

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:		Date filed:	
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		-		-	

1.	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:	
	Rich Oborn	801-530-6767	801-530-6511	roborn@utah.gov	

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

2.	Title of rule or section (catchline):	Professional Counselor Licensing Act Rule			
3.	Type of notice:	New ___; Amendment XX; Repeal ___; Repeal and Reenact ___			
4.	Purpose of the rule or reason for the change:	During the 2012 Legislative Session, H.B. 496 was passed which modified Title 58, Chapter 60, the Mental Health Professional Practice Act. H.B. 496 changed the title of professional counselor to clinical mental health counselor throughout Title 58, Chapter 60. As a result, corresponding amendments need to be made in this rule. This filing also proposes changes to the education requirement and the continuing education requirement.			
5.	This change is a response to comments from the Administrative Rules Review Committee.	No XXX; Yes ___			
6.	Summary of the rule or change:				

The title of "professional counselor" is changed to "clinical mental health counselor" throughout the rule. Section 102: In paragraph (1), the definitions of the internship and practicum courses are modified. Text is removed due to further definition of these courses in Section 302a. The proposed rule expands on the definition of the practicum course to require that it be completed in a public or private agency engaged in the practice of mental health therapy and under the supervision of a qualified mental health therapist. These are standards that most programs already have in place. Section 302a: The proposed changes to Section 302a are intended to make the education requirements less restrictive and more consistent with the Council for Accreditation of Counseling and Related Educational Programs (CACREP) 2009 Standards. With this objective, the proposed rule creates two possible education tracks to licensure. The first track is completion of a master's or doctorate degree in clinical mental health counseling or counselor education and supervision from a program accredited by CACREP. The second track is completion of a master's or doctorate degree in clinical mental health counseling or an equivalent field from a program affiliated with an institution that has accreditation recognized by the Council for Higher Education Accreditation (CHEA). Many course titles are reworded to be consistent with course titles used in the CACREP 2009 Standards. The professional roles and functions course requirement is removed because courses in professional orientation and ethical practice sufficiently cover that topic. Because the number of semester or quarter credit hours required is decreased in several cases, the number of credit hours required in counseling-related course work is increased. Lists of examples of possible topics to be covered in courses were removed because the Board felt they were unnecessary. The practicum and internship requirements were combined because some programs only include one or the other. Paragraphs (3) and (4) were deleted because the Clinical Mental Health Counselor Licensing Board concluded that they were unnecessary. Paragraph (5) is removed because it restricts issuance of extern licenses beyond what is authorized in Section 58-60-117. Section 304: September 30 is the end of the renewal cycle, not the beginning. For this reason, the reference to September 30 is replaced with October 1 in paragraph (2). In Paragraph (5), the phrase "unless otherwise approved by the Division" is added to provide licensees in rural areas the option of requesting approval to complete more than ten contact hours of continuing education in distance learning courses.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No ___; Yes XX

The Division will incur minimal costs of approximately \$100 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 XX; Yes ___

The proposed amendments only apply to practicing professional counselors (clinical mental health counselors) and applicants for licensure in that category. As a result, the proposed amendments do not apply to local governments. Some licensees work in local government; however, the proposed amendments would not directly affect local governments.

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

Affected: No Yes XXX

The proposed amendments only apply to practicing professional counselors (clinical mental health counselors) and applicants for licensure in that category. The removal of paragraph (5) from Section 302a will allow some applicants with degrees in counseling related fields to obtain extern licenses. As a result, these applicants will likely become licensed and employed quicker which may translate into a financial benefit to small businesses that employ them.

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 XX

The proposed amendments only apply to practicing professional counselors (clinical mental health counselors) and applicants for licensure in that category. The consolidation of multiple course requirements may translate into cost savings for some applicants. The removal of paragraph (5) from Section 302a will allow applicants with degrees in counseling related fields to obtain extern licenses. As a result, these applicants will become licensed and employed quicker which may translate into financial benefit to them. The phrase "unless otherwise approved by the Division" is added to Section 304, paragraph (5) to provide licensees in rural areas the option of requesting approval to complete more than ten contact hours of continuing education in distance learning courses. This represents a potential cost savings for licensees in rural Utah.

