5~~](6);

109 [~~4~~] (c) an individual who is offering expert testimony in any proceeding before a
110 court, administrative hearing, deposition upon the order of any court or other body having
111 power to order the deposition, or proceedings before any master, referee, or alternative dispute
112 resolution provider;

113 [~~5~~] (d) an individual engaged in performing hypnosis who is not licensed under this
114 title in a profession which includes hypnosis in its scope of practice, and who:

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

117 [~~i~~] (B) consults with a client to determine current motivation and behavior patterns;

118 [~~ii~~] (C) prepares the client to enter hypnotic states by explaining how hypnosis works
119 and what the client will experience;

120 [~~iv~~] (D) tests [~~clients~~] the client to determine degrees of suggestibility;

121 [(v)] (E) applies hypnotic techniques based on interpretation of consultation results and
 122 analysis of a client's motivation and behavior patterns; and

123 [(vi)] (F) trains [clients] the client in self-hypnosis conditioning;

124 [(b)] (ii) may not:

125 [(i)] (A) engage in the practice of mental health therapy;

126 [(ii)] (B) represent himself using the title of a license classification in Subsection
 127 58-60-102[(5)](6); or

128 [(iii)] (C) use hypnosis with or treat a medical, psychological, or dental condition
 129 defined in generally recognized diagnostic and statistical manuals of medical, psychological, or
 130 dental disorders;

131 [(6) ~~an individual's exemption from licensure under Subsection 58-1-307(1)(b)~~
 132 ~~terminates when the student's training is no longer supervised by qualified faculty or staff and~~
 133 ~~the activities are no longer a defined part of the degree program;]~~

134 [(7)] (e) an individual holding an earned doctoral degree or master's degree in social
 135 work, marriage and family therapy, or professional counseling, who is employed by an
 136 accredited institution of higher education and who conducts research and teaches in that
 137 individual's professional field, but only if the individual does not engage in providing or
 138 supervising professional services regulated under this chapter to individuals or groups
 139 regardless of whether there is compensation for the services;

140 [(8)] (f) an individual in an on-the-job training program approved by the division while
 141 under the supervision of qualified persons, that training program may provide in-person or
 142 online services;

143 [(9)] (g) an individual providing general education in the subjects of alcohol or drug
 144 use or abuse, including prevention; and

145 [(10)] (h) an individual providing advice or counsel to another individual in a setting of
 146 their association as friends or relatives and in a nonprofessional and noncommercial
 147 relationship, if there is no compensation paid for the advice or counsel.

148 (3) An individual's exemption from licensure under Subsection 58-1-307(1)(b)
 149 terminates when the student's training is no longer supervised by qualified faculty or staff and
 150 the activities are no longer a defined part of the degree program.

151 Section 3. Section **58-60-118** is enacted to read:

152 **58-60-118. Limitation on online supervision and training.**

153 Not more than 50% of the total hours of supervision or training required under any
154 section of this chapter may be conducted online.

155 Section 4. Section **58-60-202** is amended to read:

156 **58-60-202. Definitions.**

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

158 (1) "Board" means the Social Worker Licensing Board created in Section 58-60-203.

159 (2) (a) "Practice as a social service worker" means performance of general entry level
160 services under general supervision of a mental health therapist through the application of social
161 work theory, methods, and ethics in order to enhance the social or psychosocial functioning of
162 an individual, a couple, a family, a group, or a community, including:

163 (i) conducting:

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

165 (B) a home study;

166 (ii) collaborative planning and goal setting;

167 (iii) ongoing case management;

168 (iv) progress monitoring;

169 (v) supportive counseling;

170 (vi) information gathering;

171 (vii) making referrals; and

172 (viii) engaging in advocacy.

173 (b) "Practice as a social service worker" does not include:

174 (i) diagnosing or treating mental illness; or

175 (ii) providing psychotherapeutic services to an individual, couple, family, group, or
176 community.

177 (3) "Practice of clinical social work" includes:

178 (a) the practice of mental health therapy by observation, description, evaluation,
179 interpretation, intervention, and treatment to effect modification of behavior by the application
180 of generally recognized professional social work principles, methods, and procedures for the
181 purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the
182 symptoms of any of these, or maladaptive behavior;

183 (b) the application of generally recognized psychotherapeutic and social work
184 principles and practices requiring the education, training, and clinical experience of a clinical
185 social worker; and

186 (c) supervision of the practice of a certified social worker or social service worker as
187 the supervision is required under this chapter and as further defined by division rule.

