

**R156. Commerce, Occupational and Professional Licensing.**

**R156-60c. Clinical Mental Health Counselor Licensing Act Rule.**

**R156-60c-101. Title.**

This rule is known as the "Clinical Mental Health Counselor Licensing Act Rule".

**R156-60c-102. Definitions.**

In addition to the definitions regarding clinical mental health counseling 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) "Deficiency," as used in Subsection 58-60-117(1)(d), means that the educational degree upon licensure is to be based fails to include coursework listed in any one or more of Subsections R156-60c-102a(4)(b)(i) through (ix) and R156-60c-102a(4)(c).
- (2) "Internship" means:
  - (a) one or more courses completed as part of a program at an accredited school:
    - (i) in a public or private agency engaged in the clinical practice of mental health therapy as defined in Subsection 58-60-102(7); and
    - (ii) under supervision provided by a qualified mental health training supervisor as defined in Section R156-60c-302a.
  - (3) "Practicum" means:
    - (a) one or more courses completed as part of a program at an accredited school:
      - (i) in a public or private agency engaged in the clinical practice of mental health therapy as defined in Subsection 58-60-102(7); and
      - (ii) under supervision provided by a qualified mental health training supervisor as defined in Section R156-60c-302a(3)(a) through R156-60c-302a(3)(c).
    - (4) "Equivalent field," as used in Section 58-60-405, means that the educational program:
      - (a) prepares students to practice mental health counseling through the study of generally recognized clinical mental health counseling principles, methods, and procedures;
      - (b) contains graduate level courses in the following subjects:
        - (i) social and cultural diversity;
        - (ii) group counseling and group work;
        - (iii) human growth and development;
        - (iv) career development;
        - (v) counseling and helping relationships;
        - (vi) substance-related and addictive disorders;
        - (vii) assessment and testing;
        - (viii) mental status examination and the appraisal of DSM maladaptive and psychopathological behavior; and
        - (ix) research and program evaluation; and
      - (c) includes 700 documented hours of supervised clinical training from at least one practicum or internship, of which 240 hours consists of providing therapy directly to clients.
    - (5) "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 R156-60c-502.

**R156-60c-103. Authority - Purpose.**

This rule is adopted by the Division under the authority of Subsection 58-1-106(1) to enable the Division to administer Title 58, Chapter 60, Part 4.

**R156-60c-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.

**R156-60c-302a. Qualifications for Licensure - Supervised Training Requirements.**

- (1) The clinical mental health counselor and mental health therapy training qualifying an applicant for licensure as a clinical mental health counselor under Subsections 58-60-405(1)(d) and (e) and Section R156-60-302 shall be completed:
  - (a) in not less than two years;
  - (b) while the applicant is licensed as a licensed associate clinical mental health counselor;
  - (c) while the applicant is a W-2 employee, as defined in Subsection R156-60-102(5), of a public or private agency engaged in mental health therapy; and
  - (d) under a program of supervision by a supervisor who meets the requirements of Subsection (3) and Section R156-60-302.
- (2) An applicant for licensure as a clinical mental health counselor who is not seeking licensure by endorsement based upon licensure in another jurisdiction, and who has completed the whole or part of the clinical mental health counselor and mental health therapy training requirements under Subsection (1) outside the state, may receive credit for that training completed outside of the state if the applicant demonstrates, by evidence satisfactory to the Division and Board, that the training is equivalent to and must meet the requirements for training under this Section and Subsections 58-60-405(1)(d) and 58-60-405(1)(e).
- (3) To qualify as a clinical mental health counselor training supervisor under Subsections 58-60-405(1)(d) and 58-60-405(1)(e), the supervisor shall:

(a) in accordance with Subsection 58-60-405(1)(d), be currently licensed in good standing as a clinical mental health counselor, psychiatrist, psychologist, clinical social workers, registered psychiatric mental health nurse specialist, marriage and family therapist, or physician, in the state where the supervised training is performed;

(b) for at least 4,000 hours in the two consecutive years prior to beginning supervised training, have been licensed in good standing and engaged in the lawful practice of mental health therapy;

(c)(i) be employed by or have a contract with the mental health agency that employs the supervisee; and

(ii) comply with R156-60-302(4)(d) by 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;

(d) enter into a written supervising contract with the supervisee in accordance with Section R156-60-302;

(e) supervise no more than six individuals who are lawfully engaged in training for the practice of mental health therapy, unless granted an exception in writing from the Division in collaboration with the Board, unless otherwise approved by the Division in collaboration with the Board; and

(f) comply with each of the duties and responsibilities uniformly established in Section R156-60-302.

**R156-60c-302b. Qualifications for Licensure - Examination Requirements.**

In accordance with Subsection 58-60-405(1)(f), an applicant for licensure as a clinical mental health counselor shall pass the following National Board for Certified Counselors (NBCC) examinations:

(1) the National Clinical Mental Health Counseling Examination (NCMHCE); and

(2) the National Counselor Examination (NCE).

