

Senator Curtis S. Bramble proposes the following substitute bill:

BEHAVIORAL HEALTH LICENSING AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: A. Cory Maloy

LONG TITLE

General Description:

This bill amends behavioral health licensing provisions.

Highlighted Provisions:

This bill:

▶ requires the division to consider interstate portability and make recommendations regarding Utah's membership in any interstate licensing compacts;

▶ expands the types of licensees who may participate in the Utah Professionals Health Program, and removes the absolute requirement for formal proceedings to terminate a Utah Professionals Health Program contract and requires the division to make rules for probation after termination of a Utah Professionals Health Program contract;

▶ establishes that mental health disorders and substance use disorders qualify an individual licensee for the Utah Professionals Health Program's alternative path to public disciplinary action;

▶ creates the Behavioral Health Board, a multi-professional board to replace certain individual licensing boards;

▶ establishes training and certification requirements for clinical supervisors;

▶ changes supervision requirements for mental health therapists to include direct



- 26 observation;
- 27 ▶ defines direct client care, direct clinical supervision, and direct observation of
- 28 mental health therapists;
- 29 ▶ defines unlawful conduct to include failure to provide or disclose certain
- 30 information to patients in a mental health therapy setting;
- 31 ▶ requires a criminal background check for mental health therapists and authorizes the
- 32 division to use the FBI Rap Back System;
- 33 ▶ creates an alternative pathway to certain licensures through increased direct client
- 34 care hours and supervised clinical hours, in lieu of examination requirements;
- 35 ▶ creates the licenses of master addiction counselor and associate master addiction
- 36 counselor;
- 37 ▶ creates the license of behavioral health coach and certification of behavioral health
- 38 technician;
- 39 ▶ expands the scope of practice of social service workers and advanced substance use
- 40 disorder counselors to include drafting treatment plans and updates and providing
- 41 manualized therapeutic interventions limited circumstances; and
- 42 ▶ makes technical corrections.

43 **Money Appropriated in this Bill:**

- 44 This bill appropriates in fiscal year 2025:
- 45 ▶ to Utah Board of Higher Education - Talent Ready Utah - Talent Ready Utah as a
- 46 one-time appropriation:
- 47 • from the Grants and Contracts, One-time, \$2,900,000

48 **Other Special Clauses:**

49 None

50 **Utah Code Sections Affected:**

51 AMENDS:

- 52 **26B-5-101**, as last amended by Laws of Utah 2023, Chapter 308
- 53 **26B-5-102**, as last amended by Laws of Utah 2023, Chapter 177 and renumbered and
- 54 amended by Laws of Utah 2023, Chapter 308
- 55 **58-1-106**, as last amended by Laws of Utah 2018, Chapter 318
- 56 **58-1-201**, as last amended by Laws of Utah 2023, Chapter 223

- 57 [58-1-301.5](#), as last amended by Laws of Utah 2023, Chapters 222, 223 and 225
- 58 [58-1-501](#), as last amended by Laws of Utah 2023, Chapters 223, 321 and 463
- 59 [58-4a-102](#), as last amended by Laws of Utah 2023, Chapter 328
- 60 [58-4a-107](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 61 [58-17b-102](#), as last amended by Laws of Utah 2023, Chapters 223, 328
- 62 [58-40-302](#), as last amended by Laws of Utah 2020, Chapter 339
- 63 [58-60-102](#), as last amended by Laws of Utah 2021, Chapter 313
- 64 [58-60-103.1](#), as enacted by Laws of Utah 2022, Chapter 466
- 65 [58-60-106](#), as enacted by Laws of Utah 1994, Chapter 32
- 66 [58-60-109](#), as last amended by Laws of Utah 2020, Chapter 339
- 67 [58-60-110](#), as last amended by Laws of Utah 2019, Chapter 419
- 68 [58-60-202](#), as last amended by Laws of Utah 2010, Chapters 78, 214
- 69 [58-60-205](#), as last amended by Laws of Utah 2023, Chapters 283, 339
- 70 [58-60-207](#), as last amended by Laws of Utah 2023, Chapter 339
- 71 [58-60-302](#), as enacted by Laws of Utah 1994, Chapter 32
- 72 [58-60-305](#), as last amended by Laws of Utah 2023, Chapter 339
- 73 [58-60-402](#), as last amended by Laws of Utah 2012, Chapter 179
- 74 [58-60-405](#), as last amended by Laws of Utah 2023, Chapter 339
- 75 [58-60-407](#), as last amended by Laws of Utah 2020, Chapter 339
- 76 [58-60-502](#), as last amended by Laws of Utah 2019, Chapter 393
- 77 [58-60-504](#), as last amended by Laws of Utah 2012, Chapter 179
- 78 [58-60-506](#), as last amended by Laws of Utah 2020, Chapter 339
- 79 [58-61-102](#), as last amended by Laws of Utah 2013, Chapters 16, 123
- 80 [58-61-301](#), as last amended by Laws of Utah 2001, Chapter 281
- 81 [58-61-304](#), as last amended by Laws of Utah 2020, Chapter 339
- 82 [58-61-304.1](#), as enacted by Laws of Utah 2020, Chapter 339
- 83 [58-61-308](#), as enacted by Laws of Utah 2001, Chapter 281
- 84 [58-61-502](#), as last amended by Laws of Utah 2001, Chapter 281
- 85 [58-61-705](#), as last amended by Laws of Utah 2020, Chapter 339
- 86 [58-84-102](#), as enacted by Laws of Utah 2014, Chapter 340
- 87 [58-84-201](#), as last amended by Laws of Utah 2020, Chapter 339

88 ENACTS:

89 **58-60-102.5**, Utah Code Annotated 1953

90 **58-60-512**, Utah Code Annotated 1953

91 **58-60-601**, Utah Code Annotated 1953

92 **58-60-602**, Utah Code Annotated 1953

93 **58-60-603**, Utah Code Annotated 1953

94 **58-60-604**, Utah Code Annotated 1953

95 REPEALS:

96 **58-60-203**, as last amended by Laws of Utah 2010, Chapter 214

97 **58-60-303**, as last amended by Laws of Utah 2000, Chapter 159

98 **58-60-307**, as last amended by Laws of Utah 2019, Chapter 393

99 **58-60-403**, as last amended by Laws of Utah 2012, Chapter 179

100 **58-60-503**, as last amended by Laws of Utah 2012, Chapter 179

101 **58-61-201**, as last amended by Laws of Utah 2015, Chapter 367

102 **58-78-101**, as enacted by Laws of Utah 2009, Chapter 122

103 **58-78-102**, as enacted by Laws of Utah 2009, Chapter 122

104 **58-78-201**, as enacted by Laws of Utah 2009, Chapter 122

105 **58-78-301**, as enacted by Laws of Utah 2009, Chapter 122

106 **58-78-302**, as last amended by Laws of Utah 2020, Chapter 339

107 **58-78-303**, as last amended by Laws of Utah 2011, Chapter 367

108 **58-78-304**, as enacted by Laws of Utah 2009, Chapter 122

109 **58-78-401**, as enacted by Laws of Utah 2009, Chapter 122

110 **58-78-501**, as enacted by Laws of Utah 2009, Chapter 122

111 **58-78-502**, as enacted by Laws of Utah 2009, Chapter 122

112

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

114 Section 1. Section **26B-5-101** is amended to read:

115 **26B-5-101. Chapter definitions.**

116 As used in this chapter:

117 (1) "Criminal risk factors" means a person's characteristics and behaviors that:

118 (a) affect the person's risk of engaging in criminal behavior; and

119 (b) are diminished when addressed by effective treatment, supervision, and other
120 support resources, resulting in reduced risk of criminal behavior.

121 (2) "Director" means the director appointed under Section 26B-5-103.

122 (3) "Division" means the Division of Integrated Healthcare created in Section
123 26B-1-202.

124 (4) "Local mental health authority" means a county legislative body.

125 (5) "Local substance abuse authority" means a county legislative body.

126 (6) "Mental health crisis" means:

127 (a) a mental health condition that manifests in an individual by symptoms of sufficient
128 severity that a prudent layperson who possesses an average knowledge of mental health issues
129 could reasonably expect the absence of immediate attention or intervention to result in:

130 (i) serious danger to the individual's health or well-being; or

131 (ii) a danger to the health or well-being of others; or

132 (b) a mental health condition that, in the opinion of a mental health therapist or the
133 therapist's designee, requires direct professional observation or intervention.

134 (7) "Mental health crisis response training" means community-based training that
135 educates laypersons and professionals on the warning signs of a mental health crisis and how to
136 respond.

137 (8) "Mental health crisis services" means an array of services provided to an individual
138 who experiences a mental health crisis, which may include:

139 (a) direct mental health services;

140 (b) on-site intervention provided by a mobile crisis outreach team;

141 (c) the provision of safety and care plans;

142 (d) prolonged mental health services for up to 90 days after the day on which an
143 individual experiences a mental health crisis;

144 (e) referrals to other community resources;

145 (f) local mental health crisis lines; and

146 (g) the statewide mental health crisis line.

147 (9) "Mental health therapist" means the same as that term is defined in Section
148 58-60-102.

149 (10) "Mobile crisis outreach team" or "MCOT" means a mobile team of medical and

150 mental health professionals that, in coordination with local law enforcement and emergency
151 medical service personnel, provides mental health crisis services.

152 (11) "Office" means the Office of Substance Use and Mental Health created in Section
153 [26B-5-102](#).

154 (12) (a) "Public funds" means federal money received from the department, and state
155 money appropriated by the Legislature to the department, a county governing body, or a local
156 substance abuse authority, or a local mental health authority for the purposes of providing
157 substance abuse or mental health programs or services.

158 (b) "Public funds" include federal and state money that has been transferred by a local
159 substance abuse authority or a local mental health authority to a private provider under an
160 annual or otherwise ongoing contract to provide comprehensive substance abuse or mental
161 health programs or services for the local substance abuse authority or local mental health
162 authority. The money maintains the nature of "public funds" while in the possession of the
163 private entity that has an annual or otherwise ongoing contract with a local substance abuse
164 authority or a local mental health authority to provide comprehensive substance use or mental
165 health programs or services for the local substance abuse authority or local mental health
166 authority.

167 (c) Public funds received for the provision of services under substance use or mental
168 health service plans may not be used for any other purpose except those authorized in the
169 contract between the local mental health or substance abuse authority and provider for the
170 provision of plan services.

171 (13) "Severe mental disorder" means schizophrenia, major depression, bipolar
172 disorders, delusional disorders, psychotic disorders, and other mental disorders as defined by
173 the division.

174 (14) "Stabilization services" means in-home services provided to a child with, or who
175 is at risk for, complex emotional and behavioral needs, including teaching the child's parent or
176 guardian skills to improve family functioning.

177 (15) "Statewide mental health crisis line" means the same as that term is defined in
178 Section [26B-5-610](#).

179 (16) "System of care" means a broad, flexible array of services and supports that:

180 (a) serve a child with or who is at risk for complex emotional and behavioral needs;

- 181 (b) are community based;
- 182 (c) are informed about trauma;
- 183 (d) build meaningful partnerships with families and children;
- 184 (e) integrate service planning, service coordination, and management across state and
- 185 local entities;
- 186 (f) include individualized case planning;
- 187 (g) provide management and policy infrastructure that supports a coordinated network
- 188 of interdepartmental service providers, contractors, and service providers who are outside of
- 189 the department; and
- 190 (h) are guided by the type and variety of services needed by a child with or who is at
- 191 risk for complex emotional and behavioral needs and by the child's family.

192 (17) "Targeted case management" means a service that assists Medicaid recipients in a
193 target group to gain access to needed medical, social, educational, and other services.

194 Section 2. Section **26B-5-102** is amended to read:

195 **26B-5-102. Division of Integrated Healthcare -- Office of Substance Use and**
196 **Mental Health -- Creation -- Responsibilities.**

197 (1) (a) The Division of Integrated Healthcare shall exercise responsibility over the
198 policymaking functions, regulatory and enforcement powers, rights, duties, and responsibilities
199 outlined in state law that were previously vested in the Division of Substance Abuse and
200 Mental Health within the department, under the administration and general supervision of the
201 executive director.

202 (b) The division is the substance abuse authority and the mental health authority for
203 this state.

204 (c) There is created the Office of Substance Use and Mental Health within the division.

205 (d) The office shall exercise the responsibilities, powers, rights, duties, and
206 responsibilities assigned to the office by the executive director.

207 (2) The division shall:

208 (a) (i) educate the general public regarding the nature and consequences of substance
209 use by promoting school and community-based prevention programs;

210 (ii) render support and assistance to public schools through approved school-based
211 substance abuse education programs aimed at prevention of substance use;

- 212 (iii) promote or establish programs for the prevention of substance use within the
213 community setting through community-based prevention programs;
- 214 (iv) cooperate with and assist treatment centers, recovery residences, and other
215 organizations that provide services to individuals recovering from a substance use disorder, by
216 identifying and disseminating information about effective practices and programs;
- 217 (v) promote integrated programs that address an individual's substance use, mental
218 health, and physical health;
- 219 (vi) establish and promote an evidence-based continuum of screening, assessment,
220 prevention, treatment, and recovery support services in the community for individuals with a
221 substance use disorder or mental illness;
- 222 (vii) evaluate the effectiveness of programs described in this Subsection (2);
- 223 (viii) consider the impact of the programs described in this Subsection (2) on:
- 224 (A) emergency department utilization;
- 225 (B) jail and prison populations;
- 226 (C) the homeless population; and
- 227 (D) the child welfare system; and
- 228 (ix) promote or establish programs for education and certification of instructors to
229 educate individuals convicted of driving under the influence of alcohol or drugs or driving with
230 any measurable controlled substance in the body;
- 231 (b) (i) collect and disseminate information pertaining to mental health;
- 232 (ii) provide direction over the state hospital including approval of the state hospital's
233 budget, administrative policy, and coordination of services with local service plans;
- 234 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
235 Rulemaking Act, to educate families concerning mental illness and promote family
236 involvement, when appropriate, and with patient consent, in the treatment program of a family
237 member; [~~and~~]
- 238 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
239 Rulemaking Act, to direct that an individual receiving services through a local mental health
240 authority or the Utah State Hospital be informed about and, if desired by the individual,
241 provided assistance in the completion of a declaration for mental health treatment in
242 accordance with Section [26B-5-313](#); and

243 (v) to the extent authorized and in accordance with statute, make rules in accordance
244 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that:

245 (A) create a certification for targeted case management;

246 (B) establish training and certification requirements;

247 (C) specify the types of services each certificate holder is qualified to provide;

248 (D) specify the type of supervision under which a certificate holder is required to
249 operate; and

250 (E) specify continuing education and other requirements for maintaining or renewing
251 certification;

252 (c) (i) consult and coordinate with local substance abuse authorities and local mental
253 health authorities regarding programs and services;

254 (ii) provide consultation and other assistance to public and private agencies and groups
255 working on substance use and mental health issues;

256 (iii) promote and establish cooperative relationships with courts, hospitals, clinics,
257 medical and social agencies, public health authorities, law enforcement agencies, education and
258 research organizations, and other related groups;

259 (iv) promote or conduct research on substance use and mental health issues, and submit
260 to the governor and the Legislature recommendations for changes in policy and legislation;

261 (v) receive, distribute, and provide direction over public funds for substance use and
262 mental health services;

263 (vi) monitor and evaluate programs provided by local substance abuse authorities and
264 local mental health authorities;

265 (vii) examine expenditures of local, state, and federal funds;

266 (viii) monitor the expenditure of public funds by:

267 (A) local substance abuse authorities;

268 (B) local mental health authorities; and

269 (C) in counties where they exist, a private contract provider that has an annual or
270 otherwise ongoing contract to provide comprehensive substance abuse or mental health
271 programs or services for the local substance abuse authority or local mental health authority;

272 (ix) contract with local substance abuse authorities and local mental health authorities
273 to provide a comprehensive continuum of services that include community-based services for

274 individuals involved in the criminal justice system, in accordance with division policy, contract
275 provisions, and the local plan;

276 (x) contract with private and public entities for special statewide or nonclinical
277 services, or services for individuals involved in the criminal justice system, according to
278 division rules;

279 (xi) review and approve each local substance abuse authority's plan and each local
280 mental health authority's plan in order to ensure:

281 (A) a statewide comprehensive continuum of substance use services;

282 (B) a statewide comprehensive continuum of mental health services;

283 (C) services result in improved overall health and functioning;

284 (D) a statewide comprehensive continuum of community-based services designed to
285 reduce criminal risk factors for individuals who are determined to have substance use or mental
286 illness conditions or both, and who are involved in the criminal justice system;

287 (E) compliance, where appropriate, with the certification requirements in Subsection
288 [~~(2)(j)~~] (2)(h); and

289 (F) appropriate expenditure of public funds;

290 (xii) review and make recommendations regarding each local substance abuse
291 authority's contract with the local substance abuse authority's provider of substance use
292 programs and services and each local mental health authority's contract with the local mental
293 health authority's provider of mental health programs and services to ensure compliance with
294 state and federal law and policy;

295 (xiii) monitor and ensure compliance with division rules and contract requirements;
296 and

297 (xiv) withhold funds from local substance abuse authorities, local mental health
298 authorities, and public and private providers for contract noncompliance, failure to comply
299 with division directives regarding the use of public funds, or for misuse of public funds or
300 money;

301 (d) ensure that the requirements of this part are met and applied uniformly by local
302 substance abuse authorities and local mental health authorities across the state;

303 (e) require each local substance abuse authority and each local mental health authority,
304 in accordance with Subsections 17-43-201(5)(b) and 17-43-301(6)(a)(ii), to submit a plan to

305 the division on or before May 15 of each year;

306 (f) conduct an annual program audit and review of each local substance abuse authority
307 and each local substance abuse authority's contract provider, and each local mental health
308 authority and each local mental health authority's contract provider, including:

309 (i) a review and determination regarding whether:

310 (A) public funds allocated to the local substance abuse authority or the local mental
311 health authorities are consistent with services rendered by the authority or the authority's
312 contract provider, and with outcomes reported by the authority's contract provider; and

313 (B) each local substance abuse authority and each local mental health authority is
314 exercising sufficient oversight and control over public funds allocated for substance use
315 disorder and mental health programs and services; and

316 (ii) items determined by the division to be necessary and appropriate;

317 (g) define "prevention" by rule as required under Title 32B, Chapter 2, Part 4,
318 Alcoholic Beverage and Substance Abuse Enforcement and Treatment Restricted Account Act;

319 (h) (i) train and certify an adult as a peer support specialist, qualified to provide peer
320 supports services to an individual with:

321 (A) a substance use disorder;

322 (B) a mental health disorder; or

323 (C) a substance use disorder and a mental health disorder;

324 (ii) certify a person to carry out, as needed, the division's duty to train and certify an
325 adult as a peer support specialist;

326 (iii) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
327 Rulemaking Act, that:

328 (A) establish training and certification requirements for a peer support specialist;

329 (B) specify the types of services a peer support specialist is qualified to provide;

330 (C) specify the type of supervision under which a peer support specialist is required to
331 operate; and

332 (D) specify continuing education and other requirements for maintaining or renewing
333 certification as a peer support specialist; and

334 (iv) make rules in accordance with Title 63G, Chapter 3, Utah Administrative
335 Rulemaking Act, that:

336 (A) establish the requirements for a person to be certified to carry out, as needed, the
337 division's duty to train and certify an adult as a peer support specialist; and

338 (B) specify how the division shall provide oversight of a person certified to train and
339 certify a peer support specialist;

340 (i) collaborate with the State Commission on Criminal and Juvenile Justice to analyze
341 and provide recommendations to the Legislature regarding:

342 (i) pretrial services and the resources needed to reduce recidivism;

343 (ii) county jail and county behavioral health early-assessment resources needed for an
344 individual convicted of a class A or class B misdemeanor; and

345 (iii) the replacement of federal dollars associated with drug interdiction law
346 enforcement task forces that are reduced;

347 (j) establish performance goals and outcome measurements for a mental health or
348 substance use treatment program that is licensed under Chapter 2, Part 1, Human Services
349 Programs and Facilities, and contracts with the department, including goals and measurements
350 related to employment and reducing recidivism of individuals receiving mental health or
351 substance use treatment who are involved with the criminal justice system;

352 (k) annually, on or before November 30, submit a written report to the Judiciary
353 Interim Committee, the Health and Human Services Interim Committee, and the Law
354 Enforcement and Criminal Justice Interim Committee, that includes:

355 (i) a description of the performance goals and outcome measurements described in
356 Subsection (2)(j); and

357 (ii) information on the effectiveness of the goals and measurements in ensuring
358 appropriate and adequate mental health or substance use treatment is provided in a treatment
359 program described in Subsection (2)(j);

360 (l) collaborate with the Administrative Office of the Courts, the Department of
361 Corrections, the Department of Workforce Services, and the Board of Pardons and Parole to
362 collect data on recidivism in accordance with the metrics and requirements described in
363 Section [63M-7-102](#);

364 (m) at the division's discretion, use the data described in Subsection (2)(l) to make
365 decisions regarding the use of funds allocated to the division to provide treatment;

366 (n) annually, on or before August 31, submit the data collected under Subsection (2)(l)

367 and any recommendations to improve the data collection to the State Commission on Criminal
368 and Juvenile Justice to be included in the report described in Subsection 63M-7-204(1)(x);

369 (o) publish the following on the division's website:

370 (i) the performance goals and outcome measurements described in Subsection (2)(j);

371 and

372 (ii) a description of the services provided and the contact information for the mental
373 health and substance use treatment programs described in Subsection (2)(j) and residential,
374 vocational and life skills programs, as defined in Section 13-53-102; and

375 (p) consult and coordinate with the Division of Child and Family Services to develop
376 and manage the operation of a program designed to reduce substance use during pregnancy and
377 by parents of a newborn child that includes:

378 (i) providing education and resources to health care providers and individuals in the
379 state regarding prevention of substance use during pregnancy;

380 (ii) providing training to health care providers in the state regarding screening of a
381 pregnant woman or pregnant minor to identify a substance use disorder; and

382 (iii) providing referrals to pregnant women, pregnant minors, or parents of a newborn
383 child in need of substance use treatment services to a facility that has the capacity to provide
384 the treatment services.

385 (3) In addition to the responsibilities described in Subsection (2), the division shall,
386 within funds appropriated by the Legislature for this purpose, implement and manage the
387 operation of a firearm safety and suicide prevention program, in consultation with the Bureau
388 of Criminal Identification created in Section 53-10-201, including:

389 (a) coordinating with local mental health and substance abuse authorities, a nonprofit
390 behavioral health advocacy group, and a representative from a Utah-based nonprofit
391 organization with expertise in the field of firearm use and safety that represents firearm owners,
392 to:

393 (i) produce and periodically review and update a firearm safety brochure and other
394 educational materials with information about the safe handling and use of firearms that
395 includes:

396 (A) information on safe handling, storage, and use of firearms in a home environment;

397 (B) information about at-risk individuals and individuals who are legally prohibited

398 from possessing firearms;

399 (C) information about suicide prevention awareness; and

400 (D) information about the availability of firearm safety packets;

401 (ii) procure cable-style gun locks for distribution under this section;

402 (iii) produce a firearm safety packet that includes the firearm safety brochure and the

403 cable-style gun lock described in this Subsection (3); and

404 (iv) create a suicide prevention education course that:

405 (A) provides information for distribution regarding firearm safety education;

406 (B) incorporates current information on how to recognize suicidal behaviors and

407 identify individuals who may be suicidal; and

408 (C) provides information regarding crisis intervention resources;

409 (b) distributing, free of charge, the firearm safety packet to the following persons, who

410 shall make the firearm safety packet available free of charge:

411 (i) health care providers, including emergency rooms;

412 (ii) mobile crisis outreach teams;

413 (iii) mental health practitioners;

414 (iv) other public health suicide prevention organizations;

415 (v) entities that teach firearm safety courses;

416 (vi) school districts for use in the seminar, described in Section [53G-9-702](#), for parents

417 of students in the school district; and

418 (vii) firearm dealers to be distributed in accordance with Section [76-10-526](#);

419 (c) creating and administering a rebate program that includes a rebate that offers

420 between \$10 and \$200 off the purchase price of a firearm safe from a participating firearms

421 dealer or a person engaged in the business of selling firearm safes in Utah, by a Utah resident;

422 (d) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

423 making rules that establish procedures for:

424 (i) producing and distributing the suicide prevention education course and the firearm

425 safety brochures and packets;

426 (ii) procuring the cable-style gun locks for distribution; and

427 (iii) administering the rebate program; and

428 (e) reporting to the Health and Human Services Interim Committee regarding

429 implementation and success of the firearm safety program and suicide prevention education
430 course at or before the November meeting each year.

