

State of Utah
Administrative Rule Analysis

NOTICE OF PROPOSED RULE

- * The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- * Please address questions regarding information on this notice to the agency.
- * The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- * The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:

39519

Date filed:

7-16-2019

State Admin Rule Filing Id:

Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 60c	-
Changed to Admin. Code Ref (R no.):	R	-	-

- Agency:** Commerce/Division of Occupational and Professional Licensing
Room no.:
Building: Heber M. Wells Building
Street address 1: 160 East 300 South
Street address 2:
City, state, zip: Salt Lake City UT 84111-2316
Mailing address 1: PO Box 146741
Mailing address 2:
City, state, zip: Salt Lake City UT 84114-6741
Contact person(s):

Name:	Phone:	Fax:	E-mail:
Dane Ishihara	801-530-7632	801-530-6511	dishihara@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

- Title of rule or section (catchline):**
Clinical Mental Health Counselor Licensing Act Rule
- Type of notice:**
New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___
- Purpose of the rule or reason for the change:**
The Division and Clinical Mental Health Counselor Licensing Board reviewed this rule and determined the following changes need to be made. The purpose of this filing is to: (1) allow licensees to roll over up to 10 hours of continuing education; and (2) remove the National Counseling Examination of the National Board for Certified Counselors as a requirement for licensure. The Board determined that the National Clinical Mental Counseling Examination of the National Board for Certified Counselors adequately evaluates an applicant's knowledge and two examinations are not needed.
- This change is a response to comments from the Administrative Rules Review Committee.**

No XXX; Yes _____

6. Summary of the rule or change:

Section 302c: The National Counseling Examination of the National Board for Certified Counselors is removed as a requirement for licensure. Section 304: Amendments to this section allow a licensee to use up to ten hours of excess continuing education hours in the next two-year renewal cycle. Also, new language clarifies that education completed prior to receiving a Utah license may not be used to satisfy the continuing education requirements.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ; Yes XXX

The Division will incur minimal costs of approximately \$75.00 to print and distribute the rule once the proposed amendments are made effective. Any costs incurred will be absorbed in the Division's current budget.

B) Local government:

Affected: No XXX; Yes

The proposed amendments apply only to licensees in Title 58, Chapter 60, Part 4, the Clinical Mental Health Counselor Licensing Act, and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to local governments.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No XXX; Yes

The proposed amendments apply only to licensees in Title 58, Chapter 60, Part 4, the Clinical Mental Health Counselor Licensing Act, and applicants for licensure in those classifications. As a result, the proposed amendments do not apply to small businesses.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No ; Yes XXX

The proposed amendments should have no increased compliance cost or impact for clinical mental health counselors or associate clinical mental health counselors. Due to the addition of the ability of licensees to carry over up to 10 hours of excess continuing education hours, there may be a cost saving to a licensee because the licensee may save costs by not having to take additional continuing education courses in a particular two-year renewal period. Due to a wide range of circumstances with respect to obtaining continuing education hours, these savings cannot be estimated. It should also be noted that applicants for licensure as a clinical mental health counselor will also save an examination fee of \$195.00 by not being required to take a second national examination. No fiscal impact to any other persons is anticipated.

8. Compliance costs for affected persons:

The proposed amendments should have no increased compliance cost or impact for clinical mental health counselors or associate clinical mental health counselors. Due to the addition of the ability of licensees to carry over up to 10 hours of excess continuing education hours, there may be a cost saving to a licensee because the licensee may save costs by not having to take additional continuing education courses in a particular two-year renewal period. Due to a wide range of circumstances with respect to obtaining continuing education hours, these savings cannot be estimated. It should also be noted that applicants for licensure as a clinical mental health counselor will also save an examination fee of \$195.00 by not being required to take a second national examination.

9. A) Comments by the department head on the fiscal impact the rule may have on businesses:

This filing modifies the clinical mental health counselor and associate clinical mental health counselor continuing education requirement so as to allow excess hours that are completed in one licensing period to count toward the subsequent licensing period. In addition, the filing eliminates a license examination that the Clinical Mental Health Counselors Licensing Board considers unnecessary. It is anticipated that individuals applying for licensure and license renewal will experience savings from this reduced regulation. No fiscal impact to businesses is anticipated.

