

## **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.**

As used in this chapter, unless a different meaning is established by definition under a specific section or part:

- (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.
- (2) "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.
- (3) "Clinical supervision" means work experience conducted under the supervision of a clinical supervisor, including:
  - (a) the practice of mental health therapy, direct client care, direct clinical supervision, direct observation, and other duties and activities completed in the course of the day-to-day job functions and work of a:
    - (i) certified social worker;
    - (ii) associate marriage and family therapist;
    - (iii) associate clinical mental health counselor; or
    - (iv) associate master addiction counselor, wherein the supervisor is available for consultation with the supervisee by personal face-to-face contact, or direct voice contact by telephone, radio, or other means within a reasonable time consistent with the acts and practices in which the supervisee is engaged.
- (4) "Clinical supervisor" means an individual who oversees and mentors one or more mental health therapists licensed under this chapter, and who:
  - (a)
    - (i) is licensed, in good standing, as a mental health therapist;
    - (ii) is approved or certified in good standing as a supervisor by a national professional organization for social work, mental health counseling, addiction counseling, marriage and family therapy, psychology, medicine, or nursing, or other organization as approved by the division;
  - (iii)
    - (A) has completed eight or more hours of supervision instruction that meets minimum standards established by the division in rule; or
    - (B) has completed a graduate course on clinical supervision from an accredited program;
  - (iv) completes continuing education in clinical supervision, as established by the division in rule; and
  - (v) provides supervision to no more than the number of individuals to whom the supervisor can reasonably provide clinical supervision by performing the duties and responsibilities of a supervisor, including:

- (A) being available to the supervisee for consultation by personal face-to-face contact, or by direct voice contact by telephone, video conference, or other means within a reasonable time frame;
- (B) providing instruction, direction, oversight, observation, evaluation, and feedback, to enable the supervisee to acquire the knowledge, skills, techniques, and abilities necessary to engage in the practice of behavioral health care ethically, safely, and competently; and
- (C) maintaining routine personal contact with the supervisee; and

(b)

- (i) is qualified and acting as a valid supervisor, in accordance with applicable law and division rules, as of April 30, 2024; and
- (ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.

(5) "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.

(6) "Designated examiner" means the same as that term is defined in Section 26B-5-301.

(7)

- (a) "Direct client care" means the practice of mental health therapy performed as an applicant for licensure.
- (b) "Direct client care" includes:
  - (i) the practice of mental health therapy;
  - (ii) the utilization of patient-reported progress and outcomes to inform care; and
  - (iii) direct observation.

(8)

- (a) "Direct clinical supervision" means an applicant for licensure and the applicant's direct clinical supervisor meeting in real time and in accordance with the applicant for licensure's supervision contract as defined by division rule.
- (b) "Direct clinical supervision" includes group supervision.

(9) "Direct clinical supervisor" means the clinical supervisor who has signed the supervision contract with the applicant for licensure.

(10) "Direct observation" means observation of an applicant for licensure's live or recorded direct client care:

(a)

- (i) by the applicant for licensure's clinical supervisor; or

- (ii) by a licensee under Subsection (4)(a) who the applicant for licensure's direct clinical supervisor approves; and
- (b) after which the applicant for licensure and the observer under Subsection (10)(a) meet, in-person or electronically, to discuss the direct client care for the purpose of developing the applicant for licensure's clinical knowledge and skill.

(11) "FBI Rap Back System" means the same as that term is defined in Section 53-10-108.

(12) "Group supervision" means an applicant for licensure meeting with the applicant's direct clinical supervisor and at least one of the direct clinical supervisor's other supervised applicants for licensure:

- (a) while the clinical supervisor and the applicants:
  - (i) can see and openly communicate with each other; and
  - (ii) are present in the same room or via electronic video; and
- (b) for the purpose of developing the applicants' clinical knowledge and skill.

(13) "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.

(14) "Individual" means a natural person.

(15) "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;
- (l) an associate clinical mental health counselor;
- (m) a master addiction counselor; or
- (n) an associate master addiction counselor.

(16) "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 (15).

(17) "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 (15);
- (b) establishing a diagnosis in accordance with established written standards generally recognized in the professions of mental health therapy listed under Subsection (15);
- (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 (15).
- (18) "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.
- (19) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.
- (20) "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 420, 2024 General Session

