

1 **MENTAL HEALTH PROFESSIONAL LICENSING**

2 **MODIFICATIONS**

3 2023 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Michael S. Kennedy**

6 House Sponsor: _____

7

LONG TITLE

8 **General Description:**

9 This bill creates substance use disorder counselor licenses.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ creates licenses for a clinical master's substance use disorder counselor and
- 14 associate master's substance use disorder counselor;
- 15 ▶ describes the qualifications for licensure under the new licenses;
- 16 ▶ describes the scope of practice under the new licenses; and
- 17 ▶ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **58-60-102**, as last amended by Laws of Utah 2021, Chapter 313

25 **58-60-502**, as last amended by Laws of Utah 2019, Chapter 393

26 **58-60-504**, as last amended by Laws of Utah 2012, Chapter 179



28 **58-60-506**, as last amended by Laws of Utah 2020, Chapter 339

29 ENACTS:

30 **58-60-512**, Utah Code Annotated 1953

31

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

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

34 **58-60-102. Definitions.**

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

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

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

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

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

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

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

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

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

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

- 59 (4) "Individual" means a natural person.
- 60 (5) "Mental health therapist" means an individual who is practicing within the scope of
61 practice defined in the individual's respective licensing act and is licensed under this title as:
- 62 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental
63 health therapy;
- 64 (b) an advanced practice registered nurse, specializing in psychiatric mental health
65 nursing;
- 66 (c) an advanced practice registered nurse intern, specializing in psychiatric mental
67 health nursing;
- 68 (d) a psychologist qualified to engage in the practice of mental health therapy;
- 69 (e) a certified psychology resident qualifying to engage in the practice of mental health
70 therapy;
- 71 (f) a physician assistant specializing in mental health care under Section [58-70a-501.1](#);
- 72 (g) a clinical social worker;
- 73 (h) a certified social worker;
- 74 (i) a marriage and family therapist;
- 75 (j) an associate marriage and family therapist;
- 76 (k) a clinical mental health counselor; [or]
- 77 (l) an associate clinical mental health counselor[-];
- 78 (m) a clinical master's substance use disorder counselor; or
- 79 (n) an associate master's substance use disorder counselor.
- 80 (6) "Mental illness" means a mental or emotional condition defined in an approved
81 diagnostic and statistical manual for mental disorders generally recognized in the professions of
82 mental health therapy listed under Subsection (5).
- 83 (7) "Practice of mental health therapy" means treatment or prevention of mental illness,
84 whether in person or remotely, including:
- 85 (a) conducting a professional evaluation of an individual's condition of mental health,
86 mental illness, or emotional disorder consistent with standards generally recognized in the
87 professions of mental health therapy listed under Subsection (5);
- 88 (b) establishing a diagnosis in accordance with established written standards generally
89 recognized in the professions of mental health therapy listed under Subsection (5);

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

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

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

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

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

101 Section 2. Section 58-60-502 is amended to read:

102 **58-60-502. Definitions.**

103 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:

104 (1) "Board" means the Substance Use Disorder Counselor Licensing Board created in
105 Section 58-60-503.

106 (2) (a) "Counseling" means a collaborative process that facilitates the client's progress
107 toward mutually determined treatment goals and objectives.

108 (b) "Counseling" includes:

109 (i) methods that are sensitive to an individual client's characteristics, to the influence of
110 significant others, and to the client's cultural and social context; and

111 (ii) an understanding, appreciation, and ability to appropriately use the contributions of
112 various addiction counseling models as the counseling models apply to modalities of care for
113 individuals, groups, families, couples, and significant others.

114 (3) "Direct supervision" means:

115 (a) a minimum of one hour of supervision by a supervisor of the substance use disorder
116 counselor for every 40 hours of client care provided by the substance use disorder counselor,
117 which supervision may include group supervision;

118 (b) the supervision is conducted in a face-to-face manner, unless otherwise approved
119 on a case-by-case basis by the division in collaboration with the board; and

120 (c) a supervisor is available for consultation with the counselor at all times.

121 (4) "General supervision" shall be defined by division rule.

122 (5) "Group supervision" means more than one counselor licensed under this part meets
123 with the supervisor at the same time.

124 (6) "Individual supervision" means only one counselor licensed under this part meets
125 with the supervisor at a given time.

126 (7) "Practice as a certified advanced substance use disorder counselor" and "practice as
127 a certified advanced substance use disorder counselor intern" means providing services
128 described in Subsection (9) under the direct supervision of a mental health therapist or licensed
129 advanced substance use disorder counselor.

