

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: Joel Ferry

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:~~

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

40 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor

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

42 Counseling and Related Educational Programs; or

43 (B) 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; and

46 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to

47 an educational program described in Subsection (1)(d)(i);

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

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

50 (i) in not less than two years;

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

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

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

54 board;

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

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

57 that the division designates as approved;

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

63 (g) pass the examination requirement established by division rule under Section
64 [58-1-203](#).

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

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

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

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

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

78 (3) (a) Notwithstanding Subsection (1)(d), an applicant satisfied the education
79 requirement described in Subsection (1)(d) if the applicant submits documentation verifying:

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

83 (ii) satisfactory completion of at least 60 semester credit hours or 90 quarter credit
84 hours of coursework related to an educational program described in Subsection (1)(d)(i); and

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

86 (A) the National Counselor Examination; and

87 (B) the National Clinical Mental Health Counseling Examination.

88 **(b) During the 2021 interim, the division shall report to the Occupational and**
89 **Professional Licensure Review Committee created in Section [36-23-102](#) on:**
90 **(i) the number of applicants who applied for licensure under this Subsection (3);**
91 **(ii) the number of applicants who were approved for licensure under this Subsection**
92 **(3);**
93 **(iii) any changes to division rule after May 12, 2020, regarding the qualifications for**
94 **licensure under this section; and**
95 **(iv) recommendations for legislation or other action that the division considers**
96 **necessary to carry out the provisions of this Subsection (3).**

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

98 **63I-1-258. Repeal dates, Title 58.**

- 99 (1) Title 58, Chapter 13, Health Care Providers Immunity from Liability Act, is
100 repealed July 1, 2026.
- 101 (2) Title 58, Chapter 15, Health Facility Administrator Act, is repealed July 1, 2025.
- 102 (3) Title 58, Chapter 20b, Environmental Health Scientist Act, is repealed July 1, 2028.
- 103 (4) Section [58-37-4.3](#) is repealed January 1, 2020.
- 104 (5) Subsection [58-37-6\(7\)\(f\)\(iii\)](#) is repealed July 1, 2022, and the Office of Legislative
105 Research and General Counsel is authorized to renumber the remaining subsections
106 accordingly.
- 107 (6) Title 58, Chapter 40, Recreational Therapy Practice Act, is repealed July 1, 2023.
- 108 (7) Title 58, Chapter 41, Speech-Language Pathology and Audiology Licensing Act, is
109 repealed July 1, 2029.
- 110 (8) Title 58, Chapter 42a, Occupational Therapy Practice Act, is repealed July 1, 2025.
- 111 (9) Title 58, Chapter 46a, Hearing Instrument Specialist Licensing Act, is repealed July
112 1, 2023.
- 113 (10) Title 58, Chapter 47b, Massage Therapy Practice Act, is repealed July 1, 2024.
- 114 **(11) Subsection [58-60-405\(3\)](#), regarding certain educational qualifications for licensure**
115 **and reporting, is repealed July 1, 2022.**
- 116 [~~(11)~~] **(12)** Title 58, Chapter 61, Part 7, Behavior Analyst Licensing Act, is repealed
117 July 1, 2026.
- 118 [~~(12)~~] **(13)** Title 58, Chapter 72, Acupuncture Licensing Act, is repealed July 1, 2027.

119 [~~(13)~~] (14) Title 58, Chapter 86, State Certification of Commercial Interior Designers
120 Act, is repealed July 1, 2021.

121 [~~(14)~~] (15) The following sections are repealed on July 1, 2022:

- 122 (a) Section [58-5a-502](#);
- 123 (b) Section [58-31b-502.5](#);
- 124 (c) Section [58-67-502.5](#);
- 125 (d) Section [58-68-502.5](#); and
- 126 (e) Section [58-69-502.5](#).