**58-60-102.5 Behavioral Health Board -- Advisory committees.**

- (1) There is created the Behavioral Health Board consisting of:
  - (a) no less than six behavioral health care providers licensed in Utah to practice as a:
    - (i) clinical social worker;
    - (ii) marriage and family therapist;
    - (iii) clinical mental health counselor;
    - (iv) master addiction counselor;
    - (v) psychologist under Chapter 61, Psychologist Licensing Act; or
    - (vi) behavior analyst or specialist;
  - (b) no less than two other behavioral health care providers licensed in Utah to practice as:
    - (i) a certified social worker;
    - (ii) a social service worker;
    - (iii) an associate marriage and family therapist;
    - (iv) an associate clinical mental health counselor;
    - (v) an associate master addiction counselor;
    - (vi) an advanced substance use disorder counselor;
    - (vii) a substance use disorder counselor;
    - (viii) a certified psychology resident; or
    - (ix) an assistant behavior analyst or specialist;
  - (c) no less than four public members:
    - (i) who comprise no less than 1/3 of the total membership of the board;
    - (ii) who are not licensed to practice under:
      - (A) this chapter; or
      - (B) Chapter 61, Psychologist Licensing Act;
    - (iii) two of whom shall, at the time of appointment to the board, hold a leadership position with:
      - (A) a behavioral health consumer advocacy organization;
      - (B) a behavioral health employer;
      - (C) a behavioral health payor;
      - (D) an academic institution conducting research related to the behavioral health licenses under Subsection (3)(b), including public health, epidemiology, economics, and the health care workforce;
      - (E) a training institution providing education credentials required for a license under Subsection (3)(b);
      - (F) a licensed health care facility as defined in Section 26B-2-201; or
      - (G) a licensed human services program as defined in Section 26B-2-101;

- (iv) one of whom the executive director of the Department of Health and Human Services appoints; and
- (v) one of whom is licensed in Utah to practice as a:
  - (A) physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;
  - (B) physician assistant under Chapter 70a, Utah Physician Assistant Act; or
  - (C) nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure Compact - Revised.

(2) Board members shall be appointed, serve terms, and be compensated in accordance with Section 58-1-201.

(3) The board shall:

- (a) operate in accordance with Section 58-1-202, unless otherwise provided in this section;
- (b) oversee licenses under:
  - (i) this chapter; and
  - (ii) Chapter 61, Psychologist Licensing Act;
- (c) recommend to the appropriate legislative committee statutory changes to:
  - (i) ensure that regulation supports an adequate workforce to meet consumer demand for behavioral health services; and
  - (ii) prevent harm to the health, safety, and financial welfare of the public;
- (d) recommend to the appropriate legislative committee statutory changes to remove regulations that are no longer necessary or effective in protecting the public and enhancing commerce; and
- (e) disqualify any member from acting as a presiding officer in any administrative procedure in which that member has previously reviewed the complaint or advised the division.

(4)

- (a) There are created the following advisory committees to the board:
  - (i) the Qualifications and Professional Development Advisory Committee;
  - (ii) the Background and Investigations Advisory Committee; and
  - (iii) the Probation and Compliance Advisory Committee.
- (b) Each advisory committee shall consist of:
  - (i) a committee chair who is a member of the Behavioral Health Board;
  - (ii) a member of each profession regulated under this chapter;
  - (iii) Chapter 61, Psychologist Licensing Act; and
  - (iv) as determined by the division in rule, additional members from the professions licensed under this chapter or Chapter 61, Psychologist Licensing Act.
- (c) In addition to the requirements of Subsection (4)(b):
  - (i) the Qualifications and Professional Development Advisory Committee shall also consist of an educator for each profession regulated under this chapter and Chapter 61, Psychologist Licensing Act; and
  - (ii) the Background and Investigations Advisory Committee shall also consist of a criminal justice professional.
- (d) The Qualifications and Professional Development Advisory Committee shall:
  - (i) advise the division regarding qualifications for licensure, including passing scores for applicant examinations and standards of supervision for students or persons in training to become licensed;
  - (ii) recommend evidence-based ongoing professional development requirements for licensure that:
    - (A) ensure an adequate workforce to meet consumer demand; and

- (B) prevent harm to the health, safety, and financial welfare of the public;
- (iii) advise the division on the licensing, renewal, reinstatement, and re licensure of:
  - (A) internationally trained applicants;
  - (B) applicants applying via licensure by endorsement; and
  - (C) applicants applying using an alternate pathway to licensure including a non-exam or equivalent field degree path;
- (iv) draw on additional profession-specific advisors as needed;
- (v) make policy recommendations to the board regarding qualifications for licensure or renewal for a specific profession, including the committee chair assigning at least one committee member licensed under that profession to serve as a subject matter expert; and
- (vi) make recommendations to the board related to an individual applicant for a specific license, including the committee chair assigning at least one committee member licensed under the same profession as the applicant to serve as a subject matter expert.

(e) The Background and Investigations Advisory Committee shall:

- (i) advise the division on establishing criteria for licensure for those with a criminal conviction according to Section 58-1-401;
- (ii) advise the division on establishing criteria for referral to the Utah Professionals Health Program under Chapter 4a, Utah Professionals Health Program;
- (iii) screen applicants with a criminal history for licensing, renewal, reinstatement, and re licensure and recommending licensing, renewal, reinstatement, and re licensure actions to the division;
- (iv) advise the division on investigative practices and procedures and administrative sanctions for consistency and fairness across relevant occupations;
- (v) make recommendations to the board for sanctions against individual licensees and certificate holders and referral to the Utah Professionals Health Program under Chapter 4a, Utah Professionals Health Program;
- (vi) draw on additional profession-specific advisors as needed; and
- (vii) make recommendations to the board related to the disposition for any specific applicant or licensee, including the committee chair assigning at least one committee member licensed under the same profession as the applicant or licensee to serve as a subject matter expert.

