

Senator Curtis S. Bramble proposes the following substitute bill:

1 **PHYSICIAN ASSISTANT MENTAL HEALTH PRACTICE**

2 **AMENDMENTS**

3 2021 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

6 House Sponsor: James A. Dunnigan

7
8 **LONG TITLE**

9 **General Description:**

10 This bill allows a physician assistant to specialize in psychiatric mental health and
11 defines the requirements and scope of practice for this specialization.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ amends the Mental Health Professional Practice Act to allow a physician assistant
16 who specializes in psychiatric mental health to engage in the practice of mental
17 health therapy;
- 18 ▶ describes the qualifications for a physician assistant to specialize in psychiatric
19 mental health;
- 20 ▶ defines the additional scope of practice for a physician assistant specializing in
21 psychiatric mental health; and
- 22 ▶ makes technical and corresponding changes.

23 **Money Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **58-60-102**, as last amended by Laws of Utah 2013, Chapters 16 and 123

30 **58-60-103**, as last amended by Laws of Utah 2015, Chapter 258

31 **58-60-107**, as last amended by Laws of Utah 2013, Chapter 16

32 **58-70a-102**, as last amended by Laws of Utah 2017, Chapter 309

33 **58-70a-501**, as last amended by Laws of Utah 2017, Chapter 309

34 **62A-15-602**, as last amended by Laws of Utah 2019, Chapters 189 and 256

35 ENACTS:

36 **58-70a-501.1**, Utah Code Annotated 1953

37 **58-70a-501.2**, Utah Code Annotated 1953



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

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

41 **58-60-102. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

78 (f) a physician assistant specializing in psychiatric mental health under Section
79 [58-70a-501.1](#);

80 [~~f~~] (g) a clinical social worker;

81 [~~g~~] (h) a certified social worker;

82 [~~h~~] (i) a marriage and family therapist;

83 [~~i~~] (j) an associate marriage and family therapist;

84 [~~j~~] (k) a clinical mental health counselor; or

85 [~~k~~] (l) an associate clinical mental health counselor.

86 (6) "Mental illness" means a mental or emotional condition defined in an approved
87 diagnostic and statistical manual for mental disorders generally recognized in the professions of

88 mental health therapy listed under Subsection (5).

89 (7) "Practice of mental health therapy" means treatment or prevention of mental illness,
90 whether in person or remotely, including:

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

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

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

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

101 (8) "Remotely" means communicating via Internet, telephone, or other electronic
102 means that facilitate real-time audio or visual interaction between individuals when they are not
103 physically present in the same room at the same time.

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

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

107 Section 2. Section 58-60-103 is amended to read:

108 **58-60-103. Licensure required.**

109 (1) (a) An individual shall be licensed under:

110 (i) this chapter;

111 (ii) Chapter 67, Utah Medical Practice Act;

112 (iii) Chapter 68, Utah Osteopathic Medical Practice Act;

113 (iv) Chapter 31b, Nurse Practice Act;

114 (v) Chapter 61, Psychologist Licensing Act;

115 (vi) Chapter 70a, Utah Physician Assistant Act; or

116 (vii) exempted from licensure under this chapter [~~in order to~~].

117 (b) Only an individual described in Subsection (1)(a) may:

118 [~~(a)~~] (i) engage in, or represent that the individual will engage in, the practice of mental

119 health therapy, clinical social work, certified social work, marriage and family therapy, or
120 clinical mental health counseling; or

121 ~~[(b)]~~ (ii) practice as, or represent that the individual is, a mental health therapist,
122 clinical social worker, certified social worker, marriage and family therapist, clinical mental
123 health counselor, psychiatrist, psychologist, registered psychiatric mental health nurse
124 specialist, certified psychology resident, associate marriage and family therapist, or associate
125 clinical mental health counselor.

126 (2) An individual shall be licensed under this chapter or exempted from licensure under
127 this chapter in order to:

128 (a) engage in, or represent that the individual is engaged in, practice as a social service
129 worker; or

130 (b) represent that the individual is, or use the title of, a social service worker.

131 (3) An individual shall be licensed under this chapter or exempted from licensure under
132 this chapter in order to:

133 (a) engage in, or represent that the individual is engaged in, practice as a substance use
134 disorder counselor; or

135 (b) represent that the individual is, or use the title of, a substance use disorder
136 counselor.