431 (4) (a) The division may refuse to contract with and may pursue legal remedies against
432 any local substance abuse authority or local mental health authority that fails, or has failed, to
433 expend public funds in accordance with state law, division policy, contract provisions, or
434 directives issued in accordance with state law.

435 (b) The division may withhold funds from a local substance abuse authority or local
436 mental health authority if the authority's contract provider of substance use or mental health
437 programs or services fails to comply with state and federal law or policy.

438 (5) (a) Before reissuing or renewing a contract with any local substance abuse authority
439 or local mental health authority, the division shall review and determine whether the local
440 substance abuse authority or local mental health authority is complying with the oversight and
441 management responsibilities described in Sections [17-43-201](#), [17-43-203](#), [17-43-303](#), and
442 [17-43-309](#).

443 (b) Nothing in this Subsection (5) may be used as a defense to the responsibility and
444 liability described in Section [17-43-303](#) and to the responsibility and liability described in
445 Section [17-43-203](#).

446 (6) In carrying out the division's duties and responsibilities, the division may not
447 duplicate treatment or educational facilities that exist in other divisions or departments of the
448 state, but shall work in conjunction with those divisions and departments in rendering the
449 treatment or educational services that those divisions and departments are competent and able
450 to provide.

451 (7) The division may accept in the name of and on behalf of the state donations, gifts,
452 devises, or bequests of real or personal property or services to be used as specified by the
453 donor.

454 (8) The division shall annually review with each local substance abuse authority and
455 each local mental health authority the authority's statutory and contract responsibilities
456 regarding:

457 (a) use of public funds;

458 (b) oversight of public funds; and

459 (c) governance of substance use disorder and mental health programs and services.

460 (9) The Legislature may refuse to appropriate funds to the division upon the division's
461 failure to comply with the provisions of this part.

462 (10) If a local substance abuse authority contacts the division under Subsection
463 17-43-201(10) for assistance in providing treatment services to a pregnant woman or pregnant
464 minor, the division shall:

465 (a) refer the pregnant woman or pregnant minor to a treatment facility that has the
466 capacity to provide the treatment services; or

467 (b) otherwise ensure that treatment services are made available to the pregnant woman
468 or pregnant minor.

469 (11) The division shall employ a school-based mental health specialist to be housed at
470 the State Board of Education who shall work with the State Board of Education to:

471 (a) provide coordination between a local education agency and local mental health
472 authority;

473 (b) recommend evidence-based and evidence informed mental health screenings and
474 intervention assessments for a local education agency; and

475 (c) coordinate with the local community, including local departments of health, to
476 enhance and expand mental health related resources for a local education agency.

477 Section 3. Section **58-1-106** is amended to read:

478 **58-1-106. Division -- Duties, functions, and responsibilities.**

479 (1) The duties, functions, and responsibilities of the division include the following:

480 (a) prescribing, adopting, and enforcing rules to administer this title;

481 (b) investigating the activities of any person whose occupation or profession is
482 regulated or governed by the laws and rules administered and enforced by the division;

483 (c) subpoenaing witnesses, taking evidence, and requiring by subpoena duces tecum
484 the production of any books, papers, documents, records, contracts, recordings, tapes,
485 correspondence, or information relevant to an investigation upon a finding of sufficient need by
486 the director or by the director's designee;

487 (d) taking administrative and judicial action against persons in violation of the laws
488 and rules administered and enforced by the division, including the issuance of cease and desist
489 orders;

490 (e) seeking injunctions and temporary restraining orders to restrain unauthorized

491 activity;

492 (f) complying with Title 52, Chapter 4, Open and Public Meetings Act;

493 (g) issuing, refusing to issue, revoking, suspending, renewing, refusing to renew, or
494 otherwise acting upon any license;

495 (h) preparing and submitting to the governor and the Legislature an annual report of the
496 division's operations, activities, and goals;

497 (i) preparing and submitting to the executive director a budget of the expenses for the
498 division;

499 (j) establishing the time and place for the administration of examinations; [~~and~~]

500 (k) preparing lists of licensees and making these lists available to the public at cost
501 upon request unless otherwise prohibited by state or federal law[-]; and

502 (l) considering interstate portability and the preservation of licensing pathways that are
503 specific to Utah when making recommendations regarding membership in interstate licensing
504 compacts.

505 (2) The division may not include home telephone numbers or home addresses of
506 licensees on the lists prepared under Subsection (1)(k), except as otherwise provided by rules
507 of the division made in accordance with Title 63G, Chapter 3, Utah Administrative
508 Rulemaking Act.

509 (3) (a) The division may provide the home address or home telephone number of a
510 licensee on a list prepared under Subsection (1) upon the request of an individual who provides
511 proper identification and the reason for the request, in writing, to the division.

512 (b) A request under Subsection (3)(a) is limited to providing information on only one
513 licensee per request.

514 (c) The division shall provide, by rule, what constitutes proper identification under
515 Subsection (3)(a).

516 (4) (a) Notwithstanding any contrary provisions in Title 63G, Chapter 2, Government
517 Records Access and Management Act, the division may share licensee information with:

518 (i) the division's contracted agents when sharing the information in compliance with
519 state or federal law; and

520 (ii) a person who is evaluating the progress or monitoring the compliance of an
521 individual who has been disciplined by the division under this title.

522 (b) The division may make rules to implement the provisions of this Subsection (4).

523 (5) All rules made by the division under this title shall be made in accordance with

524 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

525 Section 4. Section **58-1-201** is amended to read:

526 **58-1-201. Boards -- Appointment -- Membership -- Terms -- Vacancies --**

527 **Quorum -- Per diem and expenses -- Chair -- Financial interest or faculty position in**

528 **professional school that teaches continuing education prohibited.**

529 (1) (a) (i) The executive director shall appoint the members of the boards established
530 under this title.

531 (ii) In appointing the board members the executive director shall give consideration to
532 recommendations by members of the respective professions and the professions' organizations.

533 (b) Each board shall be composed of five members, four of whom are licensed or
534 certified practitioners in good standing of the profession the board represents, and one of whom
535 is a member of the general public, unless otherwise provided under the specific licensing
536 chapter.

537 (c) (i) The name of each individual appointed to a board shall be submitted to the
538 governor for confirmation or rejection.

539 (ii) If an appointee is rejected by the governor, the executive director shall appoint
540 another individual in the same manner as set forth in Subsection (1)(a).

541 (2) (a) (i) Except as required by Subsection (2)(b), as terms of current board members
542 expire, the executive director shall appoint each new board member or reappointed board
543 member to a four-year term.

544 (ii) Upon the expiration of the term of a board member, the board member shall
545 continue to serve until a successor is appointed, but for a period not to exceed six months from
546 the expiration date of the board member's term.

547 (b) Notwithstanding the requirements of Subsection (2)(a), the executive director shall,
548 at the time of appointment or reappointment, adjust the length of terms to ensure that the terms
549 of board members are staggered so that approximately half of the board is appointed every two
550 years.

551 (c) A board member may not serve more than two consecutive terms, and a board
552 member who ceases to serve on a board may not serve again on that board until after the

553 expiration of a two-year period beginning from that cessation of service.

554 (d) (i) When a vacancy occurs in the board membership for any reason, the
555 replacement shall be appointed for the unexpired term.

556 (ii) After filling that term, the replacement board member may be appointed for only
557 one additional full term.

558 (e) The director, with the approval of the executive director, may remove a board
559 member and replace the board member in accordance with this section for the following
560 reasons:

561 (i) the board member fails or refuses to fulfill the responsibilities and duties of a board
562 member, including attendance at board meetings;

563 (ii) the board member engages in unlawful or unprofessional conduct; or

564 (iii) if appointed to the board position as a licensed member of the board, the board
565 member fails to maintain a license that is active and in good standing.

566 (3) (a) A majority of the board members constitutes a quorum.

567 (b) Except as provided in Subsection 58-1-109(3), a quorum is sufficient authority for
568 the board to act.

569 (4) A board member may not receive compensation or benefits for the [board]
570 member's service, but may receive per diem and travel expenses in accordance with:

571 (a) Section 63A-3-106;

572 (b) Section 63A-3-107; and

573 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

574 (5) Each board shall annually designate one of the board's members to serve as chair
575 for a one-year period.

576 (6) A board member may not be a member of the faculty of, or have a financial interest
577 in, a vocational or professional college or school that provides continuing education to any
578 licensee if that continuing education is required by statute or rule made in accordance with
579 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

580 Section 5. Section 58-1-301.5 is amended to read:

581 **58-1-301.5. Division access to Bureau of Criminal Identification records.**

582 (1) The division shall have direct access to local files maintained by the Bureau of
583 Criminal Identification under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification,

584 for background screening of individuals who are applying for licensure~~[, licensure]~~ or
585 certification, or with respect to a license or certification, renewal, [licensure] reinstatement, or
586 relicensure or recertification, as required in:

- 587 (a) Sections 58-17b-306 and 58-17b-307;
- 588 (b) Sections 58-24b-302 and 58-24b-302.1;
- 589 (c) Section 58-31b-302;
- 590 (d) Sections 58-42a-302 and 58-42a-302.1, of Chapter 42a, Occupational Therapy
591 Practice Act;
- 592 (e) Section 58-44a-302.1;
- 593 (f) Sections 58-47b-302 and 58-47b-302.1;
- 594 (g) Section 58-55-302, as Section 58-55-302 applies to alarm companies and alarm
595 company agents, and Section 58-55-302.1;
- 596 (h) Sections 58-60-103.1, 58-60-205, 58-60-305, [and] 58-60-405, and 58-60-506 of
597 Chapter 60, Mental Health Professional Practice Act;
- 598 (i) Sections 58-61-304 and 58-61-304.1;
- 599 (j) Sections 58-63-302 and 58-63-302.1;
- 600 (k) Sections 58-64-302 and 58-64-302.1;
- 601 (l) Sections 58-67-302 and 58-67-302.1;
- 602 (m) Sections 58-68-302 and 58-68-302.1; and
- 603 (n) Sections 58-70a-301.1 and 58-70a-302, of Chapter 70a, Utah Physician Assistant
604 Act.

605 (2) The division's access to criminal background information under this section:

- 606 (a) shall meet the requirements of Section 53-10-108; and
- 607 (b) includes convictions, pleas of nolo contendere, pleas of guilty or nolo contendere
608 held in abeyance, dismissed charges, and charges without a known disposition.

609 (3) The division may not disseminate outside of the division any criminal history
610 record information that the division obtains from the Bureau of Criminal Identification or the
611 Federal Bureau of Investigation under the criminal background check requirements of this
612 section.

613 Section 6. Section 58-1-501 is amended to read:

614 **58-1-501. Unlawful and unprofessional conduct.**

615 (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful
616 under this title and includes:

617 (a) practicing or engaging in, representing oneself to be practicing or engaging in, or
618 attempting to practice or engage in any profession requiring licensure under this title, except
619 the professions under Chapter 60, Mental Health Professional Practice Act, Part 6, Behavioral
620 Health Coach and Technician Licensing Act, if the person is:

621 (i) not licensed to do so or not exempted from licensure under this title; or

622 (ii) restricted from doing so by a suspended, revoked, restricted, temporary,
623 probationary, or inactive license;

624 (b) (i) impersonating another licensee or practicing a profession under a false or
625 assumed name, except as permitted by law; or

626 (ii) for a licensee who has had a license under this title reinstated following disciplinary
627 action, practicing the same profession using a different name than the name used before the
628 disciplinary action, except as permitted by law and after notice to, and approval by, the
629 division;

630 (c) knowingly employing any other person to practice or engage in or attempt to
631 practice or engage in any profession licensed under this title if the employee is not licensed to
632 do so under this title;

633 (d) knowingly permitting the person's authority to practice or engage in any profession
634 licensed under this title to be used by another, except as permitted by law;

635 (e) obtaining a passing score on a licensure examination, applying for or obtaining a
636 license, or otherwise dealing with the division or a licensing board through the use of fraud,
637 forgery, or intentional deception, misrepresentation, misstatement, or omission;

638 (f) (i) issuing, or aiding and abetting in the issuance of, an order or prescription for a
639 drug or device to a person located in this state:

640 (A) without prescriptive authority conferred by a license issued under this title, or by
641 an exemption to licensure under this title; or

642 (B) with prescriptive authority conferred by an exception issued under this title or a
643 multistate practice privilege recognized under this title, if the prescription was issued without
644 first obtaining information, in the usual course of professional practice, that is sufficient to
645 establish a diagnosis, to identify underlying conditions, and to identify contraindications to the

646 proposed treatment; and

647 (ii) Subsection (1)(f)(i) does not apply to treatment rendered in an emergency, on-call
648 or cross coverage situation, provided that the person who issues the prescription has
649 prescriptive authority conferred by a license under this title, or is exempt from licensure under
650 this title; or

651 (g) aiding or abetting any other person to violate any statute, rule, or order regulating a
652 profession under this title.

653 (2) (a) "Unprofessional conduct" means conduct, by a licensee or applicant, that is
654 defined as unprofessional conduct under this title or under any rule adopted under this title and
655 includes:

656 (i) violating any statute, rule, or order regulating an a profession under this title;

657 (ii) violating, or aiding or abetting any other person to violate, any generally accepted
658 professional or ethical standard applicable to an occupation or profession regulated under this
659 title;

660 (iii) subject to the provisions of Subsection (4), engaging in conduct that results in
661 conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is held in
662 abeyance pending the successful completion of probation with respect to a crime that, when
663 considered with the functions and duties of the profession for which the license was issued or is
664 to be issued, bears a substantial relationship to the licensee's or applicant's ability to safely or
665 competently practice the profession;

666 (iv) engaging in conduct that results in disciplinary action, including reprimand,
667 censure, diversion, probation, suspension, or revocation, by any other licensing or regulatory
668 authority having jurisdiction over the licensee or applicant in the same profession if the
669 conduct would, in this state, constitute grounds for denial of licensure or disciplinary
670 proceedings under Section [58-1-401](#);

671 (v) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar
672 chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the
673 ability of the licensee or applicant to safely engage in the profession;

674 (vi) practicing or attempting to practice a profession regulated under this title despite
675 being physically or mentally unfit to do so;

676 (vii) practicing or attempting to practice a or profession regulated under this title

677 through gross incompetence, gross negligence, or a pattern of incompetency or negligence;

678 (viii) practicing or attempting to practice a profession requiring licensure under this
679 title by any form of action or communication which is false, misleading, deceptive, or
680 fraudulent;

681 (ix) practicing or attempting to practice a profession regulated under this title beyond
682 the scope of the licensee's competency, abilities, or education;

683 (x) practicing or attempting to practice a profession regulated under this title beyond
684 the scope of the licensee's license;

685 (xi) verbally, physically, mentally, or sexually abusing or exploiting any person
686 through conduct connected with the licensee's practice under this title or otherwise facilitated
687 by the licensee's license;

688 (xii) acting as a supervisor without meeting the qualification requirements for that
689 position that are defined by statute or rule;

690 (xiii) issuing, or aiding and abetting in the issuance of, an order or prescription for a
691 drug or device:

692 (A) without first obtaining information in the usual course of professional practice, that
693 is sufficient to establish a diagnosis, to identify conditions, and to identify contraindications to
694 the proposed treatment; or

695 (B) with prescriptive authority conferred by an exception issued under this title, or a
696 multi-state practice privilege recognized under this title, if the prescription was issued without
697 first obtaining information, in the usual course of professional practice, that is sufficient to
698 establish a diagnosis, to identify underlying conditions, and to identify contraindications to the
699 proposed treatment;

700 (xiv) violating a provision of Section 58-1-501.5;

701 (xv) violating the terms of an order governing a license; or

702 (xvi) violating Section 58-1-511.

703 (b) "Unprofessional conduct" does not include:

704 (i) a health care provider, as defined in Section 78B-3-403 and who is licensed under
705 this title, deviating from medical norms or established practices if the conditions described in
706 Subsection (5) are met; and

707 (ii) notwithstanding Section 58-1-501.6, a health care provider advertising that the

708 health care provider deviates from medical norms or established practices, including the
709 maladies the health care provider treats, if the health care provider:

710 (A) does not guarantee any results regarding any health care service;

711 (B) fully discloses on the health care provider's website that the health care provider
712 deviates from medical norms or established practices with a conspicuous statement; and

713 (C) includes the health care provider's contact information on the website.

714 (3) Unless otherwise specified by statute or administrative rule, in a civil or
715 administrative proceeding commenced by the division under this title, a person subject to any
716 of the unlawful and unprofessional conduct provisions of this title is strictly liable for each
717 violation.

718 (4) The following are not evidence of engaging in unprofessional conduct under
719 Subsection (2)(a)(iii):

720 (a) an arrest not followed by a conviction; or

721 (b) a conviction for which an individual's incarceration has ended more than seven
722 years before the date of the division's consideration, unless:

723 (i) after the incarceration the individual has engaged in additional conduct that results
724 in another conviction, a plea of nolo contendere, or a plea of guilty or nolo contendere that is
725 held in abeyance pending the successful completion of probation; or

726 (ii) the conviction was for:

727 (A) a violent felony as defined in Section [76-3-203.5](#);

728 (B) a felony related to a criminal sexual act under Title 76, Chapter 5, Part 4, Sexual
729 Offenses, or Title 76, Chapter 5b, Sexual Exploitation Act; or

730 (C) a felony related to criminal fraud or embezzlement, including a felony under Title
731 76, Chapter 6, Part 5, Fraud, or Title 76, Chapter 6, Part 4, Theft.

732 (5) In accordance with Subsection (2)(b)(i), a health care provider may deviate from
733 medical norms or established practices if:

734 (a) the health care provider does not deviate outside of the health care provider's scope
735 of practice and possesses the education, training, and experience to competently and safely
736 administer the alternative health care service;

737 (b) the health care provider does not provide an alternative health care service that is
738 otherwise contrary to any state or federal law;

739 (c) the alternative health care service has reasonable potential to be of benefit to the
740 patient to whom the alternative health care service is to be given;

741 (d) the potential benefit of the alternative health care service outweighs the known
742 harms or side effects of the alternative health care service;

743 (e) the alternative health care service is reasonably justified under the totality of the
744 circumstances;

745 (f) after diagnosis but before providing the alternative health care service:

746 (i) the health care provider educates the patient on the health care services that are
747 within the medical norms and established practices;

748 (ii) the health care provider discloses to the patient that the health care provider is
749 recommending an alternative health care service that deviates from medical norms and
750 established practices;

751 (iii) the health care provider discusses the rationale for deviating from medical norms
752 and established practices with the patient;

753 (iv) the health care provider discloses any potential risks associated with deviation
754 from medical norms and established practices; and

755 (v) the patient signs and acknowledges a notice of deviation; and

756 (g) before providing an alternative health care service, the health care provider
757 discloses to the patient that the patient may enter into an agreement describing what would
758 constitute the health care provider's negligence related to deviation.

759 (6) As used in this section, "notice of deviation" means a written notice provided by a
760 health care provider to a patient that:

761 (a) is specific to the patient;

762 (b) indicates that the health care provider is deviating from medical norms or
763 established practices in the health care provider's recommendation for the patient's treatment;

764 (c) describes how the alternative health care service deviates from medical norms or
765 established practices;

766 (d) describes the potential risks and benefits associated with the alternative health care
767 service;

768 (e) describes the health care provider's reasonably justified rationale regarding the
769 reason for the deviation; and

770 (f) provides clear and unequivocal notice to the patient that the patient is agreeing to
771 receive the alternative health care service which is outside medical norms and established
772 practices.

773 Section 7. Section **58-4a-102** is amended to read:

774 **58-4a-102. Definitions.**

775 As used in this chapter:

776 (1) "Diversion agreement" means a written agreement entered into by a licensee and
777 the division that describes the requirements of the licensee's monitoring regimen and that was
778 entered into before May 12, 2020.

779 (2) "Licensee" means an individual licensed to practice [~~under~~]:

780 (a) under Title 58, Chapter 5a, Podiatric Physician Licensing Act;

781 (b) under Title 58, Chapter 17b, Pharmacy Practice Act;

782 (c) under Title 58, Chapter 28, Veterinary Practice Act;

783 (d) under Title 58, Chapter 31b, Nurse Practice Act;

784 (e) mental health therapy under Title 58, Chapter 60, Mental Health Professional
785 Practice Act;

786 (f) mental health therapy under Title 58, Chapter 61, Psychologist Licensing Act;

787 [~~e~~] (g) under Title 58, Chapter 67, Utah Medical Practice Act;

788 [~~f~~] (h) under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act;

789 [~~g~~] (i) under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act; [~~or~~]

790 [~~h~~] (j) under Title 58, Chapter 70a, Utah Physician Assistant Act.

791 (3) "Program" means the Utah Professionals Health Program.

792 (4) "Program contract" means a written agreement entered into by a licensee and the
793 division that allows the licensee to participate in the program.

794 (5) "Substance use disorder" means the same as that term is defined in Section
795 **26B-5-501**.

796 Section 8. Section **58-4a-107** is amended to read:

797 **58-4a-107. Violation of a program contract -- Adjudicative proceedings --**

798 **Penalties.**

799 (1) The division [~~shall~~] may serve an order to show cause on the licensee if the
800 licensee:

801 (a) violates any term or condition of the program contract or diversion agreement;
802 (b) makes an intentional, material misrepresentation of fact in the program contract or
803 diversion agreement; or
804 (c) violates any rule or law governing the licensee's profession.

805 (2) The order to show cause described in Subsection (1) shall:
806 (a) describe the alleged misconduct;
807 (b) set a time and place for a hearing [~~before an administrative law judge~~] to determine
808 whether the licensee's program contract should be terminated; and
809 (c) contain all of the information required by a notice of agency action in Subsection
810 [63G-4-201](#)(2).

811 (3) Proceedings to terminate a program contract shall comply with [~~the rules for a~~
812 ~~formal proceeding described in~~] Title 63G, Chapter 4, Administrative Procedures Act, except
813 the notice of agency action shall be in the form of the order to show cause described in
814 Subsection (2).

815 [~~(4) In accordance with Subsection [63G-4-205](#)(1), the division shall make rules for~~
816 ~~discovery adequate to permit all parties to obtain all relevant information necessary to support~~
817 ~~their claims or defenses.~~]

818 [~~(5)~~] (4) During a proceeding to terminate a program contract, the licensee, the
819 licensee's legal representative, and the division shall have access to information contained in
820 the division's program file as permitted by law.

