

# Behavioral Health Sub-Report

## Vocational Rehabilitation Counseling

### Overview

Two other states license vocational rehabilitation counselors—Louisiana and Massachusetts. In Utah, the regulation of vocational rehabilitation counselors is overseen by the Division of Professional Licensing, Department of Commerce. Utah currently issues one license type: Licensed Vocational Rehabilitation Counselor (LVRC). The vast majority of LVRCs are employed by the Utah Department of Workforce Services.

License Type	Scope	Authority	Education	Experience	Exam
LVRC	Non-Mental Health Therapist	Independent	Master's Degree	✓	✓

### Fee Structure

License Type	Initial Licensing Fee		Annualized Renewal Fee	
	Utah Fee	US Median	Utah Fee	US Median
Licensed Vocational Rehabilitation Counselor	\$70	\$117	\$24	\$78

### Complaints

During the past 5 years (2018-2022), an average of 1 complaint was filed annually against an average of 1 Utah vocational rehabilitation counselor—or .3% of active licensees in any given year. No complaints were found to be substantiated during the same period.<sup>133</sup>

<sup>133</sup> OPLR Analysis of DOPL Substantiated Complaint Data

## Wait Times and Active Licensees

On average, Utah vocational rehabilitation counselors report that at their primary practice location there is a **~12 day wait time** for those seeking care. This is lower than the **~37 day** average across Utah’s behavioral health care field.<sup>134,135</sup>

Name	# Active Licensees	Annualized 5-Year Growth Rate <sup>136</sup>
LVRC	165	-3.58%

## Recommendations

### Relevant Recommendations from OPLR’s Periodic Review

The following recommendation from OPLR’s periodic review of the regulation of the behavioral health care workforce is relevant for vocational rehabilitation (see final report for additional information):

- 1c. Continuing Education

*Note: The above recommendation is only applicable to the regulation of vocational rehabilitation if the additional recommendation detailed below is not implemented.*

### Additional Recommendations

In addition to the relevant recommendations listed above, OPLR recommends that Utah policymakers enact the following change to the regulation of vocational rehabilitation counselors.

- Reduce barriers to workforce entry by fully deregulating the practice of vocational rehabilitation counseling. (58-78)

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<sup>134</sup> OPLR Behavioral Health Care Workforce Survey (CPMDS)

<sup>135</sup> Centers for Medicare & Medicaid Services Center for Consumer Information and Insurance Oversight (2022). *2023 Letter to Issuers in the Federally-facilitated Exchanges*. [online] U.S. Department of Health and Human Services. Available at: <https://www.cms.gov/files/document/2023-draft-letter-issuers-508.pdf>

<sup>136</sup> OPLR Analysis of DOPL Licensing Data

## Deregulation of Vocational Rehabilitation Counseling

### Summary of Recommendation

Reduce barriers to workforce entry by fully deregulating the practice of vocational rehabilitation counseling. (58-78)

**Status Quo.** Currently, the title and practice of vocational rehabilitation counseling are protected under a full licensure model in Utah. This means that only actively licensed individuals may use the title “vocational rehabilitation counselor”<sup>137</sup> or engage in the practice of vocational rehabilitation counseling, unless otherwise exempted by law.<sup>138</sup> The “practice of providing vocational rehabilitation services” is defined in statute as “rendering or offering to an individual, group, organization, or the general public vocational rehabilitation services: (a) in public or private practice; (b) for compensation; and (c) involving the application of principles, methods, or procedures of the vocational rehabilitation counseling profession, which include: (i) vocational assessment; (ii) vocational rehabilitation counseling and guidance; (iii) vocational and other training services; (iv) self-employment plans; (v) job analysis; and (vi) job placement.”<sup>139</sup>

**Existing Approaches.** Only two other states besides Utah (Louisiana and Massachusetts) have distinct licenses for vocational rehabilitation counselors. The Commission on Rehabilitation Counselor Certification (CRCC) website shows that about a dozen states recognize the Certified Rehabilitation Counseling Examination (CRCE) exam for general counseling licensure.<sup>140,141</sup>

**Rationale.** OPLR is mandated to consider the following three factors when evaluating the need for licensure: 1) public safety, 2) access to services and workforce entry, and 3) healthcare reimbursement where applicable.<sup>142</sup> In the case of vocational rehabilitation counseling, OPLR’s findings indicate that licensure of this profession is not necessary to protect public safety or to enable reimbursement, and may in fact be impeding consumers’ access to services by creating unnecessary barriers to workforce entry. OPLR’s criteria for evaluation and findings in each of these areas are discussed below.

First, regarding **public safety**, OPLR is required to consider:<sup>143</sup>

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<sup>137</sup> [UCA 58-78-501](#)

<sup>138</sup> [UCA 58-78-301](#)

<sup>139</sup> [UCA 58-78-102](#)

<sup>140</sup> Commission on Rehabilitation Counselor Certification (2021). *State Licensure Boards*. [online] Crcrcertification.com. Available at: <https://crrcertification.com/advocacy-and-legislation/state-licensure-boards/>.

<sup>141</sup> This is based on information currently available on the CRCC website, but OPLR has not confirmed when this information was last updated. In these cases, as well as in other states that do not recognize the CRCE exam, OPLR has not confirmed whether the scope of counseling practice in those states specifically protects those activities defined as the practice of vocational rehabilitation counseling in Utah.

