

Chapter 60
Mental Health Professional Practice Act

Part 1
General Provisions

58-60-101 Title.

This chapter is known as the "Mental Health Professional Practice Act."

Enacted by Chapter 32, 1994 General Session

58-60-102 Definitions.

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

- (1) "Client" or "patient" means an individual who consults or is examined or interviewed by an individual licensed under this chapter who is acting in the individual's professional capacity.
- (2) "Confidential communication" means information obtained by an individual licensed under this chapter, including information obtained by the individual's examination of the client or patient, which is:
 - (a)
 - (i) transmitted between the client or patient and an individual licensed under this chapter in the course of that relationship; or
 - (ii) transmitted among the client or patient, an individual licensed under this chapter, and individuals who are participating in the diagnosis or treatment under the direction of an individual licensed under this chapter, including members of the client's or patient's family; and
 - (b) made in confidence, for the diagnosis or treatment of the client or patient by the individual licensed under this chapter, and by a means not intended to be disclosed to third persons other than those individuals:
 - (i) present to further the interest of the client or patient in the consultation, examination, or interview;
 - (ii) reasonably necessary for the transmission of the communications; or
 - (iii) participating in the diagnosis and treatment of the client or patient under the direction of the mental health therapist.
- (3) "Hypnosis" means, when referring to individuals exempted from licensure under this chapter, a process by which an individual induces or assists another individual into a hypnotic state without the use of drugs or other substances and for the purpose of increasing motivation or to assist the individual to alter lifestyles or habits.
- (4) "Individual" means a natural person.
- (5) "Mental health therapist" means an individual who is practicing within the scope of practice defined in the individual's respective licensing act and is licensed under this title as:
 - (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental health therapy;
 - (b) an advanced practice registered nurse, specializing in psychiatric mental health nursing;
 - (c) an advanced practice registered nurse intern, specializing in psychiatric mental health nursing;
 - (d) a psychologist qualified to engage in the practice of mental health therapy;
 - (e) a certified psychology resident qualifying to engage in the practice of mental health therapy;

- (f) a physician assistant specializing in mental health care under Section 58-70a-501.1;
 - (g) a clinical social worker;
 - (h) a certified social worker;
 - (i) a marriage and family therapist;
 - (j) an associate marriage and family therapist;
 - (k) a clinical mental health counselor; or
 - (l) an associate clinical mental health counselor.
- (6) "Mental illness" means a mental or emotional condition defined in an approved diagnostic and statistical manual for mental disorders generally recognized in the professions of mental health therapy listed under Subsection (5).
- (7) "Practice of mental health therapy" means treatment or prevention of mental illness, whether in person or remotely, including:
- (a) conducting a professional evaluation of an individual's condition of mental health, mental illness, or emotional disorder consistent with standards generally recognized in the professions of mental health therapy listed under Subsection (5);
 - (b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (5);
 - (c) prescribing a plan for the prevention or treatment of a condition of mental illness or emotional disorder; and
 - (d) engaging in the conduct of professional intervention, including psychotherapy by the application of established methods and procedures generally recognized in the professions of mental health therapy listed under Subsection (5).
- (8) "Remotely" means communicating via Internet, telephone, or other electronic means that facilitate real-time audio or visual interaction between individuals when they are not physically present in the same room at the same time.
- (9) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.
- (10) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-60-110, and may be further defined by division rule.

Amended by Chapter 313, 2021 General Session

58-60-103 Licensure required.

- (1)
- (a) An individual shall be licensed under:
 - (i) this chapter;
 - (ii) Chapter 67, Utah Medical Practice Act;
 - (iii) Chapter 68, Utah Osteopathic Medical Practice Act;
 - (iv) Chapter 31b, Nurse Practice Act;
 - (v) Chapter 61, Psychologist Licensing Act;
 - (vi) Chapter 70a, Utah Physician Assistant Act; or
 - (vii) exempted from licensure under this chapter.
 - (b) Only an individual described in Subsection (1)(a) may:
 - (i) engage in, or represent that the individual will engage in, the practice of mental health therapy, clinical social work, certified social work, marriage and family therapy, or clinical mental health counseling; or
 - (ii) practice as, or represent that the individual is, a mental health therapist, clinical social worker, certified social worker, marriage and family therapist, clinical mental health counselor, psychiatrist, psychologist, registered psychiatric mental health nurse specialist,

certified psychology resident, associate marriage and family therapist, or associate clinical mental health counselor.

- (2) An individual shall be licensed under this chapter or exempted from licensure under this chapter in order to:
 - (a) engage in, or represent that the individual is engaged in, practice as a social service worker; or
 - (b) represent that the individual is, or use the title of, a social service worker.
- (3) An individual shall be licensed under this chapter or exempted from licensure under this chapter in order to:
 - (a) engage in, or represent that the individual is engaged in, practice as a substance use disorder counselor; or
 - (b) represent that the individual is, or use the title of, a substance use disorder counselor.
- (4) Notwithstanding the provisions of Subsection 58-1-307(1)(c), an individual shall be certified under this chapter, or otherwise exempted from licensure under this chapter, in order to engage in an internship or residency program of supervised clinical training necessary to meet the requirements for licensure as:
 - (a) a marriage and family therapist under Part 3, Marriage and Family Therapist Licensing Act; or
 - (b) a clinical mental health counselor under Part 4, Clinical Mental Health Counselor Licensing Act.

Amended by Chapter 313, 2021 General Session

58-60-103.1 Criminal background check.

- (1) An applicant for licensure under this chapter who requires a criminal background check shall:
 - (a) submit fingerprint cards in a form acceptable to the division at the time the license application is filed; and
 - (b) consent to a fingerprint background check conducted by the Bureau of Criminal Identification and the Federal Bureau of Investigation regarding the application.
- (2) The division shall:
 - (a) in addition to other fees authorized by this chapter, collect from each applicant submitting fingerprints in accordance with this section the fee that the Bureau of Criminal Identification is authorized to collect for the services provided under Section 53-10-108 and the fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of obtaining federal criminal history record information;
 - (b) submit from each applicant the fingerprint card and the fees described in Subsection (2)(a) to the Bureau of Criminal Identification; and
 - (c) obtain and retain in division records a signed waiver approved by the Bureau of Criminal Identification in accordance with Section 53-10-108 for each applicant.
- (3) The Bureau of Criminal Identification shall, in accordance with the requirements of Section 53-10-108:
 - (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state and regional criminal records databases;
 - (b) forward the fingerprints to the Federal Bureau of Investigation for a national criminal history background check; and
 - (c) provide the results from the state, regional, and nationwide criminal history background checks to the division.

- (4) For purposes of conducting a criminal background check required under this section, the division shall have direct access to criminal background information maintained under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.
- (5) The division may not:
 - (a) disseminate outside of the division any criminal history record information that the division obtains from the Bureau of Criminal Identification or the Federal Bureau of Investigation under the criminal background check requirements of this section; or
 - (b) issue a letter of qualification to participate in the Counseling Compact under Chapter 60a, Counseling Compact, until the criminal background check described in this section is completed.

Enacted by Chapter 466, 2022 General Session

58-60-104 Term of license -- Expiration -- Renewal.

- (1)
 - (a) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by division rule.
 - (b) The division may by rule extend or shorten a renewal cycle by as much as one year to stagger the renewal cycles it administers.
- (2) At the time of renewal the licensee shall show satisfactory evidence of renewal requirements as required under this chapter.
- (3) Each license expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

Enacted by Chapter 32, 1994 General Session

58-60-105 Continuing education.