821 [~~(6)~~] (5) The director shall terminate the program contract and place the licensee on
822 probation [~~for a period of five years, with probationary terms matching the terms of the~~
823 ~~program contract,~~] in accordance with rules made by the division in accordance with Title 63G,
824 Chapter 3, Utah Administrative Rule Act if, during the administrative proceedings described in
825 Subsection (3), the [~~administrative law judge~~] presiding officer finds that the licensee has:
826 (a) violated the program contract;
827 (b) made an intentional material misrepresentation of fact in the program contract; or
828 (c) violated a law or rule governing the licensee's profession.

829 [~~(7)~~] (6) If, during the proceedings described in Subsection (3), the [~~administrative law~~
830 ~~judge~~] presiding officer finds that the licensee has engaged in especially egregious misconduct,
831 the director may revoke the licensee's license or take other appropriate disciplinary action.

832 [(8)] (7) A licensee who is terminated from the program may have disciplinary action
833 taken under Title 58, Chapter 1, Part 4, License Denial, for misconduct committed before,
834 during, or after the licensee's participation in the program.

835 Section 9. Section **58-17b-102** is amended to read:

836 **58-17b-102. Definitions.**

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

838 (1) "Administering" means:

839 (a) the direct application of a prescription drug or device, whether by injection,
840 inhalation, ingestion, or by any other means, to the body of a human patient or research subject
841 by another person; or

842 (b) the placement by a veterinarian with the owner or caretaker of an animal or group
843 of animals of a prescription drug for the purpose of injection, inhalation, ingestion, or any other
844 means directed to the body of the animal by the owner or caretaker in accordance with written
845 or verbal directions of the veterinarian.

846 (2) "Adulterated drug or device" means a drug or device considered adulterated under
847 21 U.S.C. Sec. 351 (2003).

848 (3) (a) "Analytical laboratory" means a facility in possession of prescription drugs for
849 the purpose of analysis.

850 (b) "Analytical laboratory" does not include a laboratory possessing prescription drugs
851 used as standards and controls in performing drug monitoring or drug screening analysis if the
852 prescription drugs are prediluted in a human or animal body fluid, human or animal body fluid
853 components, organic solvents, or inorganic buffers at a concentration not exceeding one
854 milligram per milliliter when labeled or otherwise designated as being for in vitro diagnostic
855 use.

856 (4) "Animal euthanasia agency" means an agency performing euthanasia on animals by
857 the use of prescription drugs.

858 (5) "Automated pharmacy systems" includes mechanical systems which perform
859 operations or activities, other than compounding or administration, relative to the storage,
860 packaging, dispensing, or distribution of medications, and which collect, control, and maintain
861 all transaction information.

862 (6) "Beyond use date" means the date determined by a pharmacist and placed on a

863 prescription label at the time of dispensing that indicates to the patient or caregiver a time
864 beyond which the contents of the prescription are not recommended to be used.

865 (7) "Board of pharmacy" or "board" means the Utah State Board of Pharmacy created
866 in Section [58-17b-201](#).

867 (8) "Branch pharmacy" means a pharmacy or other facility in a rural or medically
868 underserved area, used for the storage and dispensing of prescription drugs, which is dependent
869 upon, stocked by, and supervised by a pharmacist in another licensed pharmacy designated and
870 approved by the division as the parent pharmacy.

871 (9) "Centralized prescription processing" means the processing by a pharmacy of a
872 request from another pharmacy to fill or refill a prescription drug order or to perform
873 processing functions such as dispensing, drug utilization review, claims adjudication, refill
874 authorizations, and therapeutic interventions.

875 (10) "Class A pharmacy" means a pharmacy located in Utah that is authorized as a
876 retail pharmacy to compound or dispense a drug or dispense a device to the public under a
877 prescription order.

878 (11) "Class B pharmacy":

879 (a) means a pharmacy located in Utah:

880 (i) that is authorized to provide pharmaceutical care for patients in an institutional
881 setting; and

882 (ii) whose primary purpose is to provide a physical environment for patients to obtain
883 health care services; and

884 (b) (i) includes closed-door, hospital, clinic, nuclear, and branch pharmacies; and

885 (ii) pharmaceutical administration and sterile product preparation facilities.

886 (12) "Class C pharmacy" means a pharmacy that engages in the manufacture,
887 production, wholesale, or distribution of drugs or devices in Utah.

888 (13) "Class D pharmacy" means a nonresident pharmacy.

889 (14) "Class E pharmacy" means all other pharmacies.

890 (15) (a) "Closed-door pharmacy" means a pharmacy that:

891 (i) provides pharmaceutical care to a defined and exclusive group of patients who have
892 access to the services of the pharmacy because they are treated by or have an affiliation with a
893 specific entity, including a health maintenance organization or an infusion company; or

894 (ii) engages exclusively in the practice of telepharmacy and does not serve walk-in
895 retail customers.

896 (b) "Closed-door pharmacy" does not include a hospital pharmacy, a retailer of goods
897 to the general public, or the office of a practitioner.

898 (16) "Collaborative pharmacy practice" means a practice of pharmacy whereby one or
899 more pharmacists have jointly agreed, on a voluntary basis, to work in conjunction with one or
900 more practitioners under protocol whereby the pharmacist may perform certain pharmaceutical
901 care functions authorized by the practitioner or practitioners under certain specified conditions
902 or limitations.

903 (17) "Collaborative pharmacy practice agreement" means a written and signed
904 agreement between one or more pharmacists and one or more practitioners that provides for
905 collaborative pharmacy practice for the purpose of drug therapy management of patients and
906 prevention of disease of human subjects.

907 (18) (a) "Compounding" means the preparation, mixing, assembling, packaging, or
908 labeling of a limited quantity drug, sterile product, or device:

909 (i) as the result of a practitioner's prescription order or initiative based on the
910 practitioner, patient, or pharmacist relationship in the course of professional practice;

911 (ii) for the purpose of, or as an incident to, research, teaching, or chemical analysis and
912 not for sale or dispensing; or

913 (iii) in anticipation of prescription drug orders based on routine, regularly observed
914 prescribing patterns.

915 (b) "Compounding" does not include:

916 (i) the preparation of prescription drugs by a pharmacist or pharmacy intern for sale to
917 another pharmacist or pharmaceutical facility;

918 (ii) the preparation by a pharmacist or pharmacy intern of any prescription drug in a
919 dosage form which is regularly and commonly available from a manufacturer in quantities and
920 strengths prescribed by a practitioner; or

921 (iii) the preparation of a prescription drug, sterile product, or device which has been
922 withdrawn from the market for safety reasons.

923 (19) "Confidential information" has the same meaning as "protected health
924 information" under the Standards for Privacy of Individually Identifiable Health Information,

925 45 C.F.R. Parts 160 and 164.

926 (20) "Controlled substance" means the same as that term is defined in Section 58-37-2.

927 (21) "Dietary supplement" has the same meaning as Public Law Title 103, Chapter
928 417, Sec. 3a(ff) which is incorporated by reference.

929 (22) "Dispense" means the interpretation, evaluation, and implementation of a
930 prescription drug order or device or nonprescription drug or device under a lawful order of a
931 practitioner in a suitable container appropriately labeled for subsequent administration to or use
932 by a patient, research subject, or an animal.

933 (23) "Dispensing medical practitioner" means an individual who is:

934 (a) currently licensed as:

935 (i) a physician and surgeon under Chapter 67, Utah Medical Practice Act;

936 (ii) an osteopathic physician and surgeon under Chapter 68, Utah Osteopathic Medical
937 Practice Act;

938 (iii) a physician assistant under Chapter 70a, Utah Physician Assistant Act;

939 (iv) a nurse practitioner under Chapter 31b, Nurse Practice Act; or

940 (v) an optometrist under Chapter 16a, Utah Optometry Practice Act, if the optometrist
941 is acting within the scope of practice for an optometrist; and

942 (b) licensed by the division under the Pharmacy Practice Act to engage in the practice
943 of a dispensing medical practitioner.

944 (24) "Dispensing medical practitioner clinic pharmacy" means a closed-door pharmacy
945 located within a licensed dispensing medical practitioner's place of practice.

946 (25) "Distribute" means to deliver a drug or device other than by administering or
947 dispensing.

948 (26) (a) "Drug" means:

949 (i) a substance recognized in the official United States Pharmacopoeia, official
950 Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any
951 supplement to any of them, intended for use in the diagnosis, cure, mitigation, treatment, or
952 prevention of disease in humans or animals;

953 (ii) a substance that is required by any applicable federal or state law or rule to be
954 dispensed by prescription only or is restricted to administration by practitioners only;

955 (iii) a substance other than food intended to affect the structure or any function of the

956 body of humans or other animals; and

957 (iv) substances intended for use as a component of any substance specified in

958 Subsections [~~(26)(a)(i), (ii), (iii), and (iv)~~] (26)(a)(i) through (iv).

959 (b) "Drug" does not include dietary supplements.

960 (27) "Drug regimen review" includes the following activities:

961 (a) evaluation of the prescription drug order and patient record for:

962 (i) known allergies;

963 (ii) rational therapy-contraindications;

964 (iii) reasonable dose and route of administration; and

965 (iv) reasonable directions for use;

966 (b) evaluation of the prescription drug order and patient record for duplication of
967 therapy;

968 (c) evaluation of the prescription drug order and patient record for the following
969 interactions:

970 (i) drug-drug;

971 (ii) drug-food;

972 (iii) drug-disease; and

973 (iv) adverse drug reactions; and

974 (d) evaluation of the prescription drug order and patient record for proper utilization,
975 including over- or under-utilization, and optimum therapeutic outcomes.

976 (28) "Drug sample" means a prescription drug packaged in small quantities consistent
977 with limited dosage therapy of the particular drug, which is marked "sample", is not intended to
978 be sold, and is intended to be provided to practitioners for the immediate needs of patients for
979 trial purposes or to provide the drug to the patient until a prescription can be filled by the
980 patient.

981 (29) "Electronic signature" means a trusted, verifiable, and secure electronic sound,
982 symbol, or process attached to or logically associated with a record and executed or adopted by
983 a person with the intent to sign the record.

984 (30) "Electronic transmission" means transmission of information in electronic form or
985 the transmission of the exact visual image of a document by way of electronic equipment.

986 (31) "Hospital pharmacy" means a pharmacy providing pharmaceutical care to

987 inpatients of a general acute hospital or specialty hospital licensed by the Department of Health
988 and Human Services under Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and
989 Inspection.

990 (32) "Legend drug" has the same meaning as prescription drug.

991 (33) "Licensed pharmacy technician" means an individual licensed with the division,
992 that may, under the supervision of a pharmacist, perform the activities involved in the
993 technician practice of pharmacy.

994 (34) "Manufacturer" means a person or business physically located in Utah licensed to
995 be engaged in the manufacturing of drugs or devices.

996 (35) (a) "Manufacturing" means:

997 (i) the production, preparation, propagation, conversion, or processing of a drug or
998 device, either directly or indirectly, by extraction from substances of natural origin or
999 independently by means of chemical or biological synthesis, or by a combination of extraction
1000 and chemical synthesis, and includes any packaging or repackaging of the substance or labeling
1001 or relabeling of its container; and

1002 (ii) the promotion and marketing of such drugs or devices.

1003 (b) "Manufacturing" includes the preparation and promotion of commercially available
1004 products from bulk compounds for resale by pharmacies, practitioners, or other persons.

1005 (c) "Manufacturing" does not include the preparation or compounding of a drug by a
1006 pharmacist, pharmacy intern, or practitioner for that individual's own use or the preparation,
1007 compounding, packaging, labeling of a drug, or incident to research, teaching, or chemical
1008 analysis.

1009 (36) "Medical order" means a lawful order of a practitioner which may include a
1010 prescription drug order.

1011 (37) "Medication profile" or "profile" means a record system maintained as to drugs or
1012 devices prescribed for a pharmacy patient to enable a pharmacist or pharmacy intern to analyze
1013 the profile to provide pharmaceutical care.

1014 (38) "Misbranded drug or device" means a drug or device considered misbranded under
1015 21 U.S.C. Sec. 352 (2003).

1016 (39) (a) "Nonprescription drug" means a drug which:

1017 (i) may be sold without a prescription; and

- 1018 (ii) is labeled for use by the consumer in accordance with federal law.
- 1019 (b) "Nonprescription drug" includes homeopathic remedies.
- 1020 (40) "Nonresident pharmacy" means a pharmacy located outside of Utah that sells to a
1021 person in Utah.
- 1022 (41) "Nuclear pharmacy" means a pharmacy providing radio-pharmaceutical service.
- 1023 (42) "Out-of-state mail service pharmacy" means a pharmaceutical facility located
1024 outside the state that is licensed and in good standing in another state, that:
- 1025 (a) ships, mails, or delivers by any lawful means a dispensed legend drug to a patient in
1026 this state pursuant to a lawfully issued prescription;
- 1027 (b) provides information to a patient in this state on drugs or devices which may
1028 include, but is not limited to, advice relating to therapeutic values, potential hazards, and uses;
1029 or
- 1030 (c) counsels pharmacy patients residing in this state concerning adverse and therapeutic
1031 effects of drugs.
- 1032 (43) "Patient counseling" means the written and oral communication by the pharmacist
1033 or pharmacy intern of information, to the patient or caregiver, in order to ensure proper use of
1034 drugs, devices, and dietary supplements.
- 1035 (44) "Pharmaceutical administration facility" means a facility, agency, or institution in
1036 which:
- 1037 (a) prescription drugs or devices are held, stored, or are otherwise under the control of
1038 the facility or agency for administration to patients of that facility or agency;
- 1039 (b) prescription drugs are dispensed to the facility or agency by a licensed pharmacist
1040 or pharmacy intern with whom the facility has established a prescription drug supervising
1041 relationship under which the pharmacist or pharmacy intern provides counseling to the facility
1042 or agency staff as required, and oversees drug control, accounting, and destruction; and
- 1043 (c) prescription drugs are professionally administered in accordance with the order of a
1044 practitioner by an employee or agent of the facility or agency.
- 1045 (45) (a) "Pharmaceutical care" means carrying out the following in collaboration with a
1046 prescribing practitioner, and in accordance with division rule:
- 1047 (i) designing, implementing, and monitoring a therapeutic drug plan intended to
1048 achieve favorable outcomes related to a specific patient for the purpose of curing or preventing

1049 the patient's disease;

1050 (ii) eliminating or reducing a patient's symptoms; or

1051 (iii) arresting or slowing a disease process.

1052 (b) "Pharmaceutical care" does not include prescribing of drugs without consent of a
1053 prescribing practitioner.

1054 (46) "Pharmaceutical facility" means a business engaged in the dispensing, delivering,
1055 distributing, manufacturing, or wholesaling of prescription drugs or devices within or into this
1056 state.

1057 (47) (a) "Pharmaceutical wholesaler or distributor" means a pharmaceutical facility
1058 engaged in the business of wholesale vending or selling of a prescription drug or device to
1059 other than a consumer or user of the prescription drug or device that the pharmaceutical facility
1060 has not produced, manufactured, compounded, or dispensed.

1061 (b) "Pharmaceutical wholesaler or distributor" does not include a pharmaceutical
1062 facility carrying out the following business activities:

1063 (i) intracompany sales;

1064 (ii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
1065 purchase, or trade a prescription drug or device, if the activity is carried out between one or
1066 more of the following entities under common ownership or common administrative control, as
1067 defined by division rule:

1068 (A) hospitals;

1069 (B) pharmacies;

1070 (C) chain pharmacy warehouses, as defined by division rule; or

1071 (D) other health care entities, as defined by division rule;

1072 (iii) the sale, purchase, or trade of a prescription drug or device, or an offer to sell,
1073 purchase, or trade a prescription drug or device, for emergency medical reasons, including
1074 supplying another pharmaceutical facility with a limited quantity of a drug, if:

1075 (A) the facility is unable to obtain the drug through a normal distribution channel in
1076 sufficient time to eliminate the risk of harm to a patient that would result from a delay in
1077 obtaining the drug; and

1078 (B) the quantity of the drug does not exceed an amount reasonably required for
1079 immediate dispensing to eliminate the risk of harm;

1080 (iv) the distribution of a prescription drug or device as a sample by representatives of a
1081 manufacturer; and

1082 (v) the distribution of prescription drugs, if:

1083 (A) the facility's total distribution-related sales of prescription drugs does not exceed
1084 5% of the facility's total prescription drug sales; and

1085 (B) the distribution otherwise complies with 21 C.F.R. Sec. 1307.11.

1086 (48) "Pharmacist" means an individual licensed by this state to engage in the practice
1087 of pharmacy.

1088 (49) "Pharmacist-in-charge" means a pharmacist currently licensed in good standing
1089 who accepts responsibility for the operation of a pharmacy in conformance with all laws and
1090 rules pertinent to the practice of pharmacy and the distribution of drugs, and who is personally
1091 in full and actual charge of the pharmacy and all personnel.

1092 (50) "Pharmacist preceptor" means a licensed pharmacist in good standing with one or
1093 more years of licensed experience. The preceptor serves as a teacher, example of professional
1094 conduct, and supervisor of interns in the professional practice of pharmacy.

1095 (51) "Pharmacy" means any place where:

1096 (a) drugs are dispensed;

1097 (b) pharmaceutical care is provided;

1098 (c) drugs are processed or handled for eventual use by a patient; or

1099 (d) drugs are used for the purpose of analysis or research.

1100 (52) "Pharmacy benefits manager or coordinator" means a person or entity that
1101 provides a pharmacy benefits management service as defined in Section [31A-46-102](#) on behalf
1102 of a self-insured employer, insurance company, health maintenance organization, or other plan
1103 sponsor, as defined by rule.

1104 (53) "Pharmacy intern" means an individual licensed by this state to engage in practice
1105 as a pharmacy intern.

1106 (54) "Pharmacy manager" means:

1107 (a) a pharmacist-in-charge;

1108 (b) a licensed pharmacist designated by a licensed pharmacy to consult on the
1109 pharmacy's administration;

1110 (c) an individual who manages the facility in which a licensed pharmacy is located;

- 1111 (d) an individual who oversees the operations of a licensed pharmacy;
- 1112 (e) an immediate supervisor of an individual described in Subsections (54)(a) through
- 1113 (d); or
- 1114 (f) another operations or site manager of a licensed pharmacy.

1115 (55) "Pharmacy technician training program" means an approved technician training
1116 program providing education for pharmacy technicians.

1117 (56) (a) "Practice as a dispensing medical practitioner" means the practice of pharmacy,
1118 specifically relating to the dispensing of a prescription drug in accordance with Part 8,
1119 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, and
1120 division rule adopted after consultation with the Board of pharmacy and the governing boards
1121 of the practitioners described in Subsection (23)(a).

1122 (b) "Practice as a dispensing medical practitioner" does not include:

1123 (i) using a vending type of dispenser as defined by the division by administrative rule;
1124 or

1125 (ii) except as permitted by Section [58-17b-805](#), dispensing of a controlled substance as
1126 defined in Section [58-37-2](#).

1127 (57) "Practice as a licensed pharmacy technician" means engaging in practice as a
1128 pharmacy technician under the general supervision of a licensed pharmacist and in accordance
1129 with a scope of practice defined by division rule made in collaboration with the board.

1130 (58) "Practice of pharmacy" includes the following:

1131 (a) providing pharmaceutical care;

1132 (b) collaborative pharmacy practice in accordance with a collaborative pharmacy
1133 practice agreement;

1134 (c) compounding, packaging, labeling, dispensing, administering, and the coincident
1135 distribution of prescription drugs or devices, provided that the administration of a prescription
1136 drug or device is:

1137 (i) pursuant to a lawful order of a practitioner when one is required by law; and

1138 (ii) in accordance with written guidelines or protocols:

1139 (A) established by the licensed facility in which the prescription drug or device is to be
1140 administered on an inpatient basis; or

1141 (B) approved by the division, in collaboration with the board and, when appropriate,

1142 the Physicians Licensing Board, created in Section 58-67-201, if the prescription drug or device
1143 is to be administered on an outpatient basis solely by a licensed pharmacist;

1144 (d) participating in drug utilization review;

1145 (e) ensuring proper and safe storage of drugs and devices;

1146 (f) maintaining records of drugs and devices in accordance with state and federal law
1147 and the standards and ethics of the profession;

1148 (g) providing information on drugs or devices, which may include advice relating to
1149 therapeutic values, potential hazards, and uses;

1150 (h) providing drug product equivalents;

1151 (i) supervising pharmacist's supportive personnel, pharmacy interns, and pharmacy
1152 technicians;

1153 (j) providing patient counseling, including adverse and therapeutic effects of drugs;

1154 (k) providing emergency refills as defined by rule;

1155 (l) telepharmacy;

1156 (m) formulary management intervention;

1157 (n) prescribing and dispensing a self-administered hormonal contraceptive in
1158 accordance with Title 26B, Chapter 4, Part 5, Treatment Access; and

1159 (o) issuing a prescription in accordance with Section 58-17b-627.

1160 (59) "Practice of telepharmacy" means the practice of pharmacy through the use of
1161 telecommunications and information technologies.

1162 (60) "Practice of telepharmacy across state lines" means the practice of pharmacy
1163 through the use of telecommunications and information technologies that occurs when the
1164 patient is physically located within one jurisdiction and the pharmacist is located in another
1165 jurisdiction.

1166 (61) "Practitioner" means an individual currently licensed, registered, or otherwise
1167 authorized by the appropriate jurisdiction to prescribe and administer drugs in the course of
1168 professional practice.

1169 (62) "Prescribe" means to issue a prescription:

1170 (a) orally or in writing; or

1171 (b) by telephone, facsimile transmission, computer, or other electronic means of
1172 communication as defined by division rule.

1173 (63) "Prescription" means an order issued:

1174 (a) by a licensed practitioner in the course of that practitioner's professional practice or
1175 by collaborative pharmacy practice agreement; and

1176 (b) for a controlled substance or other prescription drug or device for use by a patient
1177 or an animal.

1178 (64) "Prescription device" means an instrument, apparatus, implement, machine,
1179 contrivance, implant, in vitro reagent, or other similar or related article, and any component
1180 part or accessory, which is required under federal or state law to be prescribed by a practitioner
1181 and dispensed by or through a person or entity licensed under this chapter or exempt from
1182 licensure under this chapter.

1183 (65) "Prescription drug" means a drug that is required by federal or state law or rule to
1184 be dispensed only by prescription or is restricted to administration only by practitioners.

1185 (66) "Repackage":

1186 (a) means changing the container, wrapper, or labeling to further the distribution of a
1187 prescription drug; and

1188 (b) does not include:

1189 (i) Subsection (66)(a) when completed by the pharmacist responsible for dispensing the
1190 product to a patient; or

1191 (ii) changing or altering a label as necessary for a dispensing practitioner under Part 8,
1192 Dispensing Medical Practitioner and Dispensing Medical Practitioner Clinic Pharmacy, for
1193 dispensing a product to a patient.

1194 (67) "Research using pharmaceuticals" means research:

1195 (a) conducted in a research facility, as defined by division rule, that is associated with a
1196 university or college in the state accredited by the Northwest Commission on Colleges and
1197 Universities;

1198 (b) requiring the use of a controlled substance, prescription drug, or prescription
1199 device;

1200 (c) that uses the controlled substance, prescription drug, or prescription device in
1201 accordance with standard research protocols and techniques, including, if required, those
1202 approved by an institutional review committee; and

1203 (d) that includes any documentation required for the conduct of the research and the

1204 handling of the controlled substance, prescription drug, or prescription device.

1205 (68) "Retail pharmacy" means a pharmaceutical facility dispensing prescription drugs
1206 and devices to the general public.

1207 (69) (a) "Self-administered hormonal contraceptive" means a self-administered
1208 hormonal contraceptive that is approved by the United States Food and Drug Administration to
1209 prevent pregnancy.

1210 (b) "Self-administered hormonal contraceptive" includes an oral hormonal
1211 contraceptive, a hormonal vaginal ring, and a hormonal contraceptive patch.

