R156. Commerce, Occupational and Professional Licensing.
R156-60. Mental Health Professional Practice Act Rule.
R156-60-101. Title.

This rule is known as the "Mental Health Professional Practice Act Rule."

R156-60-102. Definitions.

In addition to the definitions regarding mental health professional 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:

(1) "Approved diagnostic and statistical manual for mental disorders" means the following:

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

(b) 2015 ICD-10-CM for Physicians, Professional Edition published by the American Medical Association; or

(c) ICD-10-CM 2019: The Complete Official Draft Code Set published by the American Medical Association.

(2) "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) "Direct supervision" of a supervisee in training, as used in Subsections 58-60-205(1)(f), 58-60-305(1)(f), 58-60-405(1)(f), and 58-60-502(3) means the supervisor meets with the supervisee:

(a) when both are physically present in the same room at the same time; or

(b) remotely via real-time electronic methods that allow for visual and audio interaction between the supervisor and supervisee, in accordance with the requirements of their supervision contract.

(4) "Employee" means a W-2 employee as defined by the Internal Revenue Service.

(5) "General supervision" means that 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.

(6) "On-the-job training program" 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 agency engaged in mental health therapy or substance use disorder counseling; 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) "Supervision contract" means a written, signed contract between a supervisor and a supervisee to complete supervised training requirements for licensure, which includes the provisions required by Subsection R156-60-302(1).

(8) "Supervision form" means the form provided by the Division to document ongoing supervision, which at minimum includes:

(a) the dates and duration of supervisory meetings;

(b) the format of supervisory meetings;

(c) the location of supervisory meetings;

(d) an evaluation of supervisee performance; and

(e) confirmation that the meetings took place.

(9) "Verification of supervision form" means the form provided by the Division to document who is providing supervision to the supervisee, which at minimum includes:

(a) the name and license number of the supervisee;

(b) the name and license number of the supervisor; and

(c) the supervisee's place of employment.

R156-60-103. 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.

R156-60-104. 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.

R156-60-105. Continuing Education.

In accordance with Section 58-60-105, the continuing professional education (CE) requirements for each two-year renewal cycle commencing on October 1 of each even-numbered year, are established as follows:

(1) An individual licensed under Title 58, Chapter 60 shall complete at least 40 CE hours, or 20 hours for an SSW or CSW, to include:

(a) six hours of education in ethics, law, or technology;

(b) two hours of training in suicide prevention in accordance with Section R156-60-205; and

(c) for a marriage and family therapist, the following required hours under this subsection shall be directly related to marriage and family therapy:

(i) at least 15 hours of the 40 CE hours; and

(ii) at least three hours of the six hours in ethics, law, or technology.

(2) A licensee 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) for an SSW or CSW, up to five hours of the excess; and

(b) for other licensees, up to ten hours of the excess.

(3) A licensee may not carry forward any CE hours received prior to being granted a license, including professional upgrades.

(4) If a licensee first becomes licensed during the two-year renewal period, the licensee's required number of CE hours shall be decreased proportionately according to the date of licensure.

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

(6) CE shall:

(a) be relevant to the licensee's scope of practice;

(b) have a method of verification of attendance and completion;

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

(d) be approved by, conducted by, or under the sponsorship of one of the following:

(i) a recognized accredited college or university;

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

(iii) a professional association or similar body involved in mental health therapy;

(iv) a mental health agency that provides mental health services; or

(v) the Division.

(7) A licensee may recognize CE credit as follows:

(a) for the following forms of education, one CE hour for each 50 minutes of education:

(i) lectures;

(ii) seminars;

(iii) conferences;

(iv) training sessions;

(v) real-time, interactive distance learning courses that are clearly documented as real-time and interactive; and

(vi) specialty certifications;

(b) for college or university credit courses directly related to the licensee's scope of practice, three CE hours per semester hour, or 1.5 CE hours per quarter hour;

(c) for distance learning courses that are not real-time and interactive, one hour of CE for each hour, up to a maximum of:

(i) 15 CE hours for an LCSW;

(ii) eight hours for an SSW or CSW;

(iii) 15 CE hours for an MFT;

(iv) ten CE hours for a CMHC; and

(v) 15 CE hours for a SUDC;

(d)(i) for each hour of lecturing or instructing a CE course or teaching in a college or university in the licensee's profession, two CE hours, or one hour for an SW, up to a maximum of:

