

Senator Todd Weiler proposes the following substitute bill:

MENTAL HEALTH COUNSELOR LICENSING AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to the licensure of a clinical mental health counselor.

Highlighted Provisions:

This bill:

- ▶ amends provisions relating to licensure as a clinical mental health counselor;
- ▶ creates a reporting requirement;
- ▶ creates a sunset date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

58-60-405, as last amended by Laws of Utah 2015, Chapter 77

63I-1-258, as last amended by Laws of Utah 2019, Chapters 67 and 68



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

27 Section 1. Section **58-60-405** is amended to read:

28 **58-60-405. Qualifications for licensure.**

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

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

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

32 (c) be of good moral character;

33 (d) produce certified transcripts [~~from an accredited institution of higher education~~

34 ~~recognized by the division in collaboration with the board verifying satisfactory completion of:~~

35 ~~(i) an education and degree in an education program in counseling with a core curriculum~~

36 ~~defined by division rule under Section [58-1-203](#) preparing one to competently engage in mental~~

37 ~~health therapy; and (ii) an earned doctoral or master's degree resulting from that education~~

38 ~~program;]~~ evidencing completion of at least 60 semester credit hours or 90 quarter credit hours

39 completed as part of a master's or doctorate degree conferred to the applicant in:

40 (i) clinical mental health counseling, clinical rehabilitation counseling, or counselor

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

42 Counseling and Related Educational Programs; or

43 (ii) clinical mental health counseling or an equivalent field from a program affiliated

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

45 Accreditation;

46 (e) have completed a minimum of 4,000 hours of clinical mental health counselor

47 training as defined by division rule under Section [58-1-203](#):

48 (i) in not less than two years;

49 (ii) under the supervision of a clinical mental health counselor, psychiatrist,

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

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

52 board;

53 (iii) obtained after completion of the education requirement in Subsection (1)(d); and

54 (iv) including a minimum of two hours of training in suicide prevention via a course

55 that the division designates as approved;

56 (f) document successful completion of not less than 1,000 hours of supervised training

57 in mental health therapy obtained after completion of the education requirement in Subsection
 58 (1)(d), which training may be included as part of the 4,000 hours of training in Subsection
 59 (1)(e), and of which documented evidence demonstrates not less than 100 of the hours were
 60 obtained under the direct supervision of a mental health therapist, as defined by rule; and

61 (g) pass the examination requirement established by division rule under Section
 62 [58-1-203](#).

63 (2) (a) An applicant for licensure as an associate clinical mental health counselor shall
 64 comply with the provisions of Subsections (1)(a), (b), (c), and (d).

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

69 (c) The time period under Subsection (2)(b) may be extended to a maximum of two
 70 years past the date the minimum supervised clinical training requirement has been completed,
 71 if the applicant presents satisfactory evidence to the division and the appropriate board that the
 72 individual is:

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

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

76 (3) (a) Notwithstanding Subsection (1)(d), an applicant satisfies the education
 77 requirement described in Subsection (1)(d) if the applicant submits documentation:

78 (i) verifying satisfactory completion of a doctoral or master's degree from an education
 79 program in rehabilitation counseling that is accredited by the Council for Accreditation of
 80 Counseling and Related Educational Programs; and

81 (ii) from the National Board for Certified Counselors, certifying that the ~~Ŝ→~~ **[applicant's]**
 81a **applicant received a passing** ~~←Ŝ~~
 82 score on the ~~Ŝ→~~ **National Counselor Examination and the** ~~←Ŝ~~ National Clinical Mental Health
 83 Examination ~~Ŝ→~~

82a ~~[Exam is]~~ **Counseling Examination, and that the scores are** ~~←Ŝ~~ valid and in good standing.

83 (b) During the 2021 interim, the division shall report to the Occupational and
 84 Professional Licensure Review Committee created in Section [36-23-102](#) on:

85 (i) the number of applicants who applied for licensure under this Subsection (3);

86 (ii) the number of applicants who were approved for licensure under this Subsection

87 (3);

88 (iii) any changes to division rule after May 12, 2020, regarding the qualifications for
89 licensure under this section; and

90 (iv) recommendations for legislation or other action that the division considers
91 necessary to carry out the provisions of this Subsection (3).

92 Section 2. Section **63I-1-258** is amended to read:

93 **63I-1-258. Repeal dates, Title 58.**

94 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
95 repealed July 1, 2026.

96 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.

97 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.

98 (4) Section [58-37-4.3](#) is repealed January 1, 2020.

99 (5) Subsection [58-37-6\(7\)\(f\)\(iii\)](#) is repealed July 1, 2022, and the Office of Legislative
100 Research and General Counsel is authorized to renumber the remaining subsections
101 accordingly.

102 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.

103 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
104 repealed July 1, 2029.

105 (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.

106 (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July
107 1, 2023.

108 (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.

109 (11) Subsection [58-60-405\(3\)](#), regarding certain educational qualifications for licensure
110 and reporting, is repealed July 1, 2022.

111 [~~(11)~~] (12) Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed
112 July 1, 2026.

113 [~~(12)~~] (13) Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

114 [~~(13)~~] (14) Title 58, Chapter 86, State Certification of Commercial Interior Designers
115 Act, is repealed July 1, 2021.

116 [~~(14)~~] (15) The following sections are repealed on July 1, 2022:

117 (a) Section [58-5a-502](#);

118 (b) Section [58-31b-502.5](#);

- 119 (c) Section [58-67-502.5](#);
- 120 (d) Section [58-68-502.5](#); and
- 121 (e) Section [58-69-502.5](#).