

1 **MENTAL HEALTH PROFESSIONAL LICENSING**

2 **AMENDMENTS**

3 2023 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Stephanie Gricius**

6 Senate Sponsor: Michael K. McKell

8 **LONG TITLE**

9 **General Description:**

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

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ amends the requirements for the provision of remote, transitional mental health
- 14 therapy and substance use disorder counseling;
- 15 ▶ allows for the provision of remote mental health therapy and substance use disorder
- 16 counseling, subject to certain conditions;
- 17 ▶ modifies requirements related to the training hours required for licensure as a:
 - 18 • clinical social worker;
 - 19 • marriage and family therapist; or
 - 20 • clinical mental health counselor; and
- 21 ▶ makes technical and conforming changes.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **58-60-107**, as last amended by Laws of Utah 2021, Chapter 313

29 **58-60-205**, as last amended by Laws of Utah 2022, Chapters 345, 466

30 [58-60-207](#), as last amended by Laws of Utah 2020, Chapter 339
31 [58-60-305](#), as last amended by Laws of Utah 2022, Chapters 345, 416 and 466
32 [58-60-405](#), as last amended by Laws of Utah 2022, Chapters 345, 416 and 466

33

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

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

36 **58-60-107. Exemptions from licensure.**

37 (1) Except as modified in Section [58-60-103](#), the exemptions from licensure in Section
38 [58-1-307](#) apply to this chapter.

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

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

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

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

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

48 (iv) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act,
49 and specializing in mental health care under Section [58-70a-501.1](#);

50 (b) a recognized member of the clergy while functioning in a ministerial capacity as
51 long as the member of the clergy does not represent that the member of the clergy is, or use the
52 title of, a license classification in Subsection [58-60-102\(5\)](#);

53 (c) an individual who is offering expert testimony in a proceeding before a court,
54 administrative hearing, deposition upon the order of a court or other body having power to
55 order the deposition, or a proceeding before a master, referee, or alternative dispute resolution
56 provider;

57 (d) an individual engaged in performing hypnosis who is not licensed under this title in

- 58 a profession which includes hypnosis in its scope of practice, and who:
- 59 (i) (A) induces a hypnotic state in a client for the purpose of increasing motivation or
60 altering lifestyles or habits, such as eating or smoking, through hypnosis;
- 61 (B) consults with a client to determine current motivation and behavior patterns;
- 62 (C) prepares the client to enter hypnotic states by explaining how hypnosis works and
63 what the client will experience;
- 64 (D) tests clients to determine degrees of suggestibility;
- 65 (E) applies hypnotic techniques based on interpretation of consultation results and
66 analysis of client's motivation and behavior patterns; and
- 67 (F) trains clients in self-hypnosis conditioning;
- 68 (ii) may not:
- 69 (A) engage in the practice of mental health therapy;
- 70 (B) use the title of a license classification in Subsection 58-60-102(5); or
- 71 (C) use hypnosis with or treat a medical, psychological, or dental condition defined in
72 generally recognized diagnostic and statistical manuals of medical, psychological, or dental
73 disorders;
- 74 (e) an individual's exemption from licensure under Subsection 58-1-307(1)(b)
75 terminates when the student's training is no longer supervised by qualified faculty or staff and
76 the activities are no longer a defined part of the degree program;
- 77 (f) an individual holding an earned doctoral degree or master's degree in social work,
78 marriage and family therapy, or clinical mental health counseling, who is employed by an
79 accredited institution of higher education and who conducts research and teaches in that
80 individual's professional field, but only if the individual does not engage in providing or
81 supervising professional services regulated under this chapter to individuals or groups
82 regardless of whether there is compensation for the services;
- 83 (g) an individual in an on-the-job training program approved by the division while
84 under the supervision of qualified persons;
- 85 (h) an individual providing general education in the subjects of alcohol, drug use, or

86 substance use disorders, including prevention;

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

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

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

96 (ii) the client relocates to Utah;

97 (iii) the client is a client of the individual immediately before the client relocates to
98 Utah;

99 (iv) the individual provides the short term transitional mental health therapy or short
100 term transitional substance use disorder counseling remotely to the client only during the ~~[45]~~
101 90 day period beginning on the day on which the client relocates to Utah;

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

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

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

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

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

111 (b) Except as otherwise provided in an interstate compact enacted under this title,

112 an individual who is licensed, in good standing, to practice mental health therapy or substance
113 use disorder counseling in a state or territory of the United States outside of Utah, and who

114 provides mental health therapy remotely or substance use disorder counseling remotely to a
115 client in Utah:

116 (i) may not prescribe a prescription drug for a client in Utah unless the individual is
117 licensed in Utah to prescribe the prescription drug;

118 (ii) shall, before providing mental health therapy remotely or substance use disorder
119 counseling remotely to a client in Utah, be aware of:

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

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

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

128 (iv) shall obtain a Utah license:

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

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

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

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

138 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
139 **certified social worker, and social service worker.**

