



UTAH | COMMERCE
Division of Professional Licensing



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Office of Professional Licensure Review

SB26 (2024) Explainer: Behavioral Health Licensing Amendments

March, 2024



NOTE: DOPL is actively working on implementation of SB26. Changes to rule and process are underway. Check the DOPL website frequently for updates.



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New Supervision and Exam Requirements for Mental Health Therapist Licenses

New Utah Supervision Requirements for Licensure as:

- LCSW
- MFT
- CMHC
- MAC

As Proposed in SB 26
(2024 General Session)

*Bolded terms defined on next
page*

 3,000 hours of “**clinical supervision**”

 1,200 hours of “**direct client care**”

 100 hours of “**direct clinical supervision**”

Any direct clinical supervision hours may be with
1 or 2 supervisees present



MUST INCLUDE 25 hours of “**direct observation**”



NO MORE THAN 25 hours of group supervision with
3 or more supervisees present

Definitions (58-60-102)



“Clinical supervision”

...means **work experience conducted under the supervision of a clinical supervisor**, including:

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

- certified social worker;
- associate marriage and family therapist;
- associate clinical mental health counselor; or
- associate master addiction counselor,

wherein the **supervisor is available for consultation** with the supervisee by personal face to face contact, or direct voice contact by telephone, radio, or some other means within a reasonable time consistent with the acts and practices in which the supervisee is engaged.



“Direct client care”

...means **the practice of mental health therapy** performed as an applicant for licensure.

"Direct client care" includes:

- the practice of mental health therapy;
- the utilization of patient-reported progress and outcomes to inform care; and
- direct observation.



“Direct clinical supervision”

...means an applicant for licensure and the applicant's direct clinical supervisor **meeting in real time** and in accordance with the applicant for licensure's supervision contract as defined by division rule.

"Direct clinical supervision" **includes group supervision**.



“Direct observation”

...means **observation of an applicant for licensure's live or recorded direct client care by:**

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

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



“Group supervision”

...means **an applicant** for licensure meeting with the applicant's direct clinical supervisor **and at least one of the direct clinical supervisor's other supervised applicants** for licensure:

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



Other Key Provisions re: Supervision

CMS Supervision Requirements

Applicants for licensure as LCSW, MFT, CMHC, or MAC

To comply with federal CMS requirements for Medicare approved provider enrollment and reimbursement, SB 26 **requires that all applicants** for licensure as an LCSW, MFT, CMHC, or MAC complete 3,000 hours or two years of clinical supervision.

See SB 26 Second Substitute (2024 General Session), Sections 58-60-205, 58-60-305, 58-60-405, and 58-60-506.

Grandfathering For Supervisees

Applicants for licensure as LCSW, MFT, CMHC, or MAC

Individuals who have begun accruing supervised hours toward licensure **before May 1, 2024** may continue to complete their supervision hours according to the previous requirements and apply for licensure on the basis of those hours **until January 1, 2027**.

See SB 26 Second Substitute (2024 General Session), Section 58-60-106

Grandfathering For Clinical Supervisors

Of applicants for licensure as LCSW, MFT, CMHC, or MAC

Individuals who are supervising the applicants for licensure listed above may continue to act as a supervisor without fulfilling the new requirements for approved clinical supervisors until **Jan 1, 2027**. After that date, individuals must comply with requirements for clinical supervisors to continue providing supervision services.

The new supervisor requirements do not apply to supervisors of psychology residents or to supervisors of other individuals not working toward licensure as a mental health therapist (e.g., SSW, SUDC).

