



58-60-107. Exemptions from licensure.

- (1) Except as modified in Section 58-60-103, the exemptions from licensure in Section 58-1-307 apply to this chapter.
- (2) In addition to the exemptions from licensure in Section 58-1-307, the following may engage in acts included within the definition of practice as a mental health therapist, subject to the stated circumstances and limitations, without being licensed under this chapter:
 - (a) the following when practicing within the scope of the license held:
 - (i) a physician and surgeon or osteopathic physician and surgeon licensed under Chapter 67, Utah Medical Practice Act, or Chapter 68, Utah Osteopathic Medical Practice Act;
 - (ii) an advanced practice registered nurse, specializing in psychiatric mental health nursing, licensed under Chapter 31b, Nurse Practice Act; and
 - (iii) a psychologist licensed under Chapter 61, Psychologist Licensing Act;
 - (b) a recognized member of the clergy while functioning in a ministerial capacity as long as the member of the clergy does not represent that the member of the clergy is, or use the title of, a license classification in Subsection 58-60-102(5);
 - (c) an individual who is offering expert testimony in a proceeding before a court, administrative hearing, deposition upon the order of a court or other body having power to order the deposition, or a proceeding before a master, referee, or alternative dispute resolution provider;
 - (d) an individual engaged in performing hypnosis who is not licensed under this title in a profession which includes hypnosis in its scope of practice, and who:
 - (i)
 - (A) induces a hypnotic state in a client for the purpose of increasing motivation or altering lifestyles or habits, such as eating or smoking, through hypnosis;
 - (B) consults with a client to determine current motivation and behavior patterns;
 - (C) prepares the client to enter hypnotic states by explaining how hypnosis works and what the client will experience.
 - (D) tests clients to determine degrees of suggestibility;
 - (E) applies hypnotic techniques based on interpretation of consultation results and analysis of client's motivation and behavior patterns; and
 - (F) trains clients in self-hypnosis conditioning;
 - (ii) may not:
 - (A) engage in the practice of mental health therapy;
 - (B) use the title of a license classification in Subsection 58-60-102(5); or
 - (C) use hypnosis with or treat a medical, psychological, or dental condition defined in generally recognized

diagnostic and statistical manuals of medical, psychological, or dental disorders;

- (e) an individual's exemption from licensure under Subsection 58-1-307(1)(b) terminates when the student's training is no longer supervised by qualified faculty or staff and the activities are no longer a defined part of the degree program;
- (f) an individual holding an earned doctoral degree or master's degree in social work, marriage and family therapy, or clinical mental health counseling, who is employed by an accredited institution of higher education and who conducts research and teaches in that individual's professional field, but only if the individual does not engage in providing or supervising professional services regulated under this chapter to individuals or groups regardless of whether there is compensation for the services;
- (g) an individual in an on-the-job training program approved by the division while under the supervision of qualified persons;
- (h) an individual providing general education in the subjects of alcohol, drug use, or substance use disorders, including prevention;
- (i) an individual providing advice or counsel to another individual in a setting of their association as friends or relatives and in a nonprofessional and noncommercial relationship, if there is no compensation paid for the advice or counsel; and
- (j) an individual who is licensed, in good standing, to practice mental health therapy or substance use disorder counseling in a state or territory of the United States outside of Utah may provide short term transitional mental health therapy remotely or short term transitional substance use disorder counseling remotely to a client in Utah only if:
 - (i) the individual is present in the state or territory where the individual is licensed to practice mental health therapy or substance use disorder counseling;
 - (ii) the client relocates to Utah;
 - (iii) the client is a client of the individual immediately before the client relocates to Utah;
 - (iv) the individual provides the short term transitional mental health therapy or short term transitional substance use disorder counseling remotely to the client only during the 45 day period beginning on the date on which the client relocates to Utah;
 - (v) within 10 days after the day on which the client relocates to Utah, the individual provides written notice to the division of the individual's intent to provide short term transitional mental health therapy or short term transitional substance use disorder counseling remotely to the client; and
 - (vi) the individual does not engage in unlawful conduct or unprofessional conduct.

* DRAFT *
12/09/13

**Proposed Amendment to Mental Health Professional Practice Act Rule
Utah Administrative Code R156-60**

R156-60-102. Definitions.

(6) “On-the-job-training program” means a program that:

- (a) is applicable to individuals who have completed all course work required for graduation in a degree or formal training program that would qualify for licensure under this chapter;
- (b) starts immediately upon completion of all course work required for graduation;
- (c) ends 45 days from the date it begins, or upon licensure, whichever is earlier, and may not be extended or used a second time;
- (d) is under supervision by a qualified individual licensed under this chapter and that includes weekly meetings when supervisee and supervisor are physically present in the same room at the same time; and
- (e) is completed while the individual is an employee of a public or private agency engaged in mental health therapy or substance use disorder counseling.

* DRAFT *
12/02/13

**Proposed Amendment to Mental Health Professional Practice Act
Utah Code 58-60**

58-60-117. Externship licenses.

- (1) The division shall issue a temporary license under Part 2, Social Worker Licensing Act, Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health Counselor Licensing Act, of this chapter to a person who:
 - (a) submits an application for licensure under Part 2, Social Worker Licensing Act, Part 3, Marriage and Family Therapist Licensing Act, or Part 4, Clinical Mental Health Counselor Licensing Act;
 - (b) pays a fee determined by the department under Section 63J-1-504;
 - (c) holds an earned doctoral degree or master's degree in a discipline that is a prerequisite for practice as a mental health therapist;
 - (d) has [~~one or more~~] deficiencies in course work [~~, experience, or training~~] as may be defined by rule;
 - (e) provides mental health therapy as an employee of a public or private organization, which provides mental health therapy, while under the supervision of a person licensed under this chapter; and
 - (f) is of good moral character and has no disciplinary action pending or in effect against the applicant in connection with the practice of mental health therapy, in any jurisdiction.

- (2) A temporary license issued under this section shall expire upon the earlier of:
 - (a) issuance of the license applied for; or
 - (b) three years from the date the temporary license was issued.

- (3) The temporary license issued under this section is an externship license.