**R156-60c-302c. Qualifications for Licensure - Post Degree Programs.**

(1) If an applicant's qualifying degree upon licensure is to be based contains a deficiency as defined in Subsection R156-60c-102(1), the applicant may complete these requirements post-degree to obtain licensure, if:

(a) such coursework is completed through:

(i) a master's or doctorate degree conferred to the applicant in clinical mental health counseling, clinical rehabilitation counseling, or counselor education and supervision from a program accredited by CACREP; or

(ii) a master's or doctorate program in clinical mental health counseling or an equivalent field from a program affiliated with an institution that has accreditation recognized by CHEA;

(b) coursework is taken and passed for full credit; and

(c) no more than 12 semester or 18 quarter credits are passed for the licensure.

(2) An individual who qualifies to complete requirements post-degree under this section, and who qualifies for temporary licensure as an associate clinical mental health counselor extern under Section 58-60-117, may engage in clinical mental health counseling.

**R156-60c-303. Renewal Cycle - Procedures.**

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licenses under Title 58, Chapter 60, is established by rule in Section R156-1-308a.

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

**R156-60c-304. Continuing Education.**

(1) In accordance with Section 58-60-105, the continuing professional education requirements for a clinical mental health counselor licensed under Title 58, Chapter 60, Part 4 are established in Section R156-60-105.

**R156-60c-306. License Reinstatement - Requirements.**

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

(1) upon request, meet with the Board to evaluate the applicant's ability to safely and competently practice as a clinical mental health counselor, and determine any additional education, experience, or examination requirements before reinstatement;

(2) upon the recommendation of the Board, establish a plan of supervision under an approved supervisor, which may include up to 4,000 hours of clinical training as an associate clinical mental health counselor extern;

(3) pass the NBCC's National Counseling Examination, if the Board determines it is necessary to demonstrate the applicant's ability to safely and competently practice as a clinical mental health counselor;

(4) pass the NBCC's National Clinical Mental Health Counseling Examination, if the Board determines it is necessary to demonstrate the applicant's ability to safely and competently practice as a clinical mental health counselor; and

(5) complete a minimum of 40 hours of continuing education in subjects determined by the Board as necessary to ensure the applicant's ability to safely and competently practice as a clinical mental health counselor.

**R156-60c-502. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) acting as a supervisor or accepting supervision duties of a supervisor without complying with or ensuring compliance with the requirements of Sections R156-60-302 and R156-60c-302a;

- (2) engaging in the supervised practice of mental health therapy while not in compliance with Sections R156-60-302 or R156-60c-302a;
- (3) engaging in or aiding or abetting conduct or practices that are dishonest, deceptive, or fraudulent;
- (4) engaging in or aiding or abetting deceptive or fraudulent billing practices;
- (5) failing to establish and maintain appropriate professional boundaries with a client or former client;
- (6) engaging in dual or multiple relationships with a client or former client in which there is a risk of exploitation or potential harm to the client;
- (7) engaging in sexual activities or sexual contact with a client with or without client consent;
- (8) engaging in sexual activities or sexual contact with a former client within two years of documented termination of services;
- (9) engaging in sexual activities or sexual contact at any time with a former client who is especially vulnerable or susceptible to being disadvantaged because of the client's personal history, current mental status, or any condition that could reasonably be expected to place the client at a disadvantage recognizing the power imbalance that exists or may exist between the counselor and the client;
- (10) engaging in sexual activities or sexual contact with a client's relative or other individual with whom the client maintains a relationship, if that individual is especially vulnerable or susceptible to being disadvantaged because of personal history, current mental status, or any condition that could reasonably be expected to place that individual at a disadvantage recognizing the power imbalance that exists or may exist between the counselor and that individual;
- (11) engaging in physical contact with a client if there is a risk of exploitation or potential harm to the client resulting from the contact;
- (12) 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;
- (13) failing to render impartial, objective, and informed services, recommendations or opinions with respect to custodial or parental rights, divorce, domestic relationships, adoptions, sanity, competency, mental health, or any other determination concerning an individual's civil or legal rights;
- (14) exploiting a client for personal gain;
- (15) using a professional client relationship to exploit a person that is known to have a personal relationship with a client for personal gain;
- (16) failing to maintain appropriate client records for a period of not less than ten years from the documented termination of services to the client;
- (17) failing to obtain informed consent from the client or legal guardian before taping, recording, or permitting third party observations of client care or records;
- (18) failing to cooperate with the Division during an investigation; and
- (19) failing to abide by the provisions of the American Mental Health Counselors Association Code of Ethics, 2020, which is adopted and incorporated by reference.

**KEY: licensing, counselors, mental health, clinical mental health counselor**

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

**Notice of Continuation: September 5, 2019**

**Authorizing, and Implemented or Interpreted Law: 58-60-401; 58-1-106(1)(a); 58-1-202(1)(a)**