

Senator Curtis S. Bramble proposes the following substitute bill:

BEHAVIORAL HEALTH LICENSING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill amends behavioral health licensing provisions.

Highlighted Provisions:

This bill:

▶ requires the division to consider interstate portability and make recommendations regarding Utah's membership in any interstate licensing compacts;

▶ expands the types of licensees who may participate in the Utah Professionals Health Program, and removes the absolute requirement for formal proceedings to terminate a Utah Professionals Health Program contract and requires the division to make rules for probation after termination of a Utah Professionals Health Program contract;

▶ establishes that substance use disorders qualify an individual licensee for the Utah Professionals Health Program's alternative path to public disciplinary action;

▶ creates the Behavioral Health Board, a multi-professional board to replace certain individual licensing boards;

▶ establishes training and certification requirements for clinical supervisors;

▶ changes supervision requirements for mental health therapists to include direct observation;



- 26 ▶ defines direct client care, direct clinical supervision, and direct observation of
- 27 mental health therapists;
- 28 ▶ defines unlawful conduct to include failure to provide or disclose certain
- 29 information to patients in a mental health therapy setting;
- 30 ▶ requires a criminal background check for mental health therapists and authorizes the
- 31 division to use the FBI Rap Back System;
- 32 ▶ creates an alternative pathway to certain licensures through increased direct client
- 33 care hours and supervised clinical hours, in lieu of examination requirements;
- 34 ▶ creates the licenses of master addiction counselor and associate master addiction
- 35 counselor;
- 36 ▶ creates the license of behavioral health coach and certification of behavioral health
- 37 technician;
- 38 ▶ expands the scope of practice of social service workers and advanced substance use
- 39 disorder counselors to include drafting treatment plans and updates and providing
- 40 manualized therapeutic interventions in limited circumstances and under
- 41 supervision;
- 42 ▶ repeals the Vocational Rehabilitation Counselors Licensing Act; and
- 43 ▶ makes technical corrections.

44 **Money Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 This bill provides a coordination clause.

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **26B-5-101**, as last amended by Laws of Utah 2023, Chapter 308

51 **26B-5-102**, as last amended by Laws of Utah 2023, Chapter 177 and renumbered and

52 amended by Laws of Utah 2023, Chapter 308

53 **58-1-106**, as last amended by Laws of Utah 2018, Chapter 318

54 **58-1-201**, as last amended by Laws of Utah 2023, Chapter 223

55 **58-1-301.5**, as last amended by Laws of Utah 2023, Chapters 222, 223 and 225

56 **58-1-501**, as last amended by Laws of Utah 2023, Chapters 223, 321 and 463

- 57 [58-4a-102](#), as last amended by Laws of Utah 2023, Chapter 328
- 58 [58-4a-107](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 59 [58-40-302](#), as last amended by Laws of Utah 2020, Chapter 339
- 60 [58-60-102](#), as last amended by Laws of Utah 2021, Chapter 313
- 61 [58-60-103.1](#), as enacted by Laws of Utah 2022, Chapter 466
- 62 [58-60-106](#), as enacted by Laws of Utah 1994, Chapter 32
- 63 [58-60-109](#), as last amended by Laws of Utah 2020, Chapter 339
- 64 [58-60-110](#), as last amended by Laws of Utah 2019, Chapter 419
- 65 [58-60-202](#), as last amended by Laws of Utah 2010, Chapters 78, 214
- 66 [58-60-205](#), as last amended by Laws of Utah 2023, Chapters 283, 339
- 67 [58-60-207](#), as last amended by Laws of Utah 2023, Chapter 339
- 68 [58-60-302](#), as enacted by Laws of Utah 1994, Chapter 32
- 69 [58-60-305](#), as last amended by Laws of Utah 2023, Chapter 339
- 70 [58-60-402](#), as last amended by Laws of Utah 2012, Chapter 179
- 71 [58-60-405](#), as last amended by Laws of Utah 2023, Chapter 339
- 72 [58-60-407](#), as last amended by Laws of Utah 2020, Chapter 339
- 73 [58-60-502](#), as last amended by Laws of Utah 2019, Chapter 393
- 74 [58-60-504](#), as last amended by Laws of Utah 2012, Chapter 179
- 75 [58-60-506](#), as last amended by Laws of Utah 2020, Chapter 339
- 76 [58-61-102](#), as last amended by Laws of Utah 2013, Chapters 16, 123
- 77 [58-61-301](#), as last amended by Laws of Utah 2001, Chapter 281
- 78 [58-61-304](#), as last amended by Laws of Utah 2020, Chapter 339
- 79 [58-61-304.1](#), as enacted by Laws of Utah 2020, Chapter 339
- 80 [58-61-308](#), as enacted by Laws of Utah 2001, Chapter 281
- 81 [58-61-502](#), as last amended by Laws of Utah 2001, Chapter 281
- 82 [58-61-705](#), as last amended by Laws of Utah 2020, Chapter 339
- 83 [58-84-102](#), as enacted by Laws of Utah 2014, Chapter 340
- 84 [58-84-201](#), as last amended by Laws of Utah 2020, Chapter 339

85 ENACTS:

- 86 [58-60-102.5](#), Utah Code Annotated 1953
- 87 [58-60-512](#), Utah Code Annotated 1953

- 88 **58-60-601**, Utah Code Annotated 1953
- 89 **58-60-602**, Utah Code Annotated 1953
- 90 **58-60-603**, Utah Code Annotated 1953
- 91 **58-60-604**, Utah Code Annotated 1953

92 REPEALS:

- 93 **58-60-203**, as last amended by Laws of Utah 2010, Chapter 214
- 94 **58-60-303**, as last amended by Laws of Utah 2000, Chapter 159
- 95 **58-60-307**, as last amended by Laws of Utah 2019, Chapter 393
- 96 **58-60-403**, as last amended by Laws of Utah 2012, Chapter 179
- 97 **58-60-503**, as last amended by Laws of Utah 2012, Chapter 179
- 98 **58-61-201**, as last amended by Laws of Utah 2015, Chapter 367
- 99 **58-78-101**, as enacted by Laws of Utah 2009, Chapter 122
- 100 **58-78-102**, as enacted by Laws of Utah 2009, Chapter 122
- 101 **58-78-201**, as enacted by Laws of Utah 2009, Chapter 122
- 102 **58-78-301**, as enacted by Laws of Utah 2009, Chapter 122
- 103 **58-78-302**, as last amended by Laws of Utah 2020, Chapter 339
- 104 **58-78-303**, as last amended by Laws of Utah 2011, Chapter 367
- 105 **58-78-304**, as enacted by Laws of Utah 2009, Chapter 122
- 106 **58-78-401**, as enacted by Laws of Utah 2009, Chapter 122
- 107 **58-78-501**, as enacted by Laws of Utah 2009, Chapter 122
- 108 **58-78-502**, as enacted by Laws of Utah 2009, Chapter 122

109 **Utah Code Sections Affected By Coordination Clause:**

- 110 **58-60-205**, as last amended by Laws of Utah 2023, Chapters 283, 339



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

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

114 **26B-5-101. Chapter definitions.**

115 As used in this chapter:

- 116 (1) "Criminal risk factors" means a person's characteristics and behaviors that:
 - 117 (a) affect the person's risk of engaging in criminal behavior; and
 - 118 (b) are diminished when addressed by effective treatment, supervision, and other

119 support resources, resulting in reduced risk of criminal behavior.

120 (2) "Director" means the director appointed under Section [26B-5-103](#).

121 (3) "Division" means the Division of Integrated Healthcare created in Section
122 [26B-1-202](#).

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

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

125 (6) "Mental health crisis" means:

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

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

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

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

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

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

138 (a) direct mental health services;

139 (b) on-site intervention provided by a mobile crisis outreach team;

140 (c) the provision of safety and care plans;

141 (d) prolonged mental health services for up to 90 days after the day on which an
142 individual experiences a mental health crisis;

143 (e) referrals to other community resources;

144 (f) local mental health crisis lines; and

145 (g) the statewide mental health crisis line.

146 (9) "Mental health therapist" means the same as that term is defined in Section
147 [58-60-102](#).

148 (10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and
149 mental health professionals that, in coordination with local law enforcement and emergency

150 medical service personnel, provides mental health crisis services.

151 (11) "Office" means the Office of Substance Use and Mental Health created in Section
152 [26B-5-102](#).

153 (12) (a) "Public funds" means federal money received from the department, and state
154 money appropriated by the Legislature to the department, a county governing body, or a local
155 substance abuse authority, or a local mental health authority for the purposes of providing
156 substance abuse or mental health programs or services.

157 (b) "Public funds" include federal and state money that has been transferred by a local
158 substance abuse authority or a local mental health authority to a private provider under an
159 annual or otherwise ongoing contract to provide comprehensive substance abuse or mental
160 health programs or services for the local substance abuse authority or local mental health
161 authority. The money maintains the nature of "public funds" while in the possession of the
162 private entity that has an annual or otherwise ongoing contract with a local substance abuse
163 authority or a local mental health authority to provide comprehensive substance use or mental
164 health programs or services for the local substance abuse authority or local mental health
165 authority.

166 (c) Public funds received for the provision of services under substance use or mental
167 health service plans may not be used for any other purpose except those authorized in the
168 contract between the local mental health or substance abuse authority and provider for the
169 provision of plan services.

170 (13) "Severe mental disorder" means schizophrenia, major depression, bipolar
171 disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by
172 the division.

173 (14) "Stabilization services" means in-home services provided to a child with, or who
174 is at risk for, complex emotional and behavioral needs, including teaching the child's parent or
175 guardian skills to improve family functioning.

176 (15) "Statewide mental health crisis line" means the same as that term is defined in
177 Section [26B-5-610](#).

178 (16) "System of care" means a broad, flexible array of services and supports that:

179 (a) serve a child with or who is at risk for complex emotional and behavioral needs;

180 (b) are community based;

- 181 (c) are informed about trauma;
- 182 (d) build meaningful partnerships with families and children;
- 183 (e) integrate service planning, service coordination, and management across state and
184 local entities;
- 185 (f) include individualized case planning;
- 186 (g) provide management and policy infrastructure that supports a coordinated network
187 of interdepartmental service providers, contractors, and service providers who are outside of
188 the department; and
- 189 (h) are guided by the type and variety of services needed by a child with or who is at
190 risk for complex emotional and behavioral needs and by the child's family.

191 (17) "Targeted case management" means a service that assists Medicaid recipients in a
192 target group to gain access to needed medical, social, educational, and other services.

193 Section 2. Section **26B-5-102** is amended to read:

194 **26B-5-102. Division of Integrated Healthcare -- Office of Substance Use and**
195 **Mental Health -- Creation -- Responsibilities.**

196 (1) (a) The Division of Integrated Healthcare shall exercise responsibility over the
197 policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities
198 outlined in state law that were previously vested in the Division of Substance Abuse and
199 Mental Health within the department, under the administration and general supervision of the
200 executive director.

201 (b) The division is the substance abuse authority and the mental health authority for
202 this state.

203 (c) There is created the Office of Substance Use and Mental Health within the division.

204 (d) The office shall exercise the responsibilities, powers, rights, duties, and
205 responsibilities assigned to the office by the executive director.

206 (2) The division shall:

207 (a) (i) educate the general public regarding the nature and consequences of substance
208 use by promoting school and community-based prevention programs;

209 (ii) render support and assistance to public schools through approved school-based
210 substance abuse education programs aimed at prevention of substance use;

211 (iii) promote or establish programs for the prevention of substance use within the

212 community setting through community-based prevention programs;

213 (iv) cooperate with and assist treatment centers, recovery residences, and other
214 organizations that provide services to individuals recovering from a substance use disorder, by
215 identifying and disseminating information about effective practices and programs;

216 (v) promote integrated programs that address an individual's substance use, mental
217 health, and physical health;

218 (vi) establish and promote an evidence-based continuum of screening, assessment,
219 prevention, treatment, and recovery support services in the community for individuals with a
220 substance use disorder or mental illness;

221 (vii) evaluate the effectiveness of programs described in this Subsection (2);

222 (viii) consider the impact of the programs described in this Subsection (2) on:

223 (A) emergency department utilization;

224 (B) jail and prison populations;

225 (C) the homeless population; and

226 (D) the child welfare system; and

227 (ix) promote or establish programs for education and certification of instructors to
228 educate individuals convicted of driving under the influence of alcohol or drugs or driving with
229 any measurable controlled substance in the body;

230 (b) (i) collect and disseminate information pertaining to mental health;

231 (ii) provide direction over the state hospital including approval of the state hospital's
232 budget, administrative policy, and coordination of services with local service plans;

233 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
234 Rulemaking Act, to educate families concerning mental illness and promote family
235 involvement, when appropriate, and with patient consent, in the treatment program of a family
236 member; ~~and~~

237 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
238 Rulemaking Act, to direct that an individual receiving services through a local mental health
239 authority or the Utah State Hospital be informed about and, if desired by the individual,
240 provided assistance in the completion of a declaration for mental health treatment in
241 accordance with Section [26B-5-313](#); and

242 (v) to the extent authorized and in accordance with statute, make rules in accordance

243 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

244 (A) create a certification for targeted case management;

245 (B) establish training and certification requirements;

246 (C) specify the types of services each certificate holder is qualified to provide;

247 (D) specify the type of supervision under which a certificate holder is required to
248 operate; and

249 (E) specify continuing education and other requirements for maintaining or renewing
250 certification;

251 (c) (i) consult and coordinate with local substance abuse authorities and local mental
252 health authorities regarding programs and services;

253 (ii) provide consultation and other assistance to public and private agencies and groups
254 working on substance use and mental health issues;

255 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
256 medical and social agencies, public health authorities, law enforcement agencies, education and
257 research organizations, and other related groups;

258 (iv) promote or conduct research on substance use and mental health issues, and submit
259 to the governor and the Legislature recommendations for changes in policy and legislation;

260 (v) receive, distribute, and provide direction over public funds for substance use and
261 mental health services;

262 (vi) monitor and evaluate programs provided by local substance abuse authorities and
263 local mental health authorities;

264 (vii) examine expenditures of local, state, and federal funds;

265 (viii) monitor the expenditure of public funds by:

266 (A) local substance abuse authorities;

267 (B) local mental health authorities; and

268 (C) in counties where they exist, a private contract provider that has an annual or
269 otherwise ongoing contract to provide comprehensive substance abuse or mental health
270 programs or services for the local substance abuse authority or local mental health authority;

271 (ix) contract with local substance abuse authorities and local mental health authorities
272 to provide a comprehensive continuum of services that include community-based services for
273 individuals involved in the criminal justice system, in accordance with division policy, contract

274 provisions, and the local plan;

275 (x) contract with private and public entities for special statewide or nonclinical
276 services, or services for individuals involved in the criminal justice system, according to
277 division rules;

278 (xi) review and approve each local substance abuse authority's plan and each local
279 mental health authority's plan in order to ensure:

280 (A) a statewide comprehensive continuum of substance use services;

281 (B) a statewide comprehensive continuum of mental health services;

282 (C) services result in improved overall health and functioning;

283 (D) a statewide comprehensive continuum of community-based services designed to
284 reduce criminal risk factors for individuals who are determined to have substance use or mental
285 illness conditions or both, and who are involved in the criminal justice system;

286 (E) compliance, where appropriate, with the certification requirements in Subsection
287 [~~(2)(j)~~] (2)(h); and

288 (F) appropriate expenditure of public funds;

289 (xii) review and make recommendations regarding each local substance abuse
290 authority's contract with the local substance abuse authority's provider of substance use
291 programs and services and each local mental health authority's contract with the local mental
292 health authority's provider of mental health programs and services to ensure compliance with
293 state and federal law and policy;

294 (xiii) monitor and ensure compliance with division rules and contract requirements;
295 and

296 (xiv) withhold funds from local substance abuse authorities, local mental health
297 authorities, and public and private providers for contract noncompliance, failure to comply
298 with division directives regarding the use of public funds, or for misuse of public funds or
299 money;

300 (d) ensure that the requirements of this part are met and applied uniformly by local
301 substance abuse authorities and local mental health authorities across the state;

302 (e) require each local substance abuse authority and each local mental health authority,
303 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to
304 the division on or before May 15 of each year;

305 (f) conduct an annual program audit and review of each local substance abuse authority
306 and each local substance abuse authority's contract provider, and each local mental health
307 authority and each local mental health authority's contract provider, including:

308 (i) a review and determination regarding whether:

309 (A) public funds allocated to the local substance abuse authority or the local mental
310 health authorities are consistent with services rendered by the authority or the authority's
311 contract provider, and with outcomes reported by the authority's contract provider; and

312 (B) each local substance abuse authority and each local mental health authority is
313 exercising sufficient oversight and control over public funds allocated for substance use
314 disorder and mental health programs and services; and

315 (ii) items determined by the division to be necessary and appropriate;

316 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
317 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

318 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
319 supports services to an individual with:

320 (A) a substance use disorder;

321 (B) a mental health disorder; or

322 (C) a substance use disorder and a mental health disorder;

323 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
324 adult as a peer support specialist;

325 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
326 Rulemaking Act, that:

327 (A) establish training and certification requirements for a peer support specialist;

328 (B) specify the types of services a peer support specialist is qualified to provide;

329 (C) specify the type of supervision under which a peer support specialist is required to
330 operate; and

331 (D) specify continuing education and other requirements for maintaining or renewing
332 certification as a peer support specialist; and

333 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
334 Rulemaking Act, that:

335 (A) establish the requirements for a person to be certified to carry out, as needed, the

336 division's duty to train and certify an adult as a peer support specialist; and

337 (B) specify how the division shall provide oversight of a person certified to train and
338 certify a peer support specialist;

339 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze
340 and provide recommendations to the Legislature regarding:

341 (i) pretrial services and the resources needed to reduce recidivism;

342 (ii) county jail and county behavioral health early-assessment resources needed for an
343 individual convicted of a class A or class B misdemeanor; and

344 (iii) the replacement of federal dollars associated with drug interdiction law
345 enforcement task forces that are reduced;

346 (j) establish performance goals and outcome measurements for a mental health or
347 substance use treatment program that is licensed under Chapter 2, Part 1, Human Services
348 Programs and Facilities, and contracts with the department, including goals and measurements
349 related to employment and reducing recidivism of individuals receiving mental health or
350 substance use treatment who are involved with the criminal justice system;

351 (k) annually, on or before November 30, submit a written report to the Judiciary
352 Interim Committee, the Health and Human Services Interim Committee, and the Law
353 Enforcement and Criminal Justice Interim Committee, that includes:

354 (i) a description of the performance goals and outcome measurements described in
355 Subsection (2)(j); and

356 (ii) information on the effectiveness of the goals and measurements in ensuring
357 appropriate and adequate mental health or substance use treatment is provided in a treatment
358 program described in Subsection (2)(j);

359 (l) collaborate with the Administrative Office of the Courts, the Department of
360 Corrections, the Department of Workforce Services, and the Board of Pardons and Parole to
361 collect data on recidivism in accordance with the metrics and requirements described in
362 Section [63M-7-102](#);

363 (m) at the division's discretion, use the data described in Subsection (2)(l) to make
364 decisions regarding the use of funds allocated to the division to provide treatment;

365 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l)
366 and any recommendations to improve the data collection to the State Commission on Criminal

367 and Juvenile Justice to be included in the report described in Subsection 63M-7-204(1)(x);

368 (o) publish the following on the division's website:

369 (i) the performance goals and outcome measurements described in Subsection (2)(j);

370 and

371 (ii) a description of the services provided and the contact information for the mental
372 health and substance use treatment programs described in Subsection (2)(j) and residential,
373 vocational and life skills programs, as defined in Section 13-53-102; 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 pregnancy and
376 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 to provide
383 the treatment services.