(A) ten CE hours for an LCSW;

(B) five CE hours for an SSW or CSW;

(C) 14 CE hours for an MFT;

(D) ten CE hours for a CMHC; and

(E) ten CE hours for a SUDC;

(ii) credit may be granted for lecturing or instructing the same course up to two times;

(e) for each hour of certifiable clinical readings, one CE hour, up to a maximum of:

(i) 15 CE hours for a MFT;

(ii) 15 CE hours for a SUDC; and

(iii) ten hours for a CMHC;

(f) for each hour of direct supervision of an individual completing the experience requirement for licensure in a mental health therapist classification under Title 58, Chapter 60, one CE hour, up to a maximum of:

(i) 14 CE hours for a MFT; and

(ii) ten CE hours for a CMHC; and

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

(8) A licensee 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. At minimum, the documentation for each course taken shall include:

(a) name of attendee;
(b) name of course provider;
(c) name of instructor;
(d) date of course;
(e) title of course;
(f) number of CE hours;
(g) course objectives; and
(h) type of CE albeit a seminar, real-time interactive distance learning, teaching.

R156-60-205. Qualifications for Licensure and License Renewal - Suicide Prevention Course.

The minimum two-hour suicide prevention course required as a qualification for licensure by Subsections 58-60-205(1)(e)(iii) for a social worker, 58-60-305(1)(e)(iv) for a marriage and family therapist, 58-60-405(1)(e)(iv) for a clinical mental health counselor, and 58-60-506(5)(b)(ii) for a substance use disorder counselor, and the minimum two-hour suicide prevention course required as a condition of license renewal by Subsection 58-60-105(3), shall meet the following standards:

(1) The course shall be approved by, conducted by, or under the sponsorship of one of the following:
(a) a recognized accredited college or university;
(b) a county, state, or federal agency;
(c) a professional association or similar body involved in mental health therapy; or
(d) a mental health agency that provides mental health services.

(2) The content of the course shall be relevant to mental health therapy, suicide prevention, consistent with the laws of this state, and include one or more of the following components:

(a) suicide concepts and facts;
(b) suicide risk assessment, crisis intervention, and first aid;
(c) evidence-based intervention for suicide risk;
(d) continuity of care and follow-up services for suicide risk; and
(e) therapeutic alliances for intervention in suicide risk.

(3) Each hour of education shall consist of 50 minutes of education in the form of classroom lectures and discussion, workshops, webinars, online self-paced modules, case study review, or simulations.

(4) The course provider shall document and verify course attendance and completion.

(5)(a) An applicant for licensure shall submit evidence of course completion to the Division as a prerequisite for licensure.

(b) A licensee renewing their license shall maintain adequate documentation of course completion as required by Subsection R156-60-105(8).

R156-60-302. Supervised Training Requirements - Supervision Contract - Duties and Responsibilities of Supervisor and Supervisee.

The supervised training qualifications for licensure required by Subsections 58-60-204(1)(e)(ii) and (1)(f) for a social worker, Subsections 58-60-305(1)(e)(ii) and (1)(f) for a marriage and family therapist, Subsections 58-60-405(1)(d)(ii) and (1)(e) for a clinical mental health counselor, and Subsections 58-60-506(2)(c) and (5)(c) for a substance use disorder counselor, are established and clarified as follows:

(1) Prior to beginning supervised training:
(a) the prospective supervisor and supervisee shall enter into a written supervision contract signed by both parties; and
(b) the prospective supervisor shall submit to the Division:
(i) a complete verification of supervision form; and
(ii) certification that the supervision contract meets the requirements of Section R156-60-302.

(2) A supervisee may not count any supervised training towards their supervision requirement until the Division notifies the supervisor it has received the verification of supervision form.

