

1 **AMENDMENTS TO MENTAL HEALTH PRACTICES**

2 **LICENSING LAWS**

3 2012 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: R. Curt Webb**

6 Senate Sponsor: _____

7

8 LONG TITLE

9 **General Description:**

10 This bill amends the Psychologist Licensing Act.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ amends the definition of the practice of psychology to clarify that a person does not
14 have to be licensed as a psychologist to practice biofeedback.

15 **Money Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **58-61-102**, as enacted by Laws of Utah 1994, Chapter 32

22

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

23 Section 1. Section **58-61-102** is amended to read:

24 **58-61-102. Definitions.**

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

26 (1) "Board" means the Psychologist Licensing Board created in Section 58-61-201.
27



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

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

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

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

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

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

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

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

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

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

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

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

53 (b) registered psychiatric mental health nurse specialist;

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

55 (d) clinical social worker;

56 (e) certified social worker;

57 (f) marriage and family therapist; or

58 (g) professional counselor.

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

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

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

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

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

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

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

74 (i) the practice of mental health therapy by means of observation, description,
75 evaluation, interpretation, intervention, and treatment to effect modification of human behavior
76 by the application of generally recognized professional psychological principles, methods, and
77 procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or
78 dysfunction, the symptoms of any of these, or maladaptive behavior;

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

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

88 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy, hypnosis,
89 [biofeedback,] and behavior analysis and therapy;

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

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

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

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

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

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Office of Legislative Research and General Counsel