384 (3) In addition to the responsibilities described in Subsection (2), the division shall,
385 within 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 Bureau
387 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 firearm owners,
391 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 that
394 includes:

395 (A) information on safe handling, storage, and use of firearms in a home environment;

396 (B) information about at-risk individuals and individuals who are legally prohibited
397 from possessing firearms;

398 (C) information about suicide prevention awareness; and
399 (D) information about the availability of firearm safety packets;
400 (ii) procure cable-style gun locks for distribution under this section;
401 (iii) produce a firearm safety packet that includes the firearm safety brochure and the
402 cable-style gun lock described in this Subsection (3); and
403 (iv) create a suicide prevention education course that:
404 (A) provides information for distribution regarding firearm safety education;
405 (B) incorporates current information on how to recognize suicidal behaviors and
406 identify individuals who may be suicidal; and
407 (C) provides information regarding crisis intervention resources;
408 (b) distributing, free of charge, the firearm safety packet to the following persons, who
409 shall make the firearm safety packet available free of charge:
410 (i) health care providers, including emergency rooms;
411 (ii) mobile crisis outreach teams;
412 (iii) mental health practitioners;
413 (iv) other public health suicide prevention organizations;
414 (v) entities that teach firearm safety courses;
415 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents
416 of students in the school district; and
417 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);
418 (c) creating and administering a rebate program that includes a rebate that offers
419 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms
420 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;
421 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
422 making rules that establish procedures for:
423 (i) producing and distributing the suicide prevention education course and the firearm
424 safety brochures and packets;
425 (ii) procuring the cable-style gun locks for distribution; and
426 (iii) administering the rebate program; and
427 (e) reporting to the Health and Human Services Interim Committee regarding
428 implementation and success of the firearm safety program and suicide prevention education

429 course at or before the November meeting each year.

430 (4) (a) The division may refuse to contract with and may pursue legal remedies against
431 any local substance abuse authority or local mental health authority that fails, or has failed, to
432 expend public funds in accordance with state law, division policy, contract provisions, or
433 directives issued in accordance with state law.

434 (b) The division may withhold funds from a local substance abuse authority or local
435 mental health authority if the authority's contract provider of substance use or mental health
436 programs or services fails to comply with state and federal law or policy.

437 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority
438 or local mental health authority, the division shall review and determine whether the local
439 substance abuse authority or local mental health authority is complying with the oversight and
440 management responsibilities described in Sections 17-43-201, 17-43-203, 17-43-303, and
441 17-43-309.

442 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
443 liability described in Section 17-43-303 and to the responsibility and liability described in
444 Section 17-43-203.

445 (6) In carrying out the division's duties and responsibilities, the division may not
446 duplicate treatment or educational facilities that exist in other divisions or departments of the
447 state, but shall work in conjunction with those divisions and departments in rendering the
448 treatment or educational services that those divisions and departments are competent and able
449 to provide.

450 (7) The division may accept in the name of and on behalf of the state donations, gifts,
451 devises, or bequests of real or personal property or services to be used as specified by the
452 donor.

453 (8) The division shall annually review with each local substance abuse authority and
454 each local mental health authority the authority's statutory and contract responsibilities
455 regarding:

456 (a) use of public funds;

457 (b) oversight of public funds; and

458 (c) governance of substance use disorder and mental health programs and services.

459 (9) The Legislature may refuse to appropriate funds to the division upon the division's

460 failure to comply with the provisions of this part.

461 (10) If a local substance abuse authority contacts the division under Subsection
462 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant
463 minor, the division shall:

464 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
465 capacity to provide the treatment services; or

466 (b) otherwise ensure that treatment services are made available to the pregnant woman
467 or pregnant minor.

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

470 (a) provide coordination between a local education agency and local mental health
471 authority;

472 (b) recommend evidence-based and evidence informed mental health screenings and
473 intervention assessments for a local education agency; and

474 (c) coordinate with the local community, including local departments of health, to
475 enhance and expand mental health related resources for a local education agency.

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

477 **58-1-106. Division -- Duties, functions, and responsibilities.**

478 (1) The duties, functions, and responsibilities of the division include the following:

479 (a) prescribing, adopting, and enforcing rules to administer this title;

480 (b) investigating the activities of any person whose occupation or profession is
481 regulated or governed by the laws and rules administered and enforced by the division;

482 (c) subpoenaing witnesses, taking evidence, and requiring by subpoena duces tecum
483 the production of any books, papers, documents, records, contracts, recordings, tapes,
484 correspondence, or information relevant to an investigation upon a finding of sufficient need by
485 the director or by the director's designee;

486 (d) taking administrative and judicial action against persons in violation of the laws
487 and rules administered and enforced by the division, including the issuance of cease and desist
488 orders;

489 (e) seeking injunctions and temporary restraining orders to restrain unauthorized
490 activity;

- 491 (f) complying with Title 52, Chapter 4, Open and Public Meetings Act;
- 492 (g) issuing, refusing to issue, revoking, suspending, renewing, refusing to renew, or
493 otherwise acting upon any license;
- 494 (h) preparing and submitting to the governor and the Legislature an annual report of the
495 division's operations, activities, and goals;
- 496 (i) preparing and submitting to the executive director a budget of the expenses for the
497 division;
- 498 (j) establishing the time and place for the administration of examinations; [~~and~~]
- 499 (k) preparing lists of licensees and making these lists available to the public at cost
500 upon request unless otherwise prohibited by state or federal law[:]; and
- 501 (l) considering interstate portability and the preservation of licensing pathways that are
502 specific to Utah when making recommendations regarding membership in interstate licensing
503 compacts.
- 504 (2) The division may not include home telephone numbers or home addresses of
505 licensees on the lists prepared under Subsection (1)(k), except as otherwise provided by rules
506 of the division made in accordance with Title 63G, Chapter 3, Utah Administrative
507 Rulemaking Act.
- 508 (3) (a) The division may provide the home address or home telephone number of a
509 licensee on a list prepared under Subsection (1) upon the request of an individual who provides
510 proper identification and the reason for the request, in writing, to the division.
- 511 (b) A request under Subsection (3)(a) is limited to providing information on only one
512 licensee per request.
- 513 (c) The division shall provide, by rule, what constitutes proper identification under
514 Subsection (3)(a).
- 515 (4) (a) Notwithstanding any contrary provisions in Title 63G, Chapter 2, Government
516 Records Access and Management Act, the division may share licensee information with:
- 517 (i) the division's contracted agents when sharing the information in compliance with
518 state or federal law; and
- 519 (ii) a person who is evaluating the progress or monitoring the compliance of an
520 individual who has been disciplined by the division under this title.
- 521 (b) The division may make rules to implement the provisions of this Subsection (4).

522 (5) All rules made by the division under this title shall be made in accordance with
523 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

524 Section 4. Section **58-1-201** is amended to read:

525 **58-1-201. Boards -- Appointment -- Membership -- Terms -- Vacancies --**
526 **Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in**
527 **professional school that teaches continuing education prohibited.**

528 (1) (a) (i) The executive director shall appoint the members of the boards established
529 under this title.

530 (ii) In appointing the board members the executive director shall give consideration to
531 recommendations by members of the respective professions and the professions' organizations.

532 (b) Each board shall be composed of five members, four of whom are licensed or
533 certified practitioners in good standing of the profession the board represents, and one of whom
534 is a member of the general public, unless otherwise provided under the specific licensing
535 chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

568 (4) A board member may not receive compensation or benefits for the [board]
569 member's service, but may receive per diem and travel expenses in accordance with:

570 (a) Section 63A-3-106;

571 (b) Section 63A-3-107; and

572 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

573 (5) Each board shall annually designate one of the board's members to serve as chair
574 for a one-year period.

575 (6) A board member may not be a member of the faculty of, or have a financial interest
576 in, a vocational or professional college or school that provides continuing education to any
577 licensee if that continuing education is required by statute or rule made in accordance with
578 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

579 Section 5. Section 58-1-301.5 is amended to read:

580 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

581 (1) The division shall have direct access to local files maintained by the Bureau of
582 Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification,
583 for background screening of individuals who are applying for licensure[~~, licensure~~] or

584 certification, or with respect to a license or certification, renewal, [~~licensure~~ reinstatement, or
585 relicensure or recertification, as required in:

- 586 (a) Sections 58-17b-306 and 58-17b-307;
587 (b) Sections 58-24b-302 and 58-24b-302.1;
588 (c) Section 58-31b-302;
589 (d) Sections 58-42a-302 and 58-42a-302.1, of Chapter 42a, Occupational Therapy
590 Practice Act;
591 (e) Section 58-44a-302.1;
592 (f) Sections 58-47b-302 and 58-47b-302.1;
593 (g) Section 58-55-302, as Section 58-55-302 applies to alarm companies and alarm
594 company agents, and Section 58-55-302.1;
595 (h) Sections 58-60-103.1, 58-60-205, 58-60-305, [~~and~~] 58-60-405, and 58-60-506 of
596 Chapter 60, Mental Health Professional Practice Act;
597 (i) Sections 58-61-304 and 58-61-304.1;
598 (j) Sections 58-63-302 and 58-63-302.1;
599 (k) Sections 58-64-302 and 58-64-302.1;
600 (l) Sections 58-67-302 and 58-67-302.1;
601 (m) Sections 58-68-302 and 58-68-302.1; and
602 (n) Sections 58-70a-301.1 and 58-70a-302, of Chapter 70a, Utah Physician Assistant
603 Act.

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

- 605 (a) shall meet the requirements of Section 53-10-108; and
606 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere
607 held in abeyance, dismissed charges, and charges without a known disposition.

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

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

613 **58-1-501. Unlawful and unprofessional conduct.**

614 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful

615 under this title and includes:

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

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

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

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

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

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

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

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

637 (f) (i) issuing, or aiding and abetting in the issuance of, an order or prescription for a
638 drug or device to a person located in this state:

639 (A) without prescriptive authority conferred by a license issued under this title, or by
640 an exemption to licensure under this title; or

641 (B) with prescriptive authority conferred by an exception issued under this title or a
642 multistate practice privilege recognized under this title, if the prescription was issued without
643 first obtaining information, in the usual course of professional practice, that is sufficient to
644 establish a diagnosis, to identify underlying conditions, and to identify contraindications to the
645 proposed treatment; and

646 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call
647 or cross coverage situation, provided that the person who issues the prescription has
648 prescriptive authority conferred by a license under this title, or is exempt from licensure under
649 this title; or

650 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a
651 profession under this title.

652 (2) (a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
653 defined as unprofessional conduct under this title or under any rule adopted under this title and
654 includes:

655 (i) violating any statute, rule, or order regulating an a profession under this title;

656 (ii) violating, or aiding or abetting any other person to violate, any generally accepted
657 professional or ethical standard applicable to an occupation or profession regulated under this
658 title;

659 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in
660 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in
661 abeyance pending the successful completion of probation with respect to a crime that, when
662 considered with the functions and duties of the profession for which the license was issued or is
663 to be issued, bears a substantial relationship to the licensee's or applicant's ability to safely or
664 competently practice the profession;

665 (iv) engaging in conduct that results in disciplinary action, including reprimand,
666 censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory
667 authority having jurisdiction over the licensee or applicant in the same profession if the
668 conduct would, in this state, constitute grounds for denial of licensure or disciplinary
669 proceedings under Section [58-1-401](#);

670 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar
671 chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the
672 ability of the licensee or applicant to safely engage in the profession;

673 (vi) practicing or attempting to practice a profession regulated under this title despite
674 being physically or mentally unfit to do so;

675 (vii) practicing or attempting to practice a or profession regulated under this title
676 through gross incompetence, gross negligence, or a pattern of incompetency or negligence;

- 677 (viii) practicing or attempting to practice a profession requiring licensure under this
678 title by any form of action or communication which is false, misleading, deceptive, or
679 fraudulent;
- 680 (ix) practicing or attempting to practice a profession regulated under this title beyond
681 the scope of the licensee's competency, abilities, or education;
- 682 (x) practicing or attempting to practice a profession regulated under this title beyond
683 the scope of the licensee's license;
- 684 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person
685 through conduct connected with the licensee's practice under this title or otherwise facilitated
686 by the licensee's license;
- 687 (xii) acting as a supervisor without meeting the qualification requirements for that
688 position that are defined by statute or rule;
- 689 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a
690 drug or device:
- 691 (A) without first obtaining information in the usual course of professional practice, that
692 is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to
693 the proposed treatment; or
- 694 (B) with prescriptive authority conferred by an exception issued under this title, or a
695 multi-state practice privilege recognized under this title, if the prescription was issued without
696 first obtaining information, in the usual course of professional practice, that is sufficient to
697 establish a diagnosis, to identify underlying conditions, and to identify contraindications to the
698 proposed treatment;
- 699 (xiv) violating a provision of Section [58-1-501.5](#);
- 700 (xv) violating the terms of an order governing a license; or
- 701 (xvi) violating Section [58-1-511](#).
- 702 (b) "Unprofessional conduct" does not include:
- 703 (i) a health care provider, as defined in Section [78B-3-403](#) and who is licensed under
704 this title, deviating from medical norms or established practices if the conditions described in
705 Subsection (5) are met; and
- 706 (ii) notwithstanding Section [58-1-501.6](#), a health care provider advertising that the
707 health care provider deviates from medical norms or established practices, including the

708 maladies the health care provider treats, if the health care provider:

709 (A) does not guarantee any results regarding any health care service;

710 (B) fully discloses on the health care provider's website that the health care provider
711 deviates from medical norms or established practices with a conspicuous statement; and

712 (C) includes the health care provider's contact information on the website.

713 (3) Unless otherwise specified by statute or administrative rule, in a civil or
714 administrative proceeding commenced by the division under this title, a person subject to any
715 of the unlawful and unprofessional conduct provisions of this title is strictly liable for each
716 violation.

717 (4) The following are not evidence of engaging in unprofessional conduct under
718 Subsection (2)(a)(iii):

719 (a) an arrest not followed by a conviction; or

720 (b) a conviction for which an individual's incarceration has ended more than seven
721 years before the date of the division's consideration, unless:

722 (i) after the incarceration the individual has engaged in additional conduct that results
723 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is
724 held in abeyance pending the successful completion of probation; or

725 (ii) the conviction was for:

726 (A) a violent felony as defined in Section [76-3-203.5](#);

727 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual
728 Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act; or

729 (C) a felony related to criminal fraud or embezzlement, including a felony under Title
730 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft.

731 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from
732 medical norms or established practices if:

733 (a) the health care provider does not deviate outside of the health care provider's scope
734 of practice and possesses the education, training, and experience to competently and safely
735 administer the alternative health care service;

736 (b) the health care provider does not provide an alternative health care service that is
737 otherwise contrary to any state or federal law;

738 (c) the alternative health care service has reasonable potential to be of benefit to the

739 patient to whom the alternative health care service is to be given;

740 (d) the potential benefit of the alternative health care service outweighs the known
741 harms or side effects of the alternative health care service;

742 (e) the alternative health care service is reasonably justified under the totality of the
743 circumstances;

744 (f) after diagnosis but before providing the alternative health care service:

745 (i) the health care provider educates the patient on the health care services that are
746 within the medical norms and established practices;

747 (ii) the health care provider discloses to the patient that the health care provider is
748 recommending an alternative health care service that deviates from medical norms and
749 established practices;

750 (iii) the health care provider discusses the rationale for deviating from medical norms
751 and established practices with the patient;

752 (iv) the health care provider discloses any potential risks associated with deviation
753 from medical norms and established practices; and

754 (v) the patient signs and acknowledges a notice of deviation; and

755 (g) before providing an alternative health care service, the health care provider
756 discloses to the patient that the patient may enter into an agreement describing what would
757 constitute the health care provider's negligence related to deviation.

758 (6) As used in this section, "notice of deviation" means a written notice provided by a
759 health care provider to a patient that:

760 (a) is specific to the patient;

761 (b) indicates that the health care provider is deviating from medical norms or
762 established practices in the health care provider's recommendation for the patient's treatment;

763 (c) describes how the alternative health care service deviates from medical norms or
764 established practices;

765 (d) describes the potential risks and benefits associated with the alternative health care
766 service;

767 (e) describes the health care provider's reasonably justified rationale regarding the
768 reason for the deviation; and

769 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to

770 receive the alternative health care service which is outside medical norms and established
771 practices.

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

773 **58-4a-102. Definitions.**

774 As used in this chapter:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

793 (5) "Substance use disorder" means the same as that term is defined in Section
794 [26B-5-501](#).

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

796 **58-4a-107. Violation of a program contract -- Adjudicative proceedings --**
797 **Penalties.**

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

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

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

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

804 (2) The order to show cause described in Subsection (1) shall:

805 (a) describe the alleged misconduct;

806 (b) set a time and place for a hearing [~~before an administrative law judge~~] to determine
807 whether the licensee's program contract should be terminated; and

808 (c) contain all of the information required by a notice of agency action in Subsection
809 [63G-4-201](#)(2).

810 (3) Proceedings to terminate a program contract shall comply with [~~the rules for a~~
811 ~~formal proceeding described in~~] Title 63G, Chapter 4, Administrative Procedures Act, except
812 the notice of agency action shall be in the form of the order to show cause described in
813 Subsection (2).

814 [~~(4) In accordance with Subsection [63G-4-205](#)(1), the division shall make rules for~~
815 ~~discovery adequate to permit all parties to obtain all relevant information necessary to support~~
816 ~~their claims or defenses.~~]

817 [(5)] (4) During a proceeding to terminate a program contract, the licensee, the
818 licensee's legal representative, and the division shall have access to information contained in
819 the division's program file as permitted by law.

820 [(6)] (5) The director shall terminate the program contract and place the licensee on
821 probation [~~for a period of five years, with probationary terms matching the terms of the~~
822 ~~program contract,~~] in accordance with rules made by the division in accordance with Title 63G,
823 Chapter 3, Utah Administrative Rule Act if, during the administrative proceedings described in
824 Subsection (3), the [~~administrative law judge~~] presiding officer finds that the licensee has:

825 (a) violated the program contract;

826 (b) made an intentional material misrepresentation of fact in the program contract; or

827 (c) violated a law or rule governing the licensee's profession.

828 [(7)] (6) If, during the proceedings described in Subsection (3), the [~~administrative law~~
829 ~~judge~~] presiding officer finds that the licensee has engaged in especially egregious misconduct,
830 the director may revoke the licensee's license or take other appropriate disciplinary action.

831 [(8)] (7) A licensee who is terminated from the program may have disciplinary action

832 taken under Title 58, Chapter 1, Part 4, License Denial, for misconduct committed before,
833 during, or after the licensee's participation in the program.