- (1) By rule made under Section 58-1-203, the division may establish a continuing education requirement as a condition for renewal of any license classification under this chapter upon finding continuing education for that profession is necessary to reasonably protect the public health, safety, or welfare.
- (2) If a renewal cycle is extended or shortened under Section 58-60-104, the continuing education hours required for license renewal under this section shall be increased or decreased proportionally.
- (3) The division shall, in addition to a continuing education requirement the division establishes under Subsection (1), require an individual licensed under this chapter, as a condition of renewing the individual's license, to complete a minimum of two hours of training in suicide prevention via a course that the division designates as approved.

Amended by Chapter 77, 2015 General Session

58-60-106 Status of licenses held on the effective date of this chapter.

An individual holding a valid Utah license as a clinical social worker, certified social worker, social service worker, or marriage and family therapist under any licensing or practice acts in this title in effect immediately prior to July 1, 1994, is on and after July 1, 1994, considered to hold a current license under this chapter in the comparable classification as a clinical social worker, certified social worker, social service worker, or marriage and family therapist.

Enacted by Chapter 32, 1994 General Session

58-60-107 Exemptions from licensure.

- (1) Except as modified in Section 58-60-103, the exemptions from licensure in Section 58-1-307 apply to this chapter.
- (2) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in acts included within the definition of practice as a mental health therapist, subject to the stated circumstances and limitations, without being licensed under this chapter:
 - (a) the following when practicing within the scope of the license held:
 - (i) a physician and surgeon or osteopathic physician and surgeon licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;
 - (ii) an advanced practice registered nurse, specializing in psychiatric mental health nursing, licensed under Chapter 31b, Nurse Practice Act;
 - (iii) a psychologist licensed under Chapter 61, Psychologist Licensing Act; and
 - (iv) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act, and specializing in mental health care under Section 58-70a-501.1;
 - (b) a recognized member of the clergy while functioning in a ministerial capacity as long as the member of the clergy does not represent that the member of the clergy is, or use the title of, a license classification in Subsection 58-60-102(5);
 - (c) an individual who is offering expert testimony in a proceeding before a court, administrative hearing, deposition upon the order of a court or other body having power to order the deposition, or a proceeding before a master, referee, or alternative dispute resolution provider;
 - (d) an individual engaged in performing hypnosis who is not licensed under this title in a profession which includes hypnosis in its scope of practice, and who:
 - (i)
 - (A) induces a hypnotic state in a client for the purpose of increasing motivation or altering lifestyles or habits, such as eating or smoking, through hypnosis;
 - (B) consults with a client to determine current motivation and behavior patterns;
 - (C) prepares the client to enter hypnotic states by explaining how hypnosis works and what the client will experience;
 - (D) tests clients to determine degrees of suggestibility;
 - (E) applies hypnotic techniques based on interpretation of consultation results and analysis of client's motivation and behavior patterns; and
 - (F) trains clients in self-hypnosis conditioning;
 - (ii) may not:
 - (A) engage in the practice of mental health therapy;
 - (B) use the title of a license classification in Subsection 58-60-102(5); or
 - (C) use hypnosis with or treat a medical, psychological, or dental condition defined in generally recognized diagnostic and statistical manuals of medical, psychological, or dental disorders;
 - (e) an individual's exemption from licensure under Subsection 58-1-307(1)(b) terminates when the student's training is no longer supervised by qualified faculty or staff and the activities are no longer a defined part of the degree program;
 - (f) an individual holding an earned doctoral degree or master's degree in social work, marriage and family therapy, or clinical mental health counseling, who is employed by an accredited institution of higher education and who conducts research and teaches in that individual's professional field, but only if the individual does not engage in providing or supervising

professional services regulated under this chapter to individuals or groups regardless of whether there is compensation for the services;

- (g) an individual in an on-the-job training program approved by the division while under the supervision of qualified persons;
- (h) an individual providing general education in the subjects of alcohol, drug use, or substance use disorders, including prevention;
- (i) an individual providing advice or counsel to another individual in a setting of their association as friends or relatives and in a nonprofessional and noncommercial relationship, if there is no compensation paid for the advice or counsel; and
- (j) an individual who is licensed, in good standing, to practice mental health therapy or substance use disorder counseling in a state or territory of the United States outside of Utah may provide short term transitional mental health therapy remotely or short term transitional substance use disorder counseling remotely to a client in Utah only if:
 - (i) the individual is present in the state or territory where the individual is licensed to practice mental health therapy or substance use disorder counseling;
 - (ii) the client relocates to Utah;
 - (iii) the client is a client of the individual immediately before the client relocates to Utah;
 - (iv) the individual provides the short term transitional mental health therapy or short term transitional substance use disorder counseling remotely to the client only during the 45 day period beginning on the day on which the client relocates to Utah;
 - (v) within 10 days after the day on which the client relocates to Utah, the individual provides written notice to the division of the individual's intent to provide short term transitional mental health therapy or short term transitional substance use disorder counseling remotely to the client; and
 - (vi) the individual does not engage in unlawful conduct or unprofessional conduct.

Amended by Chapter 313, 2021 General Session

58-60-108 Grounds for action regarding license -- Disciplinary proceedings.

- (1) Subject to Subsection (2), the division's grounds for refusing to issue a license to an applicant, for refusing to renew the license of a licensee, for revoking, suspending, restricting, or placing on probation the license of a licensee, for issuing a public or private reprimand to a licensee, and for issuing a cease and desist order are under Section 58-1-401.
- (2) The division may not refuse, revoke, suspend, or in any way restrict an applicant or licensee's license under this chapter solely because the applicant or licensee seeks or participates in mental health or substance abuse treatment.

Amended by Chapter 404, 2021 General Session

58-60-109 Unlawful conduct.

As used in this chapter, "unlawful conduct" includes:

- (1) practice of the following unless licensed in the appropriate classification or exempted from licensure under this title:
 - (a) mental health therapy;
 - (b) clinical social work;
 - (c) certified social work;
 - (d) marriage and family therapy;
 - (e) clinical mental health counselor;

- (f) practice as a social service worker; or
- (g) substance use disorder counselor;
- (2) practice of mental health therapy by a licensed psychologist who has not acceptably documented to the division the licensed psychologist's completion of the supervised training in mental health therapy required under Subsection 58-61-304(1)(e); or
- (3) representing oneself as, or using the title of, the following:
 - (a) unless currently licensed in a license classification under this title:
 - (i) psychiatrist;
 - (ii) psychologist;
 - (iii) registered psychiatric mental health nurse specialist;
 - (iv) mental health therapist;
 - (v) clinical social worker;
 - (vi) certified social worker;
 - (vii) marriage and family therapist;
 - (viii) clinical mental health counselor;
 - (ix) social service worker;
 - (x) substance use disorder counselor;
 - (xi) associate clinical mental health counselor; or
 - (xii) associate marriage and family therapist; or
 - (b) unless currently in possession of the credentials described in Subsection (4), social worker.
- (4) An individual may represent oneself as a, or use the title of, social worker if the individual possesses certified transcripts from an accredited institution of higher education, recognized by the division in collaboration with the Social Work Licensing Board, verifying satisfactory completion of an education and an earned degree as follows:
 - (a) a bachelor's or master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or
 - (b) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203.

Amended by Chapter 339, 2020 General Session

58-60-110 Unprofessional conduct.

- (1) As used in this chapter, "unprofessional conduct" includes:
 - (a) using or employing the services of any individual to assist a licensee in any manner not in accordance with the generally recognized practices, standards, or ethics of the profession for which the individual is licensed, or the laws of the state;
 - (b) failure to confine practice conduct to those acts or practices:
 - (i) in which the individual is competent by education, training, and experience within limits of education, training, and experience; and
 - (ii) which are within applicable scope of practice laws of this chapter;
 - (c) disclosing or refusing to disclose any confidential communication under Section 58-60-114 or 58-60-509; and
 - (d) a pattern of failing to offer a patient the opportunity to waive the patient's privacy rights under the Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R., Parts 160 and 164.
- (2) "Unprofessional conduct" under this chapter may be further defined by division rule.

