

1 **MENTAL HEALTH PROFESSIONAL PRACTICE ACT**

2 **AMENDMENTS**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Edward H. Redd**

6 Senate Sponsor: Allen M. Christensen

8 **LONG TITLE**

9 **General Description:**

10 This bill amends the definition of the term "Mental Health Therapist" under the Mental
11 Health Professional Practice Act and the Psychologist Licensing Act and clarifies the
12 educational requirements of an applicant for a license as a substance use disorder
13 counselor.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ defines terms;

17 ▶ amends the definition of "Mental Health Therapist":

18 • in the Mental Health Professional Practice Act and the Psychologist Licensing
19 Act to include those working as an "advanced practice registered nurse intern,
20 specializing in psychiatric mental health nursing"; and

21 • under the Psychologist Licensing Act to make it consistent with the definition in
22 the Mental Health Professional Practice Act;

23 ▶ grants rulemaking authority to the Division of Occupational and Professional
24 Licensing to determine whether an applicant for a license as a substance use
25 disorder counselor has met educational requirements; and

26 ▶ makes technical changes.

27 **Money Appropriated in this Bill:**

28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **58-60-102**, as last amended by Laws of Utah 2012, Chapter 179

34 **58-60-506**, as last amended by Laws of Utah 2012, Chapter 179

35 **58-61-102**, as last amended by Laws of Utah 2012, Chapter 117

36

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

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

39 **58-60-102. Definitions.**

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

41 (1) "Client" or "patient" means an individual who consults or is examined or
42 interviewed by an individual licensed under this chapter who is acting in the individual's
43 professional capacity.

44 (2) "Confidential communication" means information obtained by an individual
45 licensed under this chapter, including information obtained by the individual's examination of
46 the client or patient, which is:

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

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

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

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

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

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

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

64 (4) "Individual" means a natural person.

65 (5) "Mental health therapist" means an individual who is practicing within the scope of
66 practice defined in the individual's respective licensing act and is licensed under this title as:

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

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

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

73 [~~(e)~~] (d) a psychologist qualified to engage in the practice of mental health therapy;

74 [~~(d)~~] (e) a certified psychology resident qualifying to engage in the practice of mental
75 health therapy;

76 [~~(e)~~] (f) a clinical social worker;

77 [(f)] (g) a certified social worker;

78 [(g)] (h) a marriage and family therapist;

79 [(h)] (i) an associate marriage and family therapist;

80 [(i)] (j) a clinical mental health counselor; or

81 [(j)] (k) an associate clinical mental health counselor.

82 (6) "Mental illness" means a mental or emotional condition defined in an approved
83 diagnostic and statistical manual for mental disorders generally recognized in the professions of
84 mental health therapy listed under Subsection (5).

85 (7) "Practice of mental health therapy" means treatment or prevention of mental illness,

86 including:

87 (a) conducting a professional evaluation of an individual's condition of mental health,
88 mental illness, or emotional disorder consistent with standards generally recognized in the
89 professions of mental health therapy listed under Subsection (5);

90 (b) establishing a diagnosis in accordance with established written standards generally
91 recognized in the professions of mental health therapy listed under Subsection (5);

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

94 (d) engaging in the conduct of professional intervention, including psychotherapy by
95 the application of established methods and procedures generally recognized in the professions
96 of mental health therapy listed under Subsection (5).

97 (8) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.

98 (9) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110, and
99 may be further defined by division rule.

100 Section 2. Section **58-60-506** is amended to read:

101 **58-60-506. Qualifications for licensure on and after July 1, 2012.**

102 (1) An applicant for licensure under this part on and after July 1, 2012, must meet the
103 following qualifications:

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

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

106 (c) be of good moral character;

107 (d) satisfy the requirements of Subsection (2), (3), (4), (5), (6), or (7) respectively; and

108 (e) except for licensure as a certified substance use disorder counselor intern and a
109 certified advanced substance use disorder counselor intern, satisfy the examination requirement
110 established by division rule under Section 58-1-203.

111 (2) In accordance with division rules, an applicant for licensure as an advanced
112 substance use disorder counselor shall produce:

113 (a) certified transcripts from an accredited institution of higher education that:

- 114 (i) meet division standards;
- 115 (ii) verify the satisfactory completion of a baccalaureate or graduate degree; and
- 116 (iii) verify the completion of prerequisite courses established by division rules;

117 (b) documentation of the applicant's completion of a substance use disorder education
118 program that includes:

119 (i) at least 300 hours of substance use disorder related education, of which 200 hours
120 may have been obtained while qualifying for a substance use disorder counselor license;

121 (ii) a supervised practicum of at least 350 hours, of which 200 hours may have been
122 obtained while qualifying for a substance use disorder counselor license; and

123 (c) documentation of the applicant's completion of at least 4,000 hours of supervised
124 experience in substance use disorder treatment, of which 2,000 hours may have been obtained
125 while qualifying for a substance use disorder counselor license, that:

126 (i) meets division standards; and

127 (ii) is performed within a four-year period after the applicant's completion of the
128 substance use disorder education program described in Subsection (2)(b), unless, as determined
129 by the division after consultation with the board, the time for performance is extended due to
130 an extenuating circumstance.

131 (3) An applicant for licensure as a certified advanced substance use disorder counselor
132 shall meet the requirements in Subsections (2)(a) and (b).

133 (4) (a) An applicant for licensure as a certified advanced substance use disorder
134 counselor intern shall meet the requirements in Subsections (2)(a) and (b).