130 (8) "Practice as a certified substance use disorder counselor" and "practice as a certified
131 substance use disorder counselor intern" means providing the services described in Subsections
132 (10)(a) and (b) under the direct supervision of a mental health therapist or licensed advanced
133 substance use disorder counselor.

134 (9) "Practice as a licensed advanced substance use disorder counselor" means:

135 (a) providing the services described in Subsections (10)(a) and (b);

136 (b) screening and assessing of individuals, including identifying substance use disorder
137 symptoms and behaviors and co-occurring mental health issues;

138 (c) treatment planning for substance use disorders, including initial planning, ongoing
139 intervention, continuity of care, discharge planning, planning for relapse prevention, and long
140 term recovery support; and

141 (d) supervising a certified substance use disorder counselor, certified substance use
142 disorder counselor intern, certified advanced substance use disorder counselor, certified
143 advanced substance use disorder counselor intern, or licensed substance use disorder counselor
144 in accordance with Subsection 58-60-508(2).

145 (10) (a) "Practice as a substance use disorder counselor" means providing services as
146 an employee of a substance use disorder agency under the general supervision of a licensed
147 mental health therapist to individuals or groups of persons, whether in person or remotely, for
148 conditions of substance use disorders consistent with the education and training of a substance
149 use disorder counselor required under this part, and the standards and ethics of the profession
150 as approved by the division in collaboration with the board.

151 (b) "Practice as a substance use disorder counselor" includes:

- 152 (i) administering the screening process by which a client is determined to need
153 substance use disorder services, which may include screening, brief intervention, and treatment
154 referral;
- 155 (ii) conducting the administrative intake procedures for admission to a program;
- 156 (iii) conducting orientation of a client, including:
 - 157 (A) describing the general nature and goals of the program;
 - 158 (B) explaining rules governing client conduct and infractions that can lead to
159 disciplinary action or discharge from the program;
 - 160 (C) explaining hours during which services are available in a nonresidential program;
 - 161 (D) treatment costs to be borne by the client, if any; and
 - 162 (E) describing the client's rights as a program participant;
- 163 (iv) conducting assessment procedures by which a substance use disorder counselor
164 gathers information related to an individual's strengths, weaknesses, needs, and substance use
165 disorder symptoms for the development of the treatment plan;
- 166 (v) participating in the process of treatment planning, including recommending specific
167 interventions to support existing treatment goals and objectives developed by the substance use
168 disorder counselor, the mental health therapist, and the client to:
 - 169 (A) identify and rank problems needing resolution;
 - 170 (B) establish agreed upon immediate and long term goals; and
 - 171 (C) decide on a treatment process and the resources to be utilized;
- 172 (vi) monitoring compliance with treatment plan progress;
- 173 (vii) providing substance use disorder counseling services to alcohol and drug use
174 disorder clients and significant people in the client's life as part of a comprehensive treatment
175 plan, including:
 - 176 (A) leading specific task-oriented groups, didactic groups, and group discussions;
 - 177 (B) cofacilitating group therapy with a licensed mental health therapist; and
 - 178 (C) engaging in one-on-one interventions and interactions coordinated by a mental
179 health therapist;
- 180 (viii) performing case management activities that bring services, agencies, resources, or
181 people together within a planned framework of action toward the achievement of established
182 goals, including, when appropriate, liaison activities and collateral contacts;

- 183 (ix) providing substance use disorder crisis intervention services;
- 184 (x) providing client education to individuals and groups concerning alcohol and other
185 substance use disorders, including identification and description of available treatment services
186 and resources;
- 187 (xi) identifying the needs of the client that cannot be met by the substance use disorder
188 counselor or substance use disorder agency and referring the client to appropriate services and
189 community resources;
- 190 (xii) developing and providing effective reporting and recordkeeping procedures and
191 services, which include charting the results of the assessment and treatment plan, writing
192 reports, progress notes, discharge summaries, and other client-related data; and
- 193 (xiii) consulting with other professionals in regard to client treatment and services to
194 assure comprehensive quality care for the client.
- 195 (c) "Practice as a substance use disorder counselor" under the license classifications in
196 Subsections 58-60-504(3) through (8) does not include:
 - 197 (i) the diagnosing of mental illness, including substance use disorders, as defined in
198 Section 58-60-102;
 - 199 (ii) engaging in the practice of mental health therapy as defined in Section 58-60-102;
200 or
 - 201 (iii) the performance of a substance use disorder diagnosis, other mental illness
202 diagnosis, or psychological testing.
- 203 (11) "Program" means a substance use disorder agency that provides substance use
204 disorder services, including recovery support services.
- 205 (12) "Recovery support services" means services provided to an individual who is
206 identified as having need of substance use disorder preventive or treatment services, either
207 before, during, or after an episode of care that meets the level of care standards established by
208 division rule.
- 209 (13) "Substance use disorder agency" means a public or private agency, health care
210 facility, or health care practice that:
 - 211 (a) provides substance use disorder services, recovery support services, primary health
212 care services, or substance use disorder preventive services; and
 - 213 (b) employs qualified mental health therapists in sufficient number to:

214 (i) evaluate the condition of clients being treated by each counselor licensed under this
215 part and employed by the substance use disorder agency; and

216 (ii) ensure that appropriate substance use disorder services are being given.

217 (14) "Substance use disorder education program" means a formal program of substance
218 use disorder education offered by an accredited institution of higher education that meets
219 standards established by division rule.

220 Section 3. Section **58-60-504** is amended to read:

221 **58-60-504. License classification.**

222 The division shall issue substance use disorder counselor licenses to individuals
223 qualified under this part in the classification of:

224 (1) clinical master's substance use disorder counselor;

225 (2) associate master's substance use disorder counselor;

226 (3) licensed advanced substance use disorder counselor;

227 [~~2~~] (4) certified advanced substance use disorder counselor;

228 [~~3~~] (5) certified advanced substance use disorder counselor intern;

229 [~~4~~] (6) licensed substance use disorder counselor;

230 [~~5~~] (7) certified substance use disorder counselor; and

231 [~~6~~] (8) certified substance use disorder counselor intern.

232 Section 4. Section **58-60-506** is amended to read:

233 **58-60-506. Qualifications for licensure.**

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

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

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

238 (c) satisfy the requirements of Subsection (2), (3), (4), (5), (6), [~~or~~] (7), (8), or (9)
239 respectively; and

240 (d) except for licensure as a certified substance use disorder counselor intern and a
241 certified advanced substance use disorder counselor intern, satisfy the examination requirement
242 established by division rule under Section [58-1-203](#).

243 (2) (a) An applicant for licensure as a clinical master's substance use disorder counselor
244 shall produce:

245 (i) certified transcripts from an accredited institution of higher education that meets
246 standards established by division rule under Section 58-1-203, verifying the satisfactory
247 completion of a doctoral or master's degree in:

248 (A) substance use disorders or addiction treatment; or
249 (B) a counseling subject approved by the division in collaboration with the board,
250 which may include social work, mental health counseling, marriage and family therapy,
251 psychology, or medicine;

252 (ii) documentation of the applicant's completion of at least 3,000 hours of supervised
253 experience in substance use disorders and addiction treatment:

254 (A) in not less than three years;
255 (B) that meets division standards established under Section 58-1-203;
256 (C) under the supervision of a mental health counselor, psychiatrist, psychologist,
257 clinical social worker, registered psychiatric mental health nurse specialist, marriage and family
258 therapist supervisor, or a clinical master's substance use disorder counselor;

259 (D) after completion of the education requirement described in Subsection (2)(a)(i);
260 and

261 (E) that includes a minimum of two hours of training in suicide prevention that meets
262 division standards established under Section 58-1-203; and

263 (iii) documentation of the applicant's completion of at least 1,000 hours of supervised
264 experience in substance use disorder and addiction treatment obtained after completion of the
265 education requirement described in Subsection (2)(a)(i), which training may be included as part
266 of the 3,000 hours of experience described in Subsection (2)(a)(ii), and of which documented
267 evidence demonstrates at least 100 of the supervised hours were obtained:

268 (A) during direct, personal supervision, as defined by division rule under Section
269 58-1-203; and

270 (B) under the supervision of a supervisor of a clinical master's substance use disorder
271 counselor, as defined by division rule under Section 58-1-203.

272 (b) An applicant for licensure as a clinical master's substance use disorder counselor
273 who produces a transcript described in Subsection (2)(a)(i)(B) shall also produce evidence of
274 completion of an additional 270 hours in substance use disorder or addiction treatment specific
275 education that meets standards established by division rule.

276 (3) (a) An applicant for licensure as an associate master's substance use disorder
277 counselor shall comply with the provisions of Subsections (2)(a)(i) and, if applicable, (2)(b).