834 Section 9. Section **58-40-302** is amended to read:

835 **58-40-302. Qualifications for licensure.**

836 (1) An applicant for licensure under this chapter shall:

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

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

839 (2) In addition to the requirements of Subsection (1), an applicant for licensure as a

840 master therapeutic recreation specialist under this chapter shall as defined by division rule:

841 (a) complete an approved graduate degree;

842 (b) complete 4,000 qualifying hours of paid experience as:

843 (i) a licensed therapeutic recreation specialist if completed in the state; or

844 (ii) a certified therapeutic recreation specialist certified in good standing by the

845 National Council for Therapeutic Recreation Certification if completed outside of the state; and

846 (c) pass an approved examination.

847 (3) In addition to the requirements of Subsection (1), an applicant for licensure as a

848 therapeutic recreation specialist under this chapter shall, as defined by division rule:

849 (a) (i) complete an approved:

850 [(i)] (A) bachelor's degree in therapeutic recreation or recreational therapy;

851 [(ii)] (B) bachelor's degree with an approved emphasis, option, or concentration in

852 therapeutic recreation or recreational therapy; or

853 [(iii)] (C) graduate degree;

854 [(b)] (ii) complete an approved practicum; and

855 [(c)] (iii) pass an approved examination[-]; or

856 (b) document proof of current certification in good standing as a Certified Therapeutic

857 Recreation Specialist by the National Council for Therapeutic Recreation Certification, or an

858 equivalence of that certification, as determined by division rule made in consultation with the

859 board.

860 (4) In addition to the requirements of Subsection (1), an applicant for licensure as a

861 therapeutic recreation technician under this chapter shall, as defined by division rule:

862 [~~(a) have a high school diploma or GED equivalent;~~]

- 863 ~~[(b)]~~ (a) complete an approved:
- 864 (i) educational course in therapeutic recreation taught by a licensed master therapeutic
- 865 recreation specialist; or
- 866 (ii) six semester hours or nine quarter hours in therapeutic recreation or recreational
- 867 therapy from an accredited college or university;
- 868 ~~[(c)]~~ (b) complete an approved practicum under the supervision of:
- 869 (i) a licensed master therapeutic recreation specialist; or
- 870 (ii) an on-site, full-time, employed therapeutic recreation specialist; and
- 871 ~~[(d) pass an approved examination; and]~~
- 872 ~~[(e)]~~ (c) complete a minimum of two hours of training in suicide prevention via a
- 873 course that the division designates as approved.

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

875 **58-60-102. Definitions.**

876 ~~[In addition to the definitions in Section 58-1-102, as]~~ As used in this chapter, unless a

877 different meaning is established by definition under a specific section or part:

878 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

879 (2) "Client" or "patient" means an individual who consults or is examined or

880 interviewed by an individual licensed under this chapter who is acting in the individual's

881 professional capacity.

882 (3) "Clinical supervision" means work experience conducted under the supervision of a

883 clinical supervisor, including:

884 (a) the practice of mental health therapy, direct client care, direct clinical supervision,

885 direct observation, and other duties and activities completed in the course of the day-to-day job

886 functions and work of a:

887 (i) certified social worker;

888 (ii) associate marriage and family therapist;

889 (iii) associate clinical mental health counselor; or

890 (iv) associate master addiction counselor, wherein the supervisor is available for

891 consultation with the supervisee by personal face to face contact, or direct voice contact by

892 telephone, radio, or some other means within a reasonable time consistent with the acts and

893 practices in which the supervisee is engaged:

894 (4) "Clinical supervisor" means an individual who oversees and mentors one or more
895 mental health therapists licensed under this chapter, and who:

896 (a) (i) is licensed, in good standing, as a mental health therapist;

897 (ii) is approved or certified in good standing as a supervisor by a national professional
898 organization for social work, mental health counseling, addiction counseling, marriage and
899 family therapy, psychology, medicine, or nursing, or other organization as approved by the
900 division;

901 (A) has completed eight or more hours of supervision instruction that meets minimum
902 standards established by the division in rule; or

903 (B) has completed a graduate course on clinical supervision from an accredited
904 program;

905 (iii) completes continuing education in clinical supervision, as established by the
906 division in rule; and

907 (iv) provides supervision to no more than the number of individuals to whom the
908 supervisor can reasonably provide clinical supervision by performing the duties and
909 responsibilities of a supervisor, including:

910 (A) being available to the supervisee for consultation by personal face-to-face contact,
911 or by direct voice contact by telephone, videoconference, or some other means within a
912 reasonable time frame;

913 (B) providing instruction, direction, oversight, observation, evaluation, and feedback,
914 to enable the supervisee to acquire the knowledge, skills, techniques, and abilities necessary to
915 engage in the practice of behavioral health care ethically, safely, and competently; and

916 (C) maintaining routine personal contact with the supervisee; and

917 (b) (i) is qualified and acting as a valid supervisor, in accordance with applicable law
918 and division rules, as of April 30, 2024; and

919 (ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.

920 (5) "Direct clinical supervisor" means the clinical supervisor who has signed the
921 supervision contract with the applicant for licensure.

922 ~~(2)~~ (6) "Confidential communication" means information obtained by an individual
923 licensed under this chapter, including information obtained by the individual's examination of
924 the client or patient, which is:

925 (a) (i) transmitted between the client or patient and an individual licensed under this
926 chapter in the course of that relationship; or

927 (ii) transmitted among the client or patient, an individual licensed under this chapter,
928 and individuals who are participating in the diagnosis or treatment under the direction of an
929 individual licensed under this chapter, including members of the client's or patient's family; and

930 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
931 individual licensed under this chapter, and by a means not intended to be disclosed to third
932 persons other than those individuals:

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

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

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

938 (7) "Designated examiner" means the same as that term is defined in Section
939 26B-5-301.

940 ~~[(3)]~~ (8) (a) "Direct client care" means the practice of mental health therapy performed
941 as an applicant for licensure.

942 (b) "Direct client care" includes:

943 (i) the practice of mental health therapy;

944 (ii) the utilization of patient-reported progress and outcomes to inform care; and

945 (iii) direct observation.

946 (9) (a) "Direct clinical supervision" means an applicant for licensure and the applicant's
947 direct clinical supervisor meeting in real time and in accordance with the applicant for
948 licensure's supervision contract as defined by division rule.

949 (b) "Direct clinical supervision" includes group supervision.

950 (10) "Direct observation" means observation of an applicant for licensure's live or
951 recorded direct client care:

952 (a) (i) by the applicant for licensure's clinical supervisor; or

953 (ii) a licensee under Subsection (4)(a) who the applicant for licensure's direct clinical
954 supervisor approves; and

955 (b) after which the applicant for licensure and the observer under Subsection (8)(a)

956 meet, in-person or electronically, to discuss the direct client care for the purpose of developing
957 the applicant for licensure's clinical knowledge and skill.

958 (11) "FBI Rap Back System" means the same as that term is defined in Section
959 53-10-108.

960 (12) "Group supervision" means an applicant for licensure meeting with the applicant's
961 direct clinical supervisor and at least one of the direct clinical supervisor's other supervised
962 applicants for licensure:

963 (a) while the clinical supervisor and the applicants:

964 (i) can see and openly communicate with each other; and

965 (ii) are present in the same room or via electronic video; and

966 (b) for the purpose of developing the applicants' clinical knowledge and skill.

967 (13) "Hypnosis" means, when referring to individuals exempted from licensure under
968 this chapter, a process by which an individual induces or assists another individual into a
969 hypnotic state without the use of drugs or other substances and for the purpose of increasing
970 motivation or to assist the individual to alter lifestyles or habits.

971 ~~[(4)]~~ (14) "Individual" means a natural person.

972 ~~[(5)]~~ (15) "Mental health therapist" means an individual who is practicing within the
973 scope of practice defined in the individual's respective licensing act and is licensed under this
974 title as:

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

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

979 (c) an advanced practice registered nurse intern, specializing in psychiatric mental
980 health nursing;

981 (d) a psychologist qualified to engage in the practice of mental health therapy;

982 (e) a certified psychology resident qualifying to engage in the practice of mental health
983 therapy;

984 (f) a physician assistant specializing in mental health care under Section 58-70a-501.1;

985 (g) a clinical social worker;

986 (h) a certified social worker;

- 987 (i) a marriage and family therapist;
- 988 (j) an associate marriage and family therapist;
- 989 (k) a clinical mental health counselor; ~~[or]~~
- 990 (l) an associate clinical mental health counselor~~[-]~~;
- 991 (m) a master addiction counselor; or
- 992 (n) an associate master addiction counselor.

993 ~~[(6)]~~ (16) "Mental illness" means a mental or emotional condition defined in an
 994 approved diagnostic and statistical manual for mental disorders generally recognized in the
 995 professions of mental health therapy listed under Subsection ~~[(5)]~~ (13).

996 ~~[(7)]~~ (17) "Practice of mental health therapy" means treatment or prevention of mental
 997 illness, whether in person or remotely, including:

998 (a) conducting a professional evaluation of an individual's condition of mental health,
 999 mental illness, or emotional disorder consistent with standards generally recognized in the
 1000 professions of mental health therapy listed under Subsection ~~[(5)]~~ (13);

1001 (b) establishing a diagnosis in accordance with established written standards generally
 1002 recognized in the professions of mental health therapy listed under Subsection ~~[(5)]~~ (13);

1003 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
 1004 emotional disorder; and

1005 (d) engaging in the conduct of professional intervention, including psychotherapy by
 1006 the application of established methods and procedures generally recognized in the professions
 1007 of mental health therapy listed under Subsection ~~[(5)]~~ (13).

1008 ~~[(8)]~~ (18) "Remotely" means communicating via Internet, telephone, or other electronic
 1009 means that facilitate real-time audio or visual interaction between individuals when they are not
 1010 physically present in the same room at the same time.

1011 ~~[(9)]~~ (19) "Unlawful conduct" is as defined in Sections [58-1-501](#) and [58-60-109](#).

1012 ~~[(10)]~~ (20) "Unprofessional conduct" is as defined in Sections [58-1-501](#) and
 1013 [58-60-110](#), and may be further defined by division rule.

1014 Section 11. Section **58-60-102.5** is enacted to read:

1015 **58-60-102.5. Behavioral Health Board -- Advisory committees.**

1016 (1) There is created the Behavioral Health Board consisting of:

1017 (a) no less than six behavioral health care providers licensed in Utah to practice as a:

- 1018 (i) clinical social worker;
- 1019 (ii) marriage and family therapist;
- 1020 (iii) clinical mental health counselor;
- 1021 (iv) master addiction counselor;
- 1022 (v) psychologist under Chapter 61, Psychologist Licensing Act; or
- 1023 (vi) behavior analyst or specialist;
- 1024 (b) no less than two other behavioral health care providers licensed in Utah to practice

1025 as:

- 1026 (i) a certified social worker;
- 1027 (ii) a social service worker;
- 1028 (iii) an associate marriage and family therapist;
- 1029 (iv) an associate clinical mental health counselor;
- 1030 (v) an associate master addiction counselor;
- 1031 (vi) an advanced substance use disorder counselor;
- 1032 (vii) a substance use disorder counselor;
- 1033 (viii) a certified psychology resident; or
- 1034 (ix) an assistant behavior analyst or specialist;
- 1035 (c) no less than four public members:
 - 1036 (i) who comprise no less than 1/3 of the total membership of the board;
 - 1037 (ii) who are not licensed to practice under:
 - 1038 (A) this chapter; or
 - 1039 (B) Chapter 61, Psychologist Licensing Act; and
 - 1040 (iii) two of whom shall, at the time of appointment to the board, hold a leadership
- 1041 position with:
 - 1042 (A) a behavioral health consumer advocacy organization;
 - 1043 (B) a behavioral health employer;
 - 1044 (C) a behavioral health payor;
 - 1045 (D) an academic institution conducting research related to the behavioral health
 - 1046 licenses under Subsection (3)(b), including public health, epidemiology, economics, and the
 - 1047 health care workforce;
 - 1048 (E) a training institution providing education credentials required for a license under

- 1049 Subsection (3)(b);
- 1050 (F) a licensed health care facility as defined in Section [26B-2-201](#); or
- 1051 (G) a licensed human services program as defined in Section [26B-2-101](#);
- 1052 (d) one of whom the executive director of the Department of Health and Human
- 1053 Services appoints; and
- 1054 (e) one of whom is licensed in Utah to practice as a:
- 1055 (i) physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
- 1056 Osteopathic Medical Practice Act;
- 1057 (ii) physician assistant under Chapter 70a, Utah Physician Assistant Act; or
- 1058 (iii) nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure
- 1059 Compact - Revised.
- 1060 (2) Board members shall be appointed, serve terms, and be compensated in accordance
- 1061 with Section [58-1-201](#).
- 1062 (3) The board shall:
- 1063 (a) operate in accordance with Section [58-1-202](#), unless otherwise provided in this
- 1064 section;
- 1065 (b) oversee licenses under:
- 1066 (i) this chapter; and
- 1067 (ii) Chapter 61, Pyschologist Licensing Act;
- 1068 (c) recommend to the appropriate legislative committee statutory changes to:
- 1069 (i) ensure that regulation supports an adequate workforce to meet consumer demand for
- 1070 behavioral health services; and
- 1071 (ii) prevent harm to the health, safety, and financial welfare of the public;
- 1072 (d) recommend to the appropriate legislative committee statutory changes to remove
- 1073 regulations that are no longer necessary or effective in protecting the public and enhancing
- 1074 commerce; and
- 1075 (e) disqualify any member from acting as a presiding officer in any administrative
- 1076 procedure in which that member has previously reviewed the complaint or advised the division.
- 1077 (4) (a) There are created the following advisory committees to the board:
- 1078 (i) the Qualifications and Professional Development Advisory Committee;
- 1079 (ii) the Background and Investigations Advisory Committee; and

- 1080 (iii) the Probation and Compliance Advisory Committee.
- 1081 (b) Each advisory committee shall consist of:
- 1082 (i) a committee chair who is a member of the Behavioral Health Board;
- 1083 (ii) a member of each profession regulated under this chapter;
- 1084 (iii) Chapter 61, Psychologist Licensing Act; and
- 1085 (iv) as determined by the division in rule, additional members from the professions
- 1086 licensed under this chapter or Chapter 61, Psychologist Licensing Act.
- 1087 (c) In addition to the requirements of Subsection (4)(b):
- 1088 (i) the Qualifications and Professional Development Advisory Committee shall also
- 1089 consist of an educator for each profession regulated under this chapter and Chapter 61,
- 1090 Psychologist Licensing Act; and
- 1091 (ii) the Background and Investigations Advisory Committee shall also consist of a
- 1092 criminal justice professional.
- 1093 (d) The Qualifications and Professional Development Advisory Committee shall:
- 1094 (i) advise the division regarding qualifications for licensure, including passing scores
- 1095 for applicant examinations and standards of supervision for students or persons in training to
- 1096 become licensed;
- 1097 (ii) recommend evidence-based ongoing professional development requirements for
- 1098 licensure that:
- 1099 (A) ensure an adequate workforce to meet consumer demand; and
- 1100 (B) prevent harm to the health, safety, and financial welfare of the public;
- 1101 (iii) advise the division on the licensing, renewal, reinstatement, and relicensure of:
- 1102 (A) internationally trained applicants;
- 1103 (B) applicants applying via licensure by endorsement; and
- 1104 (C) applicants applying using an alternate pathway to licensure including a non-exam
- 1105 or equivalent field degree path;
- 1106 (iv) draw on additional profession-specific advisors as needed;
- 1107 (v) make policy recommendations to the board regarding qualifications for licensure or
- 1108 renewal for a specific profession, including the committee chair assigning at least one
- 1109 committee member licensed under that profession to serve as a subject matter expert; and
- 1110 (vi) make recommendations to the board related to an individual applicant for a

1111 specific license, including the committee chair assigning at least one committee member
1112 licensed under the same profession as the applicant to serve as a subject matter expert.

1113 (e) The Background and Investigations Advisory Committee shall:

1114 (i) advise the division on establishing criteria for licensure for those with a criminal
1115 conviction according to Section [58-1-401](#);

1116 (ii) advise the division on establishing criteria for referral to the Utah Professionals
1117 Health Program under Chapter 4a, Utah Professionals Health Program.

1118 (iii) screen applicants with a criminal history for licensing, renewal, reinstatement, and
1119 relicensure and recommending licensing, renewal, reinstatement, and relicensure actions to the
1120 division;

1121 (iv) advise the division on investigative practices and procedures and administrative
1122 sanctions for consistency and fairness across relevant occupations;

1123 (v) make recommendations to the board for sanctions against individual licensees and
1124 certificate holders and referral to the Utah Professionals Health Program under Chapter 4a,
1125 Utah Professionals Health Program;

1126 (vi) draw on additional profession-specific advisors as needed; and

1127 (vii) make recommendations to the board related to the disposition for any specific
1128 applicant or licensee, including the committee chair assigning at least one committee member
1129 licensed under the same profession as the applicant or licensee to serve as a subject matter
1130 expert.

1131 (f) The Probation and Compliance Advisory Committee shall:

1132 (i) review compliance with probationary orders;

1133 (ii) review early termination and make any recommendations as requested by the
1134 board;

1135 (iii) advise the board regarding the screening of applicants previously sanctioned for
1136 licensing, renewal, reinstatement, and relicensure, including recommending licensing, renewal,
1137 reinstatement, and relicensure actions to the board;

1138 (iv) establish procedures for monitoring sanctioned licensees or certificate holders;

1139 (v) draw on additional profession-specific advisors as needed; and

1140 (vi) make recommendations to the board related to the disposition for any specific
1141 licensee or certification holder, including the committee chair assigning a committee member

1142 licensed under the same profession as the licensee or certification holder to serve as a
1143 subject-matter expert related to that disposition.

1144 (5) The division, in consultation with the board, may establish one or more standing or
1145 ad hoc subcommittees to consider and advise the board regarding any aspect of licensing,
1146 including:

1147 (a) client or patient access to qualified licensees;

1148 (b) education, examination, and supervision of applicants for licensure;

1149 (c) verification of applicant for licensure qualifications;

1150 (d) continuing education requirements;

1151 (e) alternate pathways to licensure; and

1152 (f) probation and recovery assistance.

1153 (6) The division may consult with licensed psychologists on matters specific to the
1154 oversight of doctoral-level licensed psychologists.

1155 (7) Members of the board and any subcommittees created under this section may not
1156 receive compensation or benefits for the member's service, but may receive per diem and travel
1157 expenses in accordance with:

1158 (a) Section [63A-3-106](#);

1159 (b) Section [63A-3-107](#); and

1160 (c) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

1161 (8) The division shall consult with the Physicians Licensing Board created in Section
1162 [58-67-201](#) on any matters relating to:

1163 (a) the licensing of individual certified prescribing psychologists and provisional
1164 prescribing psychologists; and

1165 (b) rulemaking related to the occupation of prescribing psychology.

1166 Section 12. Section **58-60-103.1** is amended to read:

1167 **58-60-103.1. Criminal background check.**

1168 (1) An applicant for licensure under this chapter who requires a criminal background
1169 check shall:

1170 (a) submit fingerprint cards in a form acceptable to the division at the time the license
1171 application is filed; and

1172 (b) consent to a fingerprint background check conducted by the Bureau of Criminal

1173 Identification and the Federal Bureau of Investigation, including the use of the Rap Back
1174 System, regarding the application and the applicant's future status as a license holder.

