

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 ***
12/23/13

**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 courses 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 supervision meetings on at least a weekly basis 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.



State of Utah
 Department of Commerce
 Division of Occupational and Professional Licensing
 ATTN: Citation Coordinator
 160 East 300 South
 P.O. Box 146741
 Salt Lake City, Utah 84114-6741

Telephone: (801) 530-6628
 Fax: (801) 530-6511
 Website: www.dopl.utah.gov

025778

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CITATION

ISSUED TO: <u>Pamela Lewis</u>		CASE #: <u>64798</u> <u>43949</u>	
PROFESSION:	LICENSE #:		
DOB: <u>09/23/1955</u>	DL #:	SSN/EIN #:	
BUSINESS ADDRESS: <u>491 South Main St. #6</u>		CITY: <u>Cedar City</u>	STATE: <u>UT</u> ZIP: <u>84720</u>
BUSINESS PHONE: <u>435-590-2793</u>		BUSINESS EMAIL:	
HOME ADDRESS:			
HOME PHONE:		HOME EMAIL:	
LOCATION OF OFFENSE: <u>491 South Main #6 Cedar City Utah 84720</u>			
OFFENSE CODE <u>58-1-501(1)(a)(i)</u>	DATE OF OFFENSE: <u>02-1-2013</u>	DATE ISSUED: <u>07/03/2013</u>	
	DESCRIPTION		
	<u>Unlawful Conduct</u>		
	<u>(a) practice or engaging in, representing oneself to be practicing or engaging in, or attempting to practice or engage in any occupation or profession requiring a license under this title if the person is:</u>		
	<u>(i) not licensed to do so or not exempted from licensure under this title</u>		
REMARKS: <u>58-60-109 Practice Mental Health therapy without a license</u> <u>During the month of February 2013 Ms. P. Lewis counseled (2) June Doe (Name withheld) about personal and mental problems. During the month of February 2013 Mr. P. Lewis and Mr. E. J. Lewis held a Marriage and Family counseling seminar in Cedar City, Utah attended by a number of people including John & June Doe Husband and wife. (Names withheld)</u>			
PERSON SERVED: <u>Pamela Lewis</u>		SERVED BY: <u>Vince Garas</u>	
<input checked="" type="checkbox"/> FINE \$ <u>500.00</u>		<input checked="" type="checkbox"/> CEASE AND DESIST ORDER	
I ACKNOWLEDGE RECEIPT OF THIS CITATION AND CERTIFY THAT I HAVE READ AND UNDERSTAND THE RIGHTS ADVISEMENT CONTAINED BELOW AND HAVE BEEN PROVIDED A NOTICE OF RESPONSE.		I CERTIFY THAT THE INFORMATION IN THIS CITATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.	
<u>Pamela Lewis</u> RECIPIENT'S SIGNATURE		<u>Vince Garas</u> INVESTIGATOR'S SIGNATURE	
<u>7/3/13</u> DATE			

READ CAREFULLY

1. If you wish to contest this citation at a hearing, you must notify the Division in writing within 20 calendar days of receipt. The hearing will be conducted according to Title 63 G, Chapter 4.
2. If you do not contest the citation within 20 calendar days of receipt, the citation will become a final order of the Division and is not subject to further agency review.
3. Failure to comply with a final order of the Division is a Class A misdemeanor. The Division may refuse to issue or renew or may suspend, revoke, or place on probation any license you hold or apply for.