137 (4) Notwithstanding the provisions of Subsection 58-1-307(1)(c), an individual shall be
138 certified under this chapter, or otherwise exempted from licensure under this chapter, in order
139 to engage in an internship or residency program of supervised clinical training necessary to
140 meet the requirements for licensure as:

141 (a) a marriage and family therapist under Part 3, Marriage and Family Therapist
142 Licensing Act; or

143 (b) a clinical mental health counselor under Part 4, Clinical Mental Health Counselor
144 Licensing Act.

145 Section 3. Section 58-60-107 is amended to read:

146 **58-60-107. Exemptions from licensure.**

147 (1) Except as modified in Section 58-60-103, the exemptions from licensure in Section
148 58-1-307 apply to this chapter.

149 (2) In addition to the exemptions from licensure in Section 58-1-307, the following

150 may engage in acts included within the definition of practice as a mental health therapist,
151 subject to the stated circumstances and limitations, without being licensed under this chapter:

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

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

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

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

158 (iv) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act,
159 and specializing in psychiatric mental health under Section 58-70a-501.1;

160 (b) a recognized member of the clergy while functioning in a ministerial capacity as
161 long as the member of the clergy does not represent that the member of the clergy is, or use the
162 title of, a license classification in Subsection 58-60-102(5);

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

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

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

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

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

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

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

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

178 (ii) may not:

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

180 (B) use the title of a license classification in Subsection 58-60-102(5); or

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

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

187 (f) an individual holding an earned doctoral degree or master's degree in social work,
188 marriage and family therapy, or clinical mental health counseling, who is employed by an
189 accredited institution of higher education and who conducts research and teaches in that
190 individual's professional field, but only if the individual does not engage in providing or
191 supervising professional services regulated under this chapter to individuals or groups
192 regardless of whether there is compensation for the services;

193 (g) an individual in an on-the-job training program approved by the division while
194 under the supervision of qualified persons;

195 (h) an individual providing general education in the subjects of alcohol, drug use, or
196 substance use disorders, including prevention;

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

200 (j) an individual who is licensed, in good standing, to practice mental health therapy or
201 substance use disorder counseling in a state or territory of the United States outside of Utah
202 may provide short term transitional mental health therapy remotely or short term transitional
203 substance use disorder counseling remotely to a client in Utah only if:

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

206 (ii) the client relocates to Utah;

207 (iii) the client is a client of the individual immediately before the client relocates to
208 Utah;

209 (iv) the individual provides the short term transitional mental health therapy or short
210 term transitional substance use disorder counseling remotely to the client only during the 45
211 day period beginning on the day on which the client relocates to Utah;

212 (v) within 10 days after the day on which the client relocates to Utah, the individual
213 provides written notice to the division of the individual's intent to provide short term
214 transitional mental health therapy or short term transitional substance use disorder counseling
215 remotely to the client; and

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

217 Section 4. Section **58-70a-102** is amended to read:

218 **58-70a-102. Definitions.**

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

220 (1) "Board" means the Physician Assistant Licensing Board created in Section
221 **58-70a-201**.

222 (2) (a) "Delegation of services agreement" means written criteria jointly developed by a
223 physician assistant's supervising physician and substitute supervising physicians and the
224 physician assistant, that permits a physician assistant, working under the direction or review of
225 the supervising physician, to assist in the management of common illnesses and injuries.

226 (b) The agreement defines the working relationship and delegation of duties between
227 the supervising physician and the physician assistant as specified by division rule and shall
228 include:

229 (i) the prescribing of controlled substances;

230 (ii) the degree and means of supervision;

231 (iii) the frequency and mechanism of quality review, including the mechanism for
232 review of patient data and documentation of the review, as determined by the supervising
233 physician and the physician assistant;

234 (iv) procedures addressing situations outside the scope of practice of the physician
235 assistant; and

236 (v) procedures for providing backup for the physician assistant in emergency situations.

237 (3) "Direct supervision" means the supervising physician is:

238 (a) physically present at the point of patient treatment on site where the physician
239 assistant he is supervising is practicing; and

240 (b) immediately available for consultation with the physician assistant.

241 (4) "Practice as a physician assistant" means:

242 (a) the professional activities and conduct of a physician assistant, also known as a PA,

243 in diagnosing, treating, advising, or prescribing for any human disease, ailment, injury,
244 infirmity, deformity, pain, or other condition, dependent upon and under the supervision of a
245 supervising physician or substitute supervising physician in accordance with a delegation of
246 services agreement; and

247 (b) the physician assistant acts as the agent of the supervising physician or substitute
248 supervising physician when acting in accordance with a delegation of services agreement.