(f) The Probation and Compliance Advisory Committee shall:

- (i) review compliance with probationary orders;
- (ii) review early termination and make any recommendations as requested by the board;
- (iii) advise the board regarding the screening of applicants previously sanctioned for licensing, renewal, reinstatement, and re licensure, including recommending licensing, renewal, reinstatement, and re licensure actions to the board;
- (iv) establish procedures for monitoring sanctioned licensees or certificate holders;
- (v) draw on additional profession-specific advisors as needed; and
- (vi) make recommendations to the board related to the disposition for any specific licensee or certification holder, including the committee chair assigning a committee member licensed under the same profession as the licensee or certification holder to serve as a subject-matter expert related to that disposition.

(5) The division, in consultation with the board, may establish one or more standing or ad hoc subcommittees to consider and advise the board regarding any aspect of licensing, including:

- (a) client or patient access to qualified licensees;
- (b) education, examination, and supervision of applicants for licensure;
- (c) verification of applicant for licensure qualifications;
- (d) continuing education requirements;

- (e) alternate pathways to licensure; and
- (f) probation and recovery assistance.
- (6) The division may consult with licensed psychologists on matters specific to the oversight of doctoral-level licensed psychologists.
- (7) Members of the board and any subcommittees created under this section may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
  - (a) Section 63A-3-106;
  - (b) Section 63A-3-107; and
  - (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
- (8) The division shall consult with the Physicians Licensing Board created in Section 58-67-201 on any matters relating to:
  - (a) the licensing of individual certified prescribing psychologists and provisional prescribing psychologists; and
  - (b) rulemaking related to the occupation of prescribing psychology.

Enacted by Chapter 420, 2024 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, including the use of the FBI Rap Back System, regarding the application and the applicant's future status as a license holder.
- (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; or
  - (c) issue a letter of qualification to participate in the Social Work Licensure Compact under Chapter 60b, Social Work Licensure Compact, until the criminal background check described in this section is completed.

Amended by Chapter 103, 2024 General Session  
Amended by Chapter 420, 2024 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 -- Grandfather provisions.**

- (1) 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.
- (2)
  - (a) An individual who, prior to May 1, 2024, began accruing supervised hours toward licensure or certification under supervision hours that change, may continue to qualify for licensure under the unchanged supervision hours requirements until January 1, 2027.
  - (b) An individual who is acting as a supervisor, or working toward qualification to act as a supervisor, under qualification requirements that change, may continue to qualify to act as a supervisor under the unchanged qualification requirements until January 1, 2027.

Amended by Chapter 420, 2024 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 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 90 day period beginning on the day on which the client relocates to Utah;
- (v) within one day after the day on which the individual first provides mental health therapy or substance use disorder counseling remotely to the client in 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.

(3)

- (a) As used in this Subsection (3):
  - (i) "Prescribe" means the same as that term is defined in Section 58-17b-102.
  - (ii) "Prescription drug" means the same as that term is defined in Section 58-17b-102.
- (b) Except as otherwise provided in an interstate compact enacted under this title, 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, and who provides mental health therapy remotely or substance use disorder counseling remotely to a client in Utah:
  - (i) may not prescribe a prescription drug for a client in Utah unless the individual is licensed in Utah to prescribe the prescription drug;
  - (ii) shall, before providing mental health therapy remotely or substance use disorder counseling remotely to a client in Utah, be aware of:
    - (A) how to access emergency services and resources in Utah; and
    - (B) all applicable laws and rules regarding the required or permitted reporting or disclosing of confidential client communications;
  - (iii) shall, within one day after the day on which the individual first provides mental health therapy remotely or substance use disorder counseling remotely to a client in Utah, submit to the division a signed notice, in the form required by the division, notifying the division that the individual is providing therapy or counseling under the exemption in this Subsection (3); and
  - (iv) shall obtain a Utah license:

- (A) within nine months after the day on which the individual first provides mental health therapy remotely or substance use disorder counseling remotely to a client in Utah; or
- (B) if at any time the individual provides mental health therapy remotely or substance use disorder counseling remotely to more than one client in Utah.

(4) The division shall report to the Health and Human Services Interim Committee at or before the committee's October 2026 meeting regarding the exemption described in Subsection (3), including information about any complaints the division has received concerning individuals who have provided therapy or counseling under that exemption.

Amended by Chapter 339, 2023 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.**

- (1) As used in this chapter, "unlawful conduct" includes:
  - (a) practice of the following unless licensed in the appropriate classification or exempted from licensure under this title:
    - (i) mental health therapy;
    - (ii) clinical social work;
    - (iii) certified social work;
    - (iv) marriage and family therapy;
    - (v) clinical mental health counseling;
    - (vi) social service work;
    - (vii) master addiction counseling;
    - (viii) substance use disorder counseling;
    - (ix) advanced substance use disorder counseling; or
    - (x) behavioral health coach work;
  - (b) 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
  - (c) representing oneself as, or using the title of, the following:
    - (i) unless currently licensed in a license classification under this title:
      - (A) psychiatrist;
      - (B) psychologist;
      - (C) registered psychiatric mental health nurse specialist;
      - (D) mental health therapist;
      - (E) clinical social worker;
      - (F) master addiction counselor;
      - (G) certified social worker;

- (H) marriage and family therapist;
- (I) clinical mental health counselor;
- (J) social service worker;
- (K) substance use disorder counselor;
- (L) associate clinical mental health counselor;
- (M) associate marriage and family therapist;
- (N) associate master addiction counselor;
- (O) behavioral health coach; or
- (P) behavioral health technician; or

- (ii) unless currently in possession of the credentials described in Subsection (2), social worker.