- (3) Notwithstanding Section 58-1-401, the division may not act upon the license of a licensee for unprofessional conduct under Subsection (1)(d).

Amended by Chapter 419, 2019 General Session

58-60-111 Penalty for unlawful conduct.

An individual who commits any act of unlawful conduct as defined in:

- (1) Subsection 58-60-109(1) or (2) is guilty of a third degree felony; or
(2) Subsection 58-60-109(3) is guilty of a class A misdemeanor.

Enacted by Chapter 32, 1994 General Session

58-60-112 Reporting of unprofessional or unlawful conduct -- Immunity from liability -- Reporting conduct of court-appointed therapist.

- (1) Upon learning of an act of unlawful or unprofessional conduct as defined in Section 58-60-102 by a person licensed under this chapter or an individual not licensed under this chapter and engaged in acts or practices regulated under this chapter, that results in disciplinary action by a licensed health care facility, professional practice group, or professional society, or that results in a significant adverse impact upon the public health, safety, or welfare, the following shall report the conduct in writing to the division within 10 days after learning of the disciplinary action or the conduct unless the individual or person knows it has been reported:
- (a) a licensed health care facility or organization in which an individual licensed under this chapter engages in practice;
- (b) an individual licensed under this chapter; and
- (c) a professional society or organization whose membership is individuals licensed under this chapter and which has the authority to discipline or expel a member for acts of unprofessional or unlawful conduct.
- (2) Any individual reporting acts of unprofessional or unlawful conduct by an individual licensed under this chapter is immune from liability arising out of the disclosure to the extent the individual furnishes the information in good faith and without malice.
- (3)
- (a) As defined in this Subsection (3):
- (i) "Court-appointed therapist" means a mental health therapist ordered by a court to provide psychotherapeutic treatment to an individual, a couple, or a family in a domestic case.
- (ii) "Domestic case" means a proceeding under:
- (A) Title 30, Chapter 3, Divorce;
- (B) Title 30, Chapter 4, Separate Maintenance;
- (C) Title 30, Chapter 5, Grandparents;
- (D) Title 30, Chapter 5a, Custody and Visitation for Individuals Other than Parents Act;
- (E) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- (F) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act; or
- (G) Title 78B, Chapter 15, Utah Uniform Parentage Act.
- (b) If a court appoints a court-appointed therapist in a domestic case, a party to the domestic case may not file a report against the court-appointed therapist for unlawful or unprofessional conduct during the pendency of the domestic case, unless:
- (i) the party has requested that the court release the court-appointed therapist from the appointment; and
- (ii) the court finds good cause to release the court-appointed therapist from the appointment.

Amended by Chapter 212, 2022 General Session

58-60-113 Evidentiary privilege.

Evidentiary privilege for mental health therapists regarding admissibility of any confidential communication in administrative, civil, or criminal proceedings is in accordance with Rule 506 of the Utah Rules of Evidence.

Enacted by Chapter 32, 1994 General Session

Superseded 9/1/2022

58-60-114 Confidentiality -- Exemptions.

- (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a mental health therapist under this chapter may not disclose any confidential communication with a client or patient without the express written consent of:
 - (a) the client or patient;
 - (b) the parent or legal guardian of a minor client or patient; or
 - (c) a person authorized to consent to the disclosure of the confidential communication by the client or patient in a written document:
 - (i) that is signed by the client or the patient; and
 - (ii) in which the client's or the patient's signature is reasonably verifiable.
- (2) A mental health therapist under this chapter is not subject to Subsection (1) if:
 - (a) the mental health therapist is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:
 - (i) reporting under Title 62A, Chapter 3, Part 3, Abuse, Neglect, or Exploitation of a Vulnerable Adult;
 - (ii) reporting under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements;
 - (iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or
 - (iv) reporting of a communicable disease as required under Section 26-6-6;
 - (b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Rule 506, Utah Rules of Evidence; or
 - (c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Amended by Chapter 283, 2021 General Session

Effective 9/1/2022

58-60-114 Confidentiality -- Exemptions.

- (1) Notwithstanding Title 63G, Chapter 2, Government Records Access and Management Act, a mental health therapist under this chapter may not disclose any confidential communication with a client or patient without the express written consent of:
 - (a) the client or patient;
 - (b) the parent or legal guardian of a minor client or patient; or
 - (c) a person authorized to consent to the disclosure of the confidential communication by the client or patient in a written document:
 - (i) that is signed by the client or the patient; and
 - (ii) in which the client's or the patient's signature is reasonably verifiable.

- (2) A mental health therapist under this chapter is not subject to Subsection (1) if:
- (a) the mental health therapist is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:
 - (i) reporting under Title 62A, Chapter 3, Part 3, Abuse, Neglect, or Exploitation of a Vulnerable Adult;
 - (ii) reporting under Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports;
 - (iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or
 - (iv) reporting of a communicable disease as required under Section 26-6-6;
 - (b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Rule 506, Utah Rules of Evidence; or
 - (c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Amended by Chapter 335, 2022 General Session

58-60-115 License by endorsement.

The division shall issue a license by endorsement under this chapter to a person who:

- (1) submits an application on a form provided by the division;
- (2) pays a fee determined by the department under Section 63J-1-504;
- (3) provides documentation of current licensure in good standing in a state, district, or territory of the United States to practice in the profession for which licensure is being sought;
- (4) except as provided in Subsection (5), provides documentation that the person has engaged in the lawful practice of the profession for which licensure is sought for at least 4,000 hours, of which 1,000 hours are in mental health therapy;
- (5) if applying for a license to practice as a licensed substance use disorder counselor, provides documentation that the person:
 - (a) has engaged in the lawful practice of the profession for at least 4,000 hours; and
 - (b) has passed an examination approved by the division, by rule, to establish proficiency in the profession;
- (6) has passed the profession specific jurisprudence examination if required of a new applicant; and
- (7) is of good professional standing, and has no disciplinary action pending or in effect against the applicant's license in any jurisdiction.

Amended by Chapter 339, 2020 General Session

58-60-115.2 Pre-existing license by endorsement.

A person who, on May 11, 2010, has a valid license by endorsement under Section 58-60-115 that was granted before May 11, 2010, is considered to have met the requirements of Subsection 58-60-115(4) if the person provides documentation that the person has engaged in:

- (1) the lawful practice of the person's profession, including mental health therapy, for not less than 4,000 hours during the three years immediately preceding the date of application for licensure in Utah; or
- (2) the lawful practice of the profession for which licensure is sought for not less than 4,000 hours, of which 1,000 hours are in mental health therapy.

Enacted by Chapter 214, 2010 General Session

58-60-117 Externship licenses.

- (1) The division shall issue a temporary license under Part 2, Social Worker Licensing Act, Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health Counselor Licensing Act, of this chapter to a person who:
 - (a) submits an application for licensure under Part 2, Social Worker Licensing Act, Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health Counselor Licensing Act;
 - (b) pays a fee determined by the department under Section 63J-1-504;
 - (c) holds an earned doctoral degree or master's degree in a discipline that is a prerequisite for practice as a mental health therapist;
 - (d) has a deficiency, as defined by division rule, in course work;
 - (e) provides mental health therapy as an employee of a public or private organization, which provides mental health therapy, while under the supervision of a person licensed under this chapter; and
 - (f) has no disciplinary action pending or in effect against the applicant in connection with the practice of mental health therapy, in any jurisdiction.
- (2) A temporary license issued under this section shall expire upon the earlier of:
 - (a) issuance of the license applied for; or
 - (b) unless the deadline is extended for good cause as determined by the division, three years from the date the temporary license was issued.
- (3) The temporary license issued under this section is an externship license.