DIVISION



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 Salt Lake City, Utah 84114-6741

Telephone: (801) 530-6628
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025832

CITATION

ISSUED TO: <u>Evyn Jones Lewis</u>		CASE #: <u>64798</u> <u>63945</u>
PROFESSION:	LICENSE #:	
DOB: <u>10/08/1951</u>	DL #:	SSN/EIN #:
BUSINESS ADDRESS: <u>491 South Main #6</u>	CITY: <u>Cedar City</u>	STATE: <u>UT</u> ZIP: <u>84720</u>
BUSINESS PHONE: <u>435-590-2793</u>	BUSINESS EMAIL:	
HC		
HOME PHONE:		HOME EMAIL:
LOCATION OF OFFENSE: <u>491 S. Main St Cedar City Utah 84720</u>		
OFFENSE CODE <u>58+1-501(1)(a)()</u>	DATE OF OFFENSE: <u>02/12/2013</u>	DATE ISSUED: <u>07/03/2013</u>
DESCRIPTION		
<u>Unlawful Conduct</u>		
<u>(a) practice or engaging in, representing oneself to be practicing or engaging in, or attempting to practice or engage in any occupation or profession requiring a license under this title if the person is:</u>		
<u>(i) not licensed to do so or not exempted from licensure under this title.</u>		
REMARKS: <u>58-60-109 Practice mental health therapy without a license. During the month of February 2013 Mr. E. J. Lewis and Mrs. P. Lewis held a Marriage and Family counseling seminar attended by Mr. John and June Doe (Names withheld) as well as a number of other couples.</u>		
PERSON SERVED: <u>Evyn J. Lewis</u>	SERVED BY: <u>Vivian Garcia</u>	
<input checked="" type="checkbox"/> FINE \$ <u>500</u>	<input checked="" type="checkbox"/> CEASE AND DESIST ORDER	
I ACKNOWLEDGE RECEIPT OF THIS CITATION AND CERTIFY THAT I HAVE READ AND UNDERSTAND THE RIGHTS ADVISEMENT CONTAINED BELOW AND HAVE BEEN PROVIDED A NOTICE OF RESPONSE.		I CERTIFY THAT THE INFORMATION IN THIS CITATION IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.
<u>Evyn J. Lewis</u> RECIPIENT'S SIGNATURE		<u>Vivian Garcia</u> INVESTIGATOR'S SIGNATURE
<u>3/July/2013</u> DATE		

READ CAREFULLY

1. If you wish to contest this citation at a hearing, you must notify the Division in writing within 20 calendar days of receipt. The hearing will be conducted according to Title 63 G, Chapter 4.
2. If you do not contest the citation within 20 calendar days of receipt, the citation will become a final order of the Division and is not subject to further agency review.
3. Failure to comply with a final order of the Division is a Class A misdemeanor. The Division may refuse to issue or renew or may suspend, revoke, or place on probation any license you hold or apply for.

DIVISION

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To whom it may concern,

We are requesting a reduction in the fine imposed on us 07/03/2013 citation #022778 and #025832.

In asking for this reduction we are not saying that we are not guilty. We are saying that we acted out of ignorance not knowing the law.

1. Pamela and I paid and attended 3 years of accumulative training for NLP. This was a sacrifice for both of us in time and money. One of the trainers in the NLP School was a MSW. We were taught what to do in an NLP intersession and how to create report with people so we could be effective at assisting people in overcoming obstacles in their lives. We were never told anything about professional license. In fact in my first training there was a licenses therapist taking the course with us and he indicated its great value for his practice.
2. We learned to do the trainings from companies we worked for and were trained at. Some of these companies are still operating and to my knowledge none of the trainers are licensed therapists. Example Impact, in Salt Lake.
3. We were told by Vince Garcia that he was informed that we had been told by two church leaders to stop the trainings and NLP practice. We were called in several years ago by our stake president. He ask us about what we did. I informed him that if he saw anything wrong with what we were doing we would stop. He said that he would not give us church endorsement but it would not be necessary for us to stop. In May of this year we were talked to by our present stake president. After talking it over we were ask to stop. We agreed, we at that time completely stopped any activity with NLP or Trainings.
4. Many of the people we have worked with have been licensed therapists. None of them have informed us that what we were doing was illegal. As soon as we became aware that something was amiss with what we were doing we stopped. This happened months before we were confronted by the State of Utah. So the cease and desist order was not necessary because we already had months earlier.

Thank you for your consideration
Evan and Pamela Lewis

Evan Lewis
Pamela Lewis