(2) 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 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 420, 2024 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;
  - (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;
  - (e) a pattern of failing to provide to patients in a mental health therapy setting:
    - (i) information regarding the license holder, including the name under which the license holder is licensed, the type of license held, the license number, and the license holder's contact information;
    - (ii) if the individual's license requires the license holder to be supervised by another licensed provider, information regarding the supervisor, including the name under which the supervisor is licensed, the type of license held, the license number, and the supervisor's contact information;
    - (iii) information regarding standards of appropriate care and ethical boundaries, including a plain language statement that in a professional relationship with a mental health practitioner, a dual relationship between a client and a provider, or one that is romantic, financially motivated, sexual, or otherwise risks impacting the provider's judgment or the quality

of the services provided, is never appropriate and should be reported to the Division of Professional Licensing;

(iv) unless the individual is under an order of temporary commitment or involuntary commitment, information regarding the client's rights, including that the client has the right to seek a second opinion, to ask for additional information, and to terminate treatment at any time; or

(v) the contact information for the Division of Professional Licensing, including how to file a complaint; and

(f) a pattern of failing to provide to patients, upon request, in a mental health setting:

- (i) information about the license holder's qualifications and experience, including a listing of any degrees, credentials, certifications, registrations, and licenses held or completed by the license holder, the name of the granting school or institution, and the continuing education that the licensee is required to complete in order to retain the license;
- (ii) information regarding standards of appropriate care and ethical boundaries, including a copy of the statutory and administrative rule definitions of unprofessional conduct, or a copy of the generally recognized professional or ethical standards;
- (iii) for any course of treatment, the method of treatment recommended, the reasoning supporting the method of treatment, the techniques used, the expected duration of the treatment, if known, and the fee structure; or
- (iv) information regarding the individuals who have or have had access to confidential data related to the care of the patient, including evaluations, assessments, diagnoses, prevention or treatment plans, reports, progress notes, discharge summaries, treatment or documentation of treatment, including video recording, live stream, or in-person observations of psychotherapy or other treatment methods.

(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 420, 2024 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 used 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 78B, Chapter 7, Protective Orders and Stalking Injunctions;
    - (B) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement Act;
    - (C) Title 78B, Chapter 15, Utah Uniform Parentage Act;
    - (D) Title 81, Chapter 4, Dissolution of Marriage; or
    - (E) Title 81, Chapter 9, Custody, Parent-time, and Visitation.
- (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 366, 2024 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

### **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 26B, Chapter 6, Part 2, 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 26B-7-206;
- (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 329, 2023 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) (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, including drafting initial treatment plans, if:
    - (A) the treatment plan is for a client with mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist;
    - (B) before treatment begins, the mental health therapist has reviewed and approved the treatment plan, and the client has been given an opportunity to consult with the mental health therapist; and

(C) the social service worker is authorized in writing by a licensed health facility, as defined in Section 26B-2-201, or a licensed human service program, as defined in Section 26B-2-101;

(iii) ongoing case management;

(iv) progress monitoring, including drafting treatment plan reviews and updates, if the requirements of Subsections (1)(a)(ii)(A) through (C) have been met;

(v) supportive counseling and psychosocial education, including:

(A) providing individual and group support and psychosocial education related to behavioral health literacy, wellness education and promotion, goal setting, life skills, and coping skills;

(B) providing evidence-based, manualized therapeutic interventions according to a treatment plan approved by a mental health therapist, while under the supervision of a mental health therapist, in the treatment of mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by the mental health therapist; and

(C) co-facilitating group therapy with a mental health therapist;

(vi) information gathering;

(vii) making referrals, including crisis referrals;

(viii) engaging in advocacy;

(ix) care navigation; and

(x) the supervision and training of social work students of an accredited institution who are seeking bachelor's degrees in social work, if the social service worker has two years of post-licensure work experience.

(b) Except for the acts described in Subsection (1)(a)(v)(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.

(2) "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.

(3) "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.

(4) "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.

(5) "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 420, 2024 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; and
- (3) social service worker.