Amended by Chapter 339, 2020 General Session

Part 2
Social Worker Licensing Act

58-60-201 Title.

This part is known as the "Social Worker Licensing Act."

Enacted by Chapter 32, 1994 General Session

58-60-202 Definitions.

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

- (1) "Board" means the Social Worker Licensing Board created in Section 58-60-203.
- (2)
 - (a) "Practice as a social service worker" means performance of general entry level services under general supervision of a mental health therapist through the application of social work theory, methods, and ethics in order to enhance the social or psychosocial functioning of an individual, a couple, a family, a group, or a community, including:
 - (i) conducting:
 - (A) a non-clinical psychosocial assessment; or
 - (B) a home study;
 - (ii) collaborative planning and goal setting;
 - (iii) ongoing case management;
 - (iv) progress monitoring;

- (v) supportive counseling;
 - (vi) information gathering;
 - (vii) making referrals; and
 - (viii) engaging in advocacy.
- (b) "Practice as a social service worker" does not include:
- (i) diagnosing or treating mental illness; or
 - (ii) providing psychotherapeutic services to an individual, couple, family, group, or community.
- (3) "Practice of clinical social work" includes:
- (a) the practice of mental health therapy by observation, description, evaluation, interpretation, intervention, and treatment to effect modification of behavior by the application of generally recognized professional social work principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the symptoms of any of these, or maladaptive behavior;
 - (b) the application of generally recognized psychotherapeutic and social work principles and practices requiring the education, training, and clinical experience of a clinical social worker; and
 - (c) supervision of the practice of a certified social worker or social service worker as the supervision is required under this chapter and as further defined by division rule.
- (4) "Practice of certified social work" includes:
- (a) the supervised practice of mental health therapy by a clinical social worker by observation, description, evaluation, interpretation, intervention, and treatment to effect modification of behavior by the application of generally recognized professional social work principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive behavior;
 - (b) the supervised or independent and unsupervised application of generally recognized professional social work principles and practices requiring the education, training, and experience of a certified social worker; and
 - (c) supervision of the practice of a social service worker as the supervision is required under this chapter and as further defined by division rule.
- (5) "Program accredited by the Council on Social Work Education" means a program that:
- (a) was accredited by the Council on Social Work Education on the day on which the applicant for licensure satisfactorily completed the program; or
 - (b) was in candidacy for accreditation by the Council on Social Work Education on the day on which the applicant for licensure satisfactorily completed the program.
- (6) "Supervision of a social service worker" means supervision conducted by an individual licensed as a mental health therapist under this title in accordance with division rules made in collaboration with the board.

Amended by Chapter 78, 2010 General Session
Amended by Chapter 214, 2010 General Session

58-60-203 Board.

- (1) There is created the Social Worker Licensing Board consisting of one certified social worker, three clinical social workers, two social service workers, and one member from the general public.
- (2) The board shall be appointed, serve terms, and be compensated in accordance with Section 58-1-201.

- (3) The duties and responsibilities of the board are under Sections 58-1-202 and 58-1-203. In addition, the board shall:
- (a) designate one of its members on a permanent or rotating basis to assist the division in review of complaints concerning unlawful or unprofessional practice by a licensee in any profession regulated by the board and to advise the division regarding the conduct of investigations of the complaints; and
 - (b) disqualify any member from acting as presiding officer in any administrative procedure in which that member has previously reviewed the complaint or advised the division.

Amended by Chapter 214, 2010 General Session

58-60-204 License classifications.

The division shall issue licenses and certifications to individuals qualified under this part in the classifications:

- (1) clinical social worker;
- (2) certified social worker;
- (3) certified social worker intern; and
- (4) social service worker.

Amended by Chapter 201, 2003 General Session

58-60-205 Qualifications for licensure or certification as a clinical social worker, certified social worker, and social service worker.

- (1) An applicant for licensure as a clinical social worker shall:
- (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:
 - (i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or
 - (ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203;
 - (d) have completed a minimum of 3,000 hours of clinical social work training as defined by division rule under Section 58-1-203:
 - (i) in not less than two years;
 - (ii) under the supervision of a supervisor approved by the division in collaboration with the board who is a:
 - (A) clinical mental health counselor;
 - (B) psychiatrist;
 - (C) psychologist;
 - (D) registered psychiatric mental health nurse practitioner;
 - (E) marriage and family therapist; or
 - (F) clinical social worker; and
 - (iii) including a minimum of two hours of training in suicide prevention via a course that the division designates as approved;

- (e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement in Subsection (1)(c), which training may be included as part of the 3,000 hours of training in Subsection (1)(d), and of which documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision, as defined by rule, of a supervisor described in Subsection (1)(d)(ii);
 - (f) have completed a case work, group work, or family treatment course sequence with a clinical practicum in content as defined by rule under Section 58-1-203;
 - (g) pass the examination requirement established by rule under Section 58-1-203; and
 - (h) if the applicant is applying to participate in the Counseling Compact under Chapter 60a, Counseling Compact, consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2) An applicant for licensure as a certified social worker shall:
- (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:
 - (i) a master's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work; or
 - (ii) a doctoral degree that contains a clinical social work concentration and practicum approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that is consistent with Section 58-1-203; and
 - (d) pass the examination requirement established by rule under Section 58-1-203.
- (3)
- (a) An applicant for certification as a certified social worker intern shall meet the requirements of Subsections (2)(a), (b), and (c).
 - (b) Certification under Subsection (3)(a) is limited to the time necessary to pass the examination required under Subsection (2)(d) or six months, whichever occurs first.
 - (c) A certified social worker intern may provide mental health therapy under the general supervision, as defined by rule, of a supervisor described in Subsection (1)(d)(ii).
- (4) An applicant for licensure as a social service worker shall:
- (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) produce certified transcripts from an accredited institution of higher education recognized by the division in collaboration with the board verifying satisfactory completion of an education and an earned degree as follows:
 - (i) a bachelor's degree in a social work program accredited by the Council on Social Work Education or by the Canadian Association of Schools of Social Work;
 - (ii) a master's degree in a field approved by the division in collaboration with the board;
 - (iii) a bachelor's degree in any field if the applicant:
 - (A) has completed at least three semester hours, or the equivalent, in each of the following areas:
 - (I) social welfare policy;
 - (II) human growth and development; and
 - (III) social work practice methods, as defined by rule; and

- (B) provides documentation that the applicant has completed at least 2,000 hours of qualifying experience under the supervision of a mental health therapist, which experience is approved by the division in collaboration with the board, and which is performed after completion of the requirements to obtain the bachelor's degree required under this Subsection (4); or
 - (iv) successful completion of the first academic year of a Council on Social Work Education approved master's of social work curriculum and practicum; and
 - (d) pass the examination requirement established by rule under Section 58-1-203.
- (5) The division shall ensure that the rules for an examination described under Subsections (1)(g), (2)(d), and (4)(d) allow additional time to complete the examination if requested by an applicant who is:
- (a) a foreign born legal resident of the United States for whom English is a second language; or
 - (b) an enrolled member of a federally recognized Native American tribe.

Amended by Chapter 345, 2022 General Session

Amended by Chapter 466, 2022 General Session

58-60-205.5 Continuing education.