See SB 26 Second Substitute (2024 General Session), Section 58-60-106



Exam Alternative Pathway (for MH Therapists only)

Applicants for LCSW, MFT, CMHC, and MAC may pass the examination requirement, or:

- **one examination attempt** that did not result in a passing score;
- **500 additional direct client care hours**, 25 of which are direct clinical supervision hours, and five of which are direct observation hours; and
- **two recommendation letters** (from the applicant's direct clinical supervisor; and another licensed mental health therapist who has directly observed the applicant's direct client care hours)



New Licenses and Certifications

Behavioral Health Technician: Qualifications

Provide certified transcripts of:

- a **one-year academic certificate** relevant to practice as a behavioral health technician, or
- an **equivalence of that certification** TBD by the Division in rule, or
- an **associates degree** or higher in a relevant field (e.g., human/social services, counseling, psychology, human development)



Behavioral Health Technician: Scope of Practice

Practice as a behavioral health technician means working under the general supervision of a mental health therapist, including:

- supporting **administrative and care coordination activities** (e.g., maintaining accurate and confidential client records, progress notes, and incident reports, and assisting in discharge, referral, and after care documentation, coordination, and administration);
- supporting patient **non-clinical assessment, monitoring, and care planning activities** (e.g., collecting intake information; gathering information to support diagnostic and treatment planning activities, observing, documenting, and reporting on clients behaviors, progress, and outcomes);
- supporting **intervention and treatment activities**, including:
 - supporting licensed professionals in implementing interventions
 - facilitating psychoeducational groups, skills development or activities, or social support groups or activities;
 - providing education and support to clients behavioral health issues, treatment options, and community resources;
 - implementing behavioral management strategies including de-escalation techniques and crisis intervention as needed; and
 - implementing crisis intervention strategies in accordance with established protocols, and ensuring the safety and well-being of clients during emergencies.

"Practice as a behavioral health technician" does not include engaging in the practice of mental health therapy



Behavioral Health Coach: Qualifications

Traditional Pathway:

- a **bachelor's degree** or higher in a relevant field (e.g., human/social services, counseling, psychology, human development),
- no less than **nine credit hours in applied skills** relevant to practice as a behavioral health coach including ethics, direct practice skills, clinical documentation, case management, and supervised internship or practicum, and
- two **letters of recommendation** (one supervisor, one instructor)

Stacked Credentials Pathway:

- an **associates degree** or higher in a relevant field (e.g., human/social services, counseling, psychology, human development),
- no less than **nine credit hours in applied skills** relevant to practice as a behavioral health coach including ethics, direct practice skills, clinical documentation, case management, and supervised internship or practicum,
- two years **full-time work experience** relevant to practice as BH Coach (e.g., BH Tech, Peer, SUDC), and
- a **letter of recommendation**

Behavioral Health Coach: Scope of Practice (1 of 2)

"Practice as a behavioral health coach" means, providing services as an employee of a substance use disorder or mental health agency, and working under the general supervision of a mental health therapist and includes:

- providing services under the definition of practice as a behavioral health technician
- conducting administrative and care coordination activities, including:
 - providing targeted **case management**;
 - providing **care navigation** services (e.g., connecting individuals to behavioral health resources and social services; facilitating communication with other behavioral health providers);
 - providing **referrals and crisis referrals** (e.g., engaging in warm handoffs with other behavioral health providers; responding to a crisis within a behavioral health facility per standardized protocol);
 - providing **additional support** to other behavioral health providers, facilities, programs, and entities, (e.g., conducting administrative activities; and extending non-clinical behavioral health support);
 - providing discharge, post-treatment referral, and non-clinical after-care services;
- conducting **patient assessment, monitoring, and planning activities** (e.g., non-clinical psychosocial assessments; collaborative planning and goal setting; information gathering and monitoring client progress to inform a mental health therapist's diagnostic evaluations, initial and ongoing treatment plans).