1175 (2) The division shall:

1176 (a) in addition to other fees authorized by this chapter, collect from each applicant
1177 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
1178 Identification is authorized to collect for the services provided under Section 53-10-108 and the
1179 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
1180 obtaining federal criminal history record information;

1181 (b) submit from each applicant the fingerprint card and the fees described in
1182 Subsection (2)(a) to the Bureau of Criminal Identification; and

1183 (c) obtain and retain in division records a signed waiver approved by the Bureau of
1184 Criminal Identification in accordance with Section 53-10-108 for each applicant.

1185 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
1186 Section 53-10-108:

1187 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state
1188 and regional criminal records databases;

1189 (b) forward the fingerprints to the Federal Bureau of Investigation for a national
1190 criminal history background check; and

1191 (c) provide the results from the state, regional, and nationwide criminal history
1192 background checks to the division.

1193 (4) For purposes of conducting a criminal background check required under this
1194 section, the division shall have direct access to criminal background information maintained
1195 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

1196 (5) The division may not:

1197 (a) disseminate outside of the division any criminal history record information that the
1198 division obtains from the Bureau of Criminal Identification or the Federal Bureau of
1199 Investigation under the criminal background check requirements of this section; or

1200 (b) issue a letter of qualification to participate in the Counseling Compact under
1201 Chapter 60a, Counseling Compact, until the criminal background check described in this
1202 section is completed.

1203 Section 13. Section **58-60-106** is amended to read:

1204 **58-60-106. Status of licenses held on the effective date of this chapter --**
1205 **Grandfather provisions.**

1206 (1) An individual holding a valid Utah license as a clinical social worker, certified
1207 social worker, social service worker, or marriage and family therapist under any licensing or
1208 practice acts in this title in effect immediately prior to July 1, 1994, is on and after July 1, 1994,
1209 considered to hold a current license under this chapter in the comparable classification as a
1210 clinical social worker, certified social worker, social service worker, or marriage and family
1211 therapist.

1212 (2) (a) An individual who, prior to May 1, 2024, began accruing supervised hours
1213 toward licensure or certification under supervision hours that change, may continue to qualify
1214 for licensure under the unchanged supervised hour requirements until January 1, 2027.

1215 (b) An individual who is acting as a supervisor, or working toward qualification to act
1216 as a supervisor, under qualification requirements that change, may continue to qualify to act as
1217 a supervisor under the unchanged qualification requirements until January 1, 2027.

1218 Section 14. Section **58-60-109** is amended to read:

1219 **58-60-109. Unlawful conduct.**

1220 As used in this chapter, "unlawful conduct" includes:

1221 (1) practice of the following unless licensed in the appropriate classification or
1222 exempted from licensure under this title:

1223 (a) mental health therapy;

1224 (b) clinical social work;

1225 (c) certified social work;

1226 (d) marriage and family therapy;

1227 (e) clinical mental health ~~[counselor]~~ counseling;

1228 (f) ~~[practice as a social service worker; or]~~ social service work;

1229 (g) master addiction counseling;

1230 ~~[(g)]~~ (h) substance use disorder [counselor] counseling;

1231 (i) advanced substance use disorder counseling; or

1232 (j) behavioral health coach work;

1233 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
1234 documented to the division the licensed psychologist's completion of the supervised training in

- 1235 mental health therapy required under Subsection [58-61-304](#)(1)(e); or
- 1236 (3) representing oneself as, or using the title of, the following:
- 1237 (a) unless currently licensed in a license classification under this title:
- 1238 (i) psychiatrist;
- 1239 (ii) psychologist;
- 1240 (iii) registered psychiatric mental health nurse specialist;
- 1241 (iv) mental health therapist;
- 1242 (v) clinical social worker;
- 1243 (vi) master addiction counselor;
- 1244 [~~(vi)~~] (vii) certified social worker;
- 1245 [~~(vii)~~] (viii) marriage and family therapist;
- 1246 [~~(viii)~~] (ix) clinical mental health counselor;
- 1247 [~~(ix)~~] (x) social service worker;
- 1248 [~~(x)~~] (xi) substance use disorder counselor;
- 1249 [~~(xi)~~] (xii) associate clinical mental health counselor; [~~or~~]
- 1250 [~~(xii)~~] (xiii) associate marriage and family therapist;
- 1251 (xiv) associate master addiction counselor;
- 1252 (xv) behavioral health coach; or
- 1253 (xvi) behavioral health technician; or
- 1254 (b) unless currently in possession of the credentials described in Subsection (4), social
1255 worker.
- 1256 (4) An individual may represent oneself as a, or use the title of, social worker if the
1257 individual possesses certified transcripts from an accredited institution of higher education,
1258 recognized by the division in collaboration with the [~~Social Work Licensing Board~~] board,
1259 verifying satisfactory completion of an education and an earned degree as follows:
- 1260 (a) a bachelor's or master's degree in a social work program accredited by the Council
1261 on Social Work Education or by the Canadian Association of Schools of Social Work; or
- 1262 (b) a doctoral degree that contains a clinical social work concentration and practicum
1263 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
1264 Administrative Rulemaking Act, that is consistent with Section [58-1-203](#).
- 1265 Section 15. Section **58-60-110** is amended to read:

1266 **58-60-110. Unprofessional conduct.**

1267 (1) As used in this chapter, "unprofessional conduct" includes:

1268 (a) using or employing the services of any individual to assist a licensee in any manner
1269 not in accordance with the generally recognized practices, standards, or ethics of the profession
1270 for which the individual is licensed, or the laws of the state;

1271 (b) failure to confine practice conduct to those acts or practices:

1272 (i) in which the individual is competent by education, training, and experience within
1273 limits of education, training, and experience; and

1274 (ii) which are within applicable scope of practice laws of this chapter;

1275 (c) disclosing or refusing to disclose any confidential communication under Section
1276 58-60-114 or 58-60-509; ~~and~~

1277 (d) a pattern of failing to offer a patient the opportunity to waive the patient's privacy
1278 rights under the Standards for Privacy of Individually Identifiable Health Information, 45
1279 C.F.R., Parts 160 and 164[-];

1280 (e) a pattern of failing to provide to patients in a mental health therapy setting:

1281 (i) information regarding the license holder, including the name under which the
1282 license holder is licensed, the type of license held, the license number, and the license holder's
1283 contact information;

1284 (ii) if the individual's license requires the license holder to be supervised by another
1285 licensed provider, information regarding the supervisor, including the name under which the
1286 supervisor is licensed, the type of license held, the license number, and the supervisor's contact
1287 information;

1288 (iii) information regarding standards of appropriate care and ethical boundaries,
1289 including a plain language statement that in a professional relationship with a mental health
1290 practitioner, a dual relationship between a client and a provider, or one that is romantic,
1291 financially motivated, sexual, or otherwise risks impacting the provider's judgment or the
1292 quality of the services provided, is never appropriate and should be reported to the Division of
1293 Professional Licensing;

1294 (iv) unless the individual is under an order of temporary commitment or involuntary
1295 commitment, information regarding the client's rights, including that the client has the right to
1296 seek a second opinion, to ask for additional information, and to terminate treatment at any

1297 time; or

1298 (v) the contact information for the Division of Professional Licensing, including how
1299 to file a complaint; or

1300 (f) a pattern of failing to provide to patients, upon request, in a mental health setting:

1301 (i) information about the license holder's qualifications and experience, including a
1302 listing of any degrees, credentials, certifications, registrations, and licenses held or completed
1303 by the license holder, the name of the granting school or institution, and the continuing
1304 education that the licensee is required to complete in order to retain the license;

1305 (ii) information regarding standards of appropriate care and ethical boundaries,
1306 including a copy of the statutory and administrative rule definitions of unprofessional conduct,
1307 or a copy of the generally recognized professional or ethical standards;

1308 (iii) for any course of treatment, the method of treatment recommended, the reasoning
1309 supporting the method of treatment, the techniques used, the expected duration of the
1310 treatment, if known, and the fee structure; or

1311 (iv) information regarding the individuals who have or have had access to confidential
1312 data related to the care of the patient, including evaluations, assessments, diagnoses, prevention
1313 or treatment plans, reports, progress notes, discharge summaries, treatment or documentation of
1314 treatment, including video recording, live stream, or in-person observations of psychotherapy
1315 or other treatment methods.

1316 (2) "Unprofessional conduct" under this chapter may be further defined by division
1317 rule.

1318 (3) Notwithstanding Section 58-1-401, the division may not act upon the license of a
1319 licensee for unprofessional conduct under Subsection (1)(d).

1320 Section 16. Section 58-60-202 is amended to read:

1321 **58-60-202. Definitions.**

1322 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:

1323 [~~(1) "Board" means the Social Worker Licensing Board created in Section 58-60-203;~~]

1324 [(2)] (1) (a) "Practice as a social service worker" means performance of general entry
1325 level services under general supervision of a mental health therapist through the application of
1326 social work theory, methods, and ethics in order to enhance the social or psychosocial
1327 functioning of an individual, a couple, a family, a group, or a community, including:

- 1328 (i) conducting:
- 1329 (A) a non-clinical psychosocial assessment; or
- 1330 (B) a home study;
- 1331 (ii) collaborative planning and goal setting[;], including drafting initial treatment plans,
- 1332 if:
- 1333 (A) the treatment plan is for a client with mild to moderate behavioral health symptoms
- 1334 or disorders, as assessed or diagnosed by a mental health therapist;
- 1335 (B) before treatment begins, the mental health therapist has reviewed and approved the
- 1336 treatment plan, and the client has been given an opportunity to consult with the mental health
- 1337 therapist; and
- 1338 (C) the social service worker is authorized in writing by a licensed health facility, as
- 1339 defined in Section 26B-2-201, or a licensed human service program, as defined in Section
- 1340 26B-2-101;
- 1341 (iii) ongoing case management;
- 1342 (iv) progress monitoring, including drafting treatment plan reviews and updates, if the
- 1343 requirements of Subsections (1)(a)(ii)(A) through (C) have been met;
- 1344 (v) supportive counseling and psychosocial education, including:
- 1345 (A) providing individual and group support and psychosocial education related to
- 1346 behavioral health literacy, wellness education and promotion, goal setting, life skills, and
- 1347 coping skills;
- 1348 (B) providing evidence-based, manualized therapeutic interventions according to a
- 1349 treatment plan approved by a mental health therapist, while under the supervision of a mental
- 1350 health therapist, in the treatment of mild to moderate behavioral health symptoms or disorders,
- 1351 as assessed or diagnosed by the mental health therapist; and
- 1352 (C) co-facilitating group therapy with a mental health therapist;
- 1353 (vi) information gathering;
- 1354 (vii) making referrals, including crisis referrals; [and]
- 1355 (viii) engaging in advocacy[;];
- 1356 (ix) care navigation; and
- 1357 (x) the supervision and training of social work students of an accredited institution who
- 1358 are seeking bachelor's degrees in social work, if the social service worker has two years of

1359 post-licensure work experience.

1360 (b) Except for the acts described in Subsection (1)(a)(v)(B), "Practice as a social
1361 service worker" does not include:

1362 (i) diagnosing or treating mental illness; or

1363 (ii) providing psychotherapeutic services to an individual, couple, family, group, or
1364 community.

1365 [~~3~~] (2) "Practice of clinical social work" includes:

1366 (a) the practice of mental health therapy by observation, description, evaluation,
1367 interpretation, intervention, and treatment to effect modification of behavior by the application
1368 of generally recognized professional social work principles, methods, and procedures for the
1369 purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the
1370 symptoms of any of these, or maladaptive behavior;

1371 (b) the application of generally recognized psychotherapeutic and social work
1372 principles and practices requiring the education, training, and clinical experience of a clinical
1373 social worker; and

1374 (c) supervision of the practice of a certified social worker or social service worker as
1375 the supervision is required under this chapter and as further defined by division rule.

1376 [~~4~~] (3) "Practice of certified social work" includes:

1377 (a) the supervised practice of mental health therapy by a clinical social worker by
1378 observation, description, evaluation, interpretation, intervention, and treatment to effect
1379 modification of behavior by the application of generally recognized professional social work
1380 principles, methods, and procedures for the purpose of preventing, treating, or eliminating
1381 mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive
1382 behavior;

1383 (b) the supervised or independent and unsupervised application of generally recognized
1384 professional social work principles and practices requiring the education, training, and
1385 experience of a certified social worker; and

1386 (c) supervision of the practice of a social service worker as the supervision is required
1387 under this chapter and as further defined by division rule.

1388 [~~5~~] (4) "Program accredited by the Council on Social Work Education" means a
1389 program that:

1390 (a) was accredited by the Council on Social Work Education on the day on which the
1391 applicant for licensure satisfactorily completed the program; or

1392 (b) was in candidacy for accreditation by the Council on Social Work Education on the
1393 day on which the applicant for licensure satisfactorily completed the program.

1394 ~~[(6)]~~ (5) "Supervision of a social service worker" means supervision conducted by an
1395 individual licensed as a mental health therapist under this title in accordance with division rules
1396 made in collaboration with the board.

1397 *The following section is affected by a coordination clause at the end of this bill.*

1398 Section 17. Section **58-60-205** is amended to read:

1399 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
1400 **certified social worker, and social service worker.**

1401 (1) An applicant for licensure as a clinical social worker shall:

1402 (a) submit an application on a form provided by the division;

1403 (b) pay a fee determined by the department under Section [63J-1-504](#);

1404 (c) produce certified transcripts from an accredited institution of higher education
1405 recognized by the division in collaboration with the board verifying satisfactory completion of
1406 an education and an earned degree as follows:

1407 (i) a master's degree in a social work program accredited by the Council on Social
1408 Work Education or by the Canadian Association of Schools of Social Work; or

1409 (ii) a doctoral degree that contains a clinical social work concentration and practicum
1410 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
1411 Administrative Rulemaking Act, that is consistent with Section [58-1-203](#);

1412 ~~[(d) have completed a minimum of 3,000 hours of clinical social work training as
1413 defined by division rule under Section [58-1-203](#);~~

1414 ~~[(i) under the supervision of a supervisor approved by the division in collaboration
1415 with the board who is a:]~~

1416 ~~[(A) clinical mental health counselor;]~~

1417 ~~[(B) psychiatrist;]~~

1418 ~~[(C) psychologist;]~~

1419 ~~[(D) registered psychiatric mental health nurse practitioner;]~~

1420 ~~[(E) marriage and family therapist; or]~~

1421 ~~[(F) clinical social worker; and]~~
1422 ~~[(ii) including a minimum of two hours of training in suicide prevention via a course~~
1423 ~~that the division designates as approved;]~~
1424 (d) if required under federal law for any licensee as a clinical social worker to qualify
1425 as an eligible professional under CMS rules for Medicare payment, document completion of:
1426 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued
1427 under Subsection (1)(e); or
1428 (ii) not less than two years of clinical supervision;
1429 (e) document successful completion of not less than 1,200 direct client care hours:
1430 (i) obtained after completion of the education requirements under Subsection (1)(c);
1431 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical
1432 supervision hours under the supervision of a clinical supervisor;
1433 (iii) not less than 25 of which are direct observation hours; and
1434 (iv) not more than 25 of which are group supervision hours accrued concurrently with
1435 more than one other applicant for licensure;
1436 ~~[(e) document successful completion of not less than 1,000 hours of supervised~~
1437 ~~training in mental health therapy obtained after completion of the education requirement in~~
1438 ~~Subsection (1)(c), which training may be included as part of the 3,000 hours of training in~~
1439 ~~Subsection (1)(d), and of which documented evidence demonstrates not less than 75 of the~~
1440 ~~hours were obtained under the direct supervision, as defined by rule, of a supervisor described~~
1441 ~~in Subsection (1)(d)(i);]~~
1442 (f) document successful completion of not less than two hours of training in suicide
1443 prevention, obtained after completion of the education requirements under Subsection (1)(c)
1444 via a course that the division designates as approved;
1445 ~~[(f)]~~ (g) have completed a case work, group work, or family treatment course sequence
1446 with a clinical practicum in content as defined by rule under Section 58-1-203;
1447 ~~[(g)]~~ (h) (i) pass the examination requirement established by rule under Section
1448 58-1-203; [and] or
1449 (ii) satisfy the following requirements:
1450 (A) document at least one examination attempt that did not result in a passing score;
1451 (B) document successful completion of not less than 500 additional direct client care

1452 hours, at least 25 of which are direct clinical supervision hours, and at least five of which are
1453 direct observation hours;

1454 (C) submit to the division a recommendation letter from the applicant's direct clinical
1455 supervisor; and

1456 (D) submit to the division a recommendation letter from another licensed mental health
1457 therapist who has directly observed the applicant's direct client care hours and who is not the
1458 applicant's direct clinical supervisor; and

1459 ~~[(h)]~~ (i) ~~[if the applicant is applying to participate in the Counseling Compact under~~
1460 ~~Chapter 60a, Counseling Compact,]~~ consent to a criminal background check in accordance
1461 with Section 58-60-103.1 and any requirements established by division rule made in
1462 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1463 (2) An applicant for licensure as a certified social worker shall:

1464 (a) submit an application on a form provided by the division;

1465 (b) pay a fee determined by the department under Section 63J-1-504; and

1466 (c) produce certified transcripts from an accredited institution of higher education
1467 recognized by the division in collaboration with the board verifying satisfactory completion of
1468 an education and an earned degree as follows:

1469 (i) a master's degree in a social work program accredited by the Council on Social
1470 Work Education or by the Canadian Association of Schools of Social Work; or

1471 (ii) a doctoral degree that contains a clinical social work concentration and practicum
1472 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
1473 Administrative Rulemaking Act, that is consistent with Section 58-1-203[-]; and

1474 (d) shall consent to a criminal background check in accordance with Section
1475 58-60-103.1 and any requirements established by division rule made in accordance with Title
1476 63G, Chapter 3, Utah Administrative Rulemaking Act.

1477 (3) An applicant for licensure as a social service worker shall:

1478 (a) submit an application on a form provided by the division;

1479 (b) pay a fee determined by the department under Section 63J-1-504; and

1480 (c) produce certified transcripts from an accredited institution of higher education
1481 recognized by the division in collaboration with the board verifying satisfactory completion of
1482 an education and an earned degree as follows:

1483 (i) a bachelor's degree in a social work program accredited by the Council on Social
1484 Work Education or by the Canadian Association of Schools of Social Work;

1485 (ii) a master's degree in a field approved by the division in collaboration with the
1486 board;

1487 (iii) a bachelor's degree in any field if the applicant:

1488 (A) has completed at least three semester hours, or the equivalent, in each of the
1489 following areas:

1490 (I) social welfare policy;

1491 (II) human growth and development; and

1492 (III) social work practice methods, as defined by rule; and

1493 (B) provides documentation that the applicant has completed at least 2,000 hours of
1494 qualifying experience under the supervision of a mental health therapist, which experience is
1495 approved by the division in collaboration with the board, and which is performed after
1496 completion of the requirements to obtain the bachelor's degree required under this Subsection
1497 ~~[(4)]~~ (3); or

1498 (iv) successful completion of the first academic year of a Council on Social Work
1499 Education approved master's of social work curriculum and practicum.

1500 (4) The division shall ensure that the rules for an examination described under
1501 Subsection ~~[(1)(g)]~~ (1)(h)(i) allow additional time to complete the examination if requested by
1502 an applicant who is:

1503 (a) a foreign born legal resident of the United States for whom English is a second
1504 language; or

1505 (b) an enrolled member of a federally recognized Native American tribe.