249 (5) "Practice of mental health therapy" means the same as that term is defined in
250 Section 58-60-102.

251 ~~[(5)]~~ (6) "Substitute supervising physician" means an individual who meets the
252 requirements of a supervising physician under this chapter and acts as the supervising physician
253 in the absence of the supervising physician.

254 ~~[(6)]~~ (7) "Supervising physician" means an individual who:

255 (a) is currently licensed to practice under Title 58, Chapter 67, Utah Medical Practice
256 Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

257 (b) acts as the primary supervisor of a physician assistant and takes responsibility for
258 the professional practice and conduct of a physician assistant in accordance with this chapter;
259 and

260 (c) is not an employee of the physician assistant whom the individual supervises.

261 ~~[(7)]~~ (8) "Supervision" means the supervising physician is available for consultation
262 with the physician assistant, either personally or by other means permitting direct verbal
263 communication between the physician and the physician assistant.

264 ~~[(8)]~~ (9) "Unlawful conduct" ~~[is]~~ means "unlawful conduct" as defined in Sections
265 58-1-501 and 58-70a-502.

266 ~~[(9)]~~ (10) "Unprofessional conduct" ~~[is]~~ means "unprofessional conduct":

267 (a) as defined in Sections 58-1-501 and 58-70a-503; and ~~[as may be further defined by~~
268 ~~rule.]~~

269 (b) as further defined by the division by rule.

270 Section 5. Section **58-70a-501** is amended to read:

271 **58-70a-501. Scope of practice.**

272 (1) A physician assistant may provide any medical services that are not specifically
273 prohibited under this chapter or rules adopted under this chapter, and that are:

274 (a) within the physician assistant's skills and scope of competence;
275 (b) within the usual scope of practice of the physician assistant's supervising physician;
276 and

277 (c) except as provided in Section 58-70a-501.2, provided under the supervision of a
278 supervising physician and in accordance with a delegation of services agreement.

279 (2) A physician assistant, in accordance with a delegation of services agreement, may
280 prescribe or administer an appropriate controlled substance if:

281 (a) the physician assistant holds a Utah controlled substance license and a DEA
282 registration; and

283 (b) the prescription or administration of the controlled substance is within the
284 prescriptive practice of the supervising physician and also within the delegated prescribing
285 stated in the delegation of services agreement.

286 (3) A physician assistant shall, while practicing as a physician assistant, wear an
287 identification badge showing the physician assistant's license classification as a physician
288 assistant.

289 (4) A physician assistant may not:

290 (a) except as provided in Section 58-70a-501.2, independently charge or bill a patient,
291 or others on behalf of the patient, for services rendered;

292 (b) identify himself or herself to any person in connection with activities allowed under
293 this chapter other than as a physician assistant; or

294 (c) use the title "doctor" or "physician," or by any knowing act or omission lead or
295 permit anyone to believe the physician assistant is a physician.

296 Section 6. Section **58-70a-501.1** is enacted to read:

297 **58-70a-501.1. Qualifications for a physician assistant specializing in psychiatric**
298 **mental health -- Rulemaking -- Scope of practice.**

299 (1) A physician assistant specializing in psychiatric mental health under this section
300 shall:

301 (a) hold a valid license as a physician assistant under this chapter;

302 (b) obtain and maintain a Certification of Added Qualification in psychiatry issued by
303 the National Commission on Certification of Physician Assistants;

304 (c) complete:

305 (i) an accredited doctorate level academic program for physician assistants approved by
306 the division in collaboration with the board;

307 (ii) a post-graduate certificate program for physician assistants to practice within
308 psychiatric and mental health care that is approved by the division in collaboration with the
309 board; or

310 (iii) a post-graduate residency in psychiatry and additional clinical practice or
311 coursework in accordance with requirements approved by the division in collaboration with the
312 board; and

313 (d) complete the clinical practice requirement described in Subsection (4).

