

R156. Commerce, Occupational and Professional Licensing.
R156-60d. Substance Use Disorder Counselor Act Rule.

R156-60d-101. Title[-] Authority – Organization and Relationship to Rule R156-1.

- (1) This rule is known as the "Substance Use Disorder Counselor Act Rule."
- (2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act.
- (3) The organization of this rule and its relationship to R156-1 is as described in Section R156-1-107.

R156-60d-102. Definitions.

~~[In addition to the definitions regarding substance use disorder counseling practice in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, the following rule definitions supplement the statutory definitions:]~~ The following definitions supplement the statutory definitions in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act:

(1) "Accredited institution of higher education that meet division standards," as used in Subsections 58-60-506(2)(a)(i) and (5)(a)(i), means an educational institution that has accreditation [~~that is~~] recognized by the Council for Higher Education Accreditation (CHEA).

(*) "ASUDC" means an advanced substance use disorder counselor.

(2) "ASAM" means the American Society of Addiction Medicine.

(*) "CASUDC" means a certified advanced substance used disorder counselor.

(*) "CASUDCI" means a certified advanced substance use disorder counselor intern.

(*) "CSUDC" means a certified substance use disorder counselor.

(*) "CSUDCI" means a certified substance use disorder counselor intern.

(4) "Client" or "patient" means an individual who, if competent, requests, or if not competent to request is lawfully provided professional services by a mental health therapist when the mental health therapist:

- (a) agrees verbally or in writing to provide professional services to that individual; or
- (b) without an overt agreement does in fact provide professional services to that individual.

(3) "DSM-IV or 5" is the approved diagnostic and statistical manual for mental disorders and means the following: ~~[means the Diagnostic Statistical Manual of Mental Health Disorders published by the American Psychiatric Association.]~~

- (a) Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition: DSM-5 published by the American Psychiatric Association;

(b) most current years International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM) for Physicians, Professional Edition published by the American Medical Association; or

(c) most current years International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM): The Complete Official Draft Code Set published by the American Medical Association.

([4] 12) "Human growth and development," as used in section R156-60d-302(1)(a), means a course at a college or university accredited by the Council for Higher Education Accreditation (CHEA), that includes an emphasis on human growth and development across the lifespan, from conception to death.

(4) "IC&RC" means the International Certification and Reciprocity Consortium.

(13) "Independent of control" as used in section R156-60a-305b(4)(c) and (5)(e), means not being employed by the supervisee, or by an agency owned in total or in part by the supervisee, or in which the supervisee has any controlling interest.

(5) "Initial assessment" means the procedure of gathering psycho-social information, including the application of the Addiction Severity Index, to recommend a level of treatment and to assist the mental health therapist supervisor in the information collection process, and may include a referral to an appropriate treatment program.

(6) "NAADAC" means the Association for Addiction Professionals.

(16) "On-the-job training program" as used in Subsection 58-1-307(1)(c), means a program that:

(a) applies to individuals who have completed courses required for graduation in a degree or formal training program that would qualify for licensure under this chapter;

(b) starts immediately upon completion of 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 completed while the individual is an employee of a public or private mental health agency, in-patient or out-patient hospital, educational institution, or government agency, and is providing clinical mental health services; and

(e) is supervised by a qualified individual licensed under this chapter, and includes supervision meetings on at least a weekly basis with the supervisee and supervisor physically present in the same room at the same time.

(7) "Prerequisite courses," as used in Subsections 58-60-506(2)(a)(iii) and (5)(a)(iii), means courses completed before qualifying for licensure.

(8) "SASSI" means Substance Abuse Subtle Screening Inventory.

(9) "Screening," as used in Subsection 58-60-502(9)(b) and (10)(b)(i), means a brief interview conducted in person or by other electronic means [telephone] used to determine [if there is a] the potential of a substance abuse problem and may include the use of. [If] When a potential problem is identified, the screening may include a referral for an initial assessment or a substance use disorder evaluation. The screening may also include a preliminary ASAM

Criteria recommendation in order to expedite the subsequent assessment and evaluation process. Screening instruments such as the SASSI may be included in the screening process.

(10) "Substance use disorder evaluation" means the process used to interpret information gathered from an initial assessment, other instruments as needed, and a face to face interview by a licensed mental health therapist in order to determine if an individual meets the DSM-IV or 5 criteria for substance abuse or dependence and is in need of treatment. If the need for treatment is determined, the substance use disorder evaluation process includes the determination of a DSM-IV or 5 diagnosis and the determination of an individualized treatment plan.