1506 Section 18. Section **58-60-207** is amended to read:

1507 **58-60-207. Scope of practice -- Limitations.**

1508 (1) ~~[(a)]~~ A clinical social worker may engage in all acts and practices defined as the
1509 practice of clinical social work without supervision, in private and independent practice, or as
1510 an employee of another person, limited only by the licensee's education, training, and
1511 competence.

1512 ~~[(b) A clinical social worker may not supervise more than six individuals who are~~
1513 ~~lawfully engaged in training for the practice of mental health therapy, unless granted an~~

1514 ~~exception in writing from the division in collaboration with the board.]~~

1515 (2) To the extent an individual is professionally prepared by the education and training
1516 track completed while earning a master's or doctor of social work degree, a licensed certified
1517 social worker may engage in all acts and practices defined as the practice of certified social
1518 work consistent with the licensee's education, clinical training, experience, and competence:

1519 (a) under supervision of an individual described in Subsection [~~58-60-205(1)(d)(i)~~]
1520 58-60-205(2)(d)(ii) and as an employee of another person when engaged in the practice of
1521 mental health therapy;

1522 (b) without supervision and in private and independent practice or as an employee of
1523 another person, if not engaged in the practice of mental health therapy;

1524 (c) including engaging in the private, independent, unsupervised practice of social
1525 work as a self-employed individual, in partnership with other mental health therapists, as a
1526 professional corporation, or in any other capacity or business entity, so long as he does not
1527 practice unsupervised psychotherapy; and

1528 (d) supervising social service workers as provided by division rule.

1529 Section 19. Section **58-60-302** is amended to read:

1530 **58-60-302. Definitions.**

1531 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:

1532 (1) "Assess" means the use of diagnostic procedures, tests, and interview techniques
1533 generally accepted as standard in mental health therapy to diagnose any condition related to
1534 mental, emotional, behavioral, and social disorders or dysfunctions.

1535 [~~(2) "Board" means the Marriage and Family Therapist Licensing Board created in~~
1536 ~~Section 58-60-303.]~~

1537 [~~(3)~~] (2) "Practice of marriage and family therapy" includes:

1538 (a) the process of providing professional mental health therapy including
1539 psychotherapy to individuals, couples, families, or groups;

1540 (b) utilizing established principles that recognize the interrelated nature of individual
1541 problems and dysfunctions in family members to assess, diagnose, and treat mental, emotional,
1542 and behavioral disorders;

1543 (c) individual, premarital, relationship, marital, divorce, and family therapy;

1544 (d) specialized modes of treatment for the purpose of diagnosing and treating mental,

1545 emotional, and behavioral disorders, modifying interpersonal and intrapersonal dysfunction,
1546 and promoting mental health; and

1547 (e) assessment utilized to develop, recommend, and implement appropriate plans of
1548 treatment, dispositions, and placement related to the functioning of the individual, couple,
1549 family, or group.

1550 Section 20. Section **58-60-305** is amended to read:

1551 **58-60-305. Qualifications for licensure.**

1552 (1) All applicants for licensure as marriage and family therapists shall:

1553 (a) submit an application on a form provided by the division;

1554 (b) pay a fee determined by the department under Section [63J-1-504](#);

1555 (c) produce certified transcripts evidencing completion of a masters or doctorate degree
1556 in marriage and family therapy from:

1557 (i) a program accredited by the Commission on Accreditation for Marriage and Family
1558 Therapy Education; or

1559 (ii) an accredited institution meeting criteria for approval established by rule under
1560 Section [58-1-203](#);

1561 [~~(d) have completed a minimum of 3,000 hours of marriage and family therapy training~~
1562 ~~as defined by division rule under Section [58-1-203](#);~~]

1563 [~~(i) under the supervision of a mental health therapist supervisor who meets the~~
1564 ~~requirements of Section [58-60-307](#);~~]

1565 [~~(ii) obtained after completion of the education requirement in Subsection (1)(c); and~~]

1566 (d) if required under federal law for any licensee as a marriage and family therapist to
1567 qualify as an eligible professional under CMS rules for Medicare payment, document
1568 completion of:

1569 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued
1570 under Subsection (2)(e); or

1571 (ii) not less than two years of clinical supervision;

1572 (e) document successful completion of not less than 1,200 direct client care hours:

1573 (i) obtained after completion of the education requirements under Subsection (1)(c);

1574 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical

1575 supervision hours under the supervision of a clinical supervisor obtained after completion of

1576 the education requirements under Subsection (1)(c);

1577 (iii) not less than 25 of which are direct observation hours; and

1578 (iv) not more than 25 of which are group supervision hours concurrently with more
1579 than one other applicant for licensure.

1580 ~~[(iii)] (f) [including a minimum of]~~ document successful completion of not less than
1581 two hours of training in suicide prevention obtained after completion of the education
1582 requirements under Subsection (1)(c) via a course that the division designates as approved;

1583 ~~[(e) document successful completion of not less than 1,000 hours of supervised~~
1584 ~~training in mental health therapy obtained after completion of the education requirement~~
1585 ~~described in Subsection (1)(c), which training may be included as part of the 3,000 hours of~~
1586 ~~training described in Subsection (1)(d), and of which documented evidence demonstrates not~~
1587 ~~less than 75 of the supervised hours were obtained during direct, personal supervision, as~~
1588 ~~defined by rule, by a mental health therapist supervisor qualified under Section 58-60-307;]~~

1589 ~~[(f)] (g) (i)~~ pass the examination requirement established by division rule under Section
1590 58-1-203; [and] or

1591 (ii) satisfy the following requirements:

1592 (A) document at least one examination attempt that did not result in a passing score;

1593 (B) document successful completion of not less than 500 additional direct client care
1594 hours, not less than 25 of which are direct clinical supervision hours, and not less than five of
1595 which are direct observation hours by a mental health therapist or supervisor;

1596 (C) submit to the division a recommendation letter from the applicant's direct clinical
1597 supervisor; and

1598 (D) submit to the division a recommendation letter from another licensed mental health
1599 therapist who has directly observed the applicant's direct client care hours and who is not the
1600 applicant's direct clinical supervisor; and

1601 ~~[(g)] (h) [if the applicant is applying to participate in the Counseling Compact under~~
1602 ~~Chapter 60a, Counseling Compact,]~~ consent to a criminal background check in accordance
1603 with Section 58-60-103.1 and any requirements established by division rule made in
1604 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1605 (2) ~~[(a)]~~ All applicants for licensure as an associate marriage and family therapist shall
1606 comply with the provisions of Subsections (1)(a) through (c)[-] and (h):

1607 ~~[(b) An individual's license as an associate marriage and family therapist is limited to~~
1608 ~~the period of time necessary to complete clinical training as described in Subsections (1)(d) and~~
1609 ~~(e) and extends not more than two years from the date the minimum requirement for training is~~
1610 ~~completed, unless the individual presents satisfactory evidence to the division and the~~
1611 ~~appropriate board that the individual is making reasonable progress toward passing of the~~
1612 ~~qualifying examination for that profession or is otherwise on a course reasonably expected to~~
1613 ~~lead to licensure, but the period of time under this Subsection (2)(b) may not exceed four years~~
1614 ~~past the date the minimum supervised clinical training requirement has been completed.]~~

1615 Section 21. Section **58-60-402** is amended to read:

1616 **58-60-402. Definitions.**

1617 In addition to the definitions in Sections **58-1-102** and **58-60-102**, as used in this part:

1618 ~~[(1) "Board" means the Clinical Mental Health Counselor Licensing Board created in~~
1619 ~~Section **58-60-403**.]~~

1620 ~~[(2)]~~ (1) "Practice of clinical mental health counseling" means the practice of mental
1621 health therapy by means of observation, description, evaluation, interpretation, intervention,
1622 and treatment to effect modification of human behavior by the application of generally
1623 recognized clinical mental health counseling principles, methods, and procedures for the
1624 purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction,
1625 symptoms of any of these, or maladaptive behavior.

1626 Section 22. Section **58-60-405** is amended to read:

1627 **58-60-405. Qualifications for licensure.**

1628 (1) An applicant for licensure as a clinical mental health counselor shall:

1629 (a) submit an application on a form provided by the division;

1630 (b) pay a fee determined by the department under Section **63J-1-504**;

1631 (c) produce certified transcripts evidencing completion of:

1632 (i) a master's or doctorate degree conferred to the applicant in:

1633 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor

1634 education and supervision from a program accredited by the Council for Accreditation of

1635 Counseling and Related Educational Programs; or

1636 (B) clinical mental health counseling or an equivalent field from a program affiliated

1637 with an institution that has accreditation that is recognized by the Council for Higher Education

1638 Accreditation; and

1639 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to

1640 an educational program described in Subsection (1)(c)(i);

1641 ~~[(d) have completed a minimum of 3,000 hours of clinical mental health counselor~~

1642 ~~training as defined by division rule under Section 58-1-203;]~~

1643 (d) if required under federal law for any licensee as a clinical mental health counselor

1644 to qualify as an eligible professional under CMS rules for Medicare payment, document

1645 completion of:

1646 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued

1647 under Subsection (1)(e); or

1648 (ii) not less than two years of clinical supervision;

1649 (e) document successful completion of not less than 1,200 direct client care hours:

1650 (i) obtained after completion of the education requirements under Subsection (1)(c);

1651 ~~[(i)] (ii) [under the supervision of a clinical mental health counselor, psychiatrist,~~

1652 ~~psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or~~

1653 ~~marriage and family therapist supervisor approved by the division in collaboration with the~~

1654 ~~board;]~~ subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical

1655 supervision hours under the supervision of a clinical supervisor;

1656 (iii) not less than 25 of which are direct observation hours; and

1657 (iv) not more than 25 of which are group supervision hours concurrently with more

1658 than one other applicant for licensure;

1659 ~~[(ii) obtained after completion of the education requirement in Subsection (1)(c); and]~~

1660 ~~[(iii)] (f) [including a minimum of]~~ document successful completion of not less than

1661 two hours of training in suicide prevention obtained after completion of the education

1662 requirements under Subsection (1)(c) via a course that the division designates as approved;

1663 ~~[(e) document successful completion of not less than 1,000 hours of supervised~~

1664 ~~training in mental health therapy obtained after completion of the education requirement in~~

1665 ~~Subsection (1)(c), which training may be included as part of the 3,000 hours of training in~~

1666 ~~Subsection (1)(d), and of which documented evidence demonstrates not less than 75 of the~~

1667 ~~hours were obtained under the direct supervision of a mental health therapist, as defined by~~

1668 ~~rule;]~~

1669 ~~[(f)]~~ (g) (i) pass the examination requirement established by division rule under Section
1670 58-1-203; ~~[and]~~ or

1671 (ii) satisfy the following requirements:

1672 (A) document at least one examination attempt that did not result in a passing score;

1673 (B) document successful completion of not less than 500 additional direct client care
1674 hours, not less than 25 of which are direct clinical supervision hours, and not less than five of
1675 which are direct observation hours by a clinical supervisor;

1676 (C) submit to the division a recommendation letter from the applicant's direct clinical
1677 supervisor; and

1678 (D) submit to the division a recommendation letter from another licensed mental health
1679 therapist who has directly observed the applicant's direct client care hours and who is not the
1680 applicant's direct clinical supervisor; and

1681 ~~[(g)]~~ (h) ~~[if the applicant is applying to participate in the Counseling Compact under~~
1682 ~~Chapter 60a, Counseling Compact,]~~ consent to a criminal background check in accordance
1683 with Section 58-60-103.1 and any requirements established by division rule made in
1684 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1685 (2) ~~[(a)]~~ An applicant for licensure as an associate clinical mental health counselor
1686 shall comply with the provisions of Subsections (1)(a) through (c) and (h).

1687 ~~[(b) Except as provided under Subsection (2)(c), an individual's licensure as an~~
1688 ~~associate clinical mental health counselor is limited to the period of time necessary to complete~~
1689 ~~clinical training as described in Subsections (1)(d) and (e) and extends not more than two year~~
1690 ~~from the date the minimum requirement for training is completed.]~~

1691 ~~[(c) The time period under Subsection (2)(b) may be extended to a maximum of four~~
1692 ~~years past the date the minimum supervised clinical training requirement has been completed,~~
1693 ~~if the applicant presents satisfactory evidence to the division and the appropriate board that the~~
1694 ~~individual is:]~~

1695 ~~[(i) making reasonable progress toward passing of the qualifying examination for that~~
1696 ~~profession; or]~~

1697 ~~[(ii) otherwise on a course reasonably expected to lead to licensure:]~~

1698 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement
1699 described in Subsection (1)(c) if the applicant submits documentation verifying:

1700 (a) satisfactory completion of a doctoral or master's degree from an educational
1701 program in rehabilitation counseling accredited by the Council for Accreditation of Counseling
1702 and Related Educational Programs;

1703 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit
1704 hours of coursework related to an educational program described in Subsection (1)(c)(i); and

1705 (c) that the applicant received a passing score that is valid and in good standing on:

1706 (i) the National Counselor Examination; and

1707 (ii) the National Clinical Mental Health Counseling Examination.

1708 Section 23. Section **58-60-407** is amended to read:

1709 **58-60-407. Scope of practice -- Limitations.**

1710 (1) ~~(a)~~ A licensed clinical mental health counselor may engage in all acts and
1711 practices defined as the practice of clinical mental health counseling without supervision, in
1712 private and independent practice, or as an employee of another person, limited only by the
1713 licensee's education, training, and competence.

1714 ~~[(b) A licensed clinical mental health counselor may not supervise more than six
1715 individuals who are lawfully engaged in training for the practice of mental health therapy,
1716 unless granted an exception in writing from the division in collaboration with the board.]~~

1717 (2) (a) To the extent an individual has completed the educational requirements of
1718 Subsection **58-60-305**(1)(c), a licensed associate clinical mental health counselor may engage
1719 in all acts and practices defined as the practice of clinical mental health counseling if the
1720 practice is:

1721 (i) within the scope of employment as a licensed clinical mental health counselor with
1722 a public agency or private clinic as defined by division rule; and

1723 (ii) under supervision of a qualified licensed mental health therapist as defined in
1724 Section **58-60-102**.

1725 (b) A licensed associate clinical mental health counselor may not engage in the
1726 independent practice of clinical mental health counseling.

1727 Section 24. Section **58-60-502** is amended to read:

1728 **58-60-502. Definitions.**

1729 In addition to the definitions in Sections **58-1-102** and **58-60-102**, as used in this part:

1730 ~~[(1) "Board" means the Substance Use Disorder Counselor Licensing Board created in~~

1731 Section ~~58-60-503~~.]

1732 [(2)] (1) (a) "Counseling" means a collaborative process that facilitates the client's
1733 progress toward mutually determined treatment goals and objectives.

1734 (b) "Counseling" includes:

1735 (i) methods that are sensitive to an individual client's characteristics, to the influence of
1736 significant others, and to the client's cultural and social context; and

1737 (ii) an understanding, appreciation, and ability to appropriately use the contributions of
1738 various addiction counseling models as the counseling models apply to modalities of care for
1739 individuals, groups, families, couples, and significant others.

1740 [(3)] (2) "Direct supervision" means:

1741 (a) a minimum of one hour of supervision by a supervisor of the substance use disorder
1742 counselor for every 40 hours of client care provided by the substance use disorder counselor,
1743 which supervision may include group supervision;

1744 (b) the supervision is conducted in a face-to-face manner, unless otherwise approved
1745 on a case-by-case basis by the division in collaboration with the board; and

1746 (c) a supervisor is available for consultation with the counselor at all times.

1747 [(4)] (3) "General supervision" shall be defined by division rule.

1748 [(5)] (4) "Group supervision" means more than one counselor licensed under this part
1749 meets with the supervisor at the same time.

1750 [(6)] (5) "Individual supervision" means only one counselor licensed under this part
1751 meets with the supervisor at a given time.

1752 [(7)] ~~"Practice as a certified advanced substance use disorder counselor" and "practice
1753 as a certified advanced substance use disorder counselor intern" means providing services
1754 described in Subsection (9) under the direct supervision of a mental health therapist or licensed
1755 advanced substance use disorder counselor.]~~

1756 [(8)] ~~"Practice as a certified substance use disorder counselor" and "practice as a
1757 certified substance use disorder counselor intern" means providing the services described in
1758 Subsections (10)(a) and (b) under the direct supervision of a mental health therapist or licensed
1759 advanced substance use disorder counselor.]~~

1760 [(9)] (6) "Practice as [a licensed] an advanced substance use disorder counselor"
1761 means:

- 1762 (a) providing the services described in Subsections ~~[(10)(a)]~~ (7)(a) and (b);
- 1763 (b) screening and assessing of individuals, including identifying substance use disorder
- 1764 symptoms and behaviors and co-occurring mental health issues;
- 1765 (c) treatment planning for substance use disorders, including initial planning, reviewing
- 1766 and updating treatment plans for substance use disorders, ongoing intervention, continuity of
- 1767 care, discharge planning, planning for relapse prevention, and long term recovery support;
- 1768 ~~[and]~~
- 1769 (d) supervising a ~~[certified substance use disorder counselor, certified substance use~~
- 1770 ~~disorder counselor intern, certified advanced substance use disorder counselor, certified~~
- 1771 ~~advanced substance use disorder counselor intern, or licensed]~~ substance use disorder
- 1772 counselor in accordance with Subsection 58-60-508(2)[-]; and
- 1773 (e) conducting supportive counseling and psychosocial education for substance use
- 1774 disorders and co-occurring mental health disorders, including:
- 1775 (i) providing individual and group support;
- 1776 (ii) providing individual and group psychosocial education; and
- 1777 (iii) providing manualized therapeutic interventions if:
- 1778 (A) conducted under the supervision of a mental health therapist;
- 1779 (B) for the treatment of mild to moderate behavioral health symptoms or disorders, as
- 1780 diagnosed by a mental health therapist; and
- 1781 (C) consistent with the client's treatment plan approved by a mental health therapist.
- 1782 (7) "Practice as a master addiction counselor" means the practice of mental health
- 1783 therapy by means of observation, description, evaluation, interpretation, intervention, and
- 1784 treatment to effect modification of human behavior by:
- 1785 (a) the application of generally recognized substance use disorder counseling and
- 1786 addiction counseling principles, methods, and procedures for the purpose of preventing,
- 1787 treating, or eliminating mental or emotional illness or dysfunction, symptoms of any of these,
- 1788 or maladaptive behavior; and
- 1789 (b) the supervision of advanced substance use disorder counselor or substance use
- 1790 disorder counselor.
- 1791 (8) "Practice as an associate master addiction counselor" means the same as the
- 1792 practice as a master addiction counselor, except while under the supervision of a clinical

1793 supervisor.

1794 ~~[(10)]~~ (9) (a) "Practice as a substance use disorder counselor" means providing services
1795 as an employee of a substance use disorder agency under the general supervision of a licensed
1796 mental health therapist to individuals or groups of persons, whether in person or remotely, for
1797 conditions of substance use disorders consistent with the education and training of a substance
1798 use disorder counselor required under this part, and the standards and ethics of the profession
1799 as approved by the division in collaboration with the board.