8. Compliance costs for affected persons:

The proposed amendments only apply to practicing professional counselors (clinical mental health counselors) and applicants for licensure in that category. The consolidation of multiple course requirements may translate into cost savings for some applicants. The removal of paragraph (5) from Section 302a will allow applicants with degrees in counseling related fields to obtain extern licenses. As a result, these applicants will become licensed and employed quicker which may translate into financial benefit to them. The phrase "unless otherwise approved by the Division" is added to Section 304, paragraph (5) to provide licensees in rural areas the option of requesting approval to complete more than ten contact hours of continuing education in distance learning courses. This represents a potential cost savings for licensees in rural Utah.

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

In addition to changing references to meet new statutory amendments, this rule filing makes various amendments to the education and continuing education requirements as recommended by the Clinical Mental Health Counselor Licensing Board. Many of these changes are a cost-savings to applicants and licensees. However, no fiscal impact to businesses is anticipated from these amendments.

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):		10/31/2012
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
	10/15/2012	12:00 noon	160 East 300 South, Conference Room 475 (4th floor), Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):		11/07/2012
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 counselors	
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 <i>Utah State Bulletin</i> , and delaying the first possible effective date.			
AGENCY AUTHORIZATION			
Agency head or designee, and title:	Mark B. Steinagel, Director	Date (mm/dd/yyyy):	09/13/2012

R156. Commerce, Occupational and Professional Licensing.

R156-60c. [Professional]Clinical Mental Health Counselor Licensing Act Rule.

R156-60c-101. Title.

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

R156-60c-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, or this rule:

(1) "Internship" means:

(a) [900 clock hours of supervised counseling experience of which 360 hours must be in the provision of mental health therapy]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) [from a]under supervision provided by a qualified mental health training supervisor [licensed as a mental health therapist]as defined in Section R156-60c-401.

(2) "Practicum" means:

(a) one or more courses completed as part of a program at an accredited school:[a supervised counseling experience in an appropriate setting of at least three semester or four quarter hours duration for academic credit.]

(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-401.

(3) "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-302a. Qualifications for Licensure - Education Requirements.

(1) Pursuant to Subsection 58-60-405(1)(d)(i), an applicant for licensure as a clinical mental health counselor shall:[the degree and educational program which prepares one to competently engage in mental health therapy is established and clarified to be a masters or doctorate degree in Mental Health Counseling or an equivalent degree from an institution accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or the Council for Higher Education Accreditation of the American Council on Education (CHEA), at the time the applicant obtained the education, which includes a minimum of 60 semester (90 quarter) hours of graduate studies and includes the specific course requirements as specified in Subsection (2).]

(a) produce certified transcripts evidencing completion of at least 60 semester or 90 quarter credit hours completed as part of a master's or doctorate degree conferred to the applicant in clinical mental health counseling or counselor

education and supervision from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP); or

(b) (i) produce certified transcripts evidencing completion of at least 60 semester or 90 quarter credit hours as part of a master's or doctorate degree conferred to the applicant in clinical mental health counseling or an equivalent field from a program affiliated with an institution that has accreditation that is recognized by the Council for Higher Education Accreditation (CHEA).

(ii) A program under Subsection (1) (b) (i) shall include the following graduate level course work:

~~[(2) The core curriculum in Subsection 58-60-405(1)(d) shall consist of the following courses:]~~

~~[[a]A) a minimum of two semester or three quarter hours [shall be in ethical standards, issues, behavior and decision-making] in professional orientation and ethical practice based on the standards of the American Counseling Association (ACA), American Mental Health Counselors Association (AMHCA), or National Board of Certified Counselors (NBCC);~~

~~[(b) a minimum of two semester or three quarter hours shall be in professional roles and functions of a mental health counselor, trends and history, professional preparation standards and credentialing;]~~