As a condition for renewal of a license under this part, a social service worker licensee shall, during each two-year licensure cycle, complete qualified continuing professional education, as defined by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 214, 2010 General Session

58-60-206 Qualifications for admission to examination.

All applicants for admission to an examination qualifying an individual for licensure under this part shall, before taking the examination:

- (1) submit an application for examination on a form provided by the division;
- (2) pay the fee established for the examination; and
- (3) certify under penalty of perjury as evidenced by notarized signature on the application for examination that the applicant:
 - (a) has completed the education requirement and been awarded the earned degree required for licensure; or
 - (b) has only one semester, or the equivalent, remaining before the applicant completes the education requirement for earning the degree that is required for licensure.

Amended by Chapter 262, 2013 General Session

58-60-207 Scope of practice -- Limitations.

- (1)
 - (a) A clinical social worker may engage in all acts and practices defined as the practice of clinical social work without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.
 - (b) A clinical social worker may not supervise more than six individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the division in collaboration with the board.

- (2) To the extent an individual is professionally prepared by the education and training track completed while earning a master's or doctor of social work degree, a licensed certified social worker may engage in all acts and practices defined as the practice of certified social work consistent with the licensee's education, clinical training, experience, and competence:
- (a) under supervision of an individual described in Subsection 58-60-205(1)(d)(ii) and as an employee of another person when engaged in the practice of mental health therapy;
 - (b) without supervision and in private and independent practice or as an employee of another person, if not engaged in the practice of mental health therapy;
 - (c) including engaging in the private, independent, unsupervised practice of social work as a self-employed individual, in partnership with other mental health therapists, as a professional corporation, or in any other capacity or business entity, so long as he does not practice unsupervised psychotherapy; and
 - (d) supervising social service workers as provided by division rule.

Amended by Chapter 339, 2020 General Session

Part 3

Marriage and Family Therapist Licensing Act

58-60-301 Title.

This part is known as the "Marriage and Family Therapist Licensing Act."

Enacted by Chapter 32, 1994 General Session

58-60-302 Definitions.

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

- (1) "Assess" means the use of diagnostic procedures, tests, and interview techniques generally accepted as standard in mental health therapy to diagnose any condition related to mental, emotional, behavioral, and social disorders or dysfunctions.
- (2) "Board" means the Marriage and Family Therapist Licensing Board created in Section 58-60-303.
- (3) "Practice of marriage and family therapy" includes:
 - (a) the process of providing professional mental health therapy including psychotherapy to individuals, couples, families, or groups;
 - (b) utilizing established principles that recognize the interrelated nature of individual problems and dysfunctions in family members to assess, diagnose, and treat mental, emotional, and behavioral disorders;
 - (c) individual, premarital, relationship, marital, divorce, and family therapy;
 - (d) specialized modes of treatment for the purpose of diagnosing and treating mental, emotional, and behavioral disorders, modifying interpersonal and intrapersonal dysfunction, and promoting mental health; and
 - (e) assessment utilized to develop, recommend, and implement appropriate plans of treatment, dispositions, and placement related to the functioning of the individual, couple, family, or group.

Enacted by Chapter 32, 1994 General Session

58-60-303 Board -- Powers.

- (1) There is created the Marriage and Family Therapist Licensing Board consisting of four marriage and family therapists and one member from the general public.
- (2) The board shall be appointed, serve terms, and be compensated in accordance with Section 58-1-201.
- (3) The board shall:
 - (a) comply with the provisions of Sections 58-1-202 and 58-1-203;
 - (b) designate one of its members on a permanent or rotating basis to assist the division in review of complaints concerning unlawful or unprofessional practice by a licensee in the respective profession regulated by the board, and to advise the division with respect to the conduct of investigations of the complaints; and
 - (c) disqualify any member from acting as presiding officer in any administrative procedure in which that member has previously reviewed the complaint or advised the division.

Amended by Chapter 159, 2000 General Session

58-60-304 License classifications.

The division shall issue licenses to individuals qualified under this part in the classification of:

- (1) marriage and family therapist; or
- (2) associate marriage and family therapist.

Amended by Chapter 214, 2010 General Session

58-60-305 Qualifications for licensure.

- (1) All applicants for licensure as marriage and family therapists shall:
 - (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) produce certified transcripts evidencing completion of a masters or doctorate degree in marriage and family therapy from:
 - (i) a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education; or
 - (ii) an accredited institution meeting criteria for approval established by rule under Section 58-1-203;
 - (d) have completed a minimum of 3,000 hours of marriage and family therapy training as defined by division rule under Section 58-1-203:
 - (i) in not less than two years;
 - (ii) under the supervision of a mental health therapist supervisor who meets the requirements of Section 58-60-307;
 - (iii) obtained after completion of the education requirement in Subsection (1)(c); and
 - (iv) including a minimum of two hours of training in suicide prevention via a course that the division designates as approved;
 - (e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement described in Subsection (1)(c)(i) or (1)(c)(ii), which training may be included as part of the 3,000 hours of training described in Subsection (1)(d), and of which documented evidence demonstrates not less than 100 of the supervised hours were obtained during direct, personal supervision, as defined by rule, by a mental health therapist supervisor qualified under Section 58-60-307;

- (f) pass the examination requirement established by division rule under Section 58-1-203; and
- (g) if the applicant is applying to participate in the Counseling Compact under Chapter 60a, Counseling Compact, consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

- (2)
 - (a) All applicants for licensure as an associate marriage and family therapist shall comply with the provisions of Subsections (1)(a), (b), and (c).
 - (b) An individual's license as an associate marriage and family therapist is limited to the period of time necessary to complete clinical training as described in Subsections (1)(d) and (e) and extends not more than two years from the date the minimum requirement for training is completed, unless the individual presents satisfactory evidence to the division and the appropriate board that the individual is making reasonable progress toward passing of the qualifying examination for that profession or is otherwise on a course reasonably expected to lead to licensure, but the period of time under this Subsection (2)(b) may not exceed four years past the date the minimum supervised clinical training requirement has been completed.

Amended by Chapter 345, 2022 General Session

Amended by Chapter 416, 2022 General Session

Amended by Chapter 466, 2022 General Session

58-60-305.5 Qualification for licensure before May 1, 2000.

- (1) A person who was licensed under this chapter as of May 1, 2000, may apply for renewal of licensure without being required to fulfill the educational requirements described in Subsection 58-60-305(1)(c).
- (2) A person who seeks licensure under this chapter before July 1, 2002, need comply only with the licensure requirements in effect before May 1, 2000.

Amended by Chapter 339, 2020 General Session

58-60-306 Qualifications for admission to examination.

All applicants for admission to any examination qualifying an individual for licensure under this part shall:

- (1) submit an application on a form provided by the division;
- (2) pay the fee established for the examination; and
- (3) certify under penalty of perjury as evidenced by notarized signature on the application for admission to the examination that the applicant has completed the education requirement and been awarded the earned degree required for licensure.

Enacted by Chapter 32, 1994 General Session

58-60-307 Supervisors of marriage and family therapists -- Qualifications.

- (1) Each person acting as a supervisor of a marriage and family therapist shall:
 - (a) have at least two years of clinical experience, since the date of first licensure, as a:
 - (i) clinical mental health counselor;
 - (ii) psychiatrist;
 - (iii) psychologist;

- (iv) registered psychiatric mental health nurse practitioner;
 - (v) marriage and family therapist; or
 - (vi) clinical social worker;
 - (b) either:
 - (i) be approved as a supervisor by a national marriage and family therapist professional organization; or
 - (ii) meet the criteria established by rule; and
 - (c) provide supervision for no more than six individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the division in collaboration with the board.
- (2) Persons who act as a supervisor without meeting the requirements of this section are subject to discipline for unprofessional conduct.