1800 (b) "Practice as a substance use disorder counselor" includes:

1801 (i) administering the screening process by which a client is determined to need
1802 substance use disorder services, which may include screening, brief intervention, and treatment
1803 referral;

1804 (ii) conducting the administrative intake procedures for admission to a program;

1805 (iii) conducting orientation of a client, including:

1806 (A) describing the general nature and goals of the program;

1807 (B) explaining rules governing client conduct and infractions that can lead to
1808 disciplinary action or discharge from the program;

1809 (C) explaining hours during which services are available in a nonresidential program;

1810 (D) treatment costs to be borne by the client, if any; and

1811 (E) describing the client's rights as a program participant;

1812 (iv) conducting assessment procedures by which a substance use disorder counselor
1813 gathers information related to an individual's strengths, weaknesses, needs, and substance use
1814 disorder symptoms for the development of the treatment plan;

1815 (v) participating in the process of treatment planning, including recommending specific
1816 interventions to support existing treatment goals and objectives developed by the substance use
1817 disorder counselor, the mental health therapist, and the client to:

1818 (A) identify and rank problems needing resolution;

1819 (B) establish agreed upon immediate and long term goals; and

1820 (C) decide on a treatment process and the resources to be utilized;

1821 (vi) monitoring compliance with treatment plan progress;

1822 (vii) providing substance use disorder counseling services to alcohol and drug use
1823 disorder clients and significant people in the client's life as part of a comprehensive treatment

1824 plan, including:

1825 (A) leading specific task-oriented groups, didactic groups, and group discussions;

1826 (B) cofacilitating group therapy with a licensed mental health therapist; and

1827 (C) engaging in one-on-one interventions and interactions coordinated by a mental

1828 health therapist;

1829 (viii) performing case management activities that bring services, agencies, resources, or

1830 people together within a planned framework of action toward the achievement of established

1831 goals, including, when appropriate, liaison activities and collateral contacts;

1832 (ix) providing substance use disorder crisis intervention services;

1833 (x) providing client education to individuals and groups concerning alcohol and other

1834 substance use disorders, including identification and description of available treatment services

1835 and resources;

1836 (xi) identifying the needs of the client that cannot be met by the substance use disorder

1837 counselor or substance use disorder agency and referring the client to appropriate services and

1838 community resources;

1839 (xii) developing and providing effective reporting and recordkeeping procedures and

1840 services, which include charting the results of the assessment and treatment plan, writing

1841 reports, progress notes, discharge summaries, and other client-related data; and

1842 (xiii) consulting with other professionals in regard to client treatment and services to

1843 assure comprehensive quality care for the client.

1844 (c) "Practice as a substance use disorder counselor" does not include:

1845 (i) the diagnosing of mental illness, including substance use disorders, as defined in

1846 Section [58-60-102](#);

1847 (ii) engaging in the practice of mental health therapy as defined in Section [58-60-102](#);

1848 or

1849 (iii) the performance of a substance use disorder diagnosis, other mental illness

1850 diagnosis, or psychological testing.

1851 ~~[(H)]~~ (10) "Program" means a substance use disorder agency that provides substance

1852 use disorder services, including recovery support services.

1853 ~~[(I2)]~~ (11) "Recovery support services" means services provided to an individual who

1854 is identified as having need of substance use disorder preventive or treatment services, either

1855 before, during, or after an episode of care that meets the level of care standards established by
1856 division rule.

1857 ~~[(13)]~~ (12) "Substance use disorder agency" means a public or private agency, health
1858 care facility, or health care practice that:

1859 (a) provides substance use disorder services, recovery support services, primary health
1860 care services, or substance use disorder preventive services; and

1861 (b) employs qualified mental health therapists in sufficient number to:

1862 (i) evaluate the condition of clients being treated by each counselor licensed under this
1863 part and employed by the substance use disorder agency; and

1864 (ii) ensure that appropriate substance use disorder services are being given.

1865 ~~[(14)]~~ (13) "Substance use disorder education program" means a formal program of
1866 substance use disorder education offered by an accredited institution of higher education that
1867 meets standards established by division rule.

1868 Section 25. Section **58-60-504** is amended to read:

1869 **58-60-504. License classification.**

1870 The division shall issue substance use disorder counselor licenses to individuals
1871 qualified under this part in the classification of:

1872 (1) master addiction counselor;

1873 (2) associate master addiction counselor;

1874 ~~[(1)]~~ (3) licensed advanced substance use disorder counselor; and

1875 ~~[(2) certified advanced substance use disorder counselor;]~~

1876 ~~[(3) certified advanced substance use disorder counselor intern;]~~

1877 (4) licensed substance use disorder counselor;

1878 ~~[(5) certified substance use disorder counselor; and]~~

1879 ~~[(6) certified substance use disorder counselor intern.]~~

1880 Section 26. Section **58-60-506** is amended to read:

1881 **58-60-506. Qualifications for licensure.**

1882 ~~[(1) An applicant for licensure under this part on and after July 1, 2012, must meet the~~
1883 ~~following qualifications:]~~

1884 ~~[(a) submit an application in a form prescribed by the division;]~~

1885 ~~[(b) pay a fee determined by the department under Section ~~63J-1-504~~;~~

1886 ~~[(c) satisfy the requirements of Subsection (2), (3), (4), (5), (6), or (7) respectively;~~
1887 ~~and]~~

1888 ~~[(d) except for licensure as a certified substance use disorder counselor intern and a~~
1889 ~~certified advanced substance use disorder counselor intern, satisfy the examination requirement~~
1890 ~~established by division rule under Section 58-1-203;]~~

1891 (1) Subject to Subsection (2), an applicant for licensure as master addiction counselor
1892 based on education, training, and experience shall:

1893 (a) submit an application on a form provided by the division;

1894 (b) pay a fee determined by the department under Section 63J-1-504;

1895 (c) document successful completion of not less than two hours of training in suicide
1896 prevention obtained after completion of the education requirements under Subsection (1)(d) via
1897 a course that the division designates as approved;

1898 (d) produce a certified transcript from an accredited institution of higher education that
1899 meets standards established by division rule under Section 58-1-203, verifying the satisfactory
1900 completion of a doctoral or masters degree in:

1901 (i) substance use disorders or addiction counseling and treatment; or

1902 (ii) (A) a counseling subject approved by the division in collaboration with the board,
1903 which may include social work, mental health counseling, marriage and family therapy,
1904 psychology, or medicine;

1905 (B) an associate's degree or higher, or 18 credit hours, in substance use disorder or
1906 addiction counseling and treatment from a regionally accredited institution of higher education;

1907 (e) if required under federal law for any licensee as a master addiction counselor to
1908 qualify as an eligible professional under CMS rules for Medicare payment, document
1909 completion of:

1910 (i) not less than 3,000 hours of clinical supervision, which includes hours accrued
1911 under Subsection (1)(g); or

1912 (ii) not less than two years of clinical supervision;

1913 (f) document successful completion of not less than 1,200 direct client care hours:

1914 (i) obtained after completion of the education requirements under Subsection

1915 (1)(d)(ii)(B);

1916 (ii) subject to Subsection (1)(f)(iii), not less than 100 of which are direct clinical

1917 supervision hours under the supervision of a clinical supervisor;
1918 (iii) not less than 25 of which are direct observation hours; and
1919 (iv) not more than 25 of which are group supervision hours concurrently with more
1920 than one other applicant for licensure;
1921 (g) if the applicant for licensure produces a transcript described in Subsection
1922 (1)(d)(ii)(B), evidence completion of an additional 200 hours of direct client care hours in
1923 substance use disorder or addiction treatment;
1924 (h) (i) pass the examination requirement established by division rule under Section
1925 58-1-203; or
1926 (ii) satisfy the following requirements:
1927 (A) document at least one examination attempt that did not result in a passing score;
1928 (B) document successful completion of not less than 500 additional direct client care
1929 hours, not less than 25 of which are direct clinical supervision hours, and not less than five of
1930 which are direct observation hours by a clinical supervisor;
1931 (C) submit to the division a recommendation letter from the applicant's direct clinical
1932 supervisor; and
1933 (D) submit to the division a recommendation letter from another licensed mental health
1934 therapist who has directly observed the applicant's direct client care hours and who is not the
1935 applicant's direct clinical supervisor;
1936 (i) consent to a criminal background check in accordance with Section 58-60-103.1 and
1937 any requirements established by division rule made in accordance with Title 63G, Chapter 3,
1938 Utah Administrative Rulemaking Act.
1939 (2) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for
1940 licensure as master addiction counselor may document current certification in good standing as:
1941 (a) a master addiction counselor by the National Certification Commission for
1942 Addiction Professionals;
1943 (b) a master addiction counselor by the National Board for Certified Counselors; or
1944 (c) an equivalent certification as under Subsections (2)(a) and (b), as determined in rule
1945 made by the division in collaboration with the board.
1946 (3) An applicant for licensure as an associate master addiction counselor shall satisfy
1947 the requirements under Subsections (1)(a) through (c) and (j)

1948 (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use
1949 disorder counselor shall:

1950 (a) submit an application on a form provided by the division;

1951 (b) pay a fee determined by the department under Section 63J-1-504; and

1952 (c) (i) produce certified transcripts verifying satisfactory completion of:

1953 (A) a bachelor's degree or higher, from a regionally accredited institution of higher
1954 learning, in substance use disorders, addiction, or related counseling subjects, including social
1955 work; mental health counseling; marriage and family counseling; or psychology; or

1956 (B) two academic years of study in a master's of addiction counseling curriculum and
1957 practicum approved by the National Addictions Studies Accreditation Commission;

1958 (ii) document completion of at least 500 hours of supervised experience while licensed
1959 as a substance use disorder counselor under this section, which the applicant may complete
1960 while completing the education requirements under Subsection (1)(c); and

1961 (iii) satisfy examination requirements established by the division in rule; and

1962 (5) The requirements of Subsection (4)(c) may be satisfied by providing official
1963 verification of current certification in good standing as:

1964 (a) a National Certified Addiction Counselor Level II (NCAC II) from the National
1965 Certification Commission for Addiction Professionals (NCC AP); or

1966 (b) an Advanced Alcohol & Drug Counselor (AADC), from the International
1967 Certification and Reciprocity Consortium.

1968 ~~[(2) In accordance with division rules, an applicant for licensure as an advanced~~
1969 ~~substance use disorder counselor shall produce:]~~

1970 ~~[(a) certified transcripts from an accredited institution of higher education that:]~~

1971 ~~[(i) meet division standards;]~~

1972 ~~[(ii) verify the satisfactory completion of a baccalaureate or graduate degree; and]~~

1973 ~~[(iii) verify the completion of prerequisite courses established by division rules;]~~

1974 ~~[(b) documentation of the applicant's completion of a substance use disorder education~~
1975 ~~program that includes:]~~

1976 ~~[(i) at least 300 hours of substance use disorder related education, of which 200 hours~~
1977 ~~may have been obtained while qualifying for a substance use disorder counselor license; and]~~

1978 ~~[(ii) a supervised practicum of at least 350 hours, of which 200 hours may have been~~

1979 obtained while qualifying for a substance use disorder counselor license; and]

1980 [~~(c)~~ documentation of the applicant's completion of at least 4,000 hours of supervised

1981 experience in substance use disorder treatment, of which 2,000 hours may have been obtained

1982 while qualifying for a substance use disorder counselor license, that:]

1983 [~~(i)~~ meets division standards; and]

1984 [~~(ii)~~ is performed within a four-year period after the applicant's completion of the

1985 substance use disorder education program described in Subsection (2)(b), unless, as determined

1986 by the division after consultation with the board, the time for performance is extended due to

1987 an extenuating circumstance:]

1988 [~~(3)~~ An applicant for licensure as a certified advanced substance use disorder counselor

1989 shall meet the requirements in Subsections (2)(a) and (b):]

1990 [~~(4)~~ (a) An applicant for licensure as a certified advanced substance use disorder

1991 counselor intern shall meet the requirements in Subsections (2)(a) and (b):]

1992 [~~(b)~~ A certified advanced substance use disorder counselor intern license expires at the

1993 earlier of:]

1994 [~~(i)~~ the licensee passing the examination required for licensure as a certified advanced

1995 substance use disorder counselor; or]

1996 [~~(ii)~~ six months after the certified advanced substance use disorder counselor intern

1997 license is issued:]

1998 [~~(5)~~] (6) In accordance with division rules, an applicant for licensure as a substance use

1999 disorder counselor shall produce:

2000 (a) certified transcripts from an accredited institution that:

2001 (i) meet division standards;

2002 (ii) verify satisfactory completion of an associate's degree or equivalent as defined by

2003 the division in rule; and

2004 (iii) verify the completion of prerequisite courses established by division rules;

2005 (b) documentation of the applicant's completion of a substance use disorder education

2006 program that includes:

2007 (i) completion of at least 200 hours of substance use disorder related education;

2008 (ii) included in the 200 hours described in Subsection [~~(5)(b)(i)~~] (6)(b)(i), a minimum

2009 of two hours of training in suicide prevention via a course that the division designates as

2010 approved; and

2011 (iii) completion of a supervised practicum of at least 200 hours; and

2012 (c) documentation of the applicant's completion of at least 2,000 hours of supervised
2013 experience in substance use disorder treatment that:

2014 (i) meets division standards; and

2015 (ii) is performed within a two-year period after the applicant's completion of the
2016 substance use disorder education program described in Subsection ~~[(5)(b)]~~ (6)(b), unless, as
2017 determined by the division after consultation with the board, the time for performance is
2018 extended due to an extenuating circumstance.

2019 ~~[(6) An applicant for licensure as a certified substance use disorder counselor shall
2020 meet the requirements of Subsections (5)(a) and (b).]~~

2021 ~~[(7) (a) An applicant for licensure as a certified substance use disorder counselor intern
2022 shall meet the requirements of Subsections (5)(a) and (b).]~~

2023 ~~[(b) A certified substance use disorder counselor intern license expires at the earlier
2024 of:]~~

2025 ~~[(i) the licensee passing the examination required for licensure as a certified substance
2026 use disorder counselor; or]~~

2027 ~~[(ii) six months after the certified substance use disorder counselor intern license is
2028 issued.]~~

2029 Section 27. Section **58-60-512** is enacted to read:

2030 **58-60-512. Scope of practice -- Limitations.**

2031 (1) An individual who is licensed as a master addiction counselor:

2032 (a) may engage in practice as a licensed master addiction counselor without
2033 supervision, in private and independent practice or as an employee of another person, limited
2034 only by the licensee's education, training, and competence; and

2035 (b) may engage in the practice of mental health therapy.

2036 (2) To the extent an individual has completed the educational requirements of Section
2037 58-60-506, a licensed associate master addiction counselor may engage in the practice of
2038 licensed master addiction counselor and licensed advanced substance use disorder counselor if
2039 the practice is:

2040 (a) within the scope of employment as a licensed master addiction counselor or a

2041 licensed advanced substance use disorder counselor with, as defined by the division in rule, a
2042 public agency or private clinic; and

2043 (b) under supervision of a qualified licensed mental health therapist as defined in
2044 Section 58-60-102.

2045 (3) A licensed associate master addiction counselor may not engage in the
2046 unsupervised practice of master addiction counseling.

2047 Section 28. Section **58-60-601** is enacted to read:

2048 **Part 6. Behavioral Health Coach and Technician Licensing Act**

2049 **58-60-601. Definitions**

2050 As used in this part:

2051 (1) "Health care facility" means the same as that term is defined in Section 26B-2-201.

2052 (2) "Human services program" means the same as that term is defined in Section
2053 26B-2-101.

2054 (3) "Practice of mental health therapy" means the same as that term is defined in
2055 Section 58-60-102.

2056 (4) "Practice as a behavioral health coach" means, subject to Subsection (5), providing
2057 services as an employee of a substance use disorder or mental health agency, and working
2058 under the general supervision of a mental health therapist and includes:

2059 (a) providing services under the definition of practice as a behavioral health technician
2060 in Subsection (6);

2061 (b) conducting administrative and care coordination activities, including:

2062 (i) providing targeted case management;

2063 (ii) providing care navigation services, including:

2064 (A) connecting individuals to behavioral health resources and social services;

2065 (B) facilitating communication with other behavioral health providers;

2066 (iii) providing referrals and crisis referrals, including:

2067 (A) engaging in warm handoffs with other behavioral health providers;

2068 (B) adhering to a standardized protocol in responding to a crisis or risk of crisis within
2069 a behavioral health facility, program, or other entity;

2070 (iv) Providing additional support to other behavioral health providers, facilities,
2071 programs, and entities, including

- 2072 (A) conducting administrative activities; and
- 2073 (B) extending non-clinical behavioral health support;
- 2074 (v) providing discharge, post-treatment referral, and non-clinical after-care services;
- 2075 (c) conducting patient assessment, monitoring, and planning activities, including:
- 2076 (i) conducting non-clinical psychosocial assessments and screenings;
- 2077 (ii) conducting collaborative planning, care planning, and goal setting;
- 2078 (iii) information gathering to inform a mental health therapist's:
- 2079 (A) diagnostic evaluations;
- 2080 (B) initial treatment plans; and
- 2081 (C) treatment plan reviews and updates;
- 2082 (iv) monitoring client progress and tracking outcomes to inform mental health
- 2083 therapists:
- 2084 (A) diagnostic evaluations; and
- 2085 (B) treatment plan reviews and updates;
- 2086 (v) assisting in drafting initial treatment plans by gathering information on a client's
- 2087 history and demographics, only:
- 2088 (A) in the treatment of clients with mild to moderate behavioral health symptoms or
- 2089 disorders, as assessed or diagnosed by a mental health therapist, and as defined by the division
- 2090 in rule;
- 2091 (B) with completion of the treatment plan by a mental health therapist after assessing
- 2092 the client before treatment begins;
- 2093 (C) at the discretion of and with prior documented authorization from a licensed health
- 2094 care facility, or from a licensed human services program;
- 2095 (vi) assisting in the information gathering process of reviewing and updating treatment
- 2096 goals, only:
- 2097 (A) in the treatment of clients with mild to moderate behavioral health symptoms or
- 2098 disorders, as assessed or diagnosed by a mental health therapist;
- 2099 (B) with completion of the treatment plan from a mental health therapist after assessing
- 2100 the client before subsequent treatment begins;
- 2101 (C) at the discretion of and with prior documented authorization from a licensed health
- 2102 facility or a licensed human service program;

- 2103 (d) conducting intervention and treatment activities, including:
- 2104 (i) providing psychosocial education groups related to behavioral health literacy,
- 2105 wellness education and promotion, goal setting, life skills, and coping skills;
- 2106 (ii) providing other interventions to enhance clients' social skills, emotional well-being,
- 2107 and overall functioning, including:
- 2108 (A) supportive consultations;
- 2109 (B) habilitation services; and
- 2110 (C) activity-based programs;
- 2111 (iii) providing evidence-based, manualized interventions, only:
- 2112 (A) under the supervision of a mental health therapist;
- 2113 (B) in the treatment of mild to moderate behavioral health symptoms or disorders, as
- 2114 assessed or diagnosed by a mental health therapist; and
- 2115 (C) according to a treatment plan reviewed and signed by a mental health therapist; and
- 2116 (iv) co-facilitating group therapy with a mental health therapist.
- 2117 (5) "Practice as a behavioral health coach" does not include engaging in the practice of
- 2118 mental health therapy.
- 2119 (6) (a) "Practice as a behavioral health technician" means working under the general
- 2120 supervision of a mental health therapist and includes:
- 2121 (i) supporting administrative and care coordination activities, including:
- 2122 (A) maintaining accurate and confidential client records, progress notes, and incident
- 2123 reports, in compliance with applicable legal and ethical standards; and
- 2124 (B) assisting in discharge, referral, and after care documentation, coordination, and
- 2125 administration;
- 2126 (ii) supporting patient non-clinical assessment, monitoring, and care planning
- 2127 activities, including:
- 2128 (A) collecting intake and non-clinical psychosocial assessment information;
- 2129 (B) gathering information to support diagnostic and treatment planning activities
- 2130 conducted by a mental health therapist; and
- 2131 (C) observing, documenting, and reporting on clients behaviors, treatment
- 2132 interventions, progress, and outcomes to a mental health therapist;
- 2133 (iii) supporting intervention and treatment activities, including:

2134 (A) supporting licensed professionals in implementing interventions designed to
2135 address behavioral health issues;

2136 (B) facilitating psychoeducational groups or activities, skills development skills or
2137 activities, or social support groups or activities to enhance clients' social skills, emotional
2138 well-being, and overall functioning;

2139 (C) providing education and support to clients and their families on behavioral health
2140 issues, treatment options, and community resources;

2141 (D) implementing behavioral management strategies including de-escalation
2142 techniques and crisis intervention as needed; and

2143 (E) implementing crisis intervention strategies in accordance with established
2144 protocols, and ensuring the safety and well-being of clients during emergencies.