~~[[e]B) a minimum of two semester or three quarter hours [shall be in individual theory and shall include several of the predominant theories, which may include humanistic, behavioral or cognitive theories of individual therapy] in social and cultural diversity;~~

~~[[d]C) a minimum of two semester or three quarter hours [shall be in group theory and shall include understanding of group development and multiple theories regarding group therapy] in group work;~~

~~[[e]D) a minimum of [three]two semester or [four]three quarter hours [shall be] in human growth and development across the life span[, which may include:~~

~~[(i) physical, social and psychosocial development;~~

~~[(ii) personality development;~~

~~[(iii) learning theory and cognitive development;~~

~~[(iv) emotional development];~~

~~[[f]E) a minimum of [three]two semester or [four]three quarter hours [shall be] in career development;~~

~~[[g]F) a minimum of [three]six semester or [four]eight quarter hours [shall be] in helping relationships including theory and skills in counseling and psychotherapy with individuals, couples or families [cultural foundations. Examples are:~~

~~[(i) human diversity;~~

~~[(ii) multicultural issues and trends;~~

~~[(iii) gender issues;~~

~~[(iv) exceptionality;~~

~~[(v) disabilities; and~~

~~[(vi) aging;~~

~~[(h) a minimum of six semester or eight quarter hours shall~~

~~be in the application of individual and group therapy and other therapeutic methods and interventions. Examples are:~~

~~— (i) building, maintaining and terminating relationships;~~

~~— (ii) solution focused and brief therapy;~~

~~— (iii) crisis intervention;~~

~~— (iv) prevention of mental illness;~~

~~— (v) treatment of specific syndromes;~~

~~— (vi) case conceptualization; and~~

~~— (vii) referral, supportive and follow-up services;~~

~~(i) a minimum of two semester or three quarter hours shall be in psychopathology and multi-axial diagnosis DSM classification];~~

~~([j]G) a minimum of two semester or three quarter hours [shall be] in [dysfunctional] substance use disorders or addictive or compulsive behaviors[. Examples are:~~

~~— (i) addictions;~~

~~— (ii) substance abuse;~~

~~— (iii) cognitive dysfunction;~~

~~— (iv) sexual dysfunction; and~~

~~— (v) abuse and violence];~~

~~([k]H) a minimum of two semester or three quarter hours [shall be] in [a foundation course in] psychometric test and measurement theory[including the theory of test development, variety of test types and introduction to several tests used in mental health assessment];~~

~~([l]I) a minimum of [two]four semester or [three]six quarter hours [shall be in an advanced course] in assessment of mental status including the [assessment] appraisal of DSM [personality diagnosis]maladaptive and psychopathological behavior;~~

~~([m]J) a minimum of [three]two semester or [four]three quarter hours [shall be] in research and evaluation in clinical mental health counseling[. This shall not include a thesis, dissertation, or project, but may include:~~

~~— (i) statistics;~~

~~— (ii) research methods, qualitative and quantitative;~~

~~— (iii) use and interpretation of research data;~~

~~— (iv) evaluation of client change; and~~

~~— (v) program evaluation];~~

~~([n]K) a minimum of [three]four semester or [four]six quarter hours of internship or practicum as defined in Subsection R156-60c-102(1) or (2) that includes combined completion of at least 1,000 hours of supervised clinical training of which at least 400 hours shall be in providing mental health therapy directly to clients as defined in Subsection 58-60-102(7); and~~

~~[— (o) a minimum of six semester or eight quarter hours of internship as defined in Subsection R156-60e-102(1); and]~~

~~([p]L) a minimum of [17]34 semester or [25.5]52 quarter hours of course work [in the behavioral sciences]related to the practice of counseling of which no[. No] more than six semester or [nine]eight quarter hours of credit for thesis, dissertation or project hours shall be counted toward the required [core curriculum]hours in this subsection.[~~