Amended by Chapter 283, 2023 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) if required under federal law for any licensee as a clinical social worker to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
    - (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(e); or
    - (ii) not less than two years of clinical supervision;
  - (e) document successful completion of not less than 1,200 direct client care hours:
    - (i) obtained after completion of the education requirements under Subsection (1)(c);
    - (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
    - (iii) not less than 25 of which are direct observation hours; and
    - (iv) not more than 25 of which are group supervision hours accrued concurrently with more than one other applicant for licensure;
  - (f) document successful completion of not less than two hours of training in suicide prevention, obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;

- (g) 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;
- (h)
  - (i) pass the examination requirement established by rule under Section 58-1-203; or
  - (ii) satisfy the following requirements:
    - (A) document at least one examination attempt that did not result in a passing score;
    - (B) document successful completion of not less than 500 additional direct client care hours, at least 25 of which are direct clinical supervision hours, and at least five of which are direct observation hours;
    - (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
    - (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and

- (i) 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) 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.
- (3) 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; and
  - (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 (3); 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.

(4) The division shall ensure that the rules for an examination described under Subsection (1)(h)(i) 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 103, 2024 General Session

Amended by Chapter 420, 2024 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 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.

(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(2)(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 420, 2024 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) "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.

Amended by Chapter 420, 2024 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) if required under federal law for any licensee as a marriage and family therapist to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
  - (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (2)(e); or
  - (ii) not less than two years of clinical supervision;
- (e) document successful completion of not less than 1,200 direct client care hours:
  - (i) obtained after completion of the education requirements under Subsection (1)(c);
  - (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor obtained after completion of the education requirements under Subsection (1)(c);
  - (iii) not less than 25 of which are direct observation hours; and
  - (iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;
- (f) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;
- (g)
  - (i) pass the examination requirement established by division rule under Section 58-1-203; or
  - (ii) satisfy the following requirements:
    - (A) document at least one examination attempt that did not result in a passing score;
    - (B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a mental health therapist or supervisor;
    - (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
    - (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and
- (h) 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) All applicants for licensure as an associate marriage and family therapist shall comply with the provisions of Subsections (1)(a) through (c) and (h).

Amended by Chapter 420, 2024 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

**58-60-308 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, "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 420, 2024 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) if required under federal law for any licensee as a clinical mental health counselor to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
    - (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(e); or
    - (ii) not less than two years of clinical supervision;
  - (e) document successful completion of not less than 1,200 direct client care hours:
    - (i) obtained after completion of the education requirements under Subsection (1)(c);
    - (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
    - (iii) not less than 25 of which are direct observation hours; and
    - (iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;
  - (f) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(c) via a course that the division designates as approved;
  - (g)
    - (i) pass the examination requirement established by division rule under Section 58-1-203; or
    - (ii) satisfy the following requirements:
      - (A) document at least one examination attempt that did not result in a passing score;

- (B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a clinical supervisor;
- (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
- (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and

(h) 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 an associate clinical mental health counselor shall comply with the provisions of Subsections (1)(a) through (c) and (h).

(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 420, 2024 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 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.
- (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 420, 2024 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) (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.
- (2) "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.
- (3) "General supervision" shall be defined by division rule.
- (4) "Group supervision" means more than one counselor licensed under this part meets with the supervisor at the same time.
- (5) "Individual supervision" means only one counselor licensed under this part meets with the supervisor at a given time.
- (6) "Practice as an advanced substance use disorder counselor" means:
  - (a) providing the services described in Subsections (9)(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, reviewing and updating treatment plans for substance use disorders, ongoing intervention, continuity of care, discharge planning, planning for relapse prevention, and long term recovery support;

- (d) supervising a substance use disorder counselor in accordance with Subsection 58-60-508(2); and
- (e) conducting supportive counseling and psychosocial education for substance use disorders and co-occurring mental health disorders, including:
  - (i) providing individual and group support;
  - (ii) providing individual and group psychosocial education; and
  - (iii) providing manualized therapeutic interventions if:
    - (A) conducted under the supervision of a mental health therapist;
    - (B) for the treatment of mild to moderate behavioral health symptoms or disorders, as diagnosed by a mental health therapist; and
    - (C) consistent with the client's treatment plan approved by a mental health therapist.

(7) "Practice as a master addiction counselor" means the practice of mental health therapy by means of observation, description, evaluation, interpretation, intervention, and treatment to effect modification of human behavior by:

- (a) the application of generally recognized substance use disorder counseling and addiction 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; and
- (b) the supervision of an advanced substance use disorder counselor or a substance use disorder counselor.

(8) "Practice as an associate master addiction counselor" means the same as the practice as a master addiction counselor, except while under the supervision of a clinical supervisor.

(9)

- (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.

(10) "Program" means a substance use disorder agency that provides substance use disorder services, including recovery support services.

(11) "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.

(12) "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.

(13) "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 420, 2024 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) master addiction counselor;
- (2) associate master addiction counselor;
- (3) licensed advanced substance use disorder counselor; and
- (4) licensed substance use disorder counselor.