Amended by Chapter 393, 2019 General Session

58-60-308 Scope of practice -- Limitations.

- (1) A licensed marriage and family therapist may engage in all acts and practices defined as the practice of marriage and family therapy without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.
- (2)
- (a) To the extent an individual has completed the educational requirements of Subsection 58-60-305(1)(c), a licensed associate marriage and family therapist may engage in all acts and practices defined as the practice of marriage and family therapy if the practice is:
 - (i) within the scope of employment as a licensed associate marriage and family therapist with a public agency or a private clinic as defined by division rule; and
 - (ii) under the supervision of a licensed mental health therapist who is qualified as a supervisor under Section 58-60-307.
 - (b) A licensed associate marriage and family therapist may not engage in the independent practice of marriage and family therapy.

Amended by Chapter 339, 2020 General Session

Part 4
Clinical Mental Health Counselor Licensing Act

58-60-401 Title.

This part is known as the "Clinical Mental Health Counselor Licensing Act."

Amended by Chapter 179, 2012 General Session

58-60-402 Definitions.

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

- (1) "Board" means the Clinical Mental Health Counselor Licensing Board created in Section 58-60-403.

- (2) "Practice of clinical mental health counseling" means the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior by the application of generally recognized clinical mental health counseling principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, symptoms of any of these, or maladaptive behavior.

Amended by Chapter 179, 2012 General Session

58-60-403 Board.

- (1) There is created the Clinical Mental Health Counselor Licensing Board consisting of four clinical mental health counselors and one member from the general public.
- (2) The board shall be appointed, serve terms, and be compensated in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall:
- (a) designate one of its members on a permanent or rotating basis to assist the division in review of complaints concerning unlawful or unprofessional practice by a licensee in the profession regulated by the board and to advise the division with respect to the conduct of investigations of the complaints; and
 - (b) disqualify any member from acting as presiding officer in any administrative procedure in which that member has previously reviewed the complaint or advised the division.

Amended by Chapter 179, 2012 General Session

58-60-404 License classifications.

The division shall issue licenses to individuals qualified under the provisions of this part in the classification of:

- (1) a clinical mental health counselor; or
- (2) an associate clinical mental health counselor.

Amended by Chapter 179, 2012 General Session

58-60-405 Qualifications for licensure.

- (1) An applicant for licensure as a clinical mental health counselor shall:
- (a) submit an application on a form provided by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) produce certified transcripts evidencing completion of:
 - (i) a master's or doctorate degree conferred to the applicant in:
 - (A) clinical mental health counseling, clinical rehabilitation counseling, counselor education and supervision from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs; or
 - (B) clinical mental health counseling or an equivalent field from a program affiliated with an institution that has accreditation that is recognized by the Council for Higher Education Accreditation; and
 - (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to an educational program described in Subsection (1)(c)(i);

- (d) have completed a minimum of 3,000 hours of clinical mental health counselor training as defined by division rule under Section 58-1-203:
 - (i) in not less than two years;
 - (ii) under the supervision of a clinical mental health counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or marriage and family therapist supervisor approved by the division in collaboration with the board;
 - (iii) obtained after completion of the education requirement in Subsection (1)(c); and
 - (iv) including a minimum of two hours of training in suicide prevention via a course that the division designates as approved;
 - (e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy obtained after completion of the education requirement in Subsection (1)(c), which training may be included as part of the 3,000 hours of training in Subsection (1)(d), and of which documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision of a mental health therapist, as defined by rule;
 - (f) pass the examination requirement established by division rule under Section 58-1-203; and
 - (g) if the applicant is applying to participate in the Counseling Compact under Chapter 60a, Counseling Compact, consent to a criminal background check in accordance with Section 58-60-103.1 and any requirements established by division rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (2)
- (a) An applicant for licensure as an associate clinical mental health counselor shall comply with the provisions of Subsections (1)(a), (b), and (c).
 - (b) Except as provided under Subsection (2)(c), an individual's licensure as an associate clinical mental health counselor is limited to the period of time necessary to complete clinical training as described in Subsections (1)(d) and (e) and extends not more than two year from the date the minimum requirement for training is completed.
 - (c) The time period under Subsection (2)(b) may be extended to a maximum of four years past the date the minimum supervised clinical training requirement has been completed, if the applicant presents satisfactory evidence to the division and the appropriate board that the individual is:
 - (i) making reasonable progress toward passing of the qualifying examination for that profession;
 - or
 - (ii) otherwise on a course reasonably expected to lead to licensure.
- (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement described in Subsection (1)(c) if the applicant submits documentation verifying:
- (a) satisfactory completion of a doctoral or master's degree from an educational program in rehabilitation counseling accredited by the Council for Accreditation of Counseling and Related Educational Programs;
 - (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit hours of coursework related to an educational program described in Subsection (1)(c)(i); and
 - (c) that the applicant received a passing score that is valid and in good standing on:
 - (i) the National Counselor Examination; and
 - (ii) the National Clinical Mental Health Counseling Examination.

Amended by Chapter 345, 2022 General Session
Amended by Chapter 416, 2022 General Session
Amended by Chapter 466, 2022 General Session

58-60-406 Qualifications for admission to examination.

All applicants for admission to any examination qualifying an individual for licensure under this part shall:

- (1) submit an application on a form provided by the division;
- (2) pay the fee established by division rule for the examination; and
- (3) certify under penalty of perjury as evidenced by notarized signature on the application for admission to the examination that the applicant has completed the education requirement and been awarded the earned degree required for licensure.

Enacted by Chapter 32, 1994 General Session

58-60-407 Scope of practice -- Limitations.

- (1)
 - (a) A licensed clinical mental health counselor may engage in all acts and practices defined as the practice of clinical mental health counseling without supervision, in private and independent practice, or as an employee of another person, limited only by the licensee's education, training, and competence.
 - (b) A licensed clinical mental health counselor may not supervise more than six individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the division in collaboration with the board.
- (2)
 - (a) To the extent an individual has completed the educational requirements of Subsection 58-60-305(1)(c), a licensed associate clinical mental health counselor may engage in all acts and practices defined as the practice of clinical mental health counseling if the practice is:
 - (i) within the scope of employment as a licensed clinical mental health counselor with a public agency or private clinic as defined by division rule; and
 - (ii) under supervision of a qualified licensed mental health therapist as defined in Section 58-60-102.
 - (b) A licensed associate clinical mental health counselor may not engage in the independent practice of clinical mental health counseling.

Amended by Chapter 339, 2020 General Session

**Part 5
Substance Use Disorder Counselor Act**

58-60-501 Title.

This part is known as the "Substance Use Disorder Counselor Act."

Amended by Chapter 179, 2012 General Session

58-60-502 Definitions.