(11) "Substance use disorder education program," as used in Subsection 58-60-506(2)(b) and (5)(b), means college or university coursework at an accredited institution.

(*) "SUDC" means a substance use disorder counselor.

(20) "Supervision contract" means, a written, signed contract between a supervisor and a supervised individual to facilitate the completion of the supervised clinical training requirements for licensure and includes the provisions required by Subsection R156-60a-305b (3).

([10]21) "Supervised experience" as used in Subsection 58-60-506(2)(c) and (5)(c), means experience gathered under the general supervision of a license holder meeting the requirements of Subsection 58-60-508.

(22) "Supervisor Verification form" means the form provided by the Division to document who is providing supervision to a supervised individual, which at a minimum includes:

- (a) the name and license number of the supervised individual;
- (b) the name and license number of the supervisor; and
- (c) the supervised individual's place of employment.

(12) "Unprofessional conduct", as defined in Title 58 Chapters 1 and 60, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-60d-502.

~~[R156-60d-103. Authority—Purpose.~~

~~This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 60, Part 5.~~

~~R156-60d-104. Organization—Relationship to Rule R156-1.~~

~~The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.]~~

R156-60d-302a. Qualifications for Licensure - Education Requirements.

(1) ~~[In accordance with]~~ Under Subsection 58-60-506(2)(a)(iii) and (5)(a)(iii), ~~[two]~~ prerequisite courses ~~[shall be completed at an accredited institution and]~~ shall cover the following subjects:

- (a) human growth and development ~~[across the lifespan], completed at an accredited institution; [and]~~

- (b) general psychology, completed at an accredited institution; and
(c) a two hour suicide prevention course as described in section R156-60d-302d.
- (2) ~~[In accordance with]~~ Under Subsection 58-60-506(5)(a)(ii), completion of the equivalent of an associate's degree includes not less than 90 quarter or 60 semester credit hours of course work from accredited institutions of higher education that have accreditation recognized by the Council for Higher Education Accreditation (CHEA).

R156-60d-302b. Qualifications for Licensure - Supervised Experience Requirements.

- (1) ~~[In accordance with]~~ Under Subsection 58-60-506(2)(c), the 4,000 hours of supervised experience ~~[in substance use disorder treatment required to qualify an applicant]~~ for ~~[the]~~ an advanced substance use disorder counselor license shall ~~[consist of providing substance use disorder counseling services as defined in]~~ meet the requirements of Subsection 58-60-502(9).
- (2) ~~[In accordance with]~~ Under Subsection 58-60-506(5)(c), the 2,000 hours of supervised experience ~~[in substance use disorder treatment required to qualify an applicant]~~ for ~~[the]~~ a substance use disorder counselor license shall ~~[consist of providing substance use disorder counseling services as defined in]~~ meet the requirements of Subsection 58-60-502(10).
- (3) ~~[In accordance with]~~ Under Subsections 58-60-506(2)(c)(i) and 58-60-506(5)(c)(i), supervised experience shall be ~~[completed]~~ obtained:
- (a) ~~under direct supervision as defined in Section 58-60-502(3) and R156-60-102(4),~~ [by a supervisor who meets the requirements of Section 58-60-508 and Section R156-60-302; and
 - ~~(b) in accordance with Section R156-60-302, which requires a written supervision contract and establishes certain duties and responsibilities for the supervisor and supervisee.]~~
 - (b) while the applicant is a W-2 employee providing substance use disorder treatment at one of the following facilities:
 - (i) mental health agency;
 - (ii) in-patient or outpatient hospital;
 - (iii) educational institution;
 - (iv) non-profit organization; or
 - (v) government agency;
 - (c) in accordance with the supervised training requirements of Section R156-60d-305b;
 - (d) under a supervisor who meets the requirements of Subsection 58-60-508 and Section R156-60d-305a; and
 - (e) in not less than 18 months.
- (4) Notwithstanding section (3)(b), an individual may qualify for licensure when:
- (a) exempt under Subsection 58-1-307(1)(b); or
 - (b) they completed training in another jurisdiction while:
 - (i) licensed as the equivalent of a SUDC; or
 - (ii) engaged in the practice of providing substance use disorder treatment while not required to be licensed.