2145 (b) "Practice as a behavioral health technician" does not include:

2146 (i) engaging in the practice of mental health therapy; or

2147 (ii) serving as a designated examiner.

2148 (7) Notwithstanding any other provision of this article, no behavioral health coach is
2149 authorized to practice outside of or beyond his or her area of training, experience, or
2150 competence.

2151 (8) Notwithstanding any other provision of this part, no behavioral health technician is
2152 authorized to practice outside of or beyond his or her area of training, experience, or
2153 competence.

2154 Section 29. Section **58-60-602** is enacted to read:

2155 **58-60-602. Limitation on state licensure and certification.**

2156 Nothing in this title shall be construed to prevent a person from lawfully engaging in
2157 practice as a behavioral health technician without certification.

2158 Section 30. Section **58-60-603** is enacted to read:

2159 **58-60-603. Qualification for licensure -- Ongoing development requirements.**

2160 (1) The division shall grant licensure to a person who qualifies under this chapter to
2161 practice as a behavioral health coach.

2162 (2) The division shall grant state certification to a person who qualifies under this
2163 chapter to practice as a behavioral health technician.

2164 (3) An applicant for state certification as a behavioral health technician shall:

- 2165 (a) submit an application in a form prescribed by the division;
- 2166 (b) pay a fee determined by the department under Section [63J-1-504](#); and
- 2167 (c) provide certified transcripts verifying satisfactory completion of:
- 2168 (i) a one-year academic certificate relevant to practice as a behavioral health technician
- 2169 from a regionally accredited institution of higher learning, or an equivalence of that
- 2170 certification as determined by the division in rule; or
- 2171 (ii) an associates degree or higher in a field determined by the division to be relevant to
- 2172 practice as a behavioral health technician, from a regionally accredited institution of higher
- 2173 learning, including:
- 2174 (A) human and social services;
- 2175 (B) counseling;
- 2176 (C) psychology;
- 2177 (D) social, behavioral, and health sciences; and
- 2178 (E) education and human development.
- 2179 (4) An applicant for licensure as a behavioral health coach by:
- 2180 (a) the higher education pathway shall:
- 2181 (i) submit an application in a form prescribed by the division;
- 2182 (ii) pay a fee determined by the department under Section [63J-1-504](#); and
- 2183 (iii) provide certified transcripts verifying satisfactory completion of a bachelors degree
- 2184 or higher in a field determined by the division to be relevant to practice as a behavioral health
- 2185 coach from a regionally accredited institution of higher learning, or an equivalence of that
- 2186 degree or higher, as determined by the division in rule, including:
- 2187 (A) human and social services;
- 2188 (B) counseling
- 2189 (C) psychology;
- 2190 (D) social, behavioral, and health sciences; and
- 2191 (E) education and human development; and
- 2192 (iv) provide certified transcripts verifying satisfactory completion of no less than nine
- 2193 credit hours in applied skills relevant to practice as a behavioral health coach, including:
- 2194 (A) ethical, legal, and professional issues in behavioral health;
- 2195 (B) therapeutic, counseling, or direct practice skills and methods;

- 2196 (C) clinical documentation;
2197 (D) case management; and
2198 (E) supervised internship or practicum experience;
2199 (v) provide a letter of recommendation from an individual with direct knowledge of the
2200 applicant's competency to practice as a behavioral health coach, who is qualified to evaluate the
2201 applicant's competency, including:
2202 (A) a supervisor from a current or past work experience, internship, or practicum
2203 relevant to the practice as a behavioral health coach; or
2204 (B) an instructor of an applied skills course relevant to practice as a behavioral health
2205 coach.
2206 (b) the stacked credentials and experience pathway shall:
2207 (i) submit an application in a form prescribed by the division;
2208 (ii) pay a fee determined by the department under Section [63J-1-504](#);
2209 (iii) provide certified transcripts verifying satisfactory completion of an associates
2210 degree or higher in a field determined by the division to be relevant to practice as a behavioral
2211 health coach from a regionally accredited institution of higher learning, including:
2212 (A) human and social services;
2213 (B) counseling;
2214 (C) psychology;
2215 (D) social, behavioral, and health sciences; and
2216 (E) education and human development;
2217 (iv) provide certified transcripts verifying satisfactory completion of no less than nine
2218 credit hours in applied skills relevant to practice as a behavioral health coach, including:
2219 (A) ethical, legal, and professional issues in behavioral health;
2220 (B) therapeutic, counseling, or direct practice skills and methods;
2221 (C) clinical documentation;
2222 (D) case management; and
2223 (E) supervised internship or practicum experience;
2224 (v) provide documentation of two years full-time work experience, or equivalent, in a
2225 context or role determined by the division to be relevant to practice as a behavioral health
2226 coach, including as a:

2227 (A) certified behavioral health technician;
2228 (B) certified peer support specialist;
2229 (C) certified case manager;
2230 (D) certified crisis worker; or
2231 (E) substance use disorder counselor; and
2232 (vi) provide a letter of recommendation from an individual with direct knowledge of
2233 the applicant's competency to practice as a behavioral health coach, who is qualified to evaluate
2234 the applicants competency, including:
2235 (A) a supervisor from a current or past work experience, internship, or practicum
2236 relevant to the practice as a behavioral health coach; or
2237 (B) an instructor of an applied skills course relevant to practice as a behavioral health
2238 coach.
2239 (5) (a) Subject to Subsection (5)(b), Section 58-60-104 governs the term, expiration,
2240 and renewal of licenses and certifications the division grants under this chapter.
2241 (b) At the time of renewal, an applicant for renewal shall provide satisfactory
2242 documentation that the applicant has completed any ongoing professional development
2243 requirements, as established by the division in rule made in consultation with the board.
2244 Section 31. Section **58-60-604** is enacted to read:
2245 **58-60-604. Unlawful conduct.**
2246 It is unlawful for a person who is not licensed or certified under this chapter to:
2247 (1) use the titles:
2248 (a) state certified behavioral health technician; or
2249 (b) licensed behavioral health coach; or
2250 (2) represent that the person is, in connection with the person's name or business:
2251 (a) a state certified behavioral health technician; or
2252 (b) or licensed behavioral health coach.
2253 Section 32. Section **58-61-102** is amended to read:
2254 **58-61-102. Definitions.**
2255 In addition to the definitions in Section 58-1-102, as used in this chapter:
2256 (1) "Board" means the [~~Psychologist Licensing Board created in Section 58-61-201~~]
2257 Behavioral Health Board created in Section 58-60-102.5.

2258 (2) "Client" or "patient" means an individual who consults or is examined or
2259 interviewed by a psychologist acting in his professional capacity.

2260 (3) "Confidential communication" means information, including information obtained
2261 by the psychologist's examination of the client or patient, which is:

2262 (a) (i) transmitted between the client or patient and a psychologist in the course of that
2263 relationship; or

2264 (ii) transmitted among the client or patient, the psychologist, and individuals who are
2265 participating in the diagnosis or treatment under the direction of the psychologist, including
2266 members of the client's or patient's family; and

2267 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
2268 psychologist, and by a means not intended to be disclosed to third persons other than those
2269 individuals:

2270 (i) present to further the interest of the client or patient in the consultation,
2271 examination, or interview;

2272 (ii) reasonably necessary for the transmission of the communications; or

2273 (iii) participating in the diagnosis and treatment of the client or patient under the
2274 direction of the psychologist.

2275 (4) "Hypnosis" means, regarding individuals exempted from licensure under this
2276 chapter, a process by which one individual induces or assists another individual into a hypnotic
2277 state without the use of drugs or other substances and for the purpose of increasing motivation
2278 or to assist the individual to alter lifestyles or habits.

2279 (5) "Individual" means a natural person.

2280 (6) "Mental health therapist" means an individual licensed under this title as a:

2281 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental
2282 health therapy;

2283 (b) an advanced practice registered nurse, specializing in psychiatric mental health
2284 nursing;

2285 (c) an advanced practice registered nurse intern, specializing in psychiatric mental
2286 health nursing;

2287 (d) psychologist qualified to engage in the practice of mental health therapy;

2288 (e) a certified psychology resident qualifying to engage in the practice of mental health

2289 therapy;

2290 (f) clinical social worker;

2291 (g) certified social worker;

2292 (h) marriage and family therapist;

2293 (i) an associate marriage and family therapist;

2294 (j) a clinical mental health counselor; or

2295 (k) an associate clinical mental health counselor.

2296 (7) "Mental illness" means a mental or emotional condition defined in an approved

2297 diagnostic and statistical manual for mental disorders generally recognized in the professions of

2298 mental health therapy listed under Subsection [~~(6)~~] (5).

2299 (8) "Practice of mental health therapy" means the treatment or prevention of mental

2300 illness, whether in person or remotely, including:

2301 (a) conducting a professional evaluation of an individual's condition of mental health,

2302 mental illness, or emotional disorder;

2303 (b) establishing a diagnosis in accordance with established written standards generally

2304 recognized in the professions of mental health therapy listed under Subsection [~~(6)~~] (5);

2305 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or

2306 emotional disorder; and

2307 (d) engaging in the conduct of professional intervention, including psychotherapy by

2308 the application of established methods and procedures generally recognized in the professions

2309 of mental health therapy listed under Subsection [~~(6)~~] (5).

2310 (9) (a) "Practice of psychology" includes:

2311 (i) the practice of mental health therapy by means of observation, description,

2312 evaluation, interpretation, intervention, and treatment to effect modification of human behavior

2313 by the application of generally recognized professional psychological principles, methods, and

2314 procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or

2315 dysfunction, the symptoms of any of these, or maladaptive behavior;

2316 (ii) the observation, description, evaluation, interpretation, or modification of human

2317 behavior by the application of generally recognized professional principles, methods, or

2318 procedures requiring the education, training, and clinical experience of a psychologist, for the

2319 purpose of assessing, diagnosing, preventing, or eliminating symptomatic, maladaptive, or

2320 undesired behavior and of enhancing interpersonal relationships, work and life adjustment,
2321 personal effectiveness, behavioral health, and mental health;

2322 (iii) psychological testing and the evaluation or assessment of personal characteristics
2323 such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological
2324 functioning;

2325 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy, hypnosis,
2326 and behavior analysis and therapy;

2327 (v) diagnosis and treatment of mental and emotional disorders of disability, alcoholism
2328 and substance abuse, disorders of habit or conduct, and the psychological aspects of physical
2329 illness, accident, injury, or disability; and

2330 (vi) psychoeducational evaluation, therapy, remediation, and consultation.

2331 (b) An individual practicing psychology may provide services to individuals, couples,
2332 families, groups of individuals, members of the public, and individuals or groups within
2333 organizations or institutions.

2334 (10) "Remotely" means communicating via Internet, telephone, or other electronic
2335 means that facilitate real-time audio or visual interaction between individuals when they are not
2336 physically present in the same room at the same time.

2337 (11) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-61-501.

2338 (12) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-61-502, and
2339 may be further defined by division rule.

2340 Section 33. Section 58-61-301 is amended to read:

2341 **58-61-301. Licensure required -- Certifications.**

2342 (1) (a) A license is required to engage in the practice of psychology, except as
2343 specifically provided in Section 58-1-307.

2344 (b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be
2345 certified under this chapter as a psychology resident in order to engage in a residency program
2346 of supervised clinical training necessary to meet licensing requirements as a psychologist under
2347 this chapter.

2348 (2) The division shall issue to [~~a person~~] an individual who qualifies under this
2349 chapter;

2350 (a) a license in the classification of:

2351 [~~(a)~~] (i) psychologist; [~~or~~]
2352 [~~(b)~~] (ii) certified psychology resident[-]; or
2353 (b) a certification in the classification of:
2354 (i) certified prescribing psychologist; and
2355 (ii) provisional prescribing psychologist.
2356 Section 34. Section **58-61-304** is amended to read:
2357 **58-61-304. Qualifications for licensure by examination or endorsement.**
2358 (1) An applicant for licensure as a psychologist based upon education, clinical training,
2359 and examination shall:
2360 (a) submit an application on a form provided by the division;
2361 (b) pay a fee determined by the department under Section [63J-1-504](#);
2362 (c) produce certified transcripts of credit verifying satisfactory completion of a doctoral
2363 degree in psychology that includes specific core course work established by division rule under
2364 Section [58-1-203](#), from an institution of higher education whose doctoral program, at the time
2365 the applicant received the doctoral degree, met approval criteria established by division rule
2366 made in consultation with the board;
2367 (d) have completed a minimum of 4,000 hours of psychology training as defined by
2368 division rule under Section [58-1-203](#) in not less than two years and under the supervision of a
2369 psychologist supervisor approved by the division in collaboration with the board;
2370 (e) to be qualified to engage in mental health therapy, document successful completion
2371 of not less than 1,000 hours of supervised training in mental health therapy obtained after
2372 completion of a master's level of education in psychology, which training may be included as
2373 part of the 4,000 hours of training required in Subsection (1)(d), and for which documented
2374 evidence demonstrates not less than one hour of supervision for each 40 hours of supervised
2375 training was obtained under the direct supervision of a psychologist, as defined by rule;
2376 (f) pass the examination requirement established by division rule under Section
2377 [58-1-203](#);
2378 (g) consent to a criminal background check in accordance with Section [58-61-304.1](#)
2379 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2380 Administrative Rulemaking Act; and
2381 (h) meet with the board, upon request for good cause, for the purpose of evaluating the

2382 applicant's qualifications for licensure.

2383 (2) An applicant for licensure as a psychologist by endorsement based upon licensure
2384 in another jurisdiction shall:

2385 (a) submit an application on a form provided by the division;

2386 (b) pay a fee determined by the department under Section [63J-1-504](#);

2387 (c) not have any disciplinary action pending or in effect against the applicant's
2388 psychologist license in any jurisdiction;

2389 (d) have passed the Utah Psychologist Law and Ethics Examination established by
2390 division rule;

2391 (e) provide satisfactory evidence the applicant is currently licensed in another state,
2392 district, or territory of the United States, or in any other jurisdiction approved by the division in
2393 collaboration with the board;

2394 (f) provide satisfactory evidence the applicant has actively practiced psychology in that
2395 jurisdiction for not less than 2,000 hours or one year, whichever is greater;

2396 (g) provide satisfactory evidence that:

2397 (i) the education, supervised experience, examination, and all other requirements for
2398 licensure in that jurisdiction at the time the applicant obtained licensure were substantially
2399 equivalent to the licensure requirements for a psychologist in Utah at the time the applicant
2400 obtained licensure in the other jurisdiction; or

2401 (ii) the applicant is:

2402 (A) a current holder of Board Certified Specialist status in good standing from the
2403 American Board of Professional Psychology;

2404 (B) currently credentialed as a health service provider in psychology by the National
2405 Register of Health Service Providers in Psychology; or

2406 (C) currently holds a Certificate of Professional Qualification (CPQ) granted by the
2407 Association of State and Provincial Psychology Boards;

2408 (h) consent to a criminal background check in accordance with Section [58-61-304.1](#)
2409 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2410 Administrative Rulemaking Act; and

2411 (i) meet with the board, upon request for good cause, for the purpose of evaluating the
2412 applicant's qualifications for licensure.

2413 (3) (a) An applicant for certification as a psychology resident shall comply with the
2414 provisions of Subsections (1)(a), (b), (c), (g), and (h).

2415 (b) (i) An individual's certification as a psychology resident is limited to the period of
2416 time necessary to complete clinical training as described in Subsections (1)(d) and (e) and
2417 extends not more than one year from the date the minimum requirement for training is
2418 completed, unless the individual presents satisfactory evidence to the division and the
2419 ~~[Psychologist Licensing Board]~~ board that the individual is making reasonable progress toward
2420 passing the qualifying examination or is otherwise on a course reasonably expected to lead to
2421 licensure as a psychologist.

2422 (ii) The period of time under Subsection (3)(b)(i) may not exceed two years past the
2423 date the minimum supervised clinical training requirement has been completed.