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

- (1) "Board" means the Substance Use Disorder Counselor Licensing Board created in Section 58-60-503.
- (2)

- (a) "Counseling" means a collaborative process that facilitates the client's progress toward mutually determined treatment goals and objectives.
- (b) "Counseling" includes:
 - (i) methods that are sensitive to an individual client's characteristics, to the influence of significant others, and to the client's cultural and social context; and
 - (ii) an understanding, appreciation, and ability to appropriately use the contributions of various addiction counseling models as the counseling models apply to modalities of care for individuals, groups, families, couples, and significant others.
- (3) "Direct supervision" means:
 - (a) a minimum of one hour of supervision by a supervisor of the substance use disorder counselor for every 40 hours of client care provided by the substance use disorder counselor, which supervision may include group supervision;
 - (b) the supervision is conducted in a face-to-face manner, unless otherwise approved on a case-by-case basis by the division in collaboration with the board; and
 - (c) a supervisor is available for consultation with the counselor at all times.
- (4) "General supervision" shall be defined by division rule.
- (5) "Group supervision" means more than one counselor licensed under this part meets with the supervisor at the same time.
- (6) "Individual supervision" means only one counselor licensed under this part meets with the supervisor at a given time.
- (7) "Practice as a certified advanced substance use disorder counselor" and "practice as a certified advanced substance use disorder counselor intern" means providing services described in Subsection (9) under the direct supervision of a mental health therapist or licensed advanced substance use disorder counselor.
- (8) "Practice as a certified substance use disorder counselor" and "practice as a certified substance use disorder counselor intern" means providing the services described in Subsections (10)(a) and (b) under the direct supervision of a mental health therapist or licensed advanced substance use disorder counselor.
- (9) "Practice as a licensed advanced substance use disorder counselor" means:
 - (a) providing the services described in Subsections (10)(a) and (b);
 - (b) screening and assessing of individuals, including identifying substance use disorder symptoms and behaviors and co-occurring mental health issues;
 - (c) treatment planning for substance use disorders, including initial planning, ongoing intervention, continuity of care, discharge planning, planning for relapse prevention, and long term recovery support; and
 - (d) supervising a certified substance use disorder counselor, certified substance use disorder counselor intern, certified advanced substance use disorder counselor, certified advanced substance use disorder counselor intern, or licensed substance use disorder counselor in accordance with Subsection 58-60-508(2).
- (10)
 - (a) "Practice as a substance use disorder counselor" means providing services as an employee of a substance use disorder agency under the general supervision of a licensed mental health therapist to individuals or groups of persons, whether in person or remotely, for conditions of substance use disorders consistent with the education and training of a substance use disorder counselor required under this part, and the standards and ethics of the profession as approved by the division in collaboration with the board.
 - (b) "Practice as a substance use disorder counselor" includes:

- (i) administering the screening process by which a client is determined to need substance use disorder services, which may include screening, brief intervention, and treatment referral;
 - (ii) conducting the administrative intake procedures for admission to a program;
 - (iii) conducting orientation of a client, including:
 - (A) describing the general nature and goals of the program;
 - (B) explaining rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program;
 - (C) explaining hours during which services are available in a nonresidential program;
 - (D) treatment costs to be borne by the client, if any; and
 - (E) describing the client's rights as a program participant;
 - (iv) conducting assessment procedures by which a substance use disorder counselor gathers information related to an individual's strengths, weaknesses, needs, and substance use disorder symptoms for the development of the treatment plan;
 - (v) participating in the process of treatment planning, including recommending specific interventions to support existing treatment goals and objectives developed by the substance use disorder counselor, the mental health therapist, and the client to:
 - (A) identify and rank problems needing resolution;
 - (B) establish agreed upon immediate and long term goals; and
 - (C) decide on a treatment process and the resources to be utilized;
 - (vi) monitoring compliance with treatment plan progress;
 - (vii) providing substance use disorder counseling services to alcohol and drug use disorder clients and significant people in the client's life as part of a comprehensive treatment plan, including:
 - (A) leading specific task-oriented groups, didactic groups, and group discussions;
 - (B) cofacilitating group therapy with a licensed mental health therapist; and
 - (C) engaging in one-on-one interventions and interactions coordinated by a mental health therapist;
 - (viii) performing case management activities that bring services, agencies, resources, or people together within a planned framework of action toward the achievement of established goals, including, when appropriate, liaison activities and collateral contacts;
 - (ix) providing substance use disorder crisis intervention services;
 - (x) providing client education to individuals and groups concerning alcohol and other substance use disorders, including identification and description of available treatment services and resources;
 - (xi) identifying the needs of the client that cannot be met by the substance use disorder counselor or substance use disorder agency and referring the client to appropriate services and community resources;
 - (xii) developing and providing effective reporting and recordkeeping procedures and services, which include charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries, and other client-related data; and
 - (xiii) consulting with other professionals in regard to client treatment and services to assure comprehensive quality care for the client.
- (c) "Practice as a substance use disorder counselor" does not include:
- (i) the diagnosing of mental illness, including substance use disorders, as defined in Section 58-60-102;
 - (ii) engaging in the practice of mental health therapy as defined in Section 58-60-102; or
 - (iii) the performance of a substance use disorder diagnosis, other mental illness diagnosis, or psychological testing.

- (11) "Program" means a substance use disorder agency that provides substance use disorder services, including recovery support services.
- (12) "Recovery support services" means services provided to an individual who is identified as having need of substance use disorder preventive or treatment services, either before, during, or after an episode of care that meets the level of care standards established by division rule.
- (13) "Substance use disorder agency" means a public or private agency, health care facility, or health care practice that:
 - (a) provides substance use disorder services, recovery support services, primary health care services, or substance use disorder preventive services; and
 - (b) employs qualified mental health therapists in sufficient number to:
 - (i) evaluate the condition of clients being treated by each counselor licensed under this part and employed by the substance use disorder agency; and
 - (ii) ensure that appropriate substance use disorder services are being given.
- (14) "Substance use disorder education program" means a formal program of substance use disorder education offered by an accredited institution of higher education that meets standards established by division rule.

Amended by Chapter 393, 2019 General Session

58-60-503 Board.

- (1) There is created the Substance Use Disorder Counselor Licensing Board consisting of:
 - (a) three substance use disorder counselors;
 - (b) three mental health therapists qualified by education or experience to treat substance use disorder and who are currently practicing in the substance use disorder field; and
 - (c) one public member.
- (2) The board shall be appointed and serve in accordance with Section 58-1-201.
- (3) The duties and responsibilities of the board are in accordance with Sections 58-1-202 and 58-1-203. In addition, the board shall designate one of its members on a permanent or rotating basis to:
 - (a) assist the division in reviewing complaints concerning the unlawful or unprofessional conduct of a licensee; and
 - (b) advise the division in its investigation of these complaints.
- (4) A board member who has, under Subsection (3), reviewed a complaint or advised in the investigation of a complaint may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning the complaint.

Amended by Chapter 179, 2012 General Session

58-60-504 License classification.

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

- (1) licensed advanced substance use disorder counselor;
- (2) certified advanced substance use disorder counselor;
- (3) certified advanced substance use disorder counselor intern;
- (4) licensed substance use disorder counselor;
- (5) certified substance use disorder counselor; and
- (6) certified substance use disorder counselor intern.

Amended by Chapter 179, 2012 General Session

58-60-506 Qualifications for licensure.