(5) The exemption in Subsection 58-1-307(1)(b) does not permit an applicant to engage in the required hours of substance use disorder treatment training without first becoming licensed as a SUDC.

R156-60d-302c. Qualifications for Licensure - Examination Requirements.

~~[In accordance with]~~ Under Subsections 58-60-506(1)(~~e~~d) and 58-60-115(5)(b), the following examinations ~~[required is]~~ will meet this requirement:

(1) for ~~[licensure as a]~~ certified advanced substance use disorder counselor ~~[and an]~~ or advanced substance use disorder counselor:

(a) ~~[the written NAADAC National Certification Exam Level II or MAC with a minimum criterion score set by NAADAC; or]~~ National Certified Addiction Counselor, Level II (NCACII) administered by the National certification Commissions for Addiction Professionals (NCC AP);

(b) Master Addiction Counselor (MAC) administered by the National certification Commissions for Addiction Professionals (NCC AP); or

~~(b)c~~ ~~[the written ICRC]~~ Advanced Alcohol and Drug Counselor (AADC) ~~[Examination with a minimum criterion score as set]~~ administered by the International Certification & Reciprocity Consortium (IC&RC).~~;~~~~and]~~

(2) for ~~[licensure as]~~ a certified substance use disorder counselor or substance use disorder counselor:

(a) ~~[the written NAADAC National Certification Exam Levels I, II or MAC with a minimum criterion score set by NAADAC; or]~~ National Certified Addiction Counselor, Level I (NCACI) administered by the National certification Commissions for Addiction Professionals (NCC AP);

(b) National Certified Addiction Counselor, Level II (NCACII) administered by the National certification Commissions for Addiction Professionals (NCC AP);

(c) Master Addiction Counselor (MAC) administered by the National certification Commissions for Addiction Professionals (NCC AP);

~~(b)d~~ ~~[the written ICRC]~~ Alcohol and Drug Counselor (ADC) administered by the International Certification & Reciprocity Consortium (IC&RC); or

(e) Advanced Alcohol and Drug Counselor (AADC) [Examination with a minimum criterion score as set by ICRC] administered by the International Certification & Reciprocity Consortium (IC&RC).

R156-60c-302d. Qualifications for Licensure - Suicide Prevention Course.

(1) Under Subsection 58-60-506(2)(a)(iii) and (5)(a)(iii), the two hour suicide prevention course required to obtain licensure shall be:

(a) approved, sponsored, or conducted by one of the following:

(i) accredited college or university;

(ii) county, state, or federal agency;

(iii) professional association, or similar body, involved in clinical mental health therapy or substance use disorder treatment; or

- (iv) mental health agency that provides clinical mental health services or substance use disorder treatment;
 - (b) relevant to mental health, substance use, and suicide prevention, consistent with the laws of this state, and include one or more of the following components:
 - (i) suicide concepts and facts;
 - (ii) suicide risk assessment, crisis intervention, and first aid;
 - (iii) evidence-based intervention for suicide risk;
 - (iv) continuity of care and follow-up services for suicide risk; and
 - (v) therapeutic alliances for intervention in suicide risk;
 - (c) completed in not less than 50-minute blocks of time in one of the following formats:
 - (i) classroom lecture and discussion;
 - (ii) workshops;
 - (iii) synchronous webinars;
 - (iv) asynchronous online self-paced modules;
 - (v) case study reviews; or
 - (vi) simulations;
 - (d) completed within two years of application.
- (2) The course provider shall provide certification of:
 - (a) course attendance;
 - (b) hours completed;
 - (c) name of provider; and
 - (d) date of completion.
- (3) An applicant for licensure shall submit certification of course completion, within the preceding two years, to the Division as a prerequisite for licensure.

R156-60d-303. Renewal ~~[Cycle—Procedures]~~ and Reinstatement of License.

(1) ~~[In accordance with]~~ Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to license[e]s under Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act, is established ~~[by rule in Sub]~~ in section R156-1-308a~~[(1)]~~.

(2) Renewal and reinstatement procedures shall be in accordance with Section R156-1-308~~[e]~~a through R156-1-308l, except as provided in Section (3).