Amended by Chapter 420, 2024 General Session

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

- (1) Subject to Subsection (2), an applicant for licensure as master addiction counselor based on education, training, and experience 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) document successful completion of not less than two hours of training in suicide prevention obtained after completion of the education requirements under Subsection (1)(d) via a course that the division designates as approved;
  - (d) produce a certified transcript from an accredited institution of higher education that meets standards established by division rule under Section 58-1-203, verifying the satisfactory completion of:
    - (i) a doctoral or master's degree in:
      - (A) substance use disorders or addiction counseling and treatment; or
      - (B) a counseling subject approved by the division in collaboration with the board, which may include social work, mental health counseling, marriage and family therapy, psychology, or medicine;
    - (ii) an associate's degree or higher, or 18 credit hours, in substance use disorder or addiction counseling and treatment from a regionally accredited institution of higher education;
  - (e) if required under federal law for any licensee as a master addiction counselor to qualify as an eligible professional under CMS rules for Medicare payment, document completion of:
    - (i) not less than 3,000 hours of clinical supervision, which includes hours accrued under Subsection (1)(g); or
    - (ii) not less than two years of clinical supervision;
  - (f) document successful completion of not less than 1,200 direct client care hours:
    - (i) obtained after completion of the education requirements under Subsection (1)(d)(ii);
    - (ii) subject to Subsection (1)(f)(iii), not less than 100 of which are direct clinical supervision hours under the supervision of a clinical supervisor;
    - (iii) not less than 25 of which are direct observation hours; and
    - (iv) not more than 25 of which are group supervision hours concurrently with more than one other applicant for licensure;
  - (g) if the applicant for licensure produces a transcript described in Subsection (1)(d)(ii), evidence completion of an additional 200 hours of direct client care hours in substance use disorder or addiction treatment;
  - (h)
    - (i) pass the examination requirement established by division rule under Section 58-1-203; or
    - (ii) satisfy the following requirements:
      - (A) document at least one examination attempt that did not result in a passing score;

- (B) document successful completion of not less than 500 additional direct client care hours, not less than 25 of which are direct clinical supervision hours, and not less than five of which are direct observation hours by a clinical supervisor;
- (C) submit to the division a recommendation letter from the applicant's direct clinical supervisor; and
- (D) submit to the division a recommendation letter from another licensed mental health therapist who has directly observed the applicant's direct client care hours and who is not the applicant's direct clinical supervisor; and

- (i) 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) In lieu of the requirements under Subsections (1)(d) through (i), an applicant for licensure as master addiction counselor may document current certification in good standing as:
  - (a) a master addiction counselor by the National Certification Commission for Addiction Professionals;
  - (b) a master addiction counselor by the National Board for Certified Counselors; or
  - (c) an equivalent certification as under Subsections (2)(a) and (b), as determined in rule made by the division in collaboration with the board.
- (3) An applicant for licensure as an associate master addiction counselor shall satisfy the requirements under Subsections (1)(a) through (c) and (i).
- (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use disorder 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; and
  - (c)
    - (i) produce certified transcripts verifying satisfactory completion of:
      - (A) a bachelor's degree or higher, from a regionally accredited institution of higher learning, in substance use disorders, addiction, or related counseling subjects, including social work, mental health counseling, marriage and family counseling, or psychology; or
      - (B) two academic years of study in a master's of addiction counseling curriculum and practicum approved by the National Addictions Studies Accreditation Commission;
    - (ii) document completion of at least 500 hours of supervised experience while licensed as a substance use disorder counselor under this section, which the applicant may complete while completing the education requirements under Subsection (1)(c)(i); and
    - (iii) satisfy examination requirements established by the division in rule.
- (5) The requirements of Subsection (4)(c) may be satisfied by providing official verification of current certification in good standing:
  - (a)
    - (i) as a National Certified Addiction Counselor Level II (NCAC II) from the National Certification Commission for Addiction Professionals (NCC AP); or
    - (ii) as an Advanced Alcohol & Drug Counselor (AADC), from the International Certification and Reciprocity Consortium; or
  - (b) of substantive equivalence to the certifications under Subsection (5)(a), as determined by division rule made in consultation with the board.
- (6) 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 (6)(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 (6)(b), unless, as determined by the division after consultation with the board, the time for performance is extended due to an extenuating circumstance.

Amended by Chapter 420, 2024 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

**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 26B, Chapter 6, Part 2, 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 26B-7-206;
  - (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 329, 2023 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

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

(1) An individual who is licensed as a master addiction counselor:

- (a) may engage in practice as a licensed master addiction counselor without supervision, in private and independent practice or as an employee of another person, limited only by the licensee's education, training, and competence; and
- (b) may engage in the practice of mental health therapy.

(2) To the extent an individual has completed the educational requirements of Section 58-60-506, a licensed associate master addiction counselor may engage in the practice as a licensed master addiction counselor and licensed advanced substance use disorder counselor if the practice is:

- (a) within the scope of employment as a licensed master addiction counselor or a licensed advanced substance use disorder counselor with, as defined by the division in rule, a public agency or private clinic; and
- (b) under supervision of a qualified licensed mental health therapist as defined in Section 58-60-102.

(3) A licensed associate master addiction counselor may not engage in the unsupervised practice of master addiction counseling.