(3) A supervision contract shall include at least the following provisions:
(a) duties and responsibilities of the supervisor;
(b) duties and responsibilities of the supervisee;
(c) a plan to ensure accessibility of the supervisor to the supervisee;
(d) a plan for meetings between the supervisor and supervisee, addressing:
(i) frequency;
(ii) duration;
(iii) objectives;
(iv) format, such as individual or small group; and
(v) location, such as face-to-face or remotely;

(e) a plan for documenting the ongoing supervision using the Division-provided supervision form, including objective and measurable circumstances where the supervisor will sign supervision forms;

(f) a plan to address potential conflicts between the clinical recommendations of the supervisor and those of the representatives of the agency employing the supervisee;

(g) remedies in the event of breach of contract by either the supervisor or supervisee, including procedures for contract termination; and

(h) if any part of the supervision will be conducted remotely, plans for:

(i) how the supervisor and supervisee will meet via real-time electronic methods allowing visual or audio interaction, and protect the security of electronic, confidential data and information;

(ii) how the supervisor will comply with the supervisor's duties and responsibilities as established in rule;

(iii) how the supervisor will physically visit the location where the supervisee practices on at least a quarterly basis during the period of supervision, or at such lesser frequency as is approved in advance by the Division in collaboration with the Board; and

(iv) how notice will be provided to the supervisee's clients or patients and employer regarding the supervisee's use of remote supervision.

(4) A supervisor shall have the following duties and responsibilities:

(a) prior to beginning any supervised training:

(i) ensure that the supervisor and supervisee:

(A) are both appropriately licensed;

(B) enter into a written supervision contract together in accordance with Subsection (3);

(ii) submit to the Division the verification of supervision form; and

(iii) receive notice from the Division that it has received the supervision form;

(b) ensure that during the period of supervised training:

(i) the supervisee is employed as a W-2 employee by a public or private mental health agency;

(ii) the supervisor and supervisee remain appropriately licensed; and

(iii) the supervisor supervises no more than the maximum number of supervisees allowed by the licensee's licensing act or rule;

(c) comply with the terms of the supervision contract;

(d) maintain a relationship with the supervisee in which the supervisor is independent from control by the supervisee, and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;

(e) be available to the supervisee for advice, consultation, and direction consistent with the standards and ethics of the profession and the requirements suggested by the total circumstances, including consideration of the supervisee's level of training, diagnosis of patients, and other factors known to the supervisee and supervisor;

(f) periodically review the client records assigned to the supervisee;

(g) comply with the confidentiality requirements of Section 58-60-114;

(h) monitor the supervisee's performance for compliance with the laws, rules, standards, and ethics of the profession, and report violations to the Division; and

(i) upon completion of the supervised training, submit to the Division on the Division-provided supervision forms:

(i) documentation of the training hours completed by the supervisee; and

(ii) an evaluation of the supervisee with respect to the quality of the work performed and the supervisee's competency to practice in the profession.

(5) A supervisee shall have the following duties and responsibilities:

(a) prior to beginning any supervised training:

(i) enter into a written supervision contract with the supervisor in accordance with Subsection (3); and

(ii) ensure the required verification of supervision form is received by the Division;

(b) maintain required licensure;

(c) maintain employment as a W-2 employee with a public or private mental health agency;

(d) comply with the terms of the supervision contract;

(e) maintain a relationship with the supervisor in which the supervisor is independent from the supervisee's control, and in which the ability of the supervisor to supervise and direct the practice of the supervisee is not compromised;

(f) be professionally responsible for the acts and practices of the supervisee that are a part of the required supervised training;

(g) comply with the confidentiality requirements of Section 58-60-114; and

(h) comply with applicable laws, rules, standards, and ethics of the profession.

(6) A supervisor shall notify the Division in writing of any of the following changes, within 30 days of the change:

(a) termination of a supervision contract; or

(b) a change in the supervisee's placement of employment.

(7)(a) If a supervisor does not support issuance of a license to a supervisee to practice unsupervised, or if the supervisor has other concerns regarding the supervisee that the supervisor believes requires input from the Division and Board, the supervisor shall submit to the Division a written explanation outlining the supervisor's concerns.

(b) Upon receipt of written concerns from a supervisor with respect to a supervisee, the Division:

(i) shall provide the supervisee an opportunity to respond in writing to the Division regarding the supervisor's concerns;

(ii) shall review the written statements from the supervisor and supervisee with the Board; and

(iii) in consultation with the Board, may require the supervisee to obtain additional supervised hours, education, and training.

R156-60-502. Unprofessional Conduct.

"Unprofessional conduct" includes:

(1) if providing services remotely:

(a) failing to practice according to professional standards of care in the delivery of services remotely;

(b) failing to protect the security of electronic, confidential data and information; or

(c) failing to appropriately store and dispose of electronic, confidential data and information;

(2) 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 incorporated by reference; or

(3) violating a provision of Section R156-60-302 regarding supervised training.

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