"Practice as a behavioral health coach" does not include engaging in the practice of mental health therapy

Behavioral Health Coach: Scope of Practice (2 of 2)

When the following three conditions are met, a BH Coach may also perform additional tasks:

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

Additional tasks:

- assisting in **drafting initial treatment plans** by gathering information on a client's history and demographics
- assisting in the **information gathering** process of reviewing and updating treatment goals,
- conducting **intervention and treatment activities**, including:
 - **providing psychosocial education** groups related to behavioral health literacy, wellness education and promotion, goal setting, life skills, and coping skills;
 - providing **other interventions** to enhance clients' social skills, emotional well-being, and overall functioning (e.g., supportive consultations; habilitation services; and activity-based programs);
 - providing **evidence-based, manualized interventions**, only under the supervision of a mental health therapist;
 - **co-facilitating group therapy** with a mental health therapist



Master Addiction Counselor: Qualifications

Traditional Pathway:

- a **doctoral or master's degree** in
 - substance use disorders or addiction counseling; or
 - a counseling subject approved by the division (e.g., social work, MHC, MFT, psychology, or medicine), plus
 - an **associate's degree** (or 18 credit hours) in substance use disorder or addiction counseling, and
 - Additional **200 direct client hours** in addiction treatment
- **All other requirements** as for all other MH Therapists: clinical supervision, exam or alternative pathway, background check

National Certification Pathway:

- “In lieu of [traditional pathway] an applicant may **document current certification** as:
 - a master addiction counselor by the National Certification Commission for Addiction Professionals;
 - a master addiction counselor by the National Board for Certified Counselors; or
 - an equivalent certification as determined in rule



Master Addiction Counselor: Scope of Practice

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

- the application of generally recognized substance use disorder counseling and addiction counseling principles, methods, and procedures for the purpose of preventing, treating, or eliminating mental or emotional illness or dysfunction, symptoms of any of these, or maladaptive behavior; and
- the supervision of advanced substance use disorder counselor or substance use disorder counselor.



New Certification: Prescribing Psychologist

Qualifications:

- **licensed** in good standing as a psychologist in Utah
- **Master's** degree in clinical psychopharmacology
- **4,000 hours** of supervised prescribing practice in no less than 2 years; and
- **PEP** (Psychopharmacology Examination for Psychologists)

Licensure by Endorsement:

- Utah Psychologist Law and **Ethics Examination**
- **licensed** in good standing as a prescribing psychologist in another jurisdiction
- not less than **4,000 hours** or two years of prescribing practice experience, and
- evidence of education, experience and exam substantially equivalent to Utah requirements

Scope of Practice:

- **prescribe SSRIs** to patients with behavioral health disorders/conditions
- **order related laboratory tests** or diagnostic examinations
- maintain **collaborative relationship** with patients' primary care provider (physician or psychiatric nurse practitioner)
- **may not prescribe:** narcotics or other controlled substances



Updated Licenses and Certifications



Advanced Substance Use Disorder Counselor (A-SUDC): Qualifications

Traditional Pathway:

- Education:
 - a **bachelor's degree** or higher in substance use disorders or addiction counseling, social work, mental health counseling, marriage and family counseling, or psychology, or
 - **two academic years** of study in a master's of addiction counseling curriculum and practicum approved by the National Addictions Studies Accreditation Commission,
- **500 hours** of supervised experience while licensed as a SUDC, and
- **examination** requirements established by the division in rule

National Certification Pathway:

- Provide verification of a current certification in good standing:
 - National Certified Addiction Counselor Level II (**NCAC II**) from the NCCAP or
 - Advanced Alcohol & Drug Counselor (**AADC**), from the IC&RC; or
 - equivalent certification as determined by division rule

Advanced Substance Use Disorder Counselor (A-SUDC): Scope of Practice Updates

NOTE: these are additions to the ASUDC scope of practice only—pre-existing scope remains:

- ...**reviewing and updating treatment plans** for substance use disorders
- conducting supportive counseling and psychosocial education for substance use disorders and co-occurring mental health disorders. including:
 - providing **individual and group support**,
 - providing individual and group **psychosocial education**, and
 - providing **manualized therapeutic interventions** if:
 - conducted under the supervision of a mental health therapist
 - for the treatment of mild to moderate behavioral health symptoms or disorders as diagnosed by a mental health therapist; and
 - consistent with the client's treatment plan approved by a mental health therapist