Enacted by Chapter 420, 2024 General Session

**Part 6**  
**Behavioral Health Coach and Technician Licensing Act**

**58-60-601 Definitions.**

As used in this part:

- (1) "Health care facility" means the same as that term is defined in Section 26B-2-201.
- (2) "Human services program" means the same as that term is defined in Section 26B-2-101.
- (3) "Practice of mental health therapy" means the same as that term is defined in Section 58-60-102.
- (4) "Practice as a behavioral health coach" means, subject to Subsection (5), providing services as an employee of a substance use disorder or mental health agency, and working under the general supervision of a mental health therapist and includes:
  - (a) providing services under the definition of practice as a behavioral health technician in Subsection (6);
  - (b) conducting administrative and care coordination activities, including:
    - (i) providing targeted case management;
    - (ii) providing care navigation services, including:
      - (A) connecting individuals to behavioral health resources and social services; and
      - (B) facilitating communication with other behavioral health providers;
    - (iii) providing referrals and crisis referrals, including:
      - (A) engaging in warm handoffs with other behavioral health providers; and

- (B) adhering to a standardized protocol in responding to a crisis or risk of crisis within a behavioral health facility, program, or other entity;
- (iv) providing additional support to other behavioral health providers, facilities, programs, and entities, including:
  - (A) conducting administrative activities; and
  - (B) extending non-clinical behavioral health support; and
- (v) providing discharge, post-treatment referral, and non-clinical after-care services;

(c) conducting patient assessment, monitoring, and planning activities, including:

- (i) conducting non-clinical psychosocial assessments and screenings;
- (ii) conducting collaborative planning, care planning, and goal setting;
- (iii) gathering information to inform a mental health therapist's:
  - (A) diagnostic evaluations;
  - (B) initial treatment plans; and
  - (C) treatment plan reviews and updates;

(iv) monitoring client progress and tracking outcomes to inform a mental health therapist's:

- (A) diagnostic evaluations; and
- (B) treatment plan reviews and updates;

(v) assisting in drafting initial treatment plans by gathering information on a client's history and demographics, only:

- (A) in the treatment of clients with mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist, and as defined by the division in rule;
- (B) with completion of the treatment plan by a mental health therapist after assessing the client before treatment begins; and
- (C) at the discretion of and with prior documented authorization from a licensed health care facility, or from a licensed human services program; and

(vi) assisting in the information gathering process of reviewing and updating treatment goals, only:

- (A) in the treatment of clients with mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist;
- (B) with completion of the treatment plan from a mental health therapist after assessing the client before subsequent treatment begins; and
- (C) at the discretion of and with prior documented authorization from a licensed health facility or a licensed human service program; and

(d) conducting intervention and treatment activities, including:

- (i) providing psychosocial education groups related to behavioral health literacy, wellness education and promotion, goal setting, life skills, and coping skills;
- (ii) providing other interventions to enhance client social skills, emotional well-being, and overall functioning, including:
  - (A) supportive consultations;
  - (B) habilitation services; and
  - (C) activity-based programs;
- (iii) providing evidence-based, manualized interventions, only:
  - (A) under the supervision of a mental health therapist;
  - (B) in the treatment of mild to moderate behavioral health symptoms or disorders, as assessed or diagnosed by a mental health therapist; and
  - (C) according to a treatment plan reviewed and signed by a mental health therapist; and
- (iv) co-facilitating group therapy with a mental health therapist.

- (5) "Practice as a behavioral health coach" does not include engaging in the practice of mental health therapy.
- (6)
  - (a) "Practice as a behavioral health technician" means working under the general supervision of a mental health therapist and includes:
    - (i) supporting administrative and care coordination activities, including:
      - (A) maintaining accurate and confidential client records, progress notes, and incident reports, in compliance with applicable legal and ethical standards; and
      - (B) assisting in discharge, referral, and after-care documentation, coordination, and administration;
    - (ii) supporting patient non-clinical assessment, monitoring, and care planning activities, including:
      - (A) collecting intake and non-clinical psychosocial assessment information;
      - (B) gathering information to support diagnostic and treatment planning activities conducted by a mental health therapist; and
      - (C) observing, documenting, and reporting on client behaviors, treatment interventions, progress, and outcomes to a mental health therapist;
    - (iii) supporting intervention and treatment activities, including:
      - (A) supporting licensed professionals in implementing interventions designed to address behavioral health issues;
      - (B) facilitating psychoeducational groups or activities, development skills or activities, or social support groups or activities to enhance client social skills, emotional well-being, and overall functioning;
      - (C) providing education and support to clients and their families on behavioral health issues, treatment options, and community resources;
      - (D) implementing behavioral management strategies including de-escalation techniques and crisis intervention as needed; and
      - (E) implementing crisis intervention strategies in accordance with established protocols, and ensuring the safety and well-being of clients during emergencies.
  - (b) "Practice as a behavioral health technician" does not include:
    - (i) engaging in the practice of mental health therapy; or
    - (ii) serving as a designated examiner.
- (7) Notwithstanding any other provision of this part, no behavioral health coach is authorized to practice outside of or beyond his or her area of training, experience, or competence.
- (8) Notwithstanding any other provision of this part, no behavioral health technician is authorized to practice outside of or beyond his or her area of training, experience, or competence.