314 (2) The division, in collaboration with the board, may approve a program under
315 Subsections (1)(c)(i) and (ii), if the program:

316 (a) is an accredited doctoral level or post-graduate academic program;

317 (b) includes at least 1,600 hours of instruction that results in:

318 (i) a doctorate of medical science degree or equivalent; or

319 (ii) a graduate level certification in psychiatric mental health; and

320 (c) provides graduate level instruction in:

321 (i) neuroscience;

322 (ii) health care law and ethics;

323 (iii) health care delivery;

324 (iv) evidence-based medicine;

325 (v) evidence-based research;

326 (vi) psychotherapy;

327 (vii) psychiatric assessment;

328 (viii) crisis intervention;

329 (ix) a comprehensive review of mental disorders as characterized by the current
330 Diagnostic and Statistical Manual of Mental Disorders, including diagnostic criteria and
331 prevalence; and

332 (x) medical and therapeutic management of each condition across the lifespan in
333 diverse populations and in a variety of clinical settings.

334 (3) The division, in collaboration with the board, may:

335 (a) approve and accept the completion of a post-graduate residency in psychiatry under

336 Subsection (1)(c)(iii) if the residency includes clinical and academic training that is
337 substantially equivalent to the training described in Subsections (2)(b) and (c); and

338 (b) require the completion of additional coursework or clinical hours for an individual
339 who meets the training requirement under Subsection (1)(c) through a post-graduate residency
340 in psychiatry.

341 (4) (a) A physician assistant specializing in psychiatric mental health under this section
342 shall complete 4,000 hours of clinical practice in mental health.

343 (b) The clinical practice hours described in Subsection (4)(a) shall be completed after
344 the individual passes the Physician Assistant National Certifying Exam administered by the
345 National Commission on Certification of Physician Assistants.

346 (c) Up to 1,000 hours of clinical practice under Subsection (4)(a) may be credited by
347 the division for completion of an approved education program in psychiatric mental health.

348 (d) The clinical practice hours described in Subsection (4)(a) shall include:

349 (i) at least 2,000 hours of clinical practice that are completed under the supervision of:

350 (A) a psychiatrist; or

351 (B) a physician assistant specializing in psychiatric mental health; and

352 (ii) at least 1,000 hours of clinical practice in psychotherapy under the supervision of a
353 mental health therapist as defined in Section [58-60-102](#).

354 (5) The division, in collaboration with the board, may establish continuing education
355 requirements for a physician assistant specializing in psychiatric mental health under this
356 section.

357 Section 7. Section **58-70a-501.2** is enacted to read:

358 **58-70a-501.2. Scope of practice for a physician assistant specializing in psychiatric**
359 **mental health.**

360 (1) A physician assistant specializing in psychiatric mental health under Section
361 [58-70a-501.1](#) may engage in the practice of mental health therapy consistent with the physician
362 assistant's education, experience, and competency.

363 (2) A physician assistant specializing in psychiatric mental health may collaborate with
364 a physician, but is not limited to the usual scope of practice of the collaborating physician
365 unless specified under the clinical privileges granted to the physician assistant by a hospital or
366 health care facility.

367 (3) Except as provided in Subsection (7), the division may not require a physician
368 assistant specializing in psychiatric mental health to maintain a delegation of services
369 agreement or any other agreement with a specific physician or other group in order to engage in
370 the physician assistant's full scope of practice under this section.

371 (4) A physician assistant specializing in psychiatric mental health is responsible for
372 meeting the local standards of care in the provision of services, including mental health therapy
373 and psychopharmacology.

374 (5) A physician assistant specializing in psychiatric mental health may directly bill and
375 collect fees for service or reassign the collection of fees for service to another entity.

376 (6) In addition to the scope of practice described in Section [58-70a-501](#), a physician
377 assistant specializing in psychiatric mental health may:

378 (a) perform comprehensive physical and psychiatric examinations in an inpatient or
379 ambulatory setting;

380 (b) provide validated psychiatric or mental health therapeutic services in accordance
381 with the needs of the client or patient and the competency of the physician assistant;

382 (c) initiate, modify, and maintain treatment plans in accordance with the needs of the
383 patient and available resources;

384 (d) collaborate with or refer a patient to:

385 (i) more specialized care as indicated by the condition of the patient; and

386 (ii) services indicated for the safe and effective treatment of the patient;

387 (e) serve as the sole owner of a mental health facility as defined in Section
388 [62A-15-602](#);

389 (f) be credentialed or privileged as a licensed independent mental health care provider
390 by third party or direct payers and health care providers;