(3) Under Subsection 58-1-308(6)(a) and Section R156-1-308g, an applicant for reinstatement of licensure as a clinical mental health counselor whose license has been expired over five years, shall upon request:

- (a) meet with the Board to evaluate the applicant's ability to safely and competently practice substance use disorder treatment; and
- (b) if recommended by the Board, complete one or more of the following:
 - (i) establish a plan of supervision under an approved supervisor, which may include up to 2,000 hours of substance use disorder treatment training as an SUDC before qualifying for reinstatement of the ASUDC license;
 - (ii) retake and pass an examination required in Section R156-60d-302c; or
 - (iii) complete up to 40 hours of continuing education in subjects determined by the Board.

R156-60d-304. Continuing Education.

~~[In accordance with] (1) Under~~ Section 58-60-105, the continuing ~~professional~~ education (CE) requirements for ~~each two-year renewal cycle beginning October 1 of each even-numbered year, for a [substance use disorder counselor] individual~~ licensed under Title 58, Chapter 60, Part 5 ~~[are established in Section R156-60-105.]~~, shall:

~~(a) be completed by an individual as follows:~~

~~(i) 20 hours for CSUDC;~~

~~(ii) 40 hours for SUDC;~~

~~(iii) 20 hours for CASUDC; or~~

~~(iv) 40 hours for ASUDC~~

~~(b) include:~~

~~(i) six hours in ethics of substance use disorder treatment, law, or technology; and~~

~~(ii) two hours in suicide prevention, this course shall meet the requirements of Section R156-60a-302f.~~

~~(2) An individual who completes more than the required number of CE hours during a two-year renewal cycle may carry over excess hours to the next two-year renewal cycle, as follows:~~

~~(a) five hours for a CSUDC or CASUDC; or~~

~~(b) ten hours for a SUDC or ASUDC.~~

~~(3) CE shall be:~~

~~(a) approved, conducted, or under the sponsorship of one of the following:~~

~~(i) accredited college or university;~~

~~(ii) county, state, or federal agency;~~

~~(iii) professional association, or similar body, involved in clinical mental health therapy or substance use disorder treatment; or~~

~~(iv) mental health agency that provides clinical mental health services or substance use disorder treatment;~~

~~(b) completed in not less than 50-minute blocks of time in one of the following formats:~~

~~(i) college or university lecture and discussion up to a maximum of:~~

~~(A) three CE hours per semester hour; or~~

~~(B) 1.5 CE per quarter hour;~~

~~(ii) conference;~~

~~(iii) lecture or instruct up to a maximum of two times per course, up to a maximum of:~~

~~(A) five hours for a CSUDC or CASUDC; or~~

~~(B) ten hours for a SUDC or ASUDC.~~

~~(iii) seminar;~~

~~(iv) training session;~~

~~(v) synchronous distance learning course that is clearly documented as real-time and interactive;~~

~~(vi) asynchronous distance learning course that is not real-time and interactive, up to a maximum of:~~

~~(A) eight hours for a CSUDC or CASUDC; or~~

(B) 15 hours for a SUDC or ASUDC.

(vii) specialty certification;

(viii) direct supervision of a CSUDC or CASUDC completing the experience requirements for licensure, up to a maximum of ten hours for a SUDC or ASUDC; or

(ix) volunteer service on a board, committee, or in a leadership role in any state, national, or international organization for the development and improvement of the licensee's profession; one CE hour may be counted as a regular credit, ethics, law, or technology credit, up to a maximum of six CE hours during each two-year period.

(c) prepared and presented by individuals who are qualified by education, training, and experience to provide CE.

(d) relevant to the licensee's scope of practice; and

(e) verified by a certificate of course completion which shall include:

(i) name of the attendee;

(ii) name of course provider;

(iii) name of instructor;

(iv) date of the course;

(v) title of the course;

(vi) number of CE hours;

(vii) course objectives; and

(viii) type of CE, e.g., seminar, real-time interactive, distance learning, teaching.

(4) An individual shall maintain adequate documentation as proof of compliance with this section for a period of two years after the end of the renewal cycle for which the CE is due.

(5) An individual may not carry forward any CE hours received prior to a granted license, including professional upgrades.

(6) CE hours shall be decreased proportionately according to the date of licensure within the two-year renewal cycle.

(7) The Division may defer or waive CE requirements in accordance with Section R156-1-308d.