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

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

- 142 (b) pay a fee determined by the department under Section 63J-1-504;
- 143 (c) produce certified transcripts from an accredited institution of higher education
- 144 recognized by the division in collaboration with the board verifying satisfactory completion of
- 145 an education and an earned degree as follows:
- 146 (i) a master's degree in a social work program accredited by the Council on Social
- 147 Work Education or by the Canadian Association of Schools of Social Work; or
- 148 (ii) a doctoral degree that contains a clinical social work concentration and practicum
- 149 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
- 150 Administrative Rulemaking Act, that is consistent with Section 58-1-203;
- 151 (d) have completed a minimum of 3,000 hours of clinical social work training as
- 152 defined by division rule under Section 58-1-203:
- 153 [~~(i) in not less than two years;~~]
- 154 [~~(ii)~~] (i) under the supervision of a supervisor approved by the division in collaboration
- 155 with the board who is a:
- 156 (A) clinical mental health counselor;
- 157 (B) psychiatrist;
- 158 (C) psychologist;
- 159 (D) registered psychiatric mental health nurse practitioner;
- 160 (E) marriage and family therapist; or
- 161 (F) clinical social worker; and
- 162 [~~(iii)~~] (ii) including a minimum of two hours of training in suicide prevention via a
- 163 course that the division designates as approved;
- 164 (e) document successful completion of not less than 1,000 hours of supervised training
- 165 in mental health therapy obtained after completion of the education requirement in Subsection
- 166 (1)(c), which training may be included as part of the 3,000 hours of training in Subsection
- 167 (1)(d), and of which documented evidence demonstrates not less than [~~100~~] 75 of the hours
- 168 were obtained under the direct supervision, as defined by rule, of a supervisor described in
- 169 Subsection [~~(1)(d)(ii)~~] (1)(d)(i);

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

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

173 (h) if the applicant is applying to participate in the Counseling Compact under Chapter
174 60a, Counseling Compact, consent to a criminal background check in accordance with Section
175 58-60-103.1 and any requirements established by division rule made in accordance with Title
176 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

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

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

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

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

189 (3) (a) An applicant for certification as a certified social worker intern shall meet the
190 requirements of Subsections (2)(a)[, (b), and] through (c).

191 (b) Certification under Subsection (3)(a) is limited to the time necessary to pass the
192 examination required under Subsection (2)(d) or six months, whichever occurs first.

193 (c) A certified social worker intern may provide mental health therapy under the
194 general supervision, as defined by rule, of a supervisor described in Subsection [(1)(d)(ii)]
195 (1)(d)(i).

196 (4) An applicant for licensure as a social service worker shall:

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

- 198 (b) pay a fee determined by the department under Section [63J-1-504](#);
- 199 (c) produce certified transcripts from an accredited institution of higher education
200 recognized by the division in collaboration with the board verifying satisfactory completion of
201 an education and an earned degree as follows:
- 202 (i) a bachelor's degree in a social work program accredited by the Council on Social
203 Work Education or by the Canadian Association of Schools of Social Work;
- 204 (ii) a master's degree in a field approved by the division in collaboration with the
205 board;
- 206 (iii) a bachelor's degree in any field if the applicant:
- 207 (A) has completed at least three semester hours, or the equivalent, in each of the
208 following areas:
- 209 (I) social welfare policy;
- 210 (II) human growth and development; and
- 211 (III) social work practice methods, as defined by rule; and
- 212 (B) provides documentation that the applicant has completed at least 2,000 hours of
213 qualifying experience under the supervision of a mental health therapist, which experience is
214 approved by the division in collaboration with the board, and which is performed after
215 completion of the requirements to obtain the bachelor's degree required under this Subsection
216 (4); or
- 217 (iv) successful completion of the first academic year of a Council on Social Work
218 Education approved master's of social work curriculum and practicum; and
- 219 (d) pass the examination requirement established by rule under Section [58-1-203](#).
- 220 (5) The division shall ensure that the rules for an examination described under
221 Subsections (1)(g), (2)(d), and (4)(d) allow additional time to complete the examination if
222 requested by an applicant who is:
- 223 (a) a foreign born legal resident of the United States for whom English is a second
224 language; or
- 225 (b) an enrolled member of a federally recognized Native American tribe.

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

227 **58-60-207. Scope of practice -- Limitations.**

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

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

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

239 (a) under supervision of an individual described in Subsection [~~58-60-205(1)(d)(ii)~~]
240 58-60-205(1)(d)(i) and as an employee of another person when engaged in the practice of
241 mental health therapy;

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

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

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

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

250 **58-60-305. Qualifications for licensure.**

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

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

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

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

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

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

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

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

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

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

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

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

276 (f) pass the examination requirement established by division rule under Section
277 58-1-203; and

278 (g) if the applicant is applying to participate in the Counseling Compact under Chapter
279 60a, Counseling Compact, consent to a criminal background check in accordance with Section
280 58-60-103.1 and any requirements established by division rule made in accordance with Title
281 63G, Chapter 3, Utah Administrative Rulemaking Act.

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

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

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

293 **58-60-405. Qualifications for licensure.**

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

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

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

297 (c) produce certified transcripts evidencing completion of:

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

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

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

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

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

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

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

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

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

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

323 (f) pass the examination requirement established by division rule under Section
324 [58-1-203](#); and

325 (g) if the applicant is applying to participate in the Counseling Compact under Chapter
326 60a, Counseling Compact, consent to a criminal background check in accordance with Section
327 [58-60-103.1](#) and any requirements established by division rule made in accordance with Title
328 63G, Chapter 3, Utah Administrative Rulemaking Act.

329 (2) (a) An applicant for licensure as an associate clinical mental health counselor shall
330 comply with the provisions of Subsections (1)(a)~~;~~ ~~(b), and~~ through (c).

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

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

338 individual is:

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

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

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

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

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

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

350 (i) the National Counselor Examination; and

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