391 (g) if the physician assistant meets the applicable requirements under state law, qualify
392 as a designated examiner under Section [62A-15-629](#) for the purpose of certifying:

393 (i) an application for emergency involuntary commitment; or

394 (ii) an application for mental health involuntary commitment;

395 (h) independently authorize and procure any diagnostic or therapeutic procedures,
396 devices, or pharmaceutical products indicated for conditions treated by the physician assistant
397 under the physician assistant's mental health scope of practice;

398 (i) provide telemedicine, teletherapeutic, and telepsychiatric services through the use of
399 electronic communication or information technology within the clinical scope of services
400 provided by the physician assistant;

401 (j) notwithstanding Subsection 58-70a-501(2), prescribe or administer a controlled
402 substance if the physician assistant holds a Utah controlled substance license and registration
403 with the United States Drug Enforcement Administration;

404 (k) prescribe medication assisted treatment for opioid use disorder if the physician
405 assistant has obtained a valid waiver from the United State Drug Enforcement Administration;
406 and

407 (l) practice as an independently licensed mental health care provider.

408 (7) (a) Except as provided in Subsection (7)(b), a physician assistant specializing in
409 psychiatric mental health may administer a behavioral health screening instruments.

410 (b) A physician assistant specializing in psychiatric mental health may not perform a
411 psychological or neuropsychological assessment or evaluation, including:

412 (i) an intellectual assessment;

413 (ii) a forensic assessment or evaluation; and

414 (iii) administration of a psychological or neuropsychological test or instrument that
415 requires qualification level B or qualification level C under the Standards for Educational and
416 Psychological Testing approved as policy by the American Psychological Association.

417 (8) As a condition of probation or reinstatement of a license, the division may require
418 that, for a specified duration, a physician assistant specializing in psychiatric mental health
419 collaborate with or practice under the supervision of:

420 (a) a physician; or

421 (b) a physician assistant specializing in psychiatric mental health.

422 (9) A physician assistant who is in the process of completing the clinical training
423 requirement in Subsection 58-70a-501.1(1)(d), may engage in the practice of mental health
424 therapy if the physician assistant:

425 (a) meets the requirements described in Subsections 58-70a-501.1(1)(a) through (c);
426 and

427 (b) engages in the practice of mental health therapy in collaboration with:

428 (i) a physician assistant specializing in psychiatric mental health; or

429 (ii) a physician who is board certified in psychiatry.

430 (10) (a) A physician assistant who does not specialize in psychiatric mental health may
431 provide mental health therapy as defined in Section 58-60-102 if the physician assistant enters
432 into a collaborative practice agreement with:

433 (i) a psychiatrist; or

434 (ii) a physician assistant specializing in psychiatric mental health.

435 (b) A physician assistant who provides mental health therapy under Subsection (9):

436 (i) may provide psychoeducation and limited supportive counseling:

437 (A) as part of a health care team; and

438 (B) in accordance with the physician assistant's collaborative practice agreement;

439 (ii) may not practice independently or provide formal psychotherapy;

440 (iii) shall maintain a formal collaborative agreement at the practice that describes the
441 scope of services that may be provided by the physician assistant; and

442 (iv) shall make the collaborative agreement available to the division or the board upon
443 request by the division or the board.

444 (c) A physician assistant who practices in a non-psychiatric setting may provide mental
445 health therapy as defined in Section 58-60-102, including psychoeducation and limited
446 supportive counseling, if:

447 (i) the services are consistent with:

448 (A) customary and accepted practices for the physician assistant's practice setting;

449 (B) the physician assistant's education, training, and experience; and

450 (C) applicable standards of care; and

451 (ii) the physician assistant does not provide formal psychotherapy.

452 Section 8. Section **62A-15-602** is amended to read:

453 **62A-15-602. Definitions.**

454 As used in this part, Part 7, Commitment of Persons Under Age 18 to Division of
455 Substance Abuse and Mental Health, Part 8, Interstate Compact on Mental Health, Part 9, Utah
456 Forensic Mental Health Facility, Part 10, Declaration for Mental Health Treatment, and Part
457 12, Essential Treatment and Intervention Act:

458 (1) "Adult" means an individual 18 years ~~[of age]~~ old or older.

459 (2) "Approved treatment facility or program" means a treatment provider that meets the

460 standards described in Subsection [62A-15-103\(2\)\(a\)\(v\)](#).