188 (4) "Practice of certified social work" includes:

189 (a) the supervised practice of mental health therapy by a clinical social worker by
190 observation, description, evaluation, interpretation, intervention, and treatment to effect
191 modification of behavior by the application of generally recognized professional social work
192 principles, methods, and procedures for the purpose of preventing, treating, or eliminating
193 mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive
194 behavior;

195 (b) the supervised or independent and unsupervised application of generally recognized
196 professional social work principles and practices requiring the education, training, and
197 experience of a certified social worker; and

198 (c) supervision of the practice of a social service worker as the supervision is required
199 under this chapter and as further defined by division rule.

200 (5) "Program accredited by the Council on Social Work Education" means a program
201 that:

202 (a) was accredited by the Council on Social Work Education on the day on which the
203 applicant for licensure satisfactorily completed the program; or

204 (b) was in candidacy for accreditation by the Council on Social Work Education on the
205 day on which the applicant for licensure satisfactorily completed the program.

206 (6) (a) "Supervision of a social service worker" means supervision conducted by an
207 individual licensed as a mental health therapist under this title in accordance with division rules
208 made in collaboration with the board.

209 (b) "Supervision of a social service worker" includes supervision that is conducted
210 online.

211 Section 5. Section **58-60-207** is amended to read:

212 **58-60-207. Scope of practice -- Limitations.**

213 (1) A clinical social worker may engage in all acts and practices defined as the practice

214 of clinical social work without supervision, in private and independent practice, or as an
215 employee of another person or independent contractor, limited only by the licensee's education,
216 training, and competence.

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

221 (a) under supervision of a clinical social worker and as an employee of another person
222 when engaged in the practice of mental health therapy;

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

226 (c) including engaging in the private, independent, unsupervised practice of social
227 work as a self-employed individual, in partnership with other licensed clinical or certified
228 social workers, as a professional corporation, or in any other capacity or business entity, so
229 long as he does not practice unsupervised psychotherapy; and

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

231 Section 6. Section **58-60-302** is amended to read:

232 **58-60-302. Definitions.**

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

234 (1) "Assess" means the use of diagnostic procedures, tests, and interview techniques
235 generally accepted as standard in mental health therapy to diagnose any condition related to
236 mental, emotional, behavioral, and social disorders or dysfunctions.

237 (2) "Board" means the Marriage and Family Therapist Licensing Board created in
238 Section 58-60-303.

239 (3) "Practice of marriage and family therapy" includes:

240 (a) the process of providing professional mental health therapy including
241 psychotherapy to individuals, couples, families, or groups;

242 (b) utilizing established principles that recognize the interrelated nature of individual
243 problems and dysfunctions in family members to assess, diagnose, and treat mental, emotional,
244 and behavioral disorders;

- 245 (c) individual, premarital, relationship, marital, divorce, and family therapy;
- 246 (d) specialized modes of treatment for the purpose of diagnosing and treating mental,
- 247 emotional, and behavioral disorders, modifying interpersonal and intrapersonal dysfunction,
- 248 and promoting mental health; and
- 249 (e) assessment utilized to develop, recommend, and implement appropriate plans of
- 250 treatment, dispositions, and placement related to the functioning of the individual, couple,
- 251 family, or group.

252 (3) "Supervision" includes both in-person and online supervision.

253 Section 7. Section **58-60-308** is amended to read:

254 **58-60-308. Scope of practice -- Limitations.**

255 (1) A licensed marriage and family therapist may engage in all acts and practices

256 defined as the practice of marriage and family therapy without supervision, in private and

257 independent practice, or as an employee of another person or independent contractor, limited

258 only by the licensee's education, training, and competence.

259 (2) (a) To the extent an individual has completed the educational requirements of

260 Subsection 58-60-305(1)(d), a licensed associate marriage and family therapist may engage in

261 all acts and practices defined as the practice of marriage and family therapy if the practice is:

- 262 (i) within the scope of employment as a licensed associate marriage and family
- 263 therapist with a public agency or a private clinic as defined by division rule; and
- 264 (ii) under the supervision of a licensed marriage and family therapist who is qualified
- 265 as a supervisor under Section 58-60-307.

266 (b) A licensed associate marriage and family therapist may not engage in the

267 independent practice of marriage and family therapy.

268 Section 8. Section **58-60-402** is amended to read:

269 **58-60-402. Definitions.**

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

- 271 (1) "Board" means the Professional Counselor Licensing Board created in Section
- 272 58-60-403.
- 273 (2) "Practice of professional counseling" means the practice of mental health therapy
- 274 by means of observation, description, evaluation, interpretation, intervention, and treatment to
- 275 effect modification of human behavior by the application of generally recognized professional

276 counseling principles, methods, and procedures for the purpose of preventing, treating, or
277 eliminating mental or emotional illness or dysfunction, symptoms of any of these, or
278 maladaptive behavior.