1212 (c) "Self-administered hormonal contraceptive" does not include any drug intended to
1213 induce an abortion, as that term is defined in Section [76-7-301](#).

1214 (70) "Self-audit" means an internal evaluation of a pharmacy to determine compliance
1215 with this chapter.

1216 (71) "Supervising pharmacist" means a pharmacist who is overseeing the operation of
1217 the pharmacy during a given day or shift.

1218 (72) "Supportive personnel" means unlicensed individuals who:

1219 (a) may assist a pharmacist, pharmacist preceptor, pharmacy intern, or licensed
1220 pharmacy technician in nonjudgmental duties not included in the definition of the practice of
1221 pharmacy, practice of a pharmacy intern, or practice of a licensed pharmacy technician, and as
1222 those duties may be further defined by division rule adopted in collaboration with the board;
1223 and

1224 (b) are supervised by a pharmacist in accordance with rules adopted by the division in
1225 collaboration with the board.

1226 (73) "Unlawful conduct" means the same as that term is defined in Sections [58-1-501](#)
1227 and [58-17b-501](#).

1228 (74) "Unprofessional conduct" means the same as that term is defined in Sections
1229 [58-1-501](#) and [58-17b-502](#) and may be further defined by rule.

1230 (75) "Veterinary pharmaceutical facility" means a pharmaceutical facility that
1231 dispenses drugs intended for use by animals or for sale to veterinarians for the administration
1232 for animals.

1233 Section 10. Section **58-40-302** is amended to read:

1234 **58-40-302. Qualifications for licensure.**

- 1235 (1) An applicant for licensure under this chapter shall:
- 1236 (a) submit an application in a form prescribed by the division; and
- 1237 (b) pay a fee determined by the department under Section [63J-1-504](#).
- 1238 (2) In addition to the requirements of Subsection (1), an applicant for licensure as a
- 1239 master therapeutic recreation specialist under this chapter shall as defined by division rule:
- 1240 (a) complete an approved graduate degree;
- 1241 (b) complete 4,000 qualifying hours of paid experience as:
- 1242 (i) a licensed therapeutic recreation specialist if completed in the state; or
- 1243 (ii) a certified therapeutic recreation specialist certified in good standing by the
- 1244 National Council for Therapeutic Recreation Certification if completed outside of the state; and
- 1245 (c) pass an approved examination.
- 1246 (3) In addition to the requirements of Subsection (1), an applicant for licensure as a
- 1247 therapeutic recreation specialist under this chapter shall, as defined by division rule:
- 1248 (a) complete an approved:
- 1249 (i) bachelor's degree in therapeutic recreation or recreational therapy;
- 1250 (ii) bachelor's degree with an approved emphasis, option, or concentration in
- 1251 therapeutic recreation or recreational therapy; or
- 1252 (iii) graduate degree;
- 1253 (b) complete an approved practicum; [~~and~~]
- 1254 (c) pass an approved examination[~~;~~]; and
- 1255 (d) document proof of current certification in good standing as a Certified Therapeutic
- 1256 Recreation Specialist by the National Council for Therapeutic Recreation Certification, or an
- 1257 equivalence of that certification, as determined by division rule made in consultation with the
- 1258 board.
- 1259 (4) In addition to the requirements of Subsection (1), an applicant for licensure as a
- 1260 therapeutic recreation technician under this chapter shall, as defined by division rule:
- 1261 [~~(a) have a high school diploma or GED equivalent;~~]
- 1262 [~~(b)~~] (a) complete an approved:
- 1263 (i) educational course in therapeutic recreation taught by a licensed master therapeutic
- 1264 recreation specialist; or
- 1265 (ii) six semester hours or nine quarter hours in therapeutic recreation or recreational

1266 therapy from an accredited college or university;
1267 ~~[(e)]~~ (b) complete an approved practicum under the supervision of:
1268 (i) a licensed master therapeutic recreation specialist; or
1269 (ii) an on-site, full-time, employed therapeutic recreation specialist; and
1270 ~~[(d) pass an approved examination; and]~~
1271 ~~[(e)]~~ (c) complete a minimum of two hours of training in suicide prevention via a
1272 course that the division designates as approved.

1273 Section 11. Section **58-60-102** is amended to read:

1274 **58-60-102. Definitions.**

1275 ~~[In addition to the definitions in Section 58-1-102, as]~~ As used in this chapter:

1276 (1) "Board" means the Behavioral Health Board created in Section 58-60-102.5.

1277 (2) "Client" or "patient" means an individual who consults or is examined or
1278 interviewed by an individual licensed under this chapter who is acting in the individual's
1279 professional capacity.

1280 (3) "Clinical supervision" means work experience conducted under the supervision of a
1281 clinical supervisor, including:

1282 (a) the practice of mental health therapy, direct client care, direct clinical supervision,
1283 direct observation, and other duties and activities completed in the course of the day-to-day job
1284 functions and work of a:

1285 (i) certified social worker;

1286 (ii) associate marriage and family therapist;

1287 (iii) associate clinical mental health counselor; or

1288 (iv) associate master addiction counselor, wherein the supervisor is available for
1289 consultation with the supervisee by personal face to face contact, or direct voice contact by
1290 telephone, radio, or some other means within a reasonable time consistent with the acts and
1291 practices in which the supervisee is engaged:

1292 (A) direct client care, including the practice of mental health therapy and the utilization
1293 of patient-reported progress and outcomes to inform care; and

1294 (B) direct observation;

1295 (4) "Clinical supervisor" means an individual who oversees and mentors one or more
1296 mental health therapists licensed under this chapter, and who:

1297 (a) (i) is licensed, in good standing, as a mental health therapist;
1298 (ii) is approved or certified in good standing as a supervisor by a national professional
1299 organization for social work, mental health counseling, addiction counseling, marriage and
1300 family therapy, psychology, medicine, or nursing, or other organization as approved by the
1301 division;
1302 (A) has completed eight or more hours of supervision instruction that meets minimum
1303 standards established by the division in rule; or
1304 (B) has completed a graduate course on clinical supervision from an accredited
1305 program;
1306 (iii) completes continuing education in clinical supervision, as established by the
1307 division in rule; and
1308 (iv) provides supervision to no more than the number of individuals to whom the
1309 supervisor can reasonably provide clinical supervision by performing the duties and
1310 responsibilities of a supervisor, including:
1311 (A) being available to the supervisee for consultation by personal face-to-face contact,
1312 or by direct voice contact by telephone, videoconference, or some other means within a
1313 reasonable time frame;
1314 (B) providing instruction, direction, oversight, observation, evaluation, and feedback,
1315 to enable the supervisee to acquire the knowledge, skills, techniques, and abilities necessary to
1316 engage in the practice of behavioral health care ethically, safely, and competently; and
1317 (C) maintaining routine personal contact with the supervisee; or
1318 (b) (i) is qualified and acting as a valid supervisor, in accordance with applicable law
1319 and division rules, as of April 30, 2024; and
1320 (ii) has satisfied the requirements of Subsection (4)(a), as of January 1, 2027.
1321 ~~(2)~~ (5) "Confidential communication" means information obtained by an individual
1322 licensed under this chapter, including information obtained by the individual's examination of
1323 the client or patient, which is:
1324 (a) (i) transmitted between the client or patient and an individual licensed under this
1325 chapter in the course of that relationship; or
1326 (ii) transmitted among the client or patient, an individual licensed under this chapter,
1327 and individuals who are participating in the diagnosis or treatment under the direction of an

1328 individual licensed under this chapter, including members of the client's or patient's family; and

1329 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
1330 individual licensed under this chapter, and by a means not intended to be disclosed to third
1331 persons other than those individuals:

1332 (i) present to further the interest of the client or patient in the consultation,
1333 examination, or interview;

1334 (ii) reasonably necessary for the transmission of the communications; or

1335 (iii) participating in the diagnosis and treatment of the client or patient under the
1336 direction of the mental health therapist.

1337 [~~(3)~~] (6) "Direct client care" means the practice of mental health therapy performed as
1338 an applicant for licensure.

1339 (7) (a) "Direct clinical supervision" means an applicant for licensure and the applicant's
1340 direct clinical supervisor meeting in real time and in accordance with the applicant for
1341 licensure's supervision contract as defined by division rule.

1342 (b) "Direct clinical supervision" includes group supervision.

1343 (8) "Direct observation" means observation of an applicant for licensure's live or
1344 recorded direct client care:

1345 (a) (i) by the applicant for licensure's clinical supervisor; or

1346 (ii) a licensee under Subsection (4)(a) who the applicant for licensure's direct clinical
1347 supervisor approves; and

1348 (b) after which the applicant for licensure and the observer under Subsection (8)(a)
1349 meet, in-person or electronically, to discuss the direct client care for the purpose of developing
1350 the applicant for licensure's clinical knowledge and skill.

1351 (9) "FBI Rap Back System" means the same as that term is defined in Section
1352 [53-10-108](#).

1353 (10) "Group supervision" means an applicant for licensure meeting with the applicant's
1354 direct clinical supervisor and at least one of the direct clinical supervisor's other supervised
1355 applicants for licensure:

1356 (a) while the clinical supervisor and the applicants:

1357 (i) can see and openly communicate with each other; and

1358 (ii) are present in the same room or via electronic video; and

1359 (b) for the purpose of developing the applicants' clinical knowledge and skill.

1360 (11) "Hypnosis" means, when referring to individuals exempted from licensure under
1361 this chapter, a process by which an individual induces or assists another individual into a
1362 hypnotic state without the use of drugs or other substances and for the purpose of increasing
1363 motivation or to assist the individual to alter lifestyles or habits.

1364 [~~4~~] (12) "Individual" means a natural person.

1365 [~~5~~] (13) "Mental health therapist" means an individual who is practicing within the
1366 scope of practice defined in the individual's respective licensing act and is licensed under this
1367 title as:

1368 (a) a physician and surgeon, or osteopathic physician engaged in the practice of mental
1369 health therapy;

1370 (b) an advanced practice registered nurse, specializing in psychiatric mental health
1371 nursing;

1372 (c) an advanced practice registered nurse intern, specializing in psychiatric mental
1373 health nursing;

1374 (d) a psychologist qualified to engage in the practice of mental health therapy;

1375 (e) a certified psychology resident qualifying to engage in the practice of mental health
1376 therapy;

1377 (f) a physician assistant specializing in mental health care under Section [58-70a-501.1](#);

1378 (g) a clinical social worker;

1379 (h) a certified social worker;

1380 (i) a marriage and family therapist;

1381 (j) an associate marriage and family therapist;

1382 (k) a clinical mental health counselor; [~~or~~]

1383 (l) an associate clinical mental health counselor[-];

1384 (m) a master addiction counselor; or

1385 (n) an associate master addiction counselor.

1386 [~~6~~] (14) "Mental illness" means a mental or emotional condition defined in an
1387 approved diagnostic and statistical manual for mental disorders generally recognized in the
1388 professions of mental health therapy listed under Subsection [~~5~~] (13).

1389 [~~7~~] (15) "Practice of mental health therapy" means treatment or prevention of mental

1390 illness, whether in person or remotely, including:

1391 (a) conducting a professional evaluation of an individual's condition of mental health,
1392 mental illness, or emotional disorder consistent with standards generally recognized in the
1393 professions of mental health therapy listed under Subsection ~~[(5)]~~ (13);

1394 (b) establishing a diagnosis in accordance with established written standards generally
1395 recognized in the professions of mental health therapy listed under Subsection ~~[(5)]~~ (13);

1396 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
1397 emotional disorder; and

1398 (d) engaging in the conduct of professional intervention, including psychotherapy by
1399 the application of established methods and procedures generally recognized in the professions
1400 of mental health therapy listed under Subsection ~~[(5)]~~ (13).

1401 ~~[(8)]~~ (16) "Remotely" means communicating via Internet, telephone, or other electronic
1402 means that facilitate real-time audio or visual interaction between individuals when they are not
1403 physically present in the same room at the same time.

1404 ~~[(9)]~~ (17) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-60-109.

1405 ~~[(10)]~~ (18) "Unprofessional conduct" is as defined in Sections 58-1-501 and
1406 58-60-110, and may be further defined by division rule.

1407 Section 12. Section 58-60-102.5 is enacted to read:

1408 **58-60-102.5. Behavioral Health Board -- Subcommittees.**

1409 (1) There is created the Behavioral Health Board consisting of:

1410 (a) no less than six behavioral health care providers licensed in Utah to practice as a:

1411 (i) clinical social worker;

1412 (ii) marriage and family therapist;

1413 (iii) clinical mental health counselor;

1414 (iv) master addiction counselor;

1415 (v) psychologist under Chapter 61, Psychologist Licensing Act; or

1416 (vi) behavior analyst or specialist;

1417 (b) no less than two other behavioral health care providers licensed in Utah to practice

1418 as:

1419 (i) a certified social worker;

1420 (ii) a social service worker;

- 1421 (iii) an associate marriage and family therapist;
1422 (iv) an associate clinical mental health counselor;
1423 (v) an associate master addiction counselor;
1424 (vi) an advanced substance use disorder counselor;
1425 (vii) a substance use disorder counselor;
1426 (viii) a certified psychology resident; or
1427 (ix) an assistant behavior analyst or specialist;
1428 (c) no less than four public members:
1429 (i) who comprise no less than 1/3 of the total membership of the board;
1430 (ii) who are not licensed to practice under:
1431 (A) this chapter; or
1432 (B) Chapter 61, Psychologist Licensing Act; and
1433 (iii) two of whom shall, at the time of appointment to the board, hold a leadership
1434 position with:
1435 (A) a behavioral health consumer advocacy organization;
1436 (B) a behavioral health employer;
1437 (C) a behavioral health payor;
1438 (D) an academic institution conducting research related to the behavioral health
1439 licenses under Subsection (3)(b), including public health, epidemiology, economics, and the
1440 health care workforce;
1441 (E) a training institution providing education credentials required for a license under
1442 Subsection (3)(b);
1443 (F) a licensed health care facility as defined in Section [26B-2-201](#); or
1444 (G) a licensed human services program as defined in Section [26B-2-101](#);
1445 (d) one of whom the executive director of the Department of Health and Human
1446 Services appoints; and
1447 (e) one of whom is licensed in Utah to practice as a:
1448 (i) physician under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah
1449 Osteopathic Medical Practice Act;
1450 (ii) physician assistant under Chapter 70a, Utah Physician Assistant Act; or
1451 (iii) nurse under Chapter 31b, Nurse Practice Act, or Chapter 31e, Nurse Licensure

1452 Compact - Revised.

1453 (2) Board members shall be appointed, serve terms, and be compensated in accordance
1454 with Section 58-1-201.

1455 (3) The board shall:

1456 (a) operate in accordance with Section 58-1-202, unless otherwise provided in this
1457 section;

1458 (b) regulate licenses under:

1459 (i) this chapter; and

1460 (ii) Chapter 61, Pyschologist Licensing Act;

1461 (c) recommend to the appropriate legislative committee statutory changes to:

1462 (i) ensure that regulation supports an adequate workforce to meet consumer demand for
1463 behavioral health services; and

1464 (ii) prevent harm to the health, safety, and financial welfare of the public;

1465 (d) recommend to the appropriate legislative committee statutory changes to remove
1466 regulations that are no longer necessary or effective in protecting the public and enhancing
1467 commerce; and

1468 (e) disqualify any member from acting as a presiding officer in any administrative
1469 procedure in which that member has previously reviewed the complaint or advised the division.

1470 (4) (a) There are created the following advisory committees to the board:

1471 (i) the Qualifications and Professional Development Advisory Committee;

1472 (ii) the Background and Investigations Advisory Committee; and

1473 (iii) the Probation and Compliance Advisory Committee.

1474 (b) Each advisory committee shall consist of:

1475 (i) a committee chair who is a member of the Behavioral Health Board;

1476 (ii) a member of each profession regulated under this chapter;

1477 (iii) Chapter 61, Pyschologist Licensing Act; and

1478 (iv) as determined by the division in rule, additional members from the professions
1479 licensed under this chapter or Chapter 61, Psychologist Licensing Act.

1480 (c) In addition to the requirements of Subsection (3)(b):

1481 (i) the Qualifications and Professional Development Advisory Committee shall also
1482 consist of an educator for each profession regulated under this chapter and Chapter 61,

1483 Psychologist Licensing Act; and

1484 (ii) the Background and Investigations Advisory Committee shall also consist of a
1485 criminal justice professional.

1486 (d) The Qualifications and Professional Development Advisory Committee shall:

1487 (i) advise the division regarding qualifications for licensure, including passing scores
1488 for applicant examinations and standards of supervision for students or persons in training to
1489 become licensed;

1490 (ii) recommend evidence-based ongoing professional development requirements for
1491 licensure that:

1492 (A) ensure an adequate workforce to meet consumer demand; and

1493 (B) prevent harm to the health, safety, and financial welfare of the public;

1494 (iii) advise the division on the licensing, renewal, reinstatement, and relicensure of:

1495 (A) internationally trained applicants;

1496 (B) applicants applying via licensure by endorsement; and

1497 (C) applicants applying using an alternate pathway to licensure including a non-exam
1498 or equivalent field degree path;

1499 (iv) draw on additional profession-specific advisors as needed;

1500 (v) make policy recommendations to the board regarding qualifications for licensure or
1501 renewal for a specific profession, including the committee chair assigning at least one
1502 committee member licensed under that profession to serve as a subject matter expert; and

1503 (vi) make recommendations to the board related to an individual applicant for a
1504 specific license, including the committee chair assigning at least one committee member
1505 licensed under the same profession as the applicant to serve as a subject matter expert.

1506 (e) The Background and Investigations Advisory Committee shall:

1507 (i) advise the division on establishing criteria for licensure for those with a criminal
1508 conviction according to Section [58-1-401](#);

1509 (ii) advise the division on establishing criteria for referral to the Utah Professionals
1510 Health Program under Chapter 4a, Utah Professionals Health Program.

1511 (iii) screen applicants with a criminal history for licensing, renewal, reinstatement, and
1512 relicensure and recommending licensing, renewal, reinstatement, and relicensure actions to the
1513 division;

1514 (iv) advise the division on investigative practices and procedures and administrative
1515 sanctions for consistency and fairness across relevant occupations;

1516 (v) make recommendations to the board for sanctions against individual licensees and
1517 certificate holders and referral to the Utah Professionals Health Program under Chapter 4a,
1518 Utah Professionals Health Program;

1519 (vi) draw on additional profession-specific advisors as needed; and

1520 (vii) make recommendations to the board related to the disposition for any specific
1521 applicant or licensee, including the committee chair assigning at least one committee member
1522 licensed under the same profession as the applicant or licensee to serve as a subject matter
1523 expert.

1524 (f) The Probation and Compliance Advisory Committee shall:

1525 (i) review compliance with probationary orders;

1526 (ii) review early termination and make any recommendations as requested by the
1527 board;

1528 (iii) advise the board regarding the screening of applicants previously sanctioned for
1529 licensing, renewal, reinstatement, and relicensure, including recommending licensing, renewal,
1530 reinstatement, and relicensure actions to the board;

1531 (iv) establish procedures for monitoring sanctioned licensees or certificate holders;

1532 (v) draw on additional profession-specific advisors as needed; and

1533 (vi) make recommendations to the board related to the disposition for any specific
1534 licensee or certification holder, including the committee chair assigning a committee member
1535 licensed under the same profession as the licensee or certification holder to serve as a
1536 subject-matter expert related to that disposition.

1537 (5) The division, in consultation with the board, may establish one or more standing or
1538 ad hoc subcommittees to consider and advise the board regarding any aspect of licensing,
1539 including:

1540 (a) client or patient access to qualified licensees;

1541 (b) education, examination, and supervision of applicants for licensure;

1542 (c) verification of applicant for licensure qualifications;

1543 (d) continuing education requirements;

1544 (e) alternate pathways to licensure; and

1545 (f) probation and recovery assistance.

1546 (6) The division may consult with licensed psychologists on matters specific to the
1547 oversight of doctoral-level licensed psychologists.

1548 (7) Members of the board and any subcommittees created under this section may not
1549 receive compensation or benefits for the member's service, but may receive per diem and travel
1550 expenses in accordance with:

1551 (a) Section 63A-3-106;

1552 (b) Section 63A-3-107; and

1553 (c) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

1554 Section 13. Section **58-60-103.1** is amended to read:

1555 **58-60-103.1. Criminal background check.**

1556 (1) An applicant for licensure under this chapter who requires a criminal background
1557 check shall:

1558 (a) submit fingerprint cards in a form acceptable to the division at the time the license
1559 application is filed; and

1560 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
1561 Identification and the Federal Bureau of Investigation, including the use of the Rap Back
1562 System, regarding the application and the applicant's future status as a license holder.

1563 (2) The division shall:

1564 (a) in addition to other fees authorized by this chapter, collect from each applicant
1565 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
1566 Identification is authorized to collect for the services provided under Section 53-10-108 and the
1567 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
1568 obtaining federal criminal history record information;

1569 (b) submit from each applicant the fingerprint card and the fees described in
1570 Subsection (2)(a) to the Bureau of Criminal Identification; and

1571 (c) obtain and retain in division records a signed waiver approved by the Bureau of
1572 Criminal Identification in accordance with Section 53-10-108 for each applicant.

1573 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
1574 Section 53-10-108:

1575 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state

1576 and regional criminal records databases;

1577 (b) forward the fingerprints to the Federal Bureau of Investigation for a national
1578 criminal history background check; and

1579 (c) provide the results from the state, regional, and nationwide criminal history
1580 background checks to the division.

1581 (4) For purposes of conducting a criminal background check required under this
1582 section, the division shall have direct access to criminal background information maintained
1583 under Title 53, Chapter 10, Part 2, Bureau of Criminal Identification.

1584 (5) The division may not:

1585 (a) disseminate outside of the division any criminal history record information that the
1586 division obtains from the Bureau of Criminal Identification or the Federal Bureau of
1587 Investigation under the criminal background check requirements of this section; or

1588 (b) issue a letter of qualification to participate in the Counseling Compact under
1589 Chapter 60a, Counseling Compact, until the criminal background check described in this
1590 section is completed.

1591 Section 14. Section **58-60-106** is amended to read:

1592 **58-60-106. Status of licenses held on the effective date of this chapter --**
1593 **Grandfather provisions.**

1594 (1) An individual holding a valid Utah license as a clinical social worker, certified
1595 social worker, social service worker, or marriage and family therapist under any licensing or
1596 practice acts in this title in effect immediately prior to July 1, 1994, is on and after July 1, 1994,
1597 considered to hold a current license under this chapter in the comparable classification as a
1598 clinical social worker, certified social worker, social service worker, or marriage and family
1599 therapist.

1600 (2) (a) supervised training

1601 (b) An individual who is acting as a supervisor, or working toward qualification to act
1602 as a supervisor, under qualification requirements that change, may continue to qualify to act as
1603 a supervisor under the unchanged qualification requirements, for three years after the date on
1604 which the qualification requirements changed.