~~— (3) The supplemental course work shall consist of formal graduate level work meeting the requirements of Subsections (1) and (2) in regularly offered and scheduled classes. University based directed reading courses may be approved at the discretion of the Board.~~

~~— (4) The following degrees do not prepare a person to competently engage in mental health therapy: Career Counseling, College Counseling, Community Counseling, Gerontological Counseling, School Counseling, Student Affairs, Rehabilitation Counseling, Music Therapy, Art Therapy, or Dance Therapy. Applicants who have one of these degrees or comparable degrees and who complete the classes which have been included in the Mental Health Counseling degree and as outlined in Subsection (1) and (2), may request the Division and the Board to consider their education as equivalent to the requirements for licensure. Upon completion of this substantially equivalent education requirement, the applicant may be granted a license as a licensed associate professional counselor under Subsection 58-60-405(2).~~

~~— (5) An applicant who has met the degree requirements under Subsection (1) or (4) which prepares one to competently engage in mental health therapy, but who is deficient in one or more, but no more than three of the courses provided in Subsection (2), may be granted a temporary professional counselor license as a licensed associate professional counselor extern under Section 58-60-117. Furthermore, the deficient courses may not include ethics, psychopathology, advanced mental status, practicum, or internship.]~~

R156-60c-302b. Qualifications for Licensure - Experience Requirements.

(1) The ~~[professional]~~clinical mental health counselor and mental health therapy training qualifying an applicant for licensure as a ~~[professional]~~clinical mental health counselor under Subsections 58-60-405(1)(e) and (f) shall:

(a) be completed in not less than two years;

(b) be completed while the applicant is licensed as a licensed associate ~~[professional]~~clinical mental health counselor or licensed associate ~~[professional]~~clinical mental health counselor extern;

(c) be completed while the applicant is an employee, as defined in Subsection R156-60-102(3), of a public or private agency engaged in mental health therapy under the supervision of a qualified ~~[professional counselor]~~clinical mental health counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, physician, or marriage and family therapist; and

(c) be completed under a program of supervision by a mental health therapist meeting the requirements under Sections R156-60c-401 and R156-60c-402.

(2) An applicant for licensure as a ~~[professional counselor]~~clinical mental health counselor, who is not seeking licensure by endorsement based upon licensure in another jurisdiction, who has completed all or part of the

~~[professional]~~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 it is demonstrated by the applicant that the training completed outside the state is equivalent to and in all respects meets the requirements for training under Subsections 58-60-405(1) (e) and (f), and Subsections R156-60c-302b(1). The applicant shall have the burden of demonstrating by evidence satisfactory to the Division and Board that the training completed outside the state is equivalent to and in all respects meets the requirements under this Subsection.

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

(1) Under Subsection 58-60-405(1) (g), an applicant for licensure as a ~~[professional]~~clinical mental health counselor must 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 ~~[of]~~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 ~~[professional]~~clinical mental health counselor and licensed associate ~~[professional]~~clinical mental health counselor.

(2) During each two year period commencing ~~[September 30th]~~October 1st of each even numbered year, a ~~[professional]~~clinical mental health counselor or licensed associate ~~[professional]~~clinical mental health counselor shall be required to complete not fewer than 40 hours of continuing education directly related to the licensee's professional practice of which a minimum of six hours 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.

(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 ~~[therapy professional]~~counseling; and

(c) have a method of verification of 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 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 [therapy professional] counseling, or supervision of an individual completing his 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 otherwise approved by the Division [therapist or professional counselor].

(6) A licensee shall be responsible for maintaining competent records of completed continuing [~~professional~~] education for a period of 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 engaged in full-time activities or is subjected to circumstances which prevent that 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.

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

In addition to the requirements established in Section R156-1-308e, an applicant for reinstatement of his license after two years following expiration of that license shall be required to meet the following reinstatement requirements:

(1) if deemed necessary, meet with the Board for the purpose of evaluating the applicant's current ability to engage safely and competently in practice as a [~~professional~~] clinical mental health counselor and to make a determination of any additional education, experience or examination requirements which will be required 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 [~~