279 (3) "Supervision" includes both in-person and online supervision.

280 Section 9. Section **58-60-407** is amended to read:

281 **58-60-407. Scope of practice -- Limitations.**

282 (1) A licensed professional counselor may engage in all acts and practices defined as
283 the practice of professional counseling without supervision, in private and independent
284 practice, or as an employee of another person or independent contractor, limited only by the
285 licensee's education, training, and competence.

286 (2) (a) To the extent an individual has completed the educational requirements of
287 Subsection 58-60-305(1)(d), a licensed associate professional counselor may engage in all acts
288 and practices defined as the practice of professional counseling if the practice is:

289 (i) within the scope of employment as a licensed professional counselor with a public
290 agency or private clinic as defined by division rule; and

291 (ii) under supervision of a qualified licensed mental health therapist as defined in
292 Subsection 58-60-102[~~(5)~~](6).

293 (b) A licensed associate professional counselor may not engage in the independent
294 practice of professional counseling.

295 Section 10. Section **58-60-502** is amended to read:

296 **58-60-502. Definitions.**

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

298 (1) "Approved agency" means an agency licensed by the Department of Human
299 Services or a general acute hospital or specialty hospital as defined in Section 26-21-2 and
300 licensed by the state Department of Health that:

301 (a) provides substance abuse services; and

302 (b) provides qualified mental health therapists in sufficient number to evaluate the
303 conditions of the clients being treated by counselors licensed under this part employed by the
304 approved agency or independently contracting with the approved agency to ensure that
305 appropriate substance abuse services are being given.

306 (2) "Board" means the Substance Abuse Counselor Licensing Board created in Section

307 58-60-503.

308 (3) "Direct supervision" means:

309 (a) a supervisor provides a minimum of one hour of supervision to the licensed
310 substance abuse counselor for every 40 hours of client care provided by the counselor, which
311 supervision may include group and online supervision;

312 (b) the supervision is conducted in a face-to-face manner or via a remote real-time
313 presence, unless otherwise approved on a case-by-case basis by the division in collaboration
314 with the board; and

315 (c) a supervisor is available for consultation with the counselor at all times.

316 (4) "General supervision" shall be defined by the division by rule.

317 (5) "Group supervision" means more than one counselor licensed under this part meets
318 with the supervisor at the same time, whether in person, telephonically, or online.

319 (6) "Individual supervision" means only one counselor licensed under this part meets
320 with the supervisor at a given time.

321 (7) (a) "Practice as a licensed substance abuse counselor" means providing services as
322 an employee or independent contractor of an approved agency under the general supervision of
323 a licensed mental health therapist, to individuals or groups of persons for conditions of
324 substance abuse, consistent with the education and training of a licensed substance abuse
325 counselor required under this part, and the standards and ethics of the profession as approved
326 by the division in collaboration with the board, and includes:

327 (i) administering the screening process by which a client is determined appropriate and
328 eligible for admission to a particular program;

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

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

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

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

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

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

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

337 (iv) conducting those assessment procedures by which a substance abuse counselor

338 identifies an individual's strengths, weaknesses, problems, and needs for the development of
339 the treatment plan;

340 (v) participating in the process of treatment planning by which the substance abuse
341 counselor, the mental health therapist, and the client:

342 (A) identify and rank problems needing resolution;

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

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

345 (vi) providing substance abuse counseling services to alcohol and drug abuse clients
346 and significant other persons in the client's life as part of a comprehensive treatment plan,
347 including the following, but not including mental health therapy:

348 (A) leading specific task-oriented groups, didactic groups, and group discussions;

349 (B) cofacilitating group therapy with a licensed mental health therapist; and

350 (C) engaging in one-on-one interventions and interactions coordinated and directly
351 supervised by a mental health therapist;

352 (vii) performing case management activities which bring services, agencies, resources,
353 or people together within a planned framework of action toward the achievement of established
354 goals, including, when appropriate, liaison activities and collateral contacts;

355 (viii) providing substance abuse crisis intervention services;

356 (ix) providing client education to individuals and groups concerning alcohol and other
357 drug abuse, including identification and description of available treatment services and
358 resources;

359 (x) identifying the needs of the client that cannot be met by the substance abuse
360 counselor or agency and referring the client to appropriate services and community resources;

361 (xi) developing and providing effective reporting and recordkeeping procedures and
362 services, which include charting the results of the assessment and treatment plan, writing
363 reports, progress notes, discharge summaries, and other client-related data; and

364 (xii) consulting with other professionals in regard to client treatment and services to
365 assure comprehensive quality care for the client.

366 (b) "Practice as a certified substance abuse counselor, certified substance abuse
367 counselor intern, or certified substance abuse counselor extern" means providing the services
368 described in Subsections (7)(a) and (b) under the direct supervision of a mental health therapist

369 or licensed substance abuse counselor.