1605 Section 15. Section **58-60-109** is amended to read:

1606 **58-60-109. Unlawful conduct.**

- 1607 As used in this chapter, "unlawful conduct" includes:
- 1608 (1) practice of the following unless licensed in the appropriate classification or
1609 exempted from licensure under this title:
- 1610 (a) mental health therapy;
- 1611 (b) clinical social work;
- 1612 (c) certified social work;
- 1613 (d) marriage and family therapy;
- 1614 (e) clinical mental health ~~[counselor]~~ counseling;
- 1615 (f) ~~[practice as a social service worker; or]~~ social service work;
- 1616 (g) master addiction counseling;
- 1617 ~~[(g)]~~ (h) substance use disorder [counselor] counseling; or
- 1618 (i) advanced substance use disorder counseling;
- 1619 (2) practice of mental health therapy by a licensed psychologist who has not acceptably
1620 documented to the division the licensed psychologist's completion of the supervised training in
1621 mental health therapy required under Subsection 58-61-304(1)(e); or
- 1622 (3) representing oneself as, or using the title of, the following:
- 1623 (a) unless currently licensed in a license classification under this title:
- 1624 (i) psychiatrist;
- 1625 (ii) psychologist;
- 1626 (iii) registered psychiatric mental health nurse specialist;
- 1627 (iv) mental health therapist;
- 1628 (v) clinical social worker;
- 1629 (vi) master addiction counselor;
- 1630 ~~[(vi)]~~ (vii) certified social worker;
- 1631 ~~[(vii)]~~ (viii) marriage and family therapist;
- 1632 ~~[(viii)]~~ (ix) clinical mental health counselor;
- 1633 ~~[(ix)]~~ (x) social service worker;
- 1634 ~~[(x)]~~ (xi) substance use disorder counselor;
- 1635 ~~[(xi)]~~ (xii) associate clinical mental health counselor; or
- 1636 ~~[(xii)]~~ (xiii) associate marriage and family therapist;
- 1637 (xiv) associate master addiction counselor; or

1638 (b) unless currently in possession of the credentials described in Subsection (4), social
1639 worker.

1640 (4) An individual may represent oneself as a, or use the title of, social worker if the
1641 individual possesses certified transcripts from an accredited institution of higher education,
1642 recognized by the division in collaboration with the [~~Social Work Licensing Board~~] board,
1643 verifying satisfactory completion of an education and an earned degree as follows:

1644 (a) a bachelor's or master's degree in a social work program accredited by the Council
1645 on Social Work Education or by the Canadian Association of Schools of Social Work; or

1646 (b) a doctoral degree that contains a clinical social work concentration and practicum
1647 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
1648 Administrative Rulemaking Act, that is consistent with Section [58-1-203](#).

1649 Section 16. Section **58-60-110** is amended to read:

1650 **58-60-110. Unprofessional conduct.**

1651 (1) As used in this chapter, "unprofessional conduct" includes:

1652 (a) using or employing the services of any individual to assist a licensee in any manner
1653 not in accordance with the generally recognized practices, standards, or ethics of the profession
1654 for which the individual is licensed, or the laws of the state;

1655 (b) failure to confine practice conduct to those acts or practices:

1656 (i) in which the individual is competent by education, training, and experience within
1657 limits of education, training, and experience; and

1658 (ii) which are within applicable scope of practice laws of this chapter;

1659 (c) disclosing or refusing to disclose any confidential communication under Section
1660 [58-60-114](#) or [58-60-509](#); [~~and~~]

1661 (d) a pattern of failing to offer a patient the opportunity to waive the patient's privacy
1662 rights under the Standards for Privacy of Individually Identifiable Health Information, 45
1663 C.F.R., Parts 160 and 164[-];

1664 (e) a pattern of failing to provide to patients in a mental health setting:

1665 (i) information regarding the license holder, including the name under which the
1666 license holder is licensed, the type of license held, the license number, and the license holder's
1667 contact information;

1668 (ii) if the individual's license requires the license holder to be supervised by another

1669 licensed provider, information regarding the supervisor, including the name under which the
1670 supervisor is licensed, the type of license held, the license number, and the supervisor's contact
1671 information;

1672 (iii) information regarding standards of appropriate care and ethical boundaries,
1673 including a plain language statement that in a professional relationship with a mental health
1674 practitioner, a dual relationship between a client and a provider, or one that is romantic,
1675 financially motivated, or otherwise risks impacting the provider's judgment or the quality of the
1676 services provided, is never appropriate and should be reported to the Division of Professional
1677 Licensing;

1678 (iv) information regarding the client's rights, including that the client has the right to
1679 seek a second opinion, to ask for additional information, and to terminate treatment at any
1680 time; or

1681 (v) the contact information for the Division of Professional Licensing, including how
1682 to file a complaint; or

1683 (f) a pattern of failing to provide to patients, upon request, in a mental health setting:

1684 (i) information about the license holder's qualifications and experience, including a
1685 listing of any degrees, credentials, certifications, registrations, and licenses held or completed
1686 by the license holder, the name of the granting school or institution, and the continuing
1687 education that the licensee is required to complete in order to retain the license;

1688 (ii) information regarding standards of appropriate care and ethical boundaries,
1689 including a copy of the statutory and administrative rule definitions of unprofessional conduct,
1690 or a copy of the generally recognized professional or ethical standards;

1691 (iii) for any course of treatment, the method of treatment recommended, the reasoning
1692 supporting the method of treatment, the techniques used, the expected duration of the
1693 treatment, if known, and the fee structure; or

1694 (iv) information regarding the individuals who have or have had access to confidential
1695 data related to the care of the patient, including evaluations, assessments, diagnoses, prevention
1696 or treatment plans, reports, progress notes, discharge summaries, treatment or documentation of
1697 treatment, including video recording, live stream, or in-person observations of psychotherapy
1698 or other treatment methods.

1699 (2) "Unprofessional conduct" under this chapter may be further defined by division

1700 rule.

1701 (3) Notwithstanding Section 58-1-401, the division may not act upon the license of a
1702 licensee for unprofessional conduct under Subsection (1)(d).

1703 Section 17. Section 58-60-202 is amended to read:

1704 **58-60-202. Definitions.**

1705 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:

1706 [~~(1) "Board" means the Social Worker Licensing Board created in Section 58-60-203;~~]

1707 [~~(2)~~] (1) (a) "Practice as a social service worker" means performance of general entry
1708 level services under general supervision of a mental health therapist through the application of
1709 social work theory, methods, and ethics in order to enhance the social or psychosocial
1710 functioning of an individual, a couple, a family, a group, or a community, including:

1711 (i) conducting:

1712 (A) a non-clinical psychosocial assessment; or

1713 (B) a home study;

1714 (ii) collaborative planning and goal setting~~;~~, including drafting initial treatment plans,

1715 if:

1716 (A) the treatment plan is for a client with mild to moderate behavioral health symptoms
1717 or disorders, as assessed or diagnosed by a mental health therapist;

1718 (B) before treatment begins, the mental health therapist has reviewed and approved the
1719 treatment plan, and the client has been given an opportunity to consult with the mental health
1720 therapist; and

1721 (C) the social service worker is authorized in writing by a licensed health facility, as
1722 defined in Section 26B-2-201, or a licensed human service program, as defined in Section
1723 26B-2-101;

1724 (iii) ongoing case management;

1725 (iv) progress monitoring, including drafting treatment plan reviews and updates, if the
1726 requirements of Subsections (1)(a)(ii)(A) through (C) have been met;

1727 (v) supportive counseling and psychosocial education, including:

1728 (A) providing individual and group support and psychosocial education related to
1729 behavioral health literacy, wellness education and promotion, goal setting, life skills, and
1730 coping skills;

1731 (B) providing evidence-based, manualized therapeutic interventions according to a
1732 treatment plan approved by a mental health therapist, while under the supervision of a mental
1733 health therapist, in the treatment of mild to moderate behavioral health symptoms or disorders,
1734 as assessed or diagnosed by the mental health therapist; and

1735 (C) co-facilitating group therapy with a mental health therapist;

1736 (vi) information gathering;

1737 (vii) making referrals, including crisis referrals; [~~and~~]

1738 (viii) engaging in advocacy[-];

1739 (ix) care navigation; and

1740 (x) the supervision and training of social work students of an accredited institution who
1741 are seeking bachelor's degrees in social work, if the social service worker has two years of
1742 post-licensure work experience.

1743 (b) "Practice as a social service worker" does not include:

1744 (i) diagnosing or treating mental illness; or

1745 (ii) providing psychotherapeutic services to an individual, couple, family, group, or
1746 community.

1747 [~~(3)~~] (2) "Practice of clinical social work" includes:

1748 (a) the practice of mental health therapy by observation, description, evaluation,
1749 interpretation, intervention, and treatment to effect modification of behavior by the application
1750 of generally recognized professional social work principles, methods, and procedures for the
1751 purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, the
1752 symptoms of any of these, or maladaptive behavior;

1753 (b) the application of generally recognized psychotherapeutic and social work
1754 principles and practices requiring the education, training, and clinical experience of a clinical
1755 social worker; and

1756 (c) supervision of the practice of a certified social worker or social service worker as
1757 the supervision is required under this chapter and as further defined by division rule.

1758 [~~(4)~~] (3) "Practice of certified social work" includes:

1759 (a) the supervised practice of mental health therapy by a clinical social worker by
1760 observation, description, evaluation, interpretation, intervention, and treatment to effect
1761 modification of behavior by the application of generally recognized professional social work

1762 principles, methods, and procedures for the purpose of preventing, treating, or eliminating
1763 mental or emotional illness or dysfunctions, the symptoms of any of these, or maladaptive
1764 behavior;

1765 (b) the supervised or independent and unsupervised application of generally recognized
1766 professional social work principles and practices requiring the education, training, and
1767 experience of a certified social worker; and

1768 (c) supervision of the practice of a social service worker as the supervision is required
1769 under this chapter and as further defined by division rule.

1770 ~~[(5)]~~ (4) "Program accredited by the Council on Social Work Education" means a
1771 program that:

1772 (a) was accredited by the Council on Social Work Education on the day on which the
1773 applicant for licensure satisfactorily completed the program; or

1774 (b) was in candidacy for accreditation by the Council on Social Work Education on the
1775 day on which the applicant for licensure satisfactorily completed the program.

1776 ~~[(6)]~~ (5) "Supervision of a social service worker" means supervision conducted by an
1777 individual licensed as a mental health therapist under this title in accordance with division rules
1778 made in collaboration with the board.

1779 Section 18. Section **58-60-205** is amended to read:

1780 **58-60-205. Qualifications for licensure or certification as a clinical social worker,**
1781 **certified social worker, and social service worker.**

1782 (1) An applicant for licensure as a clinical social worker shall:

1783 (2) (a) submit an application on a form provided by the division;

1784 (b) pay a fee determined by the department under Section [63J-1-504](#);

1785 (c) produce certified transcripts from an accredited institution of higher education
1786 recognized by the division in collaboration with the board verifying satisfactory completion of
1787 an education and an earned degree as follows:

1788 (i) a master's degree in a social work program accredited by the Council on Social
1789 Work Education or by the Canadian Association of Schools of Social Work; or

1790 (ii) a doctoral degree that contains a clinical social work concentration and practicum
1791 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
1792 Administrative Rulemaking Act, that is consistent with Section [58-1-203](#);

1793 ~~[(d) have completed a minimum of 3,000 hours of clinical social work training as~~
1794 ~~defined by division rule under Section 58-1-203:]~~

1795 ~~[(i) under the supervision of a supervisor approved by the division in collaboration~~
1796 ~~with the board who is a:]~~

1797 ~~[(A) clinical mental health counselor;]~~
1798 ~~[(B) psychiatrist;]~~
1799 ~~[(C) psychologist;]~~
1800 ~~[(D) registered psychiatric mental health nurse practitioner;]~~
1801 ~~[(E) marriage and family therapist; or]~~
1802 ~~[(F) clinical social worker; and]~~

1803 ~~[(ii) including a minimum of two hours of training in suicide prevention via a course~~
1804 ~~that the division designates as approved;]~~

1805 (d) document successful completion of not less than 1,200 direct client care hours:
1806 (i) obtained after completion of the education requirements under Subsection (1)(c);
1807 (ii) subject to Subsection (2)(d)(iii), not less than 100 of which are direct clinical
1808 supervision hours under the supervision of a clinical supervisor;
1809 (iii) not less than 25 of which are direct observation hours; and
1810 (iv) not more than 25 of which are group supervision hours accrued concurrently with
1811 more than one other applicant for licensure;

1812 ~~[(e) document successful completion of not less than 1,000 hours of supervised~~
1813 ~~training in mental health therapy obtained after completion of the education requirement in~~
1814 ~~Subsection (1)(c), which training may be included as part of the 3,000 hours of training in~~
1815 ~~Subsection (1)(d), and of which documented evidence demonstrates not less than 75 of the~~
1816 ~~hours were obtained under the direct supervision, as defined by rule, of a supervisor described~~
1817 ~~in Subsection (1)(d)(i);]~~

1818 (e) document successful completion of not less than two hours of training in suicide
1819 prevention, obtained after completion of the education requirements under Subsection (2)(c)
1820 via a course that the division designates as approved;

1821 (f) if required for the applicant to qualify as an eligible professional under CMS rules
1822 for Medicare payment, document completion of:

1823 (i) not less than 3,000 hours of clinical supervision, which may include hours accrued

1824 under Subsection (2)(d); or
1825 (ii) not less than two years of clinical supervision;
1826 ~~[(f)]~~ (g) have completed a case work, group work, or family treatment course sequence
1827 with a clinical practicum in content as defined by rule under Section 58-1-203;
1828 ~~[(g)]~~ (h) (i) pass the examination requirement established by rule under Section
1829 58-1-203; ~~[and]~~ or
1830 (ii) satisfy the following requirements:
1831 (A) document at least one examination attempt that did not result in a passing score;
1832 (B) document successful completion of not less than 500 additional direct client care
1833 hours, at least 25 of which are direct clinical supervision hours, and at least five of which are
1834 direct observation hours;
1835 (C) submit to the division a recommendation letter from the applicant's direct clinical
1836 supervisor; and
1837 (D) submit to the division a recommendation letter from another licensed mental health
1838 therapist who has directly observed the applicant's direct client care hours and who is not the
1839 applicant's direct clinical supervisor; and
1840 ~~[(h)]~~ (i) [if the applicant is applying to participate in the Counseling Compact under
1841 Chapter 60a, Counseling Compact,] shall consent to a criminal background check in
1842 accordance with Section 58-60-103.1 and any requirements established by division rule made
1843 in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
1844 ~~[(2)]~~ (3) An applicant for licensure as a certified social worker shall:
1845 (a) submit an application on a form provided by the division;
1846 (b) pay a fee determined by the department under Section 63J-1-504; and
1847 (c) produce certified transcripts from an accredited institution of higher education
1848 recognized by the division in collaboration with the board verifying satisfactory completion of
1849 an education and an earned degree as follows:
1850 (i) a master's degree in a social work program accredited by the Council on Social
1851 Work Education or by the Canadian Association of Schools of Social Work; or
1852 (ii) a doctoral degree that contains a clinical social work concentration and practicum
1853 approved by the division, by rule, in accordance with Title 63G, Chapter 3, Utah
1854 Administrative Rulemaking Act, that is consistent with Section 58-1-203[-]; and

1855 (d) shall consent to a criminal background check in accordance with Section
1856 58-60-103.1 and any requirements established by division rule made in accordance with Title
1857 63G, Chapter 3, Utah Administrative Rulemaking Act.

1858 [~~3~~] (4) An applicant for licensure as a social service worker shall:

1859 (a) submit an application on a form provided by the division;

1860 (b) pay a fee determined by the department under Section 63J-1-504; and

1861 (c) produce certified transcripts from an accredited institution of higher education

1862 recognized by the division in collaboration with the board verifying satisfactory completion of

1863 an education and an earned degree as follows:

1864 (i) a bachelor's degree in a social work program accredited by the Council on Social

1865 Work Education or by the Canadian Association of Schools of Social Work;

1866 (ii) a master's degree in a field approved by the division in collaboration with the

1867 board;

1868 (iii) a bachelor's degree in any field if the applicant:

1869 (A) has completed at least three semester hours, or the equivalent, in each of the

1870 following areas:

1871 (I) social welfare policy;

1872 (II) human growth and development; and

1873 (III) social work practice methods, as defined by rule; and

1874 (B) provides documentation that the applicant has completed at least 2,000 hours of

1875 qualifying experience under the supervision of a mental health therapist, which experience is

1876 approved by the division in collaboration with the board, and which is performed after

1877 completion of the requirements to obtain the bachelor's degree required under this Subsection

1878 [~~4~~] (5); or

1879 (iv) successful completion of the first academic year of a Council on Social Work

1880 Education approved master's of social work curriculum and practicum.

1881 [~~4~~] (5) The division shall ensure that the rules for an examination described under

1882 Subsection [~~1~~](g) (2)(h)(i) allow additional time to complete the examination if requested by

1883 an applicant who is:

1884 (a) a foreign born legal resident of the United States for whom English is a second

1885 language; or

1886 (b) an enrolled member of a federally recognized Native American tribe.

1887 Section 19. Section **58-60-207** is amended to read:

1888 **58-60-207. Scope of practice -- Limitations.**

1889 (1) ~~(a)~~ A clinical social worker may engage in all acts and practices defined as the
1890 practice of clinical social work without supervision, in private and independent practice, or as
1891 an employee of another person, limited only by the licensee's education, training, and
1892 competence.

1893 ~~[(b) A clinical social worker may not supervise more than six individuals who are~~
1894 ~~lawfully engaged in training for the practice of mental health therapy, unless granted an~~
1895 ~~exception in writing from the division in collaboration with the board.]~~

1896 (2) To the extent an individual is professionally prepared by the education and training
1897 track completed while earning a master's or doctor of social work degree, a licensed certified
1898 social worker may engage in all acts and practices defined as the practice of certified social
1899 work consistent with the licensee's education, clinical training, experience, and competence:

1900 (a) under supervision of an individual described in Subsection ~~[58-60-205(1)(d)(i)]~~
1901 58-60-205(2)(d)(ii) and as an employee of another person when engaged in the practice of
1902 mental health therapy;

1903 (b) without supervision and in private and independent practice or as an employee of
1904 another person, if not engaged in the practice of mental health therapy;

1905 (c) including engaging in the private, independent, unsupervised practice of social
1906 work as a self-employed individual, in partnership with other mental health therapists, as a
1907 professional corporation, or in any other capacity or business entity, so long as he does not
1908 practice unsupervised psychotherapy; and

1909 (d) supervising social service workers as provided by division rule.

1910 Section 20. Section **58-60-302** is amended to read:

1911 **58-60-302. Definitions.**

1912 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:

1913 (1) "Assess" means the use of diagnostic procedures, tests, and interview techniques
1914 generally accepted as standard in mental health therapy to diagnose any condition related to
1915 mental, emotional, behavioral, and social disorders or dysfunctions.

1916 ~~[(2) "Board" means the Marriage and Family Therapist Licensing Board created in~~

1917 Section ~~58-60-303~~.]

1918 [~~(3)~~] (2) "Practice of marriage and family therapy" includes:

1919 (a) the process of providing professional mental health therapy including
1920 psychotherapy to individuals, couples, families, or groups;

1921 (b) utilizing established principles that recognize the interrelated nature of individual
1922 problems and dysfunctions in family members to assess, diagnose, and treat mental, emotional,
1923 and behavioral disorders;

1924 (c) individual, premarital, relationship, marital, divorce, and family therapy;

1925 (d) specialized modes of treatment for the purpose of diagnosing and treating mental,
1926 emotional, and behavioral disorders, modifying interpersonal and intrapersonal dysfunction,
1927 and promoting mental health; and

1928 (e) assessment utilized to develop, recommend, and implement appropriate plans of
1929 treatment, dispositions, and placement related to the functioning of the individual, couple,
1930 family, or group.

1931 Section 21. Section **58-60-305** is amended to read:

1932 **58-60-305. Qualifications for licensure.**

1933 (1) All applicants for licensure as marriage and family therapists shall:

1934 (a) submit an application on a form provided by the division;

1935 (b) pay a fee determined by the department under Section ~~63J-1-504~~;

1936 (c) produce certified transcripts evidencing completion of a masters or doctorate degree
1937 in marriage and family therapy from:

1938 (i) a program accredited by the Commission on Accreditation for Marriage and Family
1939 Therapy Education; or

1940 (ii) an accredited institution meeting criteria for approval established by rule under
1941 Section ~~58-1-203~~;

1942 [~~(d) have completed a minimum of 3,000 hours of marriage and family therapy training
1943 as defined by division rule under Section ~~58-1-203~~;~~]

1944 [~~(i) under the supervision of a mental health therapist supervisor who meets the
1945 requirements of Section ~~58-60-307~~;~~]

1946 [~~(ii) obtained after completion of the education requirement in Subsection (1)(c); and~~]

1947 (d) document successful completion of not less than 1,200 direct client care hours:

1948 (i) obtained after completion of the education requirements under Subsection (1)(c);
1949 (ii) subject to Subsection (2)(d)(iii), not less than 100 of which are direct clinical
1950 supervision hours under the supervision of a clinical supervisor obtained after completion of
1951 the education requirements under Subsection (1)(c);
1952 (iii) of which 75 of the direct clinical supervision hours under Subsection (2)(d)(ii) are
1953 supervised by the applicant's direct clinical supervisor;
1954 (iv) not less than 25 of which are direct observation hours; and
1955 (v) not more than 25 of which are group supervision hours concurrently with more than
1956 one other applicant for licensure.

1957 ~~[(iii)]~~ (e) [including a minimum of] document successful completion of not less than
1958 two hours of training in suicide prevention obtained after completion of the education
1959 requirements under Subsection (1)(c) via a course that the division designates as approved;
1960 ~~[(e) document successful completion of not less than 1,000 hours of supervised~~
1961 ~~training in mental health therapy obtained after completion of the education requirement~~
1962 ~~described in Subsection (1)(c), which training may be included as part of the 3,000 hours of~~
1963 ~~training described in Subsection (1)(d), and of which documented evidence demonstrates not~~
1964 ~~less than 75 of the supervised hours were obtained during direct, personal supervision, as~~
1965 ~~defined by rule, by a mental health therapist supervisor qualified under Section 58-60-307;]~~

1966 (f) if required for the applicant to qualify as an eligible professional under CMS rules
1967 for Medicare payment, document successful completion of:

1968 (i) not less than 3,000 hours of clinical supervision, which may include hours accrued
1969 under Subsection (2)(d); or

1970 (ii) not less than two years of clinical supervision;

1971 ~~[(f)]~~ (g) (i) pass the examination requirement established by division rule under Section
1972 58-1-203; [and] or

1973 (ii) satisfy the following requirements:

1974 (A) document at least one examination attempt that did not result in a passing score;
1975 (B) document successful completion of not less than 500 additional direct client care
1976 hours, not less than 25 of which are direct clinical supervision hours, and not less than five of
1977 which are direct observation hours by a mental health therapist or supervisor who meets the
1978 requirements of Section 58-60-307;

1979 (C) submit to the division a recommendation letter from the applicant's direct clinical
1980 supervisor; and

1981 (D) submit to the division a recommendation letter from another licensed mental health
1982 therapist who has directly observed the applicant's direct client care hours and who is not the
1983 applicant's direct clinical supervisor; and

1984 ~~[(g)] (h) [if the applicant is applying to participate in the Counseling Compact under~~
1985 ~~Chapter 60a, Counseling Compact,]~~ consent to a criminal background check in accordance
1986 with Section 58-60-103.1 and any requirements established by division rule made in
1987 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

1988 (2) ~~[(a) AH]~~ Subject to Subsection (2)(b), all applicants for licensure as an associate
1989 marriage and family therapist shall comply with the provisions of Subsections (1)(a) through
1990 (c)~~[-]~~ and (h):

1991 ~~[(b) An individual's license as an associate marriage and family therapist is limited to~~
1992 ~~the period of time necessary to complete clinical training as described in Subsections (1)(d) and~~
1993 ~~(e) and extends not more than two years from the date the minimum requirement for training is~~
1994 ~~completed, unless the individual presents satisfactory evidence to the division and the~~
1995 ~~appropriate board that the individual is making reasonable progress toward passing of the~~
1996 ~~qualifying examination for that profession or is otherwise on a course reasonably expected to~~
1997 ~~lead to licensure, but the period of time under this Subsection (2)(b) may not exceed four years~~
1998 ~~past the date the minimum supervised clinical training requirement has been completed.]~~

1999 Section 22. Section **58-60-402** is amended to read:

2000 **58-60-402. Definitions.**

2001 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this
2002 part~~[-]~~,

2003 ~~[(1) "Board" means the Clinical Mental Health Counselor Licensing Board created in~~
2004 ~~Section 58-60-403.]~~

2005 ~~[(2)] (1) ["Practice] "Practice~~ of clinical mental health counseling" means the practice
2006 of mental health therapy by means of observation, description, evaluation, interpretation,
2007 intervention, and treatment to effect modification of human behavior by the application of
2008 generally recognized clinical mental health counseling principles, methods, and procedures for
2009 the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction,

2010 symptoms of any of these, or maladaptive behavior.