135 (b) A certified advanced substance use disorder counselor intern license expires at the
136 earlier of:

137 (i) the licensee passing the examination required for licensure as a certified advanced
138 substance use disorder counselor; or

139 (ii) six months after the certified advanced substance use disorder counselor intern
140 license is issued.

141 (5) In accordance with division rules, an applicant for licensure as a substance use

142 disorder counselor shall produce:

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

144 (i) meet division standards;

145 (ii) verify satisfactory completion of an associate's degree or equivalent [~~degree~~] as

146 defined by the division in rule; and

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

148 (b) documentation of the applicant's completion of a substance use disorder education
149 program that includes:

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

151 (ii) completion of a supervised practicum of at least 200 hours; and

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

154 (i) meets division standards; and

155 (ii) is performed within a two-year period after the applicant's completion of the
156 substance use disorder education program described in Subsection (5)(b), unless, as determined
157 by the division after consultation with the board, the time for performance is extended due to
158 an extenuating circumstance.

159 (6) An applicant for licensure as a certified substance use disorder counselor shall meet
160 the requirements of Subsections (5)(a) and (b).

161 (7) (a) An applicant for licensure as a certified substance use disorder counselor intern
162 shall meet the requirements of Subsections (5)(a) and (b).

163 (b) A certified substance use disorder counselor intern license expires at the earlier of:

164 (i) the licensee passing the examination required for licensure as a certified substance
165 use disorder counselor; or

166 (ii) six months after the certified substance use disorder counselor intern license is
167 issued.

168 Section 3. Section **58-61-102** is amended to read:

169 **58-61-102. Definitions.**

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

171 (1) "Board" means the Psychologist Licensing Board created in Section 58-61-201.

172 (2) "Client" or "patient" means an individual who consults or is examined or
173 interviewed by a psychologist acting in his professional capacity.

174 (3) "Confidential communication" means information, including information obtained
175 by the psychologist's examination of the client or patient, which is:

176 (a) (i) transmitted between the client or patient and a psychologist in the course of that
177 relationship; or

178 (ii) transmitted among the client or patient, the psychologist, and individuals who are
179 participating in the diagnosis or treatment under the direction of the psychologist, including
180 members of the client's or patient's family; and

181 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
182 psychologist, and by a means not intended to be disclosed to third persons other than those
183 individuals:

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

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

187 (iii) participating in the diagnosis and treatment of the client or patient under the
188 direction of the psychologist.

189 (4) "Hypnosis" means, regarding individuals exempted from licensure under this
190 chapter, a process by which one individual induces or assists another individual into a hypnotic
191 state without the use of drugs or other substances and for the purpose of increasing motivation
192 or to assist the individual to alter lifestyles or habits.

193 (5) "Individual" means a natural person.

194 (6) "Mental health therapist" means an individual licensed under this title as a:

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

197 (b) ~~[registered psychiatric mental health nurse specialist;]~~ an advanced practice

198 registered nurse, specializing in psychiatric mental health nursing;

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

201 [~~(e)~~] (d) psychologist qualified to engage in the practice of mental health therapy;

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

204 [~~(f)~~] (f) clinical social worker;

205 [~~(g)~~] (g) certified social worker;

206 [~~(h)~~] (h) marriage and family therapist; [or]

207 (i) an associate marriage and family therapist;

208 [~~(j) professional]~~ (j) a clinical mental health counselor[-]; or

209 (k) an associate clinical mental health counselor.

210 (7) "Mental illness" means a mental or emotional condition defined in an approved
211 diagnostic and statistical manual for mental disorders generally recognized in the professions of
212 mental health therapy listed under Subsection (6).

213 (8) "Practice of mental health therapy" means the treatment or prevention of mental
214 illness, including:

215 (a) conducting a professional evaluation of an individual's condition of mental health,
216 mental illness, or emotional disorder;

217 (b) establishing a diagnosis in accordance with established written standards generally
218 recognized in the professions of mental health therapy listed under Subsection (6);

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

221 (d) engaging in the conduct of professional intervention, including psychotherapy by
222 the application of established methods and procedures generally recognized in the professions
223 of mental health therapy listed under Subsection (6).

224 (9) (a) "Practice of psychology" includes:

225 (i) the practice of mental health therapy by means of observation, description,

226 evaluation, interpretation, intervention, and treatment to effect modification of human behavior
227 by the application of generally recognized professional psychological principles, methods, and
228 procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or
229 dysfunction, the symptoms of any of these, or maladaptive behavior;

230 (ii) the observation, description, evaluation, interpretation, or modification of human
231 behavior by the application of generally recognized professional principles, methods, or
232 procedures requiring the education, training, and clinical experience of a psychologist, for the
233 purpose of assessing, diagnosing, preventing, or eliminating symptomatic, maladaptive, or
234 undesired behavior and of enhancing interpersonal relationships, work and life adjustment,
235 personal effectiveness, behavioral health, and mental health;

236 (iii) psychological testing and the evaluation or assessment of personal characteristics
237 such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological
238 functioning;

239 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy, hypnosis,
240 and behavior analysis and therapy;

241 (v) diagnosis and treatment of mental and emotional disorders of disability, alcoholism
242 and substance abuse, disorders of habit or conduct, and the psychological aspects of physical
243 illness, accident, injury, or disability; and

244 (vi) psychoeducational evaluation, therapy, remediation, and consultation.

245 (b) An individual practicing psychology may provide services to individuals, couples,
246 families, groups of individuals, members of the public, and individuals or groups within
247 organizations or institutions.

248 (10) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-61-501.

249 (11) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-61-502, and
250 may be further defined by division rule.