370 (c) "Practice as a licensed substance abuse counselor" does not include:

371 (i) the diagnosing of mental illness, including substance abuse, as defined in Section
372 58-60-102;

373 (ii) engaging in the practice of mental health therapy as defined in Section 58-60-102;

374 or

375 (iii) the performance of a substance abuse diagnosis, any other mental illness diagnosis,
376 or psychological testing.

377 (8) "Program" means a residential or nonresidential program that provides substance
378 abuse services.

379 (9) "Substance abuse education program" means a formal program of substance abuse
380 education offered by an accredited institution of higher education that meets standards
381 established by the division by rule in collaboration with the board and includes a minimum of
382 300 hours of classroom education and a supervised field work practicum of at least 300 hours.

383 Section 11. Section **58-60-508** is amended to read:

384 **58-60-508. Core functions of the mental health therapist supervisor.**

385 (1) Each supervisor of licensed substance abuse counselors shall:

386 (a) be a licensed mental health therapist qualified by education and experience to treat
387 substance abuse;

388 (b) be currently working in the substance abuse treatment field;

389 (c) review substance abuse counselor assessment procedures;

390 (d) provide substance abuse diagnosis and other mental health diagnoses in accordance
391 with Subsection 58-60-102~~(7)~~(8);

392 (e) participate in the development of a treatment plan;

393 (f) approve the treatment plan; and

394 (g) provide direct supervision for not more than five persons, unless granted an
395 exception in writing from the board and the division.

396 (2) Each supervisor of a certified substance abuse counselor, certified substance abuse
397 counselor intern, or certified substance abuse counselor extern shall:

398 (a) (i) be a licensed substance abuse counselor with:

399 (A) until July 1, 2011, at least one year of experience as a licensed substance abuse

400 counselor; or

401 (B) beginning on July 1, 2011, at least two years of experience as a licensed substance
402 abuse counselor; or

403 (ii) be a licensed mental health therapist qualified by education and experience to treat
404 substance abuse;

405 (b) be currently working in the substance abuse field; and

406 (c) provide direct supervision for no more than three persons, unless granted an
407 exception in writing from the board and the division.

408 Section 12. Section **58-61-307** is amended to read:

409 **58-61-307. Exemptions from licensure.**

410 (1) Except as modified in Section 58-61-301, the exemptions from licensure in Section
411 58-1-307 apply to this chapter.

412 (2) In addition to the exemptions from licensure in Section 58-1-307, the following
413 when practicing within the scope of the license held, may engage in acts included within the
414 definition of practice as a psychologist, subject to the stated circumstances and limitations,
415 without being licensed under this chapter:

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

418 (b) a registered psychiatric mental health nurse specialist licensed under Chapter 31b,
419 Nurse Practice Act;

420 (c) a recognized member of the clergy while functioning in his ministerial capacity as
421 long as he does not represent himself as or use the title of psychologist;

422 (d) an individual who is offering expert testimony in any proceeding before a court,
423 administrative hearing, deposition upon the order of any court or other body having power to
424 order the deposition, or proceedings before any master, referee, or alternative dispute resolution
425 provider;

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

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

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

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

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

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

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

437 (ii) may not:

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

439 (B) represent himself using the title of a license classification in Subsection
440 58-60-102[~~(5)~~](6); or

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

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

447 (g) an individual holding an earned doctoral degree in psychology who is employed by
448 an accredited institution of higher education and who conducts research and teaches in that
449 individual's professional field, but only if the individual does not engage in providing delivery
450 or supervision of professional services regulated under this chapter to individuals or groups
451 regardless of whether there is compensation for the services;

452 (h) any individual who was employed as a psychologist by a state, county, or municipal
453 agency or other political subdivision of the state prior to July 1, 1981, and who subsequently
454 has maintained employment as a psychologist in the same state, county, or municipal agency or
455 other political subdivision while engaged in the performance of his official duties for that
456 agency or political subdivision;

457 (i) an individual licensed as a school psychologist under Section 53A-6-104:

458 (i) may represent himself as and use the terms "school psychologist" or "licensed
459 school psychologist"; and

460 (ii) is restricted in his practice to employment within settings authorized by the State
461 Board of Education; and

462 (j) an individual providing advice or counsel to another individual in a setting of their
463 association as friends or relatives and in a nonprofessional and noncommercial relationship, if
464 there is no compensation paid for the advice or counsel.

Legislative Review Note
as of 1-19-11 1:25 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

H.B. 229

SHORT TITLE: **Mental Health Professional Practice Act**

SPONSOR: **Grover, K.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.