- (1) An applicant for licensure under this part on and after July 1, 2012, must meet the following qualifications:
 - (a) submit an application in a form prescribed by the division;
 - (b) pay a fee determined by the department under Section 63J-1-504;
 - (c) satisfy the requirements of Subsection (2), (3), (4), (5), (6), or (7) respectively; and
 - (d) except for licensure as a certified substance use disorder counselor intern and a certified advanced substance use disorder counselor intern, satisfy the examination requirement established by division rule under Section 58-1-203.
- (2) In accordance with division rules, an applicant for licensure as an advanced substance use disorder counselor shall produce:
 - (a) certified transcripts from an accredited institution of higher education that:
 - (i) meet division standards;
 - (ii) verify the satisfactory completion of a baccalaureate or graduate degree; and
 - (iii) verify the completion of prerequisite courses established by division rules;
 - (b) documentation of the applicant's completion of a substance use disorder education program that includes:
 - (i) at least 300 hours of substance use disorder related education, of which 200 hours may have been obtained while qualifying for a substance use disorder counselor license; and
 - (ii) a supervised practicum of at least 350 hours, of which 200 hours may have been obtained while qualifying for a substance use disorder counselor license; and
 - (c) documentation of the applicant's completion of at least 4,000 hours of supervised experience in substance use disorder treatment, of which 2,000 hours may have been obtained while qualifying for a substance use disorder counselor license, that:
 - (i) meets division standards; and
 - (ii) is performed within a four-year period after the applicant's completion of the substance use disorder education program described in Subsection (2)(b), unless, as determined by the division after consultation with the board, the time for performance is extended due to an extenuating circumstance.
- (3) An applicant for licensure as a certified advanced substance use disorder counselor shall meet the requirements in Subsections (2)(a) and (b).
- (4)
 - (a) An applicant for licensure as a certified advanced substance use disorder counselor intern shall meet the requirements in Subsections (2)(a) and (b).
 - (b) A certified advanced substance use disorder counselor intern license expires at the earlier of:
 - (i) the licensee passing the examination required for licensure as a certified advanced substance use disorder counselor; or
 - (ii) six months after the certified advanced substance use disorder counselor intern license is issued.
- (5) In accordance with division rules, an applicant for licensure as a substance use disorder counselor shall produce:
 - (a) certified transcripts from an accredited institution that:
 - (i) meet division standards;
 - (ii) verify satisfactory completion of an associate's degree or equivalent as defined by the division in rule; and
 - (iii) verify the completion of prerequisite courses established by division rules;

- (b) documentation of the applicant's completion of a substance use disorder education program that includes:
 - (i) completion of at least 200 hours of substance use disorder related education;
 - (ii) included in the 200 hours described in Subsection (5)(b)(i), a minimum of two hours of training in suicide prevention via a course that the division designates as approved; and
 - (iii) completion of a supervised practicum of at least 200 hours; and
- (c) documentation of the applicant's completion of at least 2,000 hours of supervised experience in substance use disorder treatment that:
 - (i) meets division standards; and
 - (ii) is performed within a two-year period after the applicant's completion of the substance use disorder education program described in Subsection (5)(b), unless, as determined by the division after consultation with the board, the time for performance is extended due to an extenuating circumstance.
- (6) An applicant for licensure as a certified substance use disorder counselor shall meet the requirements of Subsections (5)(a) and (b).
- (7)
 - (a) An applicant for licensure as a certified substance use disorder counselor intern shall meet the requirements of Subsections (5)(a) and (b).
 - (b) A certified substance use disorder counselor intern license expires at the earlier of:
 - (i) the licensee passing the examination required for licensure as a certified substance use disorder counselor; or
 - (ii) six months after the certified substance use disorder counselor intern license is issued.

Amended by Chapter 339, 2020 General Session

58-60-507 Qualifications for admission to examination.

All applicants for admission to any examination qualifying an individual for licensure under this part shall:

- (1) submit an application on a form provided by the division; and
- (2) pay the fee established for the examination.

Amended by Chapter 283, 2007 General Session

58-60-508 Substance use disorder counselor supervisor's qualifications -- Functions.

- (1) A mental health therapist supervisor of a substance use disorder counselor shall:
 - (a) be qualified by education or experience to treat substance use disorders;
 - (b) be currently working in the substance use disorder treatment field;
 - (c) review substance use disorder counselor assessment procedures and recommendations;
 - (d) provide substance use disorder diagnosis and other mental health diagnoses in accordance with Subsection 58-60-102(7);
 - (e) supervise the development of a treatment plan;
 - (f) approve the treatment plan; and
 - (g) provide direct supervision for not more than six persons, unless granted an exception in writing from the board and the division.
- (2) A licensed advanced substance use disorder counselor may act as the supervisor of a certified substance use disorder counselor, certified substance use disorder counselor intern, certified advanced substance use disorder counselor, or certified advanced substance use disorder counselor intern if the licensed advanced substance use disorder counselor:

- (a) has at least two years of experience as a licensed advanced substance use disorder counselor;
- (b) is currently working in the substance use disorder field; and
- (c) provides direct supervision for no more than six individuals, unless granted an exception in writing from the board and the division.

Amended by Chapter 393, 2019 General Session

Superseded 9/1/2022

58-60-509 Confidentiality -- Exemptions.

- (1) A licensee under this part may not disclose any confidential communication with a client or patient without the express consent of:
 - (a) the client or patient;
 - (b) the parent or legal guardian of a minor client or patient; or
 - (c) the authorized agent of a client or patient.
- (2) A licensee under this part is not subject to Subsection (1) if:
 - (a) the licensee is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:
 - (i) reporting under Title 62A, Chapter 3, Part 3, Abuse, Neglect, or Exploitation of a Vulnerable Adult;
 - (ii) reporting under Title 62A, Chapter 4a, Part 4, Child Abuse or Neglect Reporting Requirements;
 - (iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or
 - (iv) reporting of a communicable disease as required under Section 26-6-6;
 - (b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Rule 506, Utah Rules of Evidence; or
 - (c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Amended by Chapter 366, 2011 General Session

Effective 9/1/2022

58-60-509 Confidentiality -- Exemptions.

- (1) A licensee under this part may not disclose any confidential communication with a client or patient without the express consent of:
 - (a) the client or patient;
 - (b) the parent or legal guardian of a minor client or patient; or
 - (c) the authorized agent of a client or patient.
- (2) A licensee under this part is not subject to Subsection (1) if:
 - (a) the licensee is permitted or required by state or federal law, rule, regulation, or order to report or disclose any confidential communication, including:
 - (i) reporting under Title 62A, Chapter 3, Part 3, Abuse, Neglect, or Exploitation of a Vulnerable Adult;
 - (ii) reporting under Title 80, Chapter 2, Part 6, Child Abuse and Neglect Reports;
 - (iii) reporting under Title 78B, Chapter 3, Part 5, Limitation of Therapist's Duty to Warn; or
 - (iv) reporting of a communicable disease as required under Section 26-6-6;
 - (b) the disclosure is part of an administrative, civil, or criminal proceeding and is made under an exemption from evidentiary privilege under Rule 506, Utah Rules of Evidence; or

- (c) the disclosure is made under a generally recognized professional or ethical standard that authorizes or requires the disclosure.

Amended by Chapter 335, 2022 General Session

58-60-510 Evidentiary privilege.

Evidentiary privilege for a licensee under this part concerning admissibility of any confidential communication in administrative, civil, or criminal proceedings is in accordance with Rule 506, Utah Rules of Evidence.

Amended by Chapter 283, 2007 General Session

58-60-511 Experience requirement -- Transition of licensing and experience.

- (1) Except as otherwise approved in writing by the board and the division, an individual currently licensed as a substance abuse counselor may transition to the substance use disorder counselor license as follows:
 - (a) an individual who documents practice as a substance abuse counselor for six years or longer, by July 1, 2013, may apply for an advanced substance use disorder license;
 - (b) if an individual who has practiced as a substance abuse counselor for less than six years of experience meets the education requirements under Subsection 58-60-506(2)(a) by July 1, 2013, the individual may apply to the division for an advanced substance use disorder license;
 - (c) the division shall convert the license of an individual who has practiced for less than six years, and who is licensed as a substance abuse counselor, to a substance use disorder counselor license; or
 - (d) the division shall convert the license of an individual who is a certified substance abuse counselor, or a certified substance abuse counselor intern, to a certified substance use disorder counselor.
- (2) An applicant working toward licensure under division rules in effect before July 1, 2012, who is enrolled in an approved education program, and has completed at least 100 hours of addiction-specific training before July 1, 2012, may be licensed in accordance with division rules.

Amended by Chapter 179, 2012 General Session