2011 Section 23. Section ~~58-60-405~~ is amended to read:

2012 **58-60-405. Qualifications for licensure.**

2013 (1) An applicant for licensure as a clinical mental health counselor shall:

2014 (a) submit an application on a form provided by the division;

2015 (b) pay a fee determined by the department under Section ~~63J-1-504~~;

2016 (c) produce certified transcripts evidencing completion of:

2017 (i) a master's or doctorate degree conferred to the applicant in:

2018 (A) clinical mental health counseling, clinical rehabilitation counseling, counselor

2019 education and supervision from a program accredited by the Council for Accreditation of

2020 Counseling and Related Educational Programs; or

2021 (B) clinical mental health counseling or an equivalent field from a program affiliated

2022 with an institution that has accreditation that is recognized by the Council for Higher Education

2023 Accreditation; and

2024 (ii) at least 60 semester credit hours or 90 quarter credit hours of coursework related to

2025 an educational program described in Subsection (1)(c)(i);

2026 ~~[(d) have completed a minimum of 3,000 hours of clinical mental health counselor~~

2027 ~~training as defined by division rule under Section ~~58-1-203~~];~~

2028 ~~[(ii) obtained after completion of the education requirement in Subsection (1)(c); and]~~

2029 (d) document successful completion of not less than 1,200 direct client care hours:

2030 (i) obtained after completion of the education requirements under Subsection (1)(c);

2031 ~~[(i) (ii) [under the supervision of a clinical mental health counselor, psychiatrist,~~

2032 ~~psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or~~

2033 ~~marriage and family therapist supervisor approved by the division in collaboration with the~~

2034 ~~board;]~~ subject to Subsection (1)(d)(iii), not less than 100 of which are direct clinical

2035 supervision hours under the supervision of a clinical supervisor;

2036 (iii) not less than 25 of which are direct observation hours; and

2037 (iv) not more than 25 of which are group supervision hours concurrently with more

2038 than one other applicant for licensure;

2039 ~~[(iii) (e) [including a minimum of]~~ document successful completion of not less than

2040 two hours of training in suicide prevention obtained after completion of the education

2041 requirements under Subsection (1)(c) via a course that the division designates as approved;
2042 ~~[(e) document successful completion of not less than 1,000 hours of supervised~~
2043 ~~training in mental health therapy obtained after completion of the education requirement in~~
2044 ~~Subsection (1)(c), which training may be included as part of the 3,000 hours of training in~~
2045 ~~Subsection (1)(d), and of which documented evidence demonstrates not less than 75 of the~~
2046 ~~hours were obtained under the direct supervision of a mental health therapist, as defined by~~
2047 ~~rule;]~~

2048 (f) if required for the applicant to qualify as an eligible professional under CMS rules
2049 for Medicare payment, document completion of:

2050 (i) not less than 3,000 hours of clinical supervision, which may include hours accrued
2051 under Subsection (1)(d); or

2052 (ii) not less than two years of clinical supervision;

2053 ~~[(f)]~~ (g) (i) pass the examination requirement established by division rule under Section
2054 58-1-203; [and] or

2055 (ii) satisfy the following requirements:

2056 (A) document at least one examination attempt that did not result in a passing score;

2057 (B) document successful completion of not less than 500 additional direct client care
2058 hours, not less than 25 of which are direct clinical supervision hours, and not less than five of
2059 which are direct observation hours by a clinical supervisor;

2060 (C) submit to the division a recommendation letter from the applicant's direct clinical
2061 supervisor; and

2062 (D) submit to the division a recommendation letter from another licensed mental health
2063 therapist who has directly observed the applicant's direct client care hours and who is not the
2064 applicant's direct clinical supervisor; and

2065 ~~[(g)]~~ (h) [if the applicant is applying to participate in the Counseling Compact under
2066 Chapter 60a, Counseling Compact,] consent to a criminal background check in accordance
2067 with Section 58-60-103.1 and any requirements established by division rule made in
2068 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

2069 (2) (a) [Am] Subject to Subsection (2)(b), an applicant for licensure as an associate
2070 clinical mental health counselor shall comply with the provisions of Subsections (1)(a) through
2071 (c) and (h).

2072 ~~[(b) Except as provided under Subsection (2)(c), an individual's licensure as an~~
2073 ~~associate clinical mental health counselor is limited to the period of time necessary to complete~~
2074 ~~clinical training as described in Subsections (1)(d) and (e) and extends not more than two year~~
2075 ~~from the date the minimum requirement for training is completed.]~~

2076 ~~[(c) The time period under Subsection (2)(b) may be extended to a maximum of four~~
2077 ~~years past the date the minimum supervised clinical training requirement has been completed,~~
2078 ~~if the applicant presents satisfactory evidence to the division and the appropriate board that the~~
2079 ~~individual is:]~~

2080 ~~[(i) making reasonable progress toward passing of the qualifying examination for that~~
2081 ~~profession; or]~~

2082 ~~[(ii) otherwise on a course reasonably expected to lead to licensure.]~~

2083 (3) Notwithstanding Subsection (1)(c), an applicant satisfies the education requirement
2084 described in Subsection (1)(c) if the applicant submits documentation verifying:

2085 (a) satisfactory completion of a doctoral or master's degree from an educational
2086 program in rehabilitation counseling accredited by the Council for Accreditation of Counseling
2087 and Related Educational Programs;

2088 (b) satisfactory completion of at least 60 semester credit hours or 90 quarter credit
2089 hours of coursework related to an educational program described in Subsection (1)(c)(i); and

2090 (c) that the applicant received a passing score that is valid and in good standing on:

2091 (i) the National Counselor Examination; and

2092 (ii) the National Clinical Mental Health Counseling Examination.

2093 Section 24. Section **58-60-407** is amended to read:

2094 **58-60-407. Scope of practice -- Limitations.**

2095 (1) ~~[(a)]~~ A licensed clinical mental health counselor may engage in all acts and
2096 practices defined as the practice of clinical mental health counseling without supervision, in
2097 private and independent practice, or as an employee of another person, limited only by the
2098 licensee's education, training, and competence.

2099 ~~[(b) A licensed clinical mental health counselor may not supervise more than six~~
2100 ~~individuals who are lawfully engaged in training for the practice of mental health therapy,~~
2101 ~~unless granted an exception in writing from the division in collaboration with the board.]~~

2102 (2) (a) To the extent an individual has completed the educational requirements of

2103 Subsection 58-60-305(1)(c), a licensed associate clinical mental health counselor may engage
2104 in all acts and practices defined as the practice of clinical mental health counseling if the
2105 practice is:

2106 (i) within the scope of employment as a licensed clinical mental health counselor with
2107 a public agency or private clinic as defined by division rule; and

2108 (ii) under supervision of a qualified licensed mental health therapist as defined in
2109 Section 58-60-102.

2110 (b) A licensed associate clinical mental health counselor may not engage in the
2111 independent practice of clinical mental health counseling.

2112 Section 25. Section 58-60-502 is amended to read:

2113 **58-60-502. Definitions.**

2114 In addition to the definitions in Sections 58-1-102 and 58-60-102, as used in this part:

2115 [~~(1)~~] "Board" means the Substance Use Disorder Counselor Licensing Board created in
2116 Section 58-60-503.];

2117 [~~(2)~~] (1) (a) "Counseling" means a collaborative process that facilitates the client's
2118 progress toward mutually determined treatment goals and objectives.

2119 (b) "Counseling" includes:

2120 (i) methods that are sensitive to an individual client's characteristics, to the influence of
2121 significant others, and to the client's cultural and social context; and

2122 (ii) an understanding, appreciation, and ability to appropriately use the contributions of
2123 various addiction counseling models as the counseling models apply to modalities of care for
2124 individuals, groups, families, couples, and significant others.

2125 [~~(3)~~] (2) "Direct supervision" means:

2126 (a) a minimum of one hour of supervision by a supervisor of the substance use disorder
2127 counselor for every 40 hours of client care provided by the substance use disorder counselor,
2128 which supervision may include group supervision;

2129 (b) the supervision is conducted in a face-to-face manner, unless otherwise approved
2130 on a case-by-case basis by the division in collaboration with the board; and

2131 (c) a supervisor is available for consultation with the counselor at all times.

2132 [~~(4)~~] (3) "General supervision" shall be defined by division rule.

2133 [~~(5)~~] (4) "Group supervision" means more than one counselor licensed under this part

2134 meets with the supervisor at the same time.

2135 [(6)] (5) "Individual supervision" means only one counselor licensed under this part

2136 meets with the supervisor at a given time.

2137 [(7)] (6) "Practice as a certified advanced substance use disorder counselor" and

2138 "practice as a certified advanced substance use disorder counselor intern" means providing

2139 services described in Subsection [(9)] (8) under the direct supervision of a mental health

2140 therapist or licensed advanced substance use disorder counselor.

2141 [(8)] (7) "Practice as a certified substance use disorder counselor" and "practice as a

2142 certified substance use disorder counselor intern" means providing the services described in

2143 Subsections [(10)(a)] (9)(a) and (b) under the direct supervision of a mental health therapist or

2144 licensed advanced substance use disorder counselor.

2145 [(9)] (8) "Practice as [~~a licensed~~] an advanced substance use disorder counselor"

2146 means:

2147 (a) providing the services described in Subsections [(10)(a)] (9)(a) and (b);

2148 (b) screening and assessing of individuals, including identifying substance use disorder

2149 symptoms and behaviors and co-occurring mental health issues;

2150 (c) treatment planning for substance use disorders, including initial planning, reviewing

2151 and updating treatment plans for substance use disorders, ongoing intervention, continuity of

2152 care, discharge planning, planning for relapse prevention, and long term recovery support;

2153 [~~and~~]

2154 (d) supervising a [~~certified substance use disorder counselor, certified substance use~~

2155 ~~disorder counselor intern, certified advanced substance use disorder counselor, certified~~

2156 ~~advanced substance use disorder counselor intern, or licensed~~] substance use disorder

2157 counselor in accordance with Subsection 58-60-508(2)[-]; and

2158 (e) conducting supportive counseling and psychosocial education for substance use

2159 disorders and co-occurring mental health disorders, including:

2160 (i) providing individual and group support;

2161 (ii) providing individual and group psychosocial education; and

2162 (iii) providing manualized therapeutic interventions if:

2163 (A) conducted under the supervision of a mental health therapist;

2164 (B) for the treatment of mild to moderate behavioral health symptoms or disorders, as

2165 diagnosed by a mental health therapist; and

2166 (C) consistent with the client's treatment plan approved by a mental health therapist.

2167 (9) "Practice as a master addiction counselor" means the practice of mental health

2168 therapy by means of observation, description, evaluation, interpretation, intervention, and

2169 treatment to effect modification of human behavior by:

2170 (a) the application of generally recognized substance use disorder counseling and

2171 addiction counseling principles, methods, and procedures for the purpose of preventing,

2172 treating, or eliminating mental or emotional illness or dysfunction, symptoms of any of these,

2173 or maladaptive behavior; and

2174 (b) the supervision of advanced substance use disorder counselor or substance use

2175 disorder counselor.

2176 (10) "Practice as an associate master addiction counselor" means the same as the

2177 practice as a master addiction counselor, except while under the supervision of a clinical

2178 supervisor.

2179 ~~[(10)]~~ (11) (a) "Practice as a substance use disorder counselor" means providing

2180 services as an employee of a substance use disorder agency under the general supervision of a

2181 licensed mental health therapist to individuals or groups of persons, whether in person or

2182 remotely, for conditions of substance use disorders consistent with the education and training

2183 of a substance use disorder counselor required under this part, and the standards and ethics of

2184 the profession as approved by the division in collaboration with the board.

2185 (b) "Practice as a substance use disorder counselor" includes:

2186 (i) administering the screening process by which a client is determined to need

2187 substance use disorder services, which may include screening, brief intervention, and treatment

2188 referral;

2189 (ii) conducting the administrative intake procedures for admission to a program;

2190 (iii) conducting orientation of a client, including:

2191 (A) describing the general nature and goals of the program;

2192 (B) explaining rules governing client conduct and infractions that can lead to

2193 disciplinary action or discharge from the program;

2194 (C) explaining hours during which services are available in a nonresidential program;

2195 (D) treatment costs to be borne by the client, if any; and

- 2196 (E) describing the client's rights as a program participant;
- 2197 (iv) conducting assessment procedures by which a substance use disorder counselor
- 2198 gathers information related to an individual's strengths, weaknesses, needs, and substance use
- 2199 disorder symptoms for the development of the treatment plan;
- 2200 (v) participating in the process of treatment planning, including recommending specific
- 2201 interventions to support existing treatment goals and objectives developed by the substance use
- 2202 disorder counselor, the mental health therapist, and the client to:
- 2203 (A) identify and rank problems needing resolution;
- 2204 (B) establish agreed upon immediate and long term goals; and
- 2205 (C) decide on a treatment process and the resources to be utilized;
- 2206 (vi) monitoring compliance with treatment plan progress;
- 2207 (vii) providing substance use disorder counseling services to alcohol and drug use
- 2208 disorder clients and significant people in the client's life as part of a comprehensive treatment
- 2209 plan, including:
- 2210 (A) leading specific task-oriented groups, didactic groups, and group discussions;
- 2211 (B) cofacilitating group therapy with a licensed mental health therapist; and
- 2212 (C) engaging in one-on-one interventions and interactions coordinated by a mental
- 2213 health therapist;
- 2214 (viii) performing case management activities that bring services, agencies, resources, or
- 2215 people together within a planned framework of action toward the achievement of established
- 2216 goals, including, when appropriate, liaison activities and collateral contacts;
- 2217 (ix) providing substance use disorder crisis intervention services;
- 2218 (x) providing client education to individuals and groups concerning alcohol and other
- 2219 substance use disorders, including identification and description of available treatment services
- 2220 and resources;
- 2221 (xi) identifying the needs of the client that cannot be met by the substance use disorder
- 2222 counselor or substance use disorder agency and referring the client to appropriate services and
- 2223 community resources;
- 2224 (xii) developing and providing effective reporting and recordkeeping procedures and
- 2225 services, which include charting the results of the assessment and treatment plan, writing
- 2226 reports, progress notes, discharge summaries, and other client-related data; and

2227 (xiii) consulting with other professionals in regard to client treatment and services to
2228 assure comprehensive quality care for the client.

2229 (c) "Practice as a substance use disorder counselor" does not include:

2230 (i) the diagnosing of mental illness, including substance use disorders, as defined in
2231 Section [58-60-102](#);

2232 (ii) engaging in the practice of mental health therapy as defined in Section [58-60-102](#);

2233 or

2234 (iii) the performance of a substance use disorder diagnosis, other mental illness
2235 diagnosis, or psychological testing.

2236 ~~[(11)]~~ [\(12\)](#) "Program" means a substance use disorder agency that provides substance
2237 use disorder services, including recovery support services.

2238 ~~[(12)]~~ [\(13\)](#) "Recovery support services" means services provided to an individual who
2239 is identified as having need of substance use disorder preventive or treatment services, either
2240 before, during, or after an episode of care that meets the level of care standards established by
2241 division rule.

2242 ~~[(13)]~~ [\(14\)](#) "Substance use disorder agency" means a public or private agency, health
2243 care facility, or health care practice that:

2244 (a) provides substance use disorder services, recovery support services, primary health
2245 care services, or substance use disorder preventive services; and

2246 (b) employs qualified mental health therapists in sufficient number to:

2247 (i) evaluate the condition of clients being treated by each counselor licensed under this
2248 part and employed by the substance use disorder agency; and

2249 (ii) ensure that appropriate substance use disorder services are being given.

2250 ~~[(14)]~~ [\(15\)](#) "Substance use disorder education program" means a formal program of
2251 substance use disorder education offered by an accredited institution of higher education that
2252 meets standards established by division rule.

2253 Section 26. Section **58-60-504** is amended to read:

2254 **58-60-504. License classification.**

2255 The division shall issue substance use disorder counselor licenses to individuals
2256 qualified under this part in the classification of:

2257 (1) master addiction counselor;

2258 (2) associate master addiction counselor;
2259 [~~(+)~~ (3) licensed advanced substance use disorder counselor;
2260 [~~(2) certified advanced substance use disorder counselor;~~]
2261 [~~(3) certified advanced substance use disorder counselor intern;~~]
2262 (4) licensed substance use disorder counselor;
2263 [~~(5) certified substance use disorder counselor; and~~]
2264 [~~(6) certified substance use disorder counselor intern.~~]
2265 Section 27. Section **58-60-506** is amended to read:
2266 **58-60-506. Qualifications for licensure.**
2267 [~~(1) An applicant for licensure under this part on and after July 1, 2012, must meet the~~
2268 ~~following qualifications:~~]
2269 [~~(a) submit an application in a form prescribed by the division;~~]
2270 [~~(b) pay a fee determined by the department under Section [63J-1-504](#);~~]
2271 [~~(c) satisfy the requirements of Subsection (2), (3), (4), (5), (6), or (7) respectively;~~
2272 ~~and~~]
2273 [~~(d) except for licensure as a certified substance use disorder counselor intern and a~~
2274 ~~certified advanced substance use disorder counselor intern, satisfy the examination requirement~~
2275 ~~established by division rule under Section [58-1-203](#);~~]
2276 (1) Subject to Subsection (2), an applicant for licensure as master addiction counselor
2277 based on education, training, and experience shall:
2278 (a) submit an application on a form provided by the division;
2279 (b) pay a fee determined by the department under Section [63J-1-504](#);
2280 (c) document successful completion of not less than two hours of training in suicide
2281 prevention obtained after completion of the education requirements under Subsection (1)(d) via
2282 a course that the division designates as approved;
2283 (d) produce a certified transcript from an accredited institution of higher education that
2284 meets standards established by division rule under Section [58-1-203](#), verifying the satisfactory
2285 completion of a doctoral or masters degree in:
2286 (i) substance use disorders or addiction counseling and treatment; or
2287 (ii) (A) a counseling subject approved by the division in collaboration with the board,
2288 which may include social work, mental health counseling, marriage and family therapy,

2289 psychology, or medicine;

2290 (B) an associate's degree or higher, or 18 credit hours, in substance use disorder or
2291 addiction counseling and treatment from a regionally accredited institution of higher education;

2292 (e) document successful completion of not less than 1,200 direct client care hours:

2293 (i) obtained after completion of the education requirements under Subsection

2294 (1)(d)(ii)(B);

2295 (ii) subject to Subsection (1)(e)(iii), not less than 100 of which are direct clinical
2296 supervision hours under the supervision of a clinical supervisor;

2297 (iii) of which, 75 of the direct clinical supervision hours under Subsection (2)(d)(ii) are
2298 supervised by the applicant's direct clinical supervisor;

2299 (iv) not less than 25 of which are direct observation hours; and

2300 (v) not more than 25 of which are group supervision hours concurrently with more than
2301 one other applicant for licensure;

2302 (f) if the applicant for licensure produces a transcript described in Subsection
2303 (1)(a)(ii)(B), evidence completion of an additional 200 hours of direct client care hours in
2304 substance use disorder or addiction treatment;

2305 (g) if required for the applicant to qualify as an eligible professional under CMS rules
2306 for Medicare payment, document completion of:

2307 (i) not less than 3,000 hours of clinical supervision, which may include hours accrued
2308 under Subsection (1)(e); or

2309 (ii) not less than two years of clinical supervision;

2310 (h) (i) pass the examination requirement established by division rule under Section
2311 58-1-203; or

2312 (ii) satisfy the following requirements:

2313 (A) document at least one examination attempt that did not result in a passing score;

2314 (B) document successful completion of not less than 500 additional direct client care
2315 hours, not less than 25 of which are direct clinical supervision hours, and not less than five of
2316 which are direct observation hours by a clinical supervisor;

2317 (C) submit to the division a recommendation letter from the applicant's direct clinical
2318 supervisor; and

2319 (D) submit to the division a recommendation letter from another licensed mental health

2320 therapist who has directly observed the applicant's direct client care hours and who is not the
2321 applicant's direct clinical supervisor;

2322 (i) if the applicant for licensure produces a transcript described in Subsection (1)(d)(ii),
2323 document completion of an additional 200 hours of supervised experience in substance use
2324 disorder and addiction treatment; and

2325 (j) consent to a criminal background check in accordance with Section [58-60-103.1](#) and
2326 any requirements established by division rule made in accordance with Title 63G, Chapter 3,
2327 Utah Administrative Rulemaking Act.

2328 (2) In lieu of the requirements under Subsection (1)(d) through (i), an applicant for
2329 licensure as master addiction counselor may document current certification in good standing as:

2330 (a) a master addiction counselor by the National Certification Commission for
2331 Addiction Professionals;

2332 (b) a master addiction counselor by the National Board for Certified Counselors; or

2333 (c) an equivalent certification as under Subsections (2)(a) and (b), as determined in rule
2334 made by the division in collaboration with the board.

2335 (3) An applicant for licensure as an associate master addiction counselor shall satisfy
2336 the requirements under Subsections (1)(a) through (c) and (j)

2337 (4) Subject to Subsection (5), an applicant for licensure as an advanced substance use
2338 disorder counselor shall:

2339 (a) submit an application on a form provided by the division;

2340 (b) pay a fee determined by the department under Section [63J-1-504](#); and

2341 (c) (i) produce certified transcripts verifying satisfactory completion of:

2342 (A) a bachelor's degree or higher, from a regionally accredited institution of higher
2343 learning, in substance use disorders, addiction, or related counseling subjects, including social
2344 work; mental health counseling; marriage and family counseling; or psychology; or

2345 (B) two academic years of study in a master's of addiction counseling curriculum and
2346 practicum approved by the National Addictions Studies Accreditation Commission;

2347 (ii) document completion of at least 500 hours of supervised experience while licensed
2348 as a substance use disorder counselor under this section, which the applicant may complete
2349 while completing the education requirements under Subsection (1)(c); and

2350 (iii) satisfy examination requirements established by the division in rule; and

2351 (d) consent to a criminal background check in accordance with Section [58-60-103.1](#)
2352 and any requirements established by division rule made in accordance with Title 63G, Chapter
2353 3, Utah Administrative Rulemaking Act.

2354 (5) The requirements of Subsection (4)(c) may be satisfied by providing official
2355 verification of current certification in good standing as:

2356 (a) a National Certified Addiction Counselor Level II (NCAC II) from the National
2357 Certification Commission for Addiction Professionals (NCC AP); or

2358 (b) an Advanced Alcohol & Drug Counselor (AADC), from the International
2359 Certification and Reciprocity Consortium.