278 (b) An individual's licensure as an associate master's substance use disorder counselor:

279 (i) is limited to the period of time necessary to complete the hours described in

280 Subsections (2)(a)(ii), (2)(a)(iii), and, if applicable, (2)(b); and

281 (ii) except as provided in Subsection (3)(c), may extend not more than two years after
282 the day on which the minimum time for training passes.

283 (c) The time period under Subsection (3)(b) may be extended up to four years past the
284 day on which the minimum time for training passes if the applicant presents satisfactory
285 evidence to the division that the individual is:

286 (i) making reasonable progress toward passing the relevant examination; or

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

288 (4) In accordance with division rules, an applicant for licensure as an advanced
289 substance use disorder counselor shall produce:

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

291 (i) meet division standards;

292 (ii) verify the satisfactory completion of a baccalaureate or graduate degree; and

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

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

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

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

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

303 (i) meets division standards; and

304 (ii) is performed within a four-year period after the applicant's completion of the
305 substance use disorder education program described in Subsection [~~(2)(b)~~] (4)(b), unless, as
306 determined by the division after consultation with the board, the time for performance is

307 extended due to an extenuating circumstance.

308 ~~[(3)]~~ (5) An applicant for licensure as a certified advanced substance use disorder
309 counselor shall meet the requirements in Subsections ~~[(2)(a)]~~ (4)(a) and (b).

310 ~~[(4)]~~ (6) (a) An applicant for licensure as a certified advanced substance use disorder
311 counselor intern shall meet the requirements in Subsections ~~[(2)(a)]~~ (4)(a) and (b).

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

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

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

318 ~~[(5)]~~ (7) In accordance with division rules, an applicant for licensure as a substance use
319 disorder counselor shall produce:

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

321 (i) meet division standards;

322 (ii) verify satisfactory completion of an associate's degree or equivalent as defined by
323 the division in rule; and

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

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

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

328 (ii) included in the 200 hours described in Subsection ~~[(5)(b)(i)]~~ (7)(b)(i), a minimum
329 of two hours of training in suicide prevention via a course that the division designates as
330 approved; and

331 (iii) completion of a supervised practicum of at least 200 hours; and

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

334 (i) meets division standards; and

335 (ii) is performed within a two-year period after the applicant's completion of the
336 substance use disorder education program described in Subsection ~~[(5)(b)]~~ (7)(b), unless, as
337 determined by the division after consultation with the board, the time for performance is

338 extended due to an extenuating circumstance.

339 ~~[(6)]~~ (8) An applicant for licensure as a certified substance use disorder counselor shall
340 meet the requirements of Subsections ~~[(5)(a)]~~ (7)(a) and (b).

341 ~~[(7)]~~ (9) (a) An applicant for licensure as a certified substance use disorder counselor
342 intern shall meet the requirements of Subsections ~~[(5)(a)]~~ (7)(a) and (b).

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

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

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

348 Section 5. Section **58-60-512** is enacted to read:

349 **58-60-512. Scope of practice -- Limitations.**

350 (1) An individual who is licensed as a clinical master's substance use disorder
351 counselor:

352 (a) may engage in practice as a licensed advanced substance use disorder counselor
353 without supervision, in private and independent practice or as an employee of another person,
354 limited only by the licensee's education, training, and competence;

355 (b) may engage in the practice of mental health therapy as defined in Section
356 58-60-102; and

357 (c) may not supervise more than six individuals who are lawfully engaged in training
358 for the practice of substance use disorder counseling, unless the licensee is granted an
359 exception in writing from the division in collaboration with the board.

360 (2) To the extent an individual is professionally prepared by the education and training
361 track completed while earning a degree according to Subsection 58-60-506(2)(a)(i), a licensed
362 associate master's substance use disorder counselor may engage in practice as a licensed
363 advanced substance use disorder counselor consistent with the licensee's education, clinical
364 training, experience, and competence:

365 (a) under supervision of an individual described in Subsection 58-60-506(2)(a)(ii)(C)
366 and as an employee of another person when engaged in practice as a licensed advanced
367 substance use disorder counselor;

368 (b) without supervision and in private practice or as an employee of another person, if

369 not engaged in practice as a licensed advanced substance use disorder counselor or in the
370 practice of mental health therapy;
371 (c) including engaging in private, independent, unsupervised practice as a licensed
372 advanced substance use disorder counselor or practice of mental health therapy as a
373 self-employed individual, in partnership with other mental health therapists, as a professional
374 corporation, or in any other capacity or business entity, so long as the individual does not
375 practice unsupervised psychotherapy; and
376 (d) supervising substance use disorder counselors as provided by division rule.