~~[R156-60d-307. License Reinstatement—Requirements.~~

~~In accordance with Subsection 58-1-308(5) and subject to Section R156-1-308g, an applicant for reinstatement of a license more than two years after the date the license expired shall:~~

~~(1) meet with the Board upon request for the purpose of evaluating the applicant's current ability to engage safely and competently in practice as a substance use disorder counselor and to make a determination of any additional education, experience or examination requirements that will be required before reinstatement;~~

- ~~(2) pass the examination required in Section R156-60d-302e if it is determined necessary by the Board to demonstrate the applicant's ability to engage safely and competently in practice as a substance use disorder counselor; and~~
- ~~(3) complete at least 40 hours of continuing education in subjects determined by the Board as necessary to ensure the applicant's ability to engage safely and competently in practice as a substance use disorder counselor.]~~

R156-60d-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) using the abbreviated title of ASUDC unless licensed as an advanced substance use disorder counselor.
- (2) using the abbreviated title of CASUDC unless licensed as a certified advanced substance use disorder counselor.
- (3) using the abbreviated title of CASUDCI unless licensed as a certified advanced substance use disorder counselor intern.
- (4) using the abbreviated title of CSUDCI unless licensed as a certified substance use disorder counselor intern.
- (5) using the abbreviated title of CSUDC unless licensed as a certified substance use disorder counselor.
- (6) using the abbreviated title of SUDC unless licensed as a substance use disorder counselor.
- (7) engaging in or aiding or abetting conduct or practices that are dishonest, deceptive, or fraudulent;
- (8) engaging in or aiding or abetting deceptive or fraudulent billing practices;
- (9) failing to establish and maintain professional boundaries with a client or former client;
- (10) engaging in dual or multiple relationships with a client or former client in which there is a risk of or potential harm to the client;
- (11) engaging in sexual activities or sexual contact with a client with or without the client's consent;
- (12) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services, even if there is no risk of exploitation or potential harm to the client;
- (13) engaging in sexual activities or sexual contact with a client's relative or another individual with whom the client maintains a personal relationship, if there is a risk of exploitation or potential harm to the client;
- (14) embracing, massaging, cuddling, caressing, or performing any other act of physical contact with a client, if there is a risk of exploitation or potential harm to the client resulting from the contact;
- (15) engaging in or aiding or abetting sexual harassment or any conduct that is exploitive or abusive with respect to a student, trainee, employee, or colleague with whom the licensee has supervisory or management responsibility;
- (16) failing to exercise professional discretion and impartial judgment required for the performance of professional activities, duties, and functions;
- (17) exploiting a client or former client for personal gain;
- (18) exploiting a person who has a personal relationship with a client for personal gain;

- (19) failing to maintain client records including records of assessment, treatment, progress notes, and billing information for a period of not less than ten years from the documented termination of services to the client;
- (20) failing to provide client records in a reasonable time upon written request of the client, or the client's legal guardian;
- (21) failing to obtain informed consent from the client or the client's legal guardian before taping, recording, or permitting third-party observations of client activities or records;
- (22) failing to protect the confidences of persons named or identified in the client records;
- (~~1~~)23) failing to abide by Code of Ethics of the National Association for Alcoholism and Drug Abuse Counselors [~~violating of any provision of the~~] (NAADAC), the Association for Addiction Professionals [~~(October 9, 2016) NAADAC~~] and the National Certification Commission for Addiction Professionals (NCC AP) [~~Code of Ethics~~], January 1, 2021, edition which is hereby incorporated by reference;
- ~~(2) violating any provision applicable to a supervisor under Section 58-60-508 or Section R156-60-302;~~
- ~~(3) violating any provision applicable to a supervisee under Section R156-60-302; or~~
- (24) directing one's mental health therapist supervisor to engage in a practice that would violate any statute, rule, or generally accepted professional or ethical standard of the supervisor's profession.
- (25) failing to follow the Model Standards of Practice for Child Custody Evaluation of the Association of Family and Conciliation Courts (AFCC) May 2006, which is hereby incorporated by reference;
- (26) if providing services remotely, failing to:
- (a) practice according to professional standards of care in the delivery of services;
 - (b) protect the security of electronic confidential data and information; or
 - (c) appropriately store and dispose of electronic confidential data and information;
- (27) violating any provision of Section R156-60d-305a regarding supervisor experience; or
- (28) violating any provision of Section R156-60d-305b as a supervisor or supervised individual.

KEY: licensing, substance use disorder counselors

Date of Enactment or Last Substantive Amendment: November 10, 2020

Notice of Continuation: July 14, 2020

Authorizing, and Implemented or Interpreted Law: 58-60-501; 58-1-106(1)(a); 58-1-202(1)(a)