B) Name and title of department head commenting on the fiscal impacts:

Francine A. Giani, Executive Director

10 This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.

State code or constitution citations (required) (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV):

Section 58-60-401

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

11 This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; if none, leave blank):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes		

(If this rule incorporates more than two items by reference, please attach additional pages)

12 The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):

09/16/2015

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):

09/15/2015

At (hh:mm AM/PM):

9:00 AM

At (place):

160 East 300 South, Conference Room
474, Salt Lake City, Utah

13 This rule change may become effective on (mm/dd/yyyy):

09/23/2015

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

14 Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:

licensing

counselors

mental health

clinical mental health counselor

15 Attach an RTF document containing the text of this rule change (filename):

R156-60c.pro

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

AGENCY AUTHORIZATION

Agency head or
designee, and title:

W. Ray Walker
Acting Director

Date
(mm/dd/yyyy)

: 07/16/2015

R156. Commerce, Occupational and Professional Licensing.
R156-60c. Clinical Mental Health Counselor Licensing Act Rule.
R156-60c-302c. Qualifications for Licensure - Examination Requirements.

~~[(1)]~~ Under Subsection 58-60-405(1)(g), an applicant for licensure as a clinical mental health counselor ~~[must]~~ shall pass the ~~[following examinations:~~

~~----- (a) the National Counseling Examination of the National Board for Certified Counselors, and~~

~~----- (b) the National Clinical Mental Health Counseling Examination of the National Board for Certified Counselors.~~

R156-60c-304. Continuing Education.

(1) There is hereby established a continuing education requirement for all individuals licensed under Title 58, Chapter 60, Part 4, as a clinical mental health counselor and ~~[licensed]~~ associate clinical mental health counselor.

(2) During each two year period commencing October 1st of each even numbered year, a clinical mental health counselor or licensed associate clinical mental health counselor shall complete at least ~~[be required to complete not fewer than]~~ 40 hours of continuing education directly related to the licensee's professional practice of which at least ~~[a minimum of]~~ six hours shall ~~[must]~~ be ~~[completed]~~ in ethics/law.

(3) The required number of hours of continuing education for an individual who first becomes licensed during the two year period shall be decreased ~~[in a pro-rata amount equal to any part of that two year period preceding the date on which that individual first became licensed]~~ proportionally, according to the date of licensure.

(4) Continuing education under this section shall:

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

(b) be prepared and presented by individuals who are qualified by education, training and experience to provide continuing education regarding clinical mental health counseling; and

(c) ~~[have a method of verification of]~~ document and verify attendance and completion.

(5) Credit for continuing education shall be recognized in accordance with the following:

(a) unlimited hours shall be recognized for continuing education completed in blocks of time of ~~[not less than]~~ at least one hour in formally established classroom courses, seminars, or conferences;

(b) a maximum of 10 hours per two year period may be recognized for teaching in a college or university, teaching qualified continuing education courses in the field of clinical mental health counseling, or ~~[supervision]~~ supervising of an individual completing ~~[his]~~ the experience requirement for licensure in a mental health therapist license classification;

and

(c) a maximum of 10 hours per two year period may be recognized for distance learning, clinical readings, or internet-based courses directly related to practice as a clinical mental health counselor [~~unless~~]or as otherwise approved by the Division.

(6) A licensee shall be responsible for maintaining competent records of completed continuing education for [~~a period of~~]at least four years after close of the two year period to which the records pertain. It is the responsibility of the licensee to maintain such information with respect to continuing education to demonstrate it meets the requirements under this section.

(7) A licensee who documents [~~he is~~]having engaged in full-time activities or is subjected to circumstances [~~which~~]that prevent [~~that~~]the licensee from meeting the continuing education requirements established under this Section may be excused from the requirement for a period of up to three years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

(8) If a licensee completes more than the required number of continuing education hours during a two-year renewal cycle specified in Subsection (2), up to ten hours of the excess may be carried over to the next two-year renewal cycle.

(9) No education received prior to licensure in Utah may be used towards the continuing education requirements of Subsection (2).

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

Date of Enactment or Last Substantive Amendment: [~~November 13, 2012~~]2015

Notice of Continuation: December 9, 2014

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