2424 (4) An applicant for certification as a certified prescribing psychologist based upon
2425 education, clinical training, and examination shall:

2426 (a) have authority to engage in the practice of psychology under Subsection [58-61-301](#);

2427 (b) pay a fee determined by the department under Section [63J-1-504](#);

2428 (c) demonstrate by official transcript, or other official evidence satisfactory to the
2429 division, that the applicant:

2430 (i) has completed a doctoral degree in psychology that includes specific core course
2431 work established by division rule under Section [58-1-203](#), from an institution of higher
2432 education whose doctoral program, at the time the applicant received the doctoral degree, met
2433 approval criteria established by division rule made in consultation with the board;

2434 (ii) has completed a master's degree in clinical psychopharmacology from an institution
2435 of higher learning whose master's program, at the time the applicant received the master's
2436 degree, included at least 60 credit hours of didactics coursework over no less than four
2437 semesters, met approval criteria established by division rule made in consultation with the
2438 board and includes the following core areas of instruction:

2439 (A) neuroscience, pharmacology, psychopharmacology, physiology, and
2440 pathophysiology;

2441 (B) appropriate and relevant physical and laboratory assessment;

2442 (C) basic sciences, including general biology, microbiology, cell and molecular
2443 biology, human anatomy, human physiology, biochemistry, and genetics, as part of or prior to

2444 enrollment in a master's degree in clinical psychopharmacology; and
2445 (D) any other areas of instruction determined necessary by the division, in
2446 collaboration with the board, as established by division rule; and
2447 (iii) has completed postdoctoral supervised training, as defined by division rule made
2448 in consultation with the board, in prescribing psychology under the direction of a licensed
2449 physician, including:
2450 (A) not less than 4,000 hours of supervised clinical training throughout a period of at
2451 least two years; and
2452 (B) for an applicant for a prescription certificate who specializes in the psychological
2453 care of children, elderly persons, or persons with comorbid psychological conditions, at least
2454 one year prescribing psychotropic medications to those populations, as certified by the
2455 applicant's supervising licensed physician;
2456 (d) have passed:
2457 (i) the Psychopharmacology Examination for Psychologists developed by the
2458 Association of State and Provincial Psychology Boards, or its successor organization; or
2459 (ii) an equivalent examination as defined by the division in rule;
2460 (e) not have any disciplinary action pending or in effect against the applicant's
2461 psychologist license or other professional license authorizing the applicant to prescribe in any
2462 jurisdiction;
2463 (f) consent to a criminal background check in accordance with Section [58-61-304.1](#)
2464 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2465 Administrative Rulemaking Act;
2466 (g) commit to maintaining professional liability insurance while acting as a certified
2467 prescribing psychologist;
2468 (h) meet with the board, upon request for good cause, for the purpose of evaluating the
2469 applicant's qualifications for licensure.
2470 (5) An applicant for certification as a certified prescribing psychologist by endorsement
2471 based upon licensure in another jurisdiction shall:
2472 (a) submit an application on a form provided by the division;
2473 (b) pay a fee determined by the department under Section [63J-1-504](#);
2474 (c) not have any disciplinary action pending or in effect against the applicant's

2475 psychologist license or other professional license authorizing the applicant to prescribe in any
2476 jurisdiction;

2477 (d) have passed the Utah Psychologist Law and Ethics Examination established by
2478 division rule;

2479 (e) provide satisfactory evidence the applicant is currently licensed as a prescribing
2480 psychologist in another state, district, or territory of the United States, or in any other
2481 jurisdiction approved by the division in collaboration with the board;

2482 (f) provide satisfactory evidence the applicant has actively practiced as a prescribing
2483 psychologist in that jurisdiction for not less than 2,000 hours or one year, whichever is greater;

2484 (g) provide satisfactory evidence that the applicant has satisfied the education,
2485 supervised experience, examination, and all other requirements for licensure as a prescribing
2486 psychologist in that jurisdiction at the time the applicant obtained licensure were substantially
2487 equivalent to the licensure requirements for a certified prescribing psychologist in Utah at the
2488 time the applicant obtained licensure in the other jurisdiction;

2489 (h) consent to a criminal background check in accordance with Section [58-61-304.1](#)
2490 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2491 Administrative Rulemaking Act;

2492 (i) commit to maintaining professional liability insurance while acting as a certified
2493 prescribing psychologist; and

2494 (j) meet with the board, upon request for good cause, for the purpose of evaluating the
2495 applicant's qualifications for licensure.

2496 (6) An applicant for certification as a provisional prescribing psychologist shall:

2497 (a) have authority to engage in the practice of psychology under Subsection [58-61-301](#);

2498 (b) pay a fee determined by the department under Section [63J-1-504](#);

2499 (c) demonstrate by official transcript, or other official evidence satisfactory to the
2500 division, that the applicant:

2501 (i) has completed a doctoral degree in psychology that includes specific core course
2502 work established by division rule under Section [58-1-203](#), from an institution of higher
2503 education whose doctoral program, at the time the applicant received the doctoral degree, met
2504 approval criteria established by division rule made in consultation with the board;

2505 (ii) has completed a master's degree in clinical psychopharmacology from an institution

2506 of higher learning whose master's program, at the time the applicant received the master's
2507 degree, met approval criteria established by division rule made in consultation with the board
2508 and includes the following core areas of instruction:

2509 (A) neuroscience, pharmacology, psychopharmacology, physiology, and
2510 pathophysiology;

2511 (B) appropriate and relevant physical and laboratory assessment;

2512 (C) basic sciences, including general biology, microbiology, cell and molecular
2513 biology, human anatomy, human physiology, biochemistry, and genetics, as part of or prior to
2514 enrollment in a master's degree in clinical psychopharmacology; and

2515 (D) any other areas of instruction determined necessary by the division, in
2516 collaboration with the board, as established by division rule; and

2517 (d) have no disciplinary action pending or in effect against the applicant's psychologist
2518 license or other professional license authorizing the applicant to prescribe in any jurisdiction;

2519 (e) consent to a criminal background check in accordance with Section [58-61-304.1](#)
2520 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2521 Administrative Rulemaking Act;

2522 (f) commit to maintaining professional liability insurance while acting as a provisional
2523 prescribing psychologist;

2524 (g) meet with the board, upon request for good cause, for the purpose of evaluating the
2525 applicant's qualifications for licensure; and

2526 (h) satisfy any further requirements, as established by the division in rule.

2527 Section 35. Section **58-61-304.1** is amended to read:

2528 **58-61-304.1. Criminal background check.**

2529 (1) An applicant for licensure under this chapter who requires a criminal background
2530 check shall:

2531 (a) submit fingerprint cards in a form acceptable to the division at the time the license
2532 application is filed; and

2533 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
2534 Identification and the Federal Bureau of Investigation, including the use of the Rap Back
2535 System, regarding the application and the applicant's future status as a license holder.

2536 (2) The division shall:

2537 (a) in addition to other fees authorized by this chapter, collect from each applicant
2538 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
2539 Identification is authorized to collect for the services provided under Section 53-10-108 and the
2540 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
2541 obtaining federal criminal history record information;

2542 (b) submit from each applicant the fingerprint card and the fees described in
2543 Subsection (2)(a) to the Bureau of Criminal Identification; and

2544 (c) obtain and retain in division records a signed waiver approved by the Bureau of
2545 Criminal Identification in accordance with Section 53-10-108 for each applicant.

2546 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
2547 Section 53-10-108:

2548 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state
2549 and regional criminal records databases;

2550 (b) forward the fingerprints to the Federal Bureau of Investigation for a national
2551 criminal history background check; and

2552 (c) provide the results from the state, regional, and nationwide criminal history
2553 background checks to the division.

2554 (4) The division may not disseminate outside of the division any criminal history
2555 record information that the division obtains from the Bureau of Criminal Identification or the
2556 Federal Bureau of Investigation under the criminal background check requirements of this
2557 section.

2558 Section 36. Section 58-61-308 is amended to read:

2559 **58-61-308. Scope of practice -- Limitations.**

2560 (1) (a) [A] Subject to Subsections (1)(b) through (e), a psychologist may engage in all
2561 acts and practices defined as the practice of psychology without supervision, in private and
2562 independent practice, or as an employee of another person, limited only by the licensee's
2563 education, training, and competence.

2564 (b) Only a certified prescribing psychologist or provisional prescribing psychologist
2565 may prescribe, administer, discontinue, and distribute without charge, psychotropic drugs
2566 recognized in or customarily used in the diagnosis, treatment, and management of individuals
2567 with psychiatric, mental, cognitive, nervous, emotional, developmental, or behavioral

2568 disorders, including:
2569 (i) laboratory tests;
2570 (ii) diagnostic examinations; and
2571 (iii) procedures that are:
2572 (A) necessary to obtain laboratory tests or diagnostic examinations;
2573 (B) relevant to the practice of psychology; and
2574 (C) in accordance with division rule made in consultation with the board.
2575 (c) (i) A certified prescribing psychologist may only prescribe psychotropic medication
2576 for a patient if the certified prescribing psychologist:
2577 (A) identifies a health care practitioner currently overseeing the patient's general
2578 medical care; and
2579 (B) establishes and maintains a collaborative relationship with that health care
2580 practitioner.
2581 (ii) When prescribing a psychotropic medication for a patient, a certified prescribing
2582 psychologist shall establish and maintain a collaborative relationship with a health care
2583 practitioner who oversees the patient's general medical care to ensure that:
2584 (A) necessary medical examinations are conducted;
2585 (B) the psychotropic medication is appropriate for the patient's medical condition; and
2586 (C) significant changes in the patient's medical or psychological conditions are
2587 discussed.
2588 (iii) A health care practitioner under Subsections (1)(c)(i) and (ii) shall be:
2589 (A) a physician licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68,
2590 Utah Osteopathic Medical Practice Act; or
2591 (B) a psychiatric mental health nurse practitioner, as defined in Section [58-1-111](#).
2592 (d) Certified prescribing psychologists and provisional prescribing psychologists may
2593 not prescribe or administer:
2594 (i) narcotics; or
2595 (ii) controlled substances.
2596 (e) The division, in consultation with the board and the Physicians Licensing Board
2597 created in Section [58-67-201](#), may make rules further defining this section's limitations relating
2598 to prescribing psychology, allowable medications, and collaborative relationship requirements.

2599 (2) An individual certified as a psychology resident may engage in all acts and
2600 practices defined as the practice of psychology only under conditions of employment as a
2601 psychology resident and under the supervision of a licensed psychologist who is an approved
2602 psychology training supervisor as defined by division rule. A certified psychology resident
2603 shall not engage in the independent practice of psychology.

2604 Section 37. Section **58-61-502** is amended to read:

2605 **58-61-502. Unprofessional conduct.**

2606 [(+)] As used in this chapter, "unprofessional conduct" includes:

2607 [(a)] (1) using or employing the services of any individual to assist a licensee in any
2608 manner not in accordance with the generally recognized practices, standards, or ethics of the
2609 profession for which the individual is licensed, or the laws of the state;

2610 [(b)] (2) failure to confine practice conduct to those acts or practices:

2611 [(i)] (a) in which the individual is competent by education, training, and experience
2612 within limits of education, training, and experience; and

2613 [(ii)] (b) which are within applicable scope of practice laws of this chapter; [and]

2614 [(c)] (3) disclosing or refusing to disclose any confidential communication under
2615 Section **58-61-602**[-];

2616 (4) a pattern of failing to provide to patients in a mental health therapy setting:

2617 (a) information regarding the license holder, including the name under which the
2618 license holder is licensed, the type of license held, the license number, and the license holder's
2619 contact information;

2620 (b) if the an individual's license requires the license holder to be supervised by another
2621 licensed provider, information regarding the supervisor, including the name under which the
2622 supervisor is licensed, the type of license held, the license number, and the supervisor's contact
2623 information;

2624 (c) information regarding standards of appropriate care and ethical boundaries,
2625 including a plain language statement that in a professional relationship with a mental health
2626 practitioner, a dual relationship between a client and a provider, or one that is romantic,
2627 financially motivated, sexual, or otherwise risks impacting the provider's judgment or the
2628 quality of the services provided, is never appropriate and should be reported to the Division of
2629 Professional Licensing;

2630 (d) unless the individual is under an order of temporary commitment or involuntary
2631 commitment, information regarding the client's rights, including that the client has the right to
2632 seek a second opinion, to ask for additional information, and to terminate treatment at any
2633 time; or

2634 (e) the contact information for the Division of Professional licensing, including how to
2635 file a complaint;

2636 (5) a pattern of failing to provide to patients, upon request:

2637 (a) information about the license holder's qualifications and experience, including a
2638 listing of any degrees, credentials, certifications, registrations, and licenses held or completed
2639 by the license holder, the name of the granting school or institution, and the continuing
2640 education that the licensee is required to complete in order to retain the license;

2641 (b) information regarding standards of appropriate care and ethical boundaries,
2642 including a copy of the statutory and administrative rule definitions of unprofessional conduct,
2643 and a copy of generally recognized professional or ethical standards;

2644 (c) for any course of treatment, the method of treatment recommended, the reasoning
2645 supporting the method of treatment, the techniques used, the expected duration of the
2646 treatment, if known, and the fee structure; or

2647 (d) information regarding the individuals who have or have had access to confidential
2648 data related to the care of the patient, including evaluations, assessments, diagnoses, prevention
2649 or treatment plans, reports, progress notes, discharge summaries, treatment or documentation of
2650 treatment including video recording, live stream, or in-person observations of psychotherapy or
2651 other treatment methods.

2652 ~~[(2)]~~ (6) "Unprofessional conduct" under this chapter may be further defined by
2653 division rule.

2654 Section 38. Section **58-61-705** is amended to read:

2655 **58-61-705. Qualifications for licensure -- By examination -- By certification.**

2656 (1) An applicant for licensure as a behavior analyst based upon education, supervised
2657 experience, and national examination shall:

2658 (a) (i) submit an application on a form provided by the division;

2659 ~~[(b)]~~ (ii) pay a fee determined by the department under Section [63J-1-504](#);

2660 ~~[(c)]~~ (iii) produce certified transcripts of credit verifying satisfactory completion of a

2661 master's or doctoral degree in applied behavior analysis from an accredited institution of higher
2662 education or an equivalent master or doctorate degree as determined by the division by
2663 administrative rule;

2664 ~~[(d)]~~ (iv) as defined by the division by administrative rule, have completed at least
2665 1,500 hours of experiential behavior analysis training within a five year period of time with a
2666 qualified supervisor; and

2667 ~~[(e)]~~ (v) pass the examination requirement established by division rule under Section
2668 [58-1-203](#)[~~;~~]; or

2669 (b) document proof of current certification in good standing as a Board Certified
2670 Behavior Analyst by the Behavior Analyst Certification Board, or an equivalence of that
2671 certification, as determined by division rule made in consultation with the board.

2672 ~~[(2) An applicant for licensure as a behavior analyst based upon certification shall:]~~

2673 ~~[(a) without exception, on or before November 15, 2015, submit to the division an~~
2674 ~~application on a form provided by the division;]~~

2675 ~~[(b) pay a fee determined by the department under Section [63J-1-504](#), and]~~

2676 ~~[(c) provide official verification of current certification as a board certified behavior~~
2677 ~~analyst from the Behavior Analyst Certification Board.]~~

2678 ~~[(3)]~~ (2) An applicant for licensure as an assistant behavior analyst based upon
2679 education, supervised experience, and national examination shall:

2680 (a) (i) submit an application on a form provided by the division;

2681 ~~[(b)]~~ (ii) pay a fee determined by the department under Section [63J-1-504](#);

2682 ~~[(c)]~~ (iii) produce certified transcripts of credit verifying satisfactory completion of a
2683 bachelor's degree from an accredited institution of higher education and satisfactory completion
2684 of specific core course work in behavior analysis established under Section [58-1-203](#) from an
2685 accredited institution of higher education;

2686 ~~[(d)]~~ (iv) as defined by the division by administrative rule, have completed at least
2687 1,000 hours of experiential behavior analysis training within a five-year period of time with a
2688 qualified supervisor; and

2689 ~~[(e)]~~ (v) pass the examination requirement established by division rule under Section
2690 [58-1-203](#)[~~;~~]; or

2691 (b) document proof of current certification in good standing as a Board Certified

2692 Assistant Behavior Analyst by the Behavior Analyst Certification Board, or an equivalence of
2693 that certification, as determined by division rule made in consultation with the board.

2694 [~~(4) An applicant for licensure as an assistant behavior analyst based upon certification~~
2695 ~~shall:]~~

2696 [~~(a) without exception, on or before November 15, 2015, submit to the division an~~
2697 ~~application on a form provided by the division;]~~

2698 [~~(b) pay a fee determined by the department under Section 63J-1-504, and]~~

2699 [~~(c) provide official verification of current certification as a board certified assistant~~
2700 ~~behavior analyst from the Behavior Analyst Certification Board:]~~

2701 [~~(5)~~] (3) An applicant for registration as a behavior specialist based upon professional
2702 experience in behavior analysis shall:

2703 (a) without exception, on or before November 15, 2015, submit to the division, an
2704 application on a form provided by the division;

2705 (b) pay a fee determined by the department under Section 63J-1-504;

2706 (c) have at least five years of experience as a professional engaged in the practice of
2707 behavior analysis on or before May 15, 2015; and

2708 (d) be employed as a professional engaging in the practice of behavior analysis within
2709 an organization contracted with a division of the Utah Department of Human Services to
2710 provide behavior analysis on or before July 1, 2015.

2711 [~~(6)~~] (4) An applicant for registration as an assistant behavior specialist based upon
2712 professional experience in behavior analysis shall:

2713 (a) without exception, on or before November 15, 2015, submit to the division, an
2714 application on a form provided by the division;

2715 (b) pay a fee determined by the department under Section 63J-1-504;

2716 (c) have at least one year of experience as a professional engaging in the practice of
2717 behavior analysis prior to July 1, 2015; and

2718 (d) be employed as a professional engaging in the practice of behavior analysis within
2719 an organization contracted with a division of the Utah Department of Human Services to
2720 provide behavior analysis on or before July 1, 2015.

2721 Section 39. Section 58-84-102 is amended to read:

2722 **58-84-102. Definitions.**

2723 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

2724 (1) "Board" means the Behavioral Health Board created in Section [58-60-102.5](#).

2725 ~~[(1)]~~ (2) "Practice of music therapy" means the clinical and evidence-based use of
2726 music interventions to accomplish individualized goals within a therapeutic relationship.

2727 ~~[(2)]~~ (3) "State certification" means a designation granted by the division in
2728 collaboration with the board on behalf of the state to an individual who has met the
2729 requirements for state certification related to an occupation or profession described in this
2730 chapter.

2731 ~~[(3)]~~ (4) "State certified" means, when used in conjunction with an occupation or
2732 profession described in this chapter, a title that:

2733 (a) may be used by a person who has met the state certification requirements related to
2734 that occupation or profession described in this chapter; and

2735 (b) may not be used by a person who has not met the state certification requirements
2736 related to that occupation or profession described in this chapter.

2737 Section 40. Section **58-84-201** is amended to read:

2738 **58-84-201. Qualifications for state certification.**

2739 (1) The division shall grant state certification to a person who qualifies under this
2740 chapter to engage in the practice of music therapy as a state certified music therapist.

2741 (2) Each applicant for state certification as a state certified music therapist shall:

2742 (a) submit an application in a form prescribed by the division;

2743 (b) pay a fee determined by the department under Section [63J-1-504](#); and

2744 (c) provide satisfactory documentation that the applicant is board certified by, and in
2745 good standing with, the Certification Board for Music Therapists, or an equivalent board as
2746 determined by division rule in collaboration with the board.

2747 Section 41. **Repealer.**

2748 This bill repeals:

2749 Section [58-60-203](#), **Board.**

2750 Section [58-60-303](#), **Board -- Powers.**

2751 Section [58-60-307](#), **Supervisors of marriage and family therapists -- Qualifications.**

2752 Section [58-60-403](#), **Board.**

2753 Section [58-60-503](#), **Board.**

2754 Section **58-61-201, Board.**
2755 Section **58-78-101, Title.**
2756 Section **58-78-102, Definitions.**
2757 Section **58-78-201, Board.**
2758 Section **58-78-301, License required.**
2759 Section **58-78-302, Qualifications for licensure -- Licensure by credential.**
2760 Section **58-78-303, Term of license -- Expiration -- Renewal.**
2761 Section **58-78-304, Exemption from licensure.**
2762 Section **58-78-401, Grounds for denial of license -- Disciplinary proceedings.**
2763 Section **58-78-501, Unlawful conduct.**
2764 Section **58-78-502, Unprofessional conduct.**
2765 Section 42. **Effective date.**
2766 This bill takes effect on May 1, 2024.
2767 Section 43. **Coordinating S.B. 26 with H.B. 44**
2768 If S.B. 26, Behavioral Health Licensing Amendments, and H.B. 44, Social Work
2769 Licensure Compact, both pass and become law, the Legislature intends that on May 1, 2024,
2770 the changes to Section 58-60-205 in S.B. 26 supersede the changes to Section 58-60-205 in
2771 H.B. 44.