2360 ~~[(2) In accordance with division rules, an applicant for licensure as an advanced~~
2361 ~~substance use disorder counselor shall produce:]~~

2362 ~~[(a) certified transcripts from an accredited institution of higher education that:]~~

2363 ~~[(i) meet division standards;]~~

2364 ~~[(ii) verify the satisfactory completion of a baccalaureate or graduate degree; and]~~

2365 ~~[(iii) verify the completion of prerequisite courses established by division rules;]~~

2366 ~~[(b) documentation of the applicant's completion of a substance use disorder education~~
2367 ~~program that includes:]~~

2368 ~~[(i) at least 300 hours of substance use disorder related education, of which 200 hours~~
2369 ~~may have been obtained while qualifying for a substance use disorder counselor license; and]~~

2370 ~~[(ii) a supervised practicum of at least 350 hours, of which 200 hours may have been~~
2371 ~~obtained while qualifying for a substance use disorder counselor license; and]~~

2372 ~~[(c) documentation of the applicant's completion of at least 4,000 hours of supervised~~
2373 ~~experience in substance use disorder treatment, of which 2,000 hours may have been obtained~~
2374 ~~while qualifying for a substance use disorder counselor license, that:]~~

2375 ~~[(i) meets division standards; and]~~

2376 ~~[(ii) is performed within a four-year period after the applicant's completion of the~~
2377 ~~substance use disorder education program described in Subsection (2)(b), unless, as determined~~
2378 ~~by the division after consultation with the board, the time for performance is extended due to~~
2379 ~~an extenuating circumstance.]~~

2380 ~~[(3) An applicant for licensure as a certified advanced substance use disorder counselor~~
2381 ~~shall meet the requirements in Subsections (2)(a) and (b).]~~

2382 ~~[(4) (a) An applicant for licensure as a certified advanced substance use disorder~~
2383 ~~counselor intern shall meet the requirements in Subsections (2)(a) and (b).]~~

2384 ~~[(b) A certified advanced substance use disorder counselor intern license expires at the~~
2385 ~~earlier of:]~~

2386 ~~[(i) the licensee passing the examination required for licensure as a certified advanced~~
2387 ~~substance use disorder counselor; or]~~

2388 ~~[(ii) six months after the certified advanced substance use disorder counselor intern~~
2389 ~~license is issued.]]~~

2390 ~~[(5)]~~ (6) In accordance with division rules, an applicant for licensure as a substance use
2391 disorder counselor shall produce:

2392 (a) certified transcripts from an accredited institution that:

2393 (i) meet division standards;

2394 (ii) verify satisfactory completion of an associate's degree or equivalent as defined by
2395 the division in rule; and

2396 (iii) verify the completion of prerequisite courses established by division rules;

2397 (b) documentation of the applicant's completion of a substance use disorder education
2398 program that includes:

2399 (i) completion of at least 200 hours of substance use disorder related education;

2400 (ii) included in the 200 hours described in Subsection ~~[(5)(b)(i)]~~ (6)(b)(i), a minimum
2401 of two hours of training in suicide prevention via a course that the division designates as
2402 approved; and

2403 (iii) completion of a supervised practicum of at least 200 hours; and

2404 (c) documentation of the applicant's completion of at least 2,000 hours of supervised
2405 experience in substance use disorder treatment that:

2406 (i) meets division standards; and

2407 (ii) is performed within a two-year period after the applicant's completion of the
2408 substance use disorder education program described in Subsection ~~[(5)(b)]~~ (6)(b), unless, as
2409 determined by the division after consultation with the board, the time for performance is
2410 extended due to an extenuating circumstance.

2411 ~~[(6) An applicant for licensure as a certified substance use disorder counselor shall~~
2412 ~~meet the requirements of Subsections (5)(a) and (b).]~~

2413 ~~[(7) (a) An applicant for licensure as a certified substance use disorder counselor intern~~
2414 ~~shall meet the requirements of Subsections (5)(a) and (b).]~~

2415 ~~[(b) A certified substance use disorder counselor intern license expires at the earlier~~
2416 ~~of:]~~

2417 ~~[(i) the licensee passing the examination required for licensure as a certified substance~~
2418 ~~use disorder counselor; or]~~

2419 ~~[(ii) six months after the certified substance use disorder counselor intern license is~~
2420 ~~issued.]~~

2421 Section 28. Section **58-60-512** is enacted to read:

2422 **58-60-512. Scope of practice -- Limitations.**

2423 (1) An individual who is licensed as a master addiction counselor:

2424 (a) may engage in practice as a licensed master addiction counselor without
2425 supervision, in private and independent practice or as an employee of another person, limited
2426 only by the licensee's education, training, and competence; and

2427 (b) may engage in the practice of mental health therapy.

2428 (2) To the extent an individual has completed the educational requirements of
2429 Subsection [58-60-305\(1\)\(c\)](#), a licensed associate master addiction counselor may engage in the
2430 practice of licensed master addiction counselor and licensed advanced substance use disorder
2431 counselor if the practice is:

2432 (a) within the scope of employment as a licensed master addiction counselor or a
2433 licensed advanced substance use disorder counselor with, as defined by the division in rule, a
2434 public agency or private clinic; and

2435 (b) under supervision of a qualified licensed mental health therapist as defined in
2436 Section [58-60-102](#).

2437 (3) A licensed associate master addiction counselor may not engage in the
2438 unsupervised practice of master addiction counseling.

2439 Section 29. Section **58-60-601** is enacted to read:

2440 **Part 6. Behavioral Health Coach and Technician Licensing Act**

2441 **58-60-601. Definitions**

2442 As used in this part:

2443 (1) "Designated examiner" means the same as that term is defined in Section

2444 [26B-5-301.](#)

2445 (2) "Health care facility" means the same as that term is defined in Section [26B-2-201.](#)

2446 (3) "Human services program" means the same the same as that term is defined in

2447 Section [26B-2-101.](#)

2448 (4) "Practice of mental health therapy" means the same as that term is defined in

2449 Section [58-60-102.](#)

2450 (5) "Practice as a behavioral health coach" means, subject to Subsection (6), working
2451 under the general supervision of a mental health therapist and includes:

2452 (a) providing services under the definition of practice as a behavioral health technician
2453 in Subsection (2);

2454 (b) conducting administrative and care coordination activities, including:

2455 (i) providing targeted case management;

2456 (ii) providing care navigation services, including:

2457 (A) connecting individuals to behavioral health resources and social services;

2458 (B) facilitating communication with other behavioral health providers;

2459 (iii) providing referrals and crisis referrals, including:

2460 (A) providing emotional support to individuals;

2461 (B) engaging in warm handoffs with other behavioral health providers;

2462 (C) adhering to a standardized protocol in responding to a crisis or risk of crisis within
2463 a behavioral health facility, program, or other entity;

2464 (iv) Providing additional support to other behavioral health providers, facilities,
2465 programs, and entities, including

2466 (A) conducting administrative activities; and

2467 (B) extending non-clinical or clinical behavioral health support;

2468 (v) providing discharge, post-treatment referral, and after-care services;

2469 (c) conducting patient assessment, monitoring, and planning activities, including:

2470 (i) conducting non-clinical psychosocial assessments and screenings;

2471 (ii) conducting collaborative planning, care planning, and goal setting;

2472 (iii) information gathering to inform a mental health therapist's:

2473 (A) diagnostic evaluations;

2474 (B) initial treatment plans; and

- 2475 (C) treatment plan reviews and updates;
- 2476 (iv) monitoring client progress and tracking outcomes to inform mental health
- 2477 therapists:
- 2478 (A) diagnostic evaluations; and
- 2479 (B) treatment plan reviews and updates;
- 2480 (v) drafting initial treatment plans, only:
- 2481 (A) in the treatment of clients with mild to moderate behavioral health symptoms or
- 2482 disorders, as assessed or diagnosed by a mental health therapist;
- 2483 (B) with sign-off on the treatment plan from a mental health therapist before treatment
- 2484 begins;
- 2485 (C) with confirmation that the client has been given the opportunity to consult with a
- 2486 mental health therapist before treatment begins; and
- 2487 (D) at the discretion of and with prior documented authorization from a licensed health
- 2488 care facility, or from a licensed human services program;
- 2489 (vi) reviewing and updating treatment plans, only:
- 2490 (A) in the treatment of clients with mild to moderate behavioral health symptoms or
- 2491 disorders, as assessed or diagnosed by a mental health therapist;
- 2492 (B) with sign-off from a mental health therapist before subsequent treatment begins;
- 2493 (C) with confirmation that the client has been given the opportunity to consult with a
- 2494 mental health therapist before subsequent treatment begins; and
- 2495 (D) at the discretion of and with prior documented authorization from a licensed health
- 2496 facility or a licensed human service program;
- 2497 (d) conducting intervention and treatment activities, including:
- 2498 (i) providing individual and group support and psychosocial education related to
- 2499 behavioral health literacy, wellness education and promotion, goal setting, life skills, and
- 2500 coping skills;
- 2501 (ii) providing other treatment interventions to enhance clients social skills, emotional
- 2502 well-being, and overall functioning, including:
- 2503 (A) supportive counseling;
- 2504 (B) motivational interviewing;
- 2505 (C) habilitation services; and

- 2506 (D) activity-based therapeutic programs;
- 2507 (iii) providing evidence-based, manualized therapeutic interventions, only:
- 2508 (A) under the supervision of a mental health therapist;
- 2509 (B) in the treatment of mild to moderate behavioral health symptoms or disorders, as
- 2510 assessed or diagnosed by a mental health therapist; and
- 2511 (C) according to a treatment plan approved by a mental health therapist; and
- 2512 (iv) co-facilitating group therapy with a mental health therapist.
- 2513 (6) "Practice as a behavioral health coach" does not include:
- 2514 (a) engaging in the practice of mental health therapy; or
- 2515 (b) serving as a designated examiner.
- 2516 (7) (a) "Practice as a behavioral health technician" means working under the general
- 2517 supervision of a mental health therapist and includes:
- 2518 (i) supporting administrative and care coordination activities, including:
- 2519 (A) maintaining accurate and confidential client records, progress notes, incident
- 2520 reports, and treatment plans, in compliance with applicable legal and ethical standards; and
- 2521 (B) assisting in discharge, referral, and after care documentation, coordination, and
- 2522 administration;
- 2523 (ii) supporting patient non-clinical assessment, monitoring, and care planning
- 2524 activities, including:
- 2525 (A) collecting intake and non-clinical psychosocial assessment information;
- 2526 (B) gathering information to support diagnostic and treatment planning activities
- 2527 conducted by a mental health therapist; and
- 2528 (C) observing, documenting, and reporting on clients behaviors, treatment
- 2529 interventions, progress, and outcomes to a mental health therapist;
- 2530 (iii) supporting intervention and treatment activities, including:
- 2531 (A) supporting licensed professionals in implementing interventions designed to
- 2532 address behavioral health issues;
- 2533 (B) facilitating therapeutic activities and recreational programs to enhance clients
- 2534 social skills, emotional well-being, and overall functioning;
- 2535 (C) providing education and support to clients and their families on behavioral health
- 2536 issues, treatment options, and community resources;

2537 (D) implementing behavioral management strategies including de-escalation
2538 techniques and crisis intervention as needed; and

2539 (E) implementing crisis intervention strategies in accordance with established
2540 protocols, and ensuring the safety and well-being of clients during emergencies.

2541 (b) "Practice as a behavioral health technician" does not include:

2542 (i) engaging in the practice of mental health therapy; or

2543 (ii) serving as a designated examiner.

2544 (8) Notwithstanding any other provision of this article, no behavioral health coach is
2545 authorized to practice outside of or beyond his or her area of training, experience, or
2546 competence.

2547 (9) Notwithstanding any other provision of this part, no behavioral health technician is
2548 authorized to practice outside of or beyond his or her area of training, experience, or
2549 competence.

2550 Section 30. Section **58-60-602** is enacted to read:

2551 **58-60-602. Limitation on state licensure and certification.**

2552 Nothing in this title shall be construed to prevent a person from lawfully engaging in
2553 the:

2554 (1) practice as a behavioral health coach without licensure; or

2555 (2) practice as a behavioral health technician without certification.

2556 Section 31. Section **58-60-603** is enacted to read:

2557 **58-60-603. Qualification for licensure -- Ongoing development requirements.**

2558 (1) The division shall grant licensure to a person who qualifies under this chapter to
2559 practice as a behavioral health coach.

2560 (2) The division shall grant state certification to a person who qualifies under this
2561 chapter to practice as a behavioral health technician.

2562 (3) An applicant for state certification as a behavioral health technician shall:

2563 (a) submit an application in a form prescribed by the division;

2564 (b) pay a fee determined by the department under Section [63J-1-504](#); and

2565 (c) provide certified transcripts verifying satisfactory completion of:

2566 (i) a one-year academic certificate relevant to practice as a behavioral health technician
2567 from a regionally accredited institution of higher learning, or an equivalence of that

2568 certification as determined by the division in rule; or
2569 (ii) an associates degree or higher in a field determined by the division to be relevant to
2570 practice as a behavioral health technician, from a regionally accredited institution of higher
2571 learning, including:
2572 (A) human and social services;
2573 (B) counseling;
2574 (C) psychology;
2575 (D) social, behavioral, and health sciences; and
2576 (E) education and human development.
2577 (4) An applicant for licensure as a behavioral health coach by:
2578 (a) the higher education pathway shall:
2579 (i) submit an application in a form prescribed by the division;
2580 (ii) pay a fee determined by the department under Section [63J-1-504](#); and
2581 (iii) provide certified transcripts verifying satisfactory completion of a bachelors degree
2582 or higher in a field determined by the division to be relevant to practice as a behavioral health
2583 coach from a regionally accredited institution of higher learning, or an equivalence of that
2584 degree or higher, as determined by the division in rule, including:
2585 (A) human and social services;
2586 (B) counseling
2587 (C) psychology;
2588 (D) social, behavioral, and health sciences; and
2589 (E) education and human development; and
2590 (iv) provide certified transcripts verifying satisfactory completion of no less than nine
2591 credit hours in applied skills relevant to practice as a behavioral health coach, including:
2592 (A) ethical, legal, and professional issues in behavioral health;
2593 (B) therapeutic, counseling, or direct practice skills and methods;
2594 (C) clinical documentation;
2595 (D) case management;
2596 (E) supervised internship experience;
2597 (F) supervised practicum experience, as defined by the division in rule; and
2598 (v) provide a letter of recommendation from an individual with direct knowledge of the

2599 applicants competency to practice as a behavioral health coach, who is qualified to evaluate the
2600 applicant's competency, including:

2601 (A) licensed mental health therapist;
2602 (B) a supervisor from a current or past work experience, internship, or practicum
2603 relevant practice as a behavioral health coach; or
2604 (C) an instructor of an applied skills course relevant to practice as a behavioral health
2605 coach.

2606 (b) the stacked credentials and experience pathway shall:

2607 (i) submit an application in a form prescribed by the division;
2608 (ii) pay a fee determined by the department under Section [63J-1-504](#);
2609 (iii) provide certified transcripts verifying satisfactory completion of an associates
2610 degree or higher in a field determined by the division to be relevant to practice as a behavioral
2611 health coach from a regionally accredited institution of higher learning, including:

2612 (A) human and social services;
2613 (B) counseling;
2614 (C) psychology;
2615 (D) social, behavioral, and health sciences; and
2616 (E) education and human development;

2617 (iv) provide certified transcripts verifying satisfactory completion of no less than nine
2618 credit hours in applied skills relevant to practice as a behavioral health coach, including:

2619 (A) ethical, legal, and professional issues in behavioral health;
2620 (B) therapeutic, counseling, or direct practice skills and methods;
2621 (C) clinical documentation;
2622 (D) case management; and
2623 (E) supervised internship or practicum experience;

2624 (v) provide documentation of two years full-time work experience, or equivalent, in a
2625 context or role determined by the division to be relevant to practice as a behavioral health
2626 coach, including as a:

2627 (A) certified behavioral health technician;
2628 (B) certified peer support specialist;
2629 (C) certified case manager;

- 2630 (D) certified crisis worker; or
2631 (E) substance use disorder counselor; and
2632 (vi) provide a letter of recommendation from an individual with direct knowledge of
2633 the applicant's competency to practice as a behavioral health coach, who is qualified to evaluate
2634 the applicants competency, including:
2635 (A) a licensed mental health therapist;
2636 (B) a supervisor from a current or past work experience, internship, or practicum
2637 relevant to practice as a behavioral health coach; or
2638 (C) an instructor of an applied skills course relevant to practice as a behavioral health
2639 coach.
2640 (5) (a) Subject to Subsection (5)(b), Section 58-60-104 governs the term, expiration,
2641 and renewal of licenses and certifications the division grants under this chapter.
2642 (b) At the time of renewal, an applicant for renewal shall provide satisfactory
2643 documentation that the applicant has completed any ongoing professional development
2644 requirements, as established by the division in rule made in consultation with the board.

2645 Section 32. Section **58-60-604** is enacted to read:

2646 **58-60-604. Unlawful conduct.**

2647 It is unlawful for a person who is not licensed or certified under this chapter to:

2648 (1) use the titles:

2649 (a) state certified behavioral health technician; or

2650 (b) licensed behavioral health coach; or

2651 (2) represent that the person is, in connection with the person's name or business:

2652 (a) a state certified behavioral health technician; or

2653 (b) or licensed behavioral health coach.

2654 Section 33. Section **58-61-102** is amended to read:

2655 **58-61-102. Definitions.**

2656 In addition to the definitions in Section 58-1-102, as used in this chapter:

2657 (1) "Board" means the [~~Psychologist Licensing Board created in Section 58-61-201~~]

2658 Behavioral Health Board created in Section 58-60-102.5.

2659 (2) "Client" or "patient" means an individual who consults or is examined or

2660 interviewed by a psychologist acting in his professional capacity.

2661 (3) "Confidential communication" means information, including information obtained
2662 by the psychologist's examination of the client or patient, which is:

2663 (a) (i) transmitted between the client or patient and a psychologist in the course of that
2664 relationship; or

2665 (ii) transmitted among the client or patient, the psychologist, and individuals who are
2666 participating in the diagnosis or treatment under the direction of the psychologist, including
2667 members of the client's or patient's family; and

2668 (b) made in confidence, for the diagnosis or treatment of the client or patient by the
2669 psychologist, and by a means not intended to be disclosed to third persons other than those
2670 individuals:

2671 (i) present to further the interest of the client or patient in the consultation,
2672 examination, or interview;

2673 (ii) reasonably necessary for the transmission of the communications; or

2674 (iii) participating in the diagnosis and treatment of the client or patient under the
2675 direction of the psychologist.

2676 (4) "Hypnosis" means, regarding individuals exempted from licensure under this
2677 chapter, a process by which one individual induces or assists another individual into a hypnotic
2678 state without the use of drugs or other substances and for the purpose of increasing motivation
2679 or to assist the individual to alter lifestyles or habits.

2680 (5) "Individual" means a natural person.

2681 (6) "Mental health therapist" means an individual licensed under this title as a:

2682 (a) physician and surgeon, or osteopathic physician engaged in the practice of mental
2683 health therapy;

2684 (b) an advanced practice registered nurse, specializing in psychiatric mental health
2685 nursing;

2686 (c) an advanced practice registered nurse intern, specializing in psychiatric mental
2687 health nursing;

2688 (d) psychologist qualified to engage in the practice of mental health therapy;

2689 (e) a certified psychology resident qualifying to engage in the practice of mental health
2690 therapy;

2691 (f) clinical social worker;

- 2692 (g) certified social worker;
- 2693 (h) marriage and family therapist;
- 2694 (i) an associate marriage and family therapist;
- 2695 (j) a clinical mental health counselor; or
- 2696 (k) an associate clinical mental health counselor.
- 2697 (7) "Mental illness" means a mental or emotional condition defined in an approved
- 2698 diagnostic and statistical manual for mental disorders generally recognized in the professions of
- 2699 mental health therapy listed under Subsection [~~(6)~~] (5).
- 2700 (8) "Practice of mental health therapy" means the treatment or prevention of mental
- 2701 illness, whether in person or remotely, including:
- 2702 (a) conducting a professional evaluation of an individual's condition of mental health,
- 2703 mental illness, or emotional disorder;
- 2704 (b) establishing a diagnosis in accordance with established written standards generally
- 2705 recognized in the professions of mental health therapy listed under Subsection [~~(6)~~] (5);
- 2706 (c) prescribing a plan for the prevention or treatment of a condition of mental illness or
- 2707 emotional disorder; and
- 2708 (d) engaging in the conduct of professional intervention, including psychotherapy by
- 2709 the application of established methods and procedures generally recognized in the professions
- 2710 of mental health therapy listed under Subsection [~~(6)~~] (5).
- 2711 (9) (a) "Practice of psychology" includes:
- 2712 (i) the practice of mental health therapy by means of observation, description,
- 2713 evaluation, interpretation, intervention, and treatment to effect modification of human behavior
- 2714 by the application of generally recognized professional psychological principles, methods, and
- 2715 procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or
- 2716 dysfunction, the symptoms of any of these, or maladaptive behavior;
- 2717 (ii) the observation, description, evaluation, interpretation, or modification of human
- 2718 behavior by the application of generally recognized professional principles, methods, or
- 2719 procedures requiring the education, training, and clinical experience of a psychologist, for the
- 2720 purpose of assessing, diagnosing, preventing, or eliminating symptomatic, maladaptive, or
- 2721 undesired behavior and of enhancing interpersonal relationships, work and life adjustment,
- 2722 personal effectiveness, behavioral health, and mental health;

2723 (iii) psychological testing and the evaluation or assessment of personal characteristics
2724 such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological
2725 functioning;

2726 (iv) counseling, marriage and family therapy, psychoanalysis, psychotherapy, hypnosis,
2727 and behavior analysis and therapy;

2728 (v) diagnosis and treatment of mental and emotional disorders of disability, alcoholism
2729 and substance abuse, disorders of habit or conduct, and the psychological aspects of physical
2730 illness, accident, injury, or disability; and

2731 (vi) psychoeducational evaluation, therapy, remediation, and consultation.

2732 (b) An individual practicing psychology may provide services to individuals, couples,
2733 families, groups of individuals, members of the public, and individuals or groups within
2734 organizations or institutions.

2735 (10) "Remotely" means communicating via Internet, telephone, or other electronic
2736 means that facilitate real-time audio or visual interaction between individuals when they are not
2737 physically present in the same room at the same time.

2738 (11) "Unlawful conduct" is as defined in Sections 58-1-501 and 58-61-501.

2739 (12) "Unprofessional conduct" is as defined in Sections 58-1-501 and 58-61-502, and
2740 may be further defined by division rule.

2741 Section 34. Section 58-61-301 is amended to read:

2742 **58-61-301. Licensure required -- Certifications.**

2743 (1) (a) A license is required to engage in the practice of psychology, except as
2744 specifically provided in Section 58-1-307.

2745 (b) Notwithstanding the provisions of Subsection 58-1-307(1)(c) an individual shall be
2746 certified under this chapter as a psychology resident in order to engage in a residency program
2747 of supervised clinical training necessary to meet licensing requirements as a psychologist under
2748 this chapter.

2749 (2) The division shall issue to [~~a person~~] an individual who qualifies under this
2750 chapter;

2751 (a) a license in the classification of:

2752 [~~(a)~~] (i) psychologist; [~~or~~]

2753 [~~(b)~~] (ii) certified psychology resident[-]; or

2754 (b) a certification in the classification of:

2755 (i) certified prescribing psychologist; and

2756 (ii) provisional prescribing psychologist.