Enacted by Chapter 420, 2024 General Session

**58-60-602 Limitation on state licensure and certification.**

Nothing in this title shall be construed to prevent a person from lawfully engaging in practice as a behavioral health technician without certification.

Enacted by Chapter 420, 2024 General Session

**58-60-603 Qualification for licensure -- Ongoing development requirements.**

- (1) The division shall grant licensure to a person who qualifies under this chapter to practice as a behavioral health coach.

- (2) The division shall grant state certification to a person who qualifies under this chapter to practice as a behavioral health technician.
- (3) An applicant for state certification as a behavioral health technician shall:
  - (a) submit an application in a form prescribed by the division;
  - (b) pay a fee determined by the department under Section 63J-1-504; and
  - (c) provide certified transcripts verifying satisfactory completion of:
    - (i) a one-year academic certificate relevant to practice as a behavioral health technician from a regionally accredited institution of higher learning, or an equivalence of that certification as determined by the division in rule; or
    - (ii) an associate's degree or higher in a field determined by the division to be relevant to practice as a behavioral health technician, from a regionally accredited institution of higher learning, including:
      - (A) human and social services;
      - (B) counseling;
      - (C) psychology;
      - (D) social, behavioral, and health sciences; and
      - (E) education and human development.
- (4) An applicant for licensure as a behavioral health coach by:
  - (a) the higher education pathway shall:
    - (i) submit an application in a form prescribed by the division;
    - (ii) pay a fee determined by the department under Section 63J-1-504; and
    - (iii) provide certified transcripts verifying satisfactory completion of a bachelor's degree or higher in a field determined by the division to be relevant to practice as a behavioral health coach, from a regionally accredited institution of higher learning, or an equivalence of that degree or higher, as determined by the division in rule, including:
      - (A) human and social services;
      - (B) counseling;
      - (C) psychology;
      - (D) social, behavioral, and health sciences; and
      - (E) education and human development;
    - (iv) provide certified transcripts verifying satisfactory completion of no less than nine credit hours in applied skills relevant to practice as a behavioral health coach, including:
      - (A) ethical, legal, and professional issues in behavioral health;
      - (B) therapeutic, counseling, or direct practice skills and methods;
      - (C) clinical documentation;
      - (D) case management; and
      - (E) supervised internship or practicum experience; and
    - (v) provide a letter of recommendation from an individual with direct knowledge of the applicant's competency to the practice as a behavioral health coach, who is qualified to evaluate the applicant's competency, including:
      - (A) a supervisor from a current or past work experience, internship, or practicum relevant to the practice as a behavioral health coach; or
      - (B) an instructor of an applied skills course relevant to the practice as a behavioral health coach; and
  - (b) the stacked credentials and experience pathway shall:
    - (i) submit an application in a form prescribed by the division;
    - (ii) pay a fee determined by the department under Section 63J-1-504;

- (iii) provide certified transcripts verifying satisfactory completion of an associate's degree or higher in a field determined by the division to be relevant to the practice as a behavioral health coach from a regionally accredited institution of higher learning, including:
  - (A) human and social services;
  - (B) counseling;
  - (C) psychology;
  - (D) social, behavioral, and health sciences; and
  - (E) education and human development;
- (iv) provide certified transcripts verifying satisfactory completion of no less than nine credit hours in applied skills relevant to the practice as a behavioral health coach, including:
  - (A) ethical, legal, and professional issues in behavioral health;
  - (B) therapeutic, counseling, or direct practice skills and methods;
  - (C) clinical documentation;
  - (D) case management; and
  - (E) supervised internship or practicum experience;
- (v) provide documentation of two years full-time work experience, or equivalent, in a context or role determined by the division to be relevant to the practice as a behavioral health coach, including as a:
  - (A) certified behavioral health technician;
  - (B) certified peer support specialist;
  - (C) certified case manager;
  - (D) certified crisis worker; or
  - (E) substance use disorder counselor; and
- (vi) provide a letter of recommendation from an individual with direct knowledge of the applicant's competency to the practice as a behavioral health coach, who is qualified to evaluate the applicant's competency, including:
  - (A) a supervisor from a current or past work experience, internship, or practicum relevant to the practice as a behavioral health coach; or
  - (B) an instructor of an applied skills course relevant to the practice as a behavioral health coach.

(5)

- (a) Subject to Subsection (5)(b), Section 58-60-104 governs the term, expiration, and renewal of licenses and certifications the division grants under this part.
- (b) At the time of renewal, an applicant for renewal shall provide satisfactory documentation that the applicant has completed any ongoing professional development requirements, as established by the division in rule made in consultation with the board.

Enacted by Chapter 420, 2024 General Session

#### **58-60-604 Unlawful conduct.**

It is unlawful for a person who is not licensed or certified under this chapter to:

- (1) use the titles:
  - (a) state certified behavioral health technician; or
  - (b) licensed behavioral health coach; or
- (2) represent that the person is, in connection with the person's name or business:
  - (a) a state certified behavioral health technician; or
  - (b) licensed behavioral health coach.

Enacted by Chapter 420, 2024 General Session