<sup>142</sup> [UCA 13-1b-302](#)

<sup>143</sup> [UCA 13-1b-302](#)

“(1) whether the regulation of the occupation is necessary to address a present, recognizable, and significant harm to the health, safety, or financial welfare of the public;  
(2) for any harm to the health, safety, or financial welfare of the public, the harm’s:  
(a) severity;  
(b) probability; and  
(c) permanence;”

In the case of vocational rehabilitation counseling, state licensure does not appear to be necessary to ensure public safety. To OPLR’s knowledge, virtually all of the state’s licensed vocational rehabilitation counselors (LVRCs) are employed by the Utah State Office of Rehabilitation (USOR) within the Department of Workforce Services (DWS). USOR’s program provides multiple forms of internal oversight, safeguards, and supervision for LVRCs, as well as avenues of recourse for client complaints, all of which seem to be sufficient to handle complaints or safety issues as evidenced by the extremely low volume of complaints made to DOPL against LVRCs. Since the enactment of LVRC licensure in 2009, DOPL has only received eight complaints against LVRCs. Of these, five complaints against USOR employees were found to be substantiated and were addressed via administrative sanctions or letters of concern.<sup>144</sup> Put another way, no complaint over the period was found serious enough to discipline a licensee by suspending or revoking the license. Based on this low complaint rate, the oversight mechanisms available at USOR, and the fact that the practice of an LVRC does not include the delivery of psychotherapeutic interventions or other high-risk activities (see description of scope of practice above), full licensure is likely not needed in order to protect the public. Put another way, OPLR’s analysis suggests that the current system of full licensure does meaningfully address public safety for vocational rehabilitation counseling.

This position is also consistent with a helpful framework for determining the necessity of licensure based on risks to public safety developed by the Vermont state government.<sup>145</sup> This framework states that 1) licensure is only recommended if “it is apparent that the public cannot be adequately protected by any other means” and that 2) entity-level regulation may be more appropriate than occupational licensing when it pertains to limiting the harms of services that are primarily delivered through business entities or facilities. While the practice of vocational rehabilitation may include some risk to the public due to counselors’ frequent interactions with vulnerable populations, the existing, comprehensive entity-level oversight that DWS provides appears to be sufficient to protect against those risks.

USOR and DWS as an employer can maintain a similar level of training, expertise, and professionalism through other means without state licensure of the profession. Discontinuing the LVRC license would not preclude USOR from establishing its own requirements for employment or professional advancement based on education, experience, exams, or national certifications such as those offered by CCRC.

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<sup>144</sup> Division of Professional Licensing (2023). *OPLR question about vocational rehabilitation complaints* [Email] Communication between OPLR and DOPL investigators.

<sup>145</sup> [26 V.S.A. § 3105\(b\)\(1\)-\(5\)](#)

Second, regarding **access to services and workforce entry**, OPLR is required to consider:<sup>146</sup>

- “(4) whether the proposed or existing regulation of the occupation:
- (a) affects the supply of qualified practitioners;
  - (b) creates barriers to:
    - (i) services that are not in the public financial welfare or interest; or
    - (ii) entry into the occupation or related occupations...
  - (c) imposes new costs on existing practitioners;
  - (d) affects:
    - (i) license reciprocity with other jurisdictions; or
    - (ii) mobility of practitioners;...”

OPLR has determined that the current licensure system for LVRCs offers no clear benefits to, and in fact may impede, access to services, workforce entry, and practitioner mobility. DWS administrators shared with OPLR that the current licensing requirements, which include a master’s degree, make both hiring and retention of employees unnecessarily difficult for USOR<sup>147</sup>—their counselors are frequently hired without licensure and may work for up to five years as unlicensed trainees while completing a master’s degree and experiential hours. One USOR employee with knowledge of training and hiring shared with OPLR their estimation that 85-90% of vocational rehabilitation counselors are hired without a license or a master’s degree, and that a substantial proportion of those initially hired as a counselor do not achieve full licensure, which may contribute to turnover and retention issues.<sup>148</sup> Eliminating state licensure requirements would remove the external constraints on USOR’s hiring and employment processes, including the current time limit of 5 years for new hires to obtain licensure. Additionally, because Utah is an outlier in terms of regulating vocational rehabilitation counseling (being one of only three states with this type of license), this rare requirement for licensure may be a barrier for out-of-state practitioners wishing to relocate to Utah or to provide services remotely to Utah clients.

Third, regarding **healthcare reimbursement**, OPLR is required to consider:<sup>149</sup>

- “(4) whether the proposed or existing regulation of the occupation: ...
- (e) if the occupation involves a health care provider, impacts the health care provider’s ability to obtain payment of benefits for the health care provider’s treatment of an illness, injury, or health care condition under an insurance contract subject to Section 31A-22-618;”

OPLR’s findings indicate that maintaining the current licensure model is unnecessary for purposes of healthcare reimbursement. Vocational rehabilitation counselors do not provide services that are

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<sup>146</sup> [UCA 13-1b-302](#)

<sup>147</sup> OPLR conversation with DWS administrator

<sup>148</sup> OPLR Listening & Vetting Tour

<sup>149</sup> [UCA 13-1b-302](#)

reimbursable by health care payers such as Medicare/Medicaid or private insurance,<sup>150</sup> making licensure unnecessary in this regard.

Given that Utah's current licensing of vocational rehabilitation counselors does not appear to meaningfully improve public safety beyond the safeguards provided by entity-level oversight, that licensing may limit access to services for consumers and create unnecessary barriers to attracting and retaining the workforce, and that licensure is not essential in enabling reimbursement for services, OPLR recommends fully deregulating the practice of vocational rehabilitation counseling in the state of Utah.

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<sup>150</sup> Wilde, D. (2023) *OPLR Medicaid Questions*. [Email] Communication between OPLR and state Medicaid administrators at the Department of Health and Human Services.