2757 Section 35. Section **58-61-304** is amended to read:

2758 **58-61-304. Qualifications for licensure by examination or endorsement.**

2759 (1) An applicant for licensure as a psychologist based upon education, clinical training,
2760 and examination shall:

2761 (a) submit an application on a form provided by the division;

2762 (b) pay a fee determined by the department under Section [63J-1-504](#);

2763 (c) produce certified transcripts of credit verifying satisfactory completion of a doctoral
2764 degree in psychology that includes specific core course work established by division rule under
2765 Section [58-1-203](#), from an institution of higher education whose doctoral program, at the time
2766 the applicant received the doctoral degree, met approval criteria established by division rule
2767 made in consultation with the board;

2768 (d) have completed a minimum of 4,000 hours of psychology training as defined by
2769 division rule under Section [58-1-203](#) in not less than two years and under the supervision of a
2770 psychologist supervisor approved by the division in collaboration with the board;

2771 (e) to be qualified to engage in mental health therapy, document successful completion
2772 of not less than 1,000 hours of supervised training in mental health therapy obtained after
2773 completion of a master's level of education in psychology, which training may be included as
2774 part of the 4,000 hours of training required in Subsection (1)(d), and for which documented
2775 evidence demonstrates not less than one hour of supervision for each 40 hours of supervised
2776 training was obtained under the direct supervision of a psychologist, as defined by rule;

2777 (f) pass the examination requirement established by division rule under Section
2778 [58-1-203](#);

2779 (g) consent to a criminal background check in accordance with Section [58-61-304.1](#)
2780 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2781 Administrative Rulemaking Act; and

2782 (h) meet with the board, upon request for good cause, for the purpose of evaluating the
2783 applicant's qualifications for licensure.

2784 (2) An applicant for licensure as a psychologist by endorsement based upon licensure

2785 in another jurisdiction shall:

2786 (a) submit an application on a form provided by the division;

2787 (b) pay a fee determined by the department under Section [63J-1-504](#);

2788 (c) not have any disciplinary action pending or in effect against the applicant's

2789 psychologist license in any jurisdiction;

2790 (d) have passed the Utah Psychologist Law and Ethics Examination established by

2791 division rule;

2792 (e) provide satisfactory evidence the applicant is currently licensed in another state,

2793 district, or territory of the United States, or in any other jurisdiction approved by the division in

2794 collaboration with the board;

2795 (f) provide satisfactory evidence the applicant has actively practiced psychology in that

2796 jurisdiction for not less than 2,000 hours or one year, whichever is greater;

2797 (g) provide satisfactory evidence that:

2798 (i) the education, supervised experience, examination, and all other requirements for

2799 licensure in that jurisdiction at the time the applicant obtained licensure were substantially

2800 equivalent to the licensure requirements for a psychologist in Utah at the time the applicant

2801 obtained licensure in the other jurisdiction; or

2802 (ii) the applicant is:

2803 (A) a current holder of Board Certified Specialist status in good standing from the

2804 American Board of Professional Psychology;

2805 (B) currently credentialed as a health service provider in psychology by the National

2806 Register of Health Service Providers in Psychology; or

2807 (C) currently holds a Certificate of Professional Qualification (CPQ) granted by the

2808 Association of State and Provincial Psychology Boards;

2809 (h) consent to a criminal background check in accordance with Section [58-61-304.1](#)

2810 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah

2811 Administrative Rulemaking Act; and

2812 (i) meet with the board, upon request for good cause, for the purpose of evaluating the

2813 applicant's qualifications for licensure.

2814 (3) (a) An applicant for certification as a psychology resident shall comply with the

2815 provisions of Subsections (1)(a), (b), (c), (g), and (h).

2816 (b) (i) An individual's certification as a psychology resident is limited to the period of
2817 time necessary to complete clinical training as described in Subsections (1)(d) and (e) and
2818 extends not more than one year from the date the minimum requirement for training is
2819 completed, unless the individual presents satisfactory evidence to the division and the
2820 ~~[Psychologist Licensing Board]~~ board that the individual is making reasonable progress toward
2821 passing the qualifying examination or is otherwise on a course reasonably expected to lead to
2822 licensure as a psychologist.

2823 (ii) The period of time under Subsection (3)(b)(i) may not exceed two years past the
2824 date the minimum supervised clinical training requirement has been completed.

2825 (4) An applicant for certification as a certified prescribing psychologist based upon
2826 education, clinical training, and examination shall:

2827 (a) have authority to engage in the practice of psychology under Subsection [58-61-301](#);

2828 (b) pay a fee determined by the department under Section [63J-1-504](#);

2829 (c) demonstrate by official transcript, or other official evidence satisfactory to the
2830 division, that the applicant:

2831 (i) has completed a doctoral degree in psychology that includes specific core course
2832 work established by division rule under Section [58-1-203](#), from an institution of higher
2833 education whose doctoral program, at the time the applicant received the doctoral degree, met
2834 approval criteria established by division rule made in consultation with the board;

2835 (ii) has completed a master's degree in clinical psychopharmacology from an institution
2836 of higher learning whose master's program, at the time the applicant received the master's
2837 degree, met approval criteria established by division rule made in consultation with the board
2838 and includes the following core areas of instruction:

2839 (A) neuroscience, pharmacology, psychopharmacology, physiology, and
2840 pathophysiology;

2841 (B) appropriate and relevant physical and laboratory assessment;

2842 (C) basic sciences, including general biology, microbiology, cell and molecular
2843 biology, human anatomy, human physiology, biochemistry, and genetics, as part of or prior to
2844 enrollment in a master's degree in clinical psychopharmacology; and

2845 (D) any other areas of instruction determined necessary by the division, in
2846 collaboration with the board, as established by division rule; and

2847 (iii) as defined by division rule made in consultation with the board, has postdoctoral
2848 supervised training in prescribing psychology, under the direction of a qualified supervisor:
2849 (A) sufficient to attain competency in the psychopharmacological treatment of a
2850 diverse patient population;
2851 (B) completed throughout a period of at least one year; and
2852 (C) to no less than 100 individual patients to whom the applicant provides
2853 psychopharmacological treatment;
2854 (d) have passed:
2855 (i) the Psychopharmacology Examination for Psychologists developed by the
2856 Association of State and Provincial Psychology Boards, or its successor organization; or
2857 (ii) an equivalent examination as defined by the division in rule;
2858 (e) not have any disciplinary action pending or in effect against the applicant's
2859 psychologist license or other professional license authorizing the applicant to prescribe in any
2860 jurisdiction;
2861 (f) consent to a criminal background check in accordance with Section [58-61-304.1](#)
2862 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2863 Administrative Rulemaking Act;
2864 (g) commit to maintaining professional liability insurance while acting as a certified
2865 prescribing psychologist;
2866 (h) meet with the board, upon request for good cause, for the purpose of evaluating the
2867 applicant's qualifications for licensure.
2868 (5) An applicant for certification as a certified prescribing psychologist by endorsement
2869 based upon licensure in another jurisdiction shall:
2870 (a) submit an application on a form provided by the division;
2871 (b) pay a fee determined by the department under Section [63J-1-504](#);
2872 (c) not have any disciplinary action pending or in effect against the applicant's
2873 psychologist license or other professional license authorizing the applicant to prescribe in any
2874 jurisdiction;
2875 (d) have passed the Utah Psychologist Law and Ethics Examination established by
2876 division rule;
2877 (e) provide satisfactory evidence the applicant is currently licensed as a prescribing

2878 psychologist in another state, district, or territory of the United States, or in any other
2879 jurisdiction approved by the division in collaboration with the board;

2880 (f) provide satisfactory evidence the applicant has actively practiced as a prescribing
2881 psychologist in that jurisdiction for not less than 2,000 hours or one year, whichever is greater;

2882 (g) provide satisfactory evidence that the applicant has satisfied the education,
2883 supervised experience, examination, and all other requirements for licensure as a prescribing
2884 psychologist in that jurisdiction at the time the applicant obtained licensure were substantially
2885 equivalent to the licensure requirements for a certified prescribing psychologist in Utah at the
2886 time the applicant obtained licensure in the other jurisdiction;

2887 (h) consent to a criminal background check in accordance with Section [58-61-304.1](#)
2888 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2889 Administrative Rulemaking Act;

2890 (i) commit to maintaining professional liability insurance while acting as a certified
2891 prescribing psychologist; and

2892 (j) meet with the board, upon request for good cause, for the purpose of evaluating the
2893 applicant's qualifications for licensure.

2894 (6) An applicant for certification as a provisional prescribing psychologist shall:

2895 (a) have authority to engage in the practice of psychology under Subsection [58-61-301](#);

2896 (b) pay a fee determined by the department under Section [63J-1-504](#);

2897 (c) demonstrate by official transcript, or other official evidence satisfactory to the
2898 division, that the applicant:

2899 (i) has completed a doctoral degree in psychology that includes specific core course
2900 work established by division rule under Section [58-1-203](#), from an institution of higher
2901 education whose doctoral program, at the time the applicant received the doctoral degree, met
2902 approval criteria established by division rule made in consultation with the board;

2903 (ii) has completed a master's degree in clinical psychopharmacology from an institution
2904 of higher learning whose master's program, at the time the applicant received the master's
2905 degree, met approval criteria established by division rule made in consultation with the board
2906 and includes the following core areas of instruction:

2907 (A) neuroscience, pharmacology, psychopharmacology, physiology, and
2908 pathophysiology;

2909 (B) appropriate and relevant physical and laboratory assessment;
2910 (C) basic sciences, including general biology, microbiology, cell and molecular
2911 biology, human anatomy, human physiology, biochemistry, and genetics, as part of or prior to
2912 enrollment in a master's degree in clinical psychopharmacology; and
2913 (D) any other areas of instruction determined necessary by the division, in
2914 collaboration with the board, as established by division rule; and
2915 (d) have no disciplinary action pending or in effect against the applicant's psychologist
2916 license or other professional license authorizing the applicant to prescribe in any jurisdiction;
2917 (e) consent to a criminal background check in accordance with Section [58-61-304.1](#)
2918 and any requirements established by rule made in accordance with Title 63G, Chapter 3, Utah
2919 Administrative Rulemaking Act;
2920 (f) commit to maintaining professional liability insurance while acting as a provisional
2921 prescribing psychologist;
2922 (g) meet with the board, upon request for good cause, for the purpose of evaluating the
2923 applicant's qualifications for licensure; and
2924 (h) satisfy any further requirements, as established by the division in rule.
2925 Section 36. Section **58-61-304.1** is amended to read:
2926 **58-61-304.1. Criminal background check.**
2927 (1) An applicant for licensure under this chapter who requires a criminal background
2928 check shall:
2929 (a) submit fingerprint cards in a form acceptable to the division at the time the license
2930 application is filed; and
2931 (b) consent to a fingerprint background check conducted by the Bureau of Criminal
2932 Identification and the Federal Bureau of Investigation, including the use of the Rap Back
2933 System, regarding the application and the applicant's future status as a license holder.
2934 (2) The division shall:
2935 (a) in addition to other fees authorized by this chapter, collect from each applicant
2936 submitting fingerprints in accordance with this section the fee that the Bureau of Criminal
2937 Identification is authorized to collect for the services provided under Section [53-10-108](#) and the
2938 fee charged by the Federal Bureau of Investigation for fingerprint processing for the purpose of
2939 obtaining federal criminal history record information;

- 2940 (b) submit from each applicant the fingerprint card and the fees described in
2941 Subsection (2)(a) to the Bureau of Criminal Identification; and
2942 (c) obtain and retain in division records a signed waiver approved by the Bureau of
2943 Criminal Identification in accordance with Section 53-10-108 for each applicant.
2944 (3) The Bureau of Criminal Identification shall, in accordance with the requirements of
2945 Section 53-10-108:
2946 (a) check the fingerprints submitted under Subsection (2)(b) against the applicable state
2947 and regional criminal records databases;
2948 (b) forward the fingerprints to the Federal Bureau of Investigation for a national
2949 criminal history background check; and
2950 (c) provide the results from the state, regional, and nationwide criminal history
2951 background checks to the division.
2952 (4) The division may not disseminate outside of the division any criminal history
2953 record information that the division obtains from the Bureau of Criminal Identification or the
2954 Federal Bureau of Investigation under the criminal background check requirements of this
2955 section.

2956 Section 37. Section 58-61-308 is amended to read:

2957 **58-61-308. Scope of practice -- Limitations.**

2958 (1) (a) [A] Subject to Subsections (1)(b) and (c), a psychologist may engage in all acts
2959 and practices defined as the practice of psychology without supervision, in private and
2960 independent practice, or as an employee of another person, limited only by the licensee's
2961 education, training, and competence.

2962 (b) Only a certified prescribing psychologist may prescribe, administer, discontinue,
2963 and distribute without charge, drugs or controlled substances recognized in or customarily used
2964 in the diagnosis, treatment, and management of individuals with psychiatric, mental, cognitive,
2965 nervous, emotional, developmental, or behavioral disorders, including:

2966 (i) laboratory tests;

2967 (ii) diagnostic examinations; and

2968 (iii) procedures that are:

2969 (A) necessary to obtain laboratory tests or diagnostic examinations;

2970 (B) relevant to the practice of psychology; and

2971 (C) in accordance with division rule made in consultation with the board.

2972 (c) When prescribing a psychotropic medication for a patient, a certified prescribing
2973 psychologist shall maintain a collaborative relationship with a health care practitioner who
2974 oversees the patient's general medical care to ensure that:

2975 (i) necessary medical examinations are conducted;

2976 (ii) the psychotropic medication is appropriate for the patient's medical condition; and

2977 (iii) significant changes in the patient's medical or psychological conditions are
2978 discussed.

2979 (2) An individual certified as a psychology resident may engage in all acts and
2980 practices defined as the practice of psychology only under conditions of employment as a
2981 psychology resident and under the supervision of a licensed psychologist who is an approved
2982 psychology training supervisor as defined by division rule. A certified psychology resident
2983 shall not engage in the independent practice of psychology.

2984 Section 38. Section **58-61-502** is amended to read:

2985 **58-61-502. Unprofessional conduct.**

2986 (1) As used in this chapter, "unprofessional conduct" includes:

2987 (a) using or employing the services of any individual to assist a licensee in any manner
2988 not in accordance with the generally recognized practices, standards, or ethics of the profession
2989 for which the individual is licensed, or the laws of the state;

2990 (b) failure to confine practice conduct to those acts or practices:

2991 (i) in which the individual is competent by education, training, and experience within
2992 limits of education, training, and experience; and

2993 (ii) which are within applicable scope of practice laws of this chapter; ~~and~~

2994 (c) disclosing or refusing to disclose any confidential communication under Section
2995 [58-61-602](#)[-];

2996 (d) a pattern of failing to provide to patients:

2997 (i) information regarding the license holder, including the name under which the
2998 license holder is licensed, the type of license held, the license number, and the license holder's
2999 contact information;

3000 (ii) if the an individual's license requires the license holder to be supervised by another
3001 licensed provider, information regarding the supervisor, including the name under which the

3002 supervisor is licensed, the type of license held, the license number, and the supervisor's contact
3003 information;

3004 (iii) information regarding standards of appropriate care and ethical boundaries,
3005 including a plain language statement that in a professional relationship with a mental health
3006 practitioner, a dual relationship between a client and a provider, or one that is romantic,
3007 financially motivated, or otherwise risks impacting the provider's judgment or the quality of the
3008 services provided, is never appropriate and should be reported to the Division of Professional
3009 Licensing;

3010 (iv) information regarding the client's rights, including that the client has the right to
3011 seek a second opinion, to ask for additional information, and to terminate treatment at any
3012 time; or

3013 (v) the contact information for the Division of Professional licensing, including how to
3014 file a complaint;

3015 (e) a pattern of failing to provide to patients, upon request:

3016 (i) information about the license holder's qualifications and experience, including a
3017 listing of any degrees, credentials, certifications, registrations, and licenses held or completed
3018 by the license holder, the name of the granting school or institution, and the continuing
3019 education that the licensee is required to complete in order to retain the license;

3020 (ii) information regarding standards of appropriate care and ethical boundaries,
3021 including a copy of the statutory and administrative rule definitions of unprofessional conduct,
3022 and a copy of generally recognized professional or ethical standards;

3023 (iii) for any course of treatment, the method of treatment recommended, the reasoning
3024 supporting the method of treatment, the techniques used, the expected duration of the
3025 treatment, if known, and the fee structure; or

3026 (iv) information regarding the individuals who have or have had access to confidential
3027 data related to the care of the patient, including evaluations, assessments, diagnoses, prevention
3028 or treatment plans, reports, progress notes, discharge summaries, treatment or documentation of
3029 treatment including video recording, live stream, or in-person observations of psychotherapy or
3030 other treatment methods.

3031 (2) "Unprofessional conduct" under this chapter may be further defined by division
3032 rule.

3033 Section 39. Section **58-61-705** is amended to read:

3034 **58-61-705. Qualifications for licensure -- By examination -- By certification.**

3035 (1) An applicant for licensure as a behavior analyst based upon education, supervised
3036 experience, and national examination shall:

3037 (a) submit an application on a form provided by the division;

3038 (b) pay a fee determined by the department under Section [63J-1-504](#);

3039 (c) produce certified transcripts of credit verifying satisfactory completion of a master's
3040 or doctoral degree in applied behavior analysis from an accredited institution of higher
3041 education or an equivalent master or doctorate degree as determined by the division by
3042 administrative rule;

3043 (d) as defined by the division by administrative rule, have completed at least 1,500
3044 hours of experiential behavior analysis training within a five year period of time with a
3045 qualified supervisor; and

3046 (e) pass the examination requirement established by division rule under Section
3047 [58-1-203](#); and

3048 (f) document proof of current certification in good standing as a Board Certified
3049 Behavior Analyst by the Behavior Analyst Certification Board, or an equivalence of that
3050 certification, as determined by division rule made in consultation with the board.

3051 [~~(2) An applicant for licensure as a behavior analyst based upon certification shall:]~~

3052 [~~(a) without exception, on or before November 15, 2015, submit to the division an~~
3053 ~~application on a form provided by the division;]~~

3054 [~~(b) pay a fee determined by the department under Section [63J-1-504](#), and]~~

3055 [~~(c) provide official verification of current certification as a board certified behavior~~
3056 ~~analyst from the Behavior Analyst Certification Board.]~~

3057 [(~~3~~)] (2) An applicant for licensure as an assistant behavior analyst based upon
3058 education, supervised experience, and national examination shall:

3059 (a) submit an application on a form provided by the division;

3060 (b) pay a fee determined by the department under Section [63J-1-504](#);

3061 (c) produce certified transcripts of credit verifying satisfactory completion of a
3062 bachelor's degree from an accredited institution of higher education and satisfactory completion
3063 of specific core course work in behavior analysis established under Section [58-1-203](#) from an

3064 accredited institution of higher education;

3065 (d) as defined by the division by administrative rule, have completed at least 1,000
3066 hours of experiential behavior analysis training within a five-year period of time with a
3067 qualified supervisor; and

3068 (e) pass the examination requirement established by division rule under Section
3069 [58-1-203](#); and

3070 (f) document proof of current certification in good standing as a Board Certified
3071 Assistant Behavior Analyst by the Behavior Analyst Certification Board, or an equivalence of
3072 that certification, as determined by division rule made in consultation with the board.

3073 [~~4~~] (3) An applicant for licensure as an assistant behavior analyst based upon
3074 certification shall:

3075 (a) without exception, on or before November 15, 2015, submit to the division an
3076 application on a form provided by the division;

3077 (b) pay a fee determined by the department under Section [63J-1-504](#); and

3078 (c) provide official verification of current certification in good standing as a board
3079 certified assistant behavior analyst from the Behavior Analyst Certification Board.

3080 [~~5~~] (4) An applicant for registration as a behavior specialist based upon professional
3081 experience in behavior analysis shall:

3082 (a) without exception, on or before November 15, 2015, submit to the division, an
3083 application on a form provided by the division;

3084 (b) pay a fee determined by the department under Section [63J-1-504](#);

3085 (c) have at least five years of experience as a professional engaged in the practice of
3086 behavior analysis on or before May 15, 2015; and

3087 (d) be employed as a professional engaging in the practice of behavior analysis within
3088 an organization contracted with a division of the Utah Department of Human Services to
3089 provide behavior analysis on or before July 1, 2015.

3090 [~~6~~] (5) An applicant for registration as an assistant behavior specialist based upon
3091 professional experience in behavior analysis shall:

3092 (a) without exception, on or before November 15, 2015, submit to the division, an
3093 application on a form provided by the division;

3094 (b) pay a fee determined by the department under Section [63J-1-504](#);

3095 (c) have at least one year of experience as a professional engaging in the practice of
3096 behavior analysis prior to July 1, 2015; and

3097 (d) be employed as a professional engaging in the practice of behavior analysis within
3098 an organization contracted with a division of the Utah Department of Human Services to
3099 provide behavior analysis on or before July 1, 2015.

3100 Section 40. Section **58-84-102** is amended to read:

3101 **58-84-102. Definitions.**

3102 In addition to the definitions in Section [58-1-102](#), as used in this chapter:

3103 (1) "Board" means the Behavioral Health Board created in Section [58-60-102.5](#).

3104 [~~(1)~~] (2) "Practice of music therapy" means the clinical and evidence-based use of
3105 music interventions to accomplish individualized goals within a therapeutic relationship.

3106 [~~(2)~~] (3) "State certification" means a designation granted by the division in
3107 collaboration with the board on behalf of the state to an individual who has met the
3108 requirements for state certification related to an occupation or profession described in this
3109 chapter.

3110 [~~(3)~~] (4) "State certified" means, when used in conjunction with an occupation or
3111 profession described in this chapter, a title that:

3112 (a) may be used by a person who has met the state certification requirements related to
3113 that occupation or profession described in this chapter; and

3114 (b) may not be used by a person who has not met the state certification requirements
3115 related to that occupation or profession described in this chapter.

3116 Section 41. Section **58-84-201** is amended to read:

3117 **58-84-201. Qualifications for state certification.**

3118 (1) The division shall grant state certification to a person who qualifies under this
3119 chapter to engage in the practice of music therapy as a state certified music therapist.

3120 (2) Each applicant for state certification as a state certified music therapist shall:

3121 (a) submit an application in a form prescribed by the division;

3122 (b) pay a fee determined by the department under Section [63J-1-504](#); and

3123 (c) provide satisfactory documentation that the applicant is board certified by, and in
3124 good standing with, the Certification Board for Music Therapists, or an equivalent board as
3125 determined by division rule in collaboration with the board.

3126 Section 42. **Repealer.**
3127 This bill repeals:
3128 Section **58-60-203, Board.**
3129 Section **58-60-303, Board -- Powers.**
3130 Section **58-60-307, Supervisors of marriage and family therapists -- Qualifications.**
3131 Section **58-60-403, Board.**
3132 Section **58-60-503, Board.**
3133 Section **58-61-201, Board.**
3134 Section **58-78-101, Title.**
3135 Section **58-78-102, Definitions.**
3136 Section **58-78-201, Board.**
3137 Section **58-78-301, License required.**
3138 Section **58-78-302, Qualifications for licensure -- Licensure by credential.**
3139 Section **58-78-303, Term of license -- Expiration -- Renewal.**
3140 Section **58-78-304, Exemption from licensure.**
3141 Section **58-78-401, Grounds for denial of license -- Disciplinary proceedings.**
3142 Section **58-78-501, Unlawful conduct.**
3143 Section **58-78-502, Unprofessional conduct.**
3144 Section 43. **FY 2025 Appropriation.**
3145 The following sums of money are appropriated for the fiscal year beginning July 1,
3146 2024, and ending June 30, 2025. These are additions to amounts previously appropriated for
3147 fiscal year 2025.
3148 Subsection 44(a). **Operating and Capital Budgets.**
3149 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the
3150 Legislature appropriates the following sums of money from the funds or accounts indicated for
3151 the use and support of the government of the state of Utah.
3152 ITEM 1 To Utah Board of Higher Education - Talent Ready Utah
3153 From Grants and Contracts, One-time \$2,900,000
3154 Schedule of Programs:
3155 Talent Ready Utah \$2,900,000
3156 Section 44. **Effective date.**
3157 This bill takes effect on May 1, 2024.