461 (3) "Assisted outpatient treatment" means involuntary outpatient mental health
462 treatment ordered under Section [62A-15-630.5](#).

463 (4) "Commitment to the custody of a local mental health authority" means that an adult
464 is committed to the custody of the local mental health authority that governs the mental health
465 catchment area where the adult resides or is found.

466 (5) "Community mental health center" means an entity that provides treatment and
467 services to a resident of a designated geographical area, that operates by or under contract with
468 a local mental health authority, and that complies with state standards for community mental
469 health centers.

470 (6) "Designated examiner" means:

471 (a) a licensed physician, preferably a psychiatrist, who is designated by the division as
472 specially qualified by training or experience in the diagnosis of mental or related illness; ~~or~~

473 (b) a physician assistant specializing in psychiatric mental health under Section
474 [58-60a-501.1](#); or

475 ~~[(b)]~~ (c) a licensed mental health professional designated by the division as specially
476 qualified by training and who has at least five years' continual experience in the treatment of
477 mental illness.

478 (7) "Designee" means a physician who has responsibility for medical functions
479 including admission and discharge, an employee of a local mental health authority, or an
480 employee of a person that has contracted with a local mental health authority to provide mental
481 health services under Section [17-43-304](#).

482 (8) "Essential treatment" and "essential treatment and intervention" mean court-ordered
483 treatment at a local substance abuse authority or an approved treatment facility or program for
484 the treatment of an adult's substance use disorder.

485 (9) "Harmful sexual conduct" means the following conduct upon an individual without
486 the individual's consent, including the nonconsensual circumstances described in Subsections
487 [76-5-406\(2\)\(a\)](#) through (l):

488 (a) sexual intercourse;

489 (b) penetration, however slight, of the genital or anal opening of the individual;

490 (c) any sexual act involving the genitals or anus of the actor or the individual and the

491 mouth or anus of either individual, regardless of the gender of either participant; or

492 (d) any sexual act causing substantial emotional injury or bodily pain.

493 (10) "Institution" means a hospital or a health facility licensed under Section 26-21-8.

494 (11) "Local substance abuse authority" means the same as that term is defined in

495 Section 62A-15-102 and described in Section 17-43-201.

496 (12) "Mental health facility" means the Utah State Hospital or other facility that
497 provides mental health services under contract with the division, a local mental health
498 authority, a person that contracts with a local mental health authority, or a person that provides
499 acute inpatient psychiatric services to a patient.

500 (13) "Mental health officer" means an individual who is designated by a local mental
501 health authority as qualified by training and experience in the recognition and identification of
502 mental illness, to:

503 (a) apply for and provide certification for a temporary commitment; or

504 (b) assist in the arrangement of transportation to a designated mental health facility.

505 (14) "Mental illness" means:

506 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,
507 behavioral, or related functioning; or

508 (b) the same as that term is defined in:

509 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders
510 published by the American Psychiatric Association; or

511 (ii) the current edition of the International Statistical Classification of Diseases and
512 Related Health Problems.

513 (15) "Patient" means an individual who is:

514 (a) under commitment to the custody or to the treatment services of a local mental
515 health authority; or

516 (b) undergoing essential treatment and intervention.

517 (16) "Physician" means ~~[an individual who is:]~~ the same as that term is defined in
518 Section 58-67-102.

519 ~~[(a) licensed as a physician under Title 58, Chapter 67, Utah Medical Practice Act; or]~~

520 ~~[(b) licensed as a physician under Title 58, Chapter 68, Utah Osteopathic Medical~~
521 ~~Practice Act.]~~

522 (17) "Serious bodily injury" means bodily injury that involves a substantial risk of
523 death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or
524 protracted loss or impairment of the function of a bodily member, organ, or mental faculty.

525 (18) "Substantial danger" means that due to mental illness, an individual is at serious
526 risk of:

527 (a) suicide;

528 (b) serious bodily self-injury;

529 (c) serious bodily injury because the individual is incapable of providing the basic
530 necessities of life, including food, clothing, or shelter;

531 (d) causing or attempting to cause serious bodily injury to another individual; or

532 (e) engaging in harmful sexual conduct.

533 (19) "Treatment" means psychotherapy, medication, including the administration of
534 psychotropic medication, or other medical treatments that are generally accepted medical or
535 psychosocial interventions for the purpose of restoring the patient to an optimal level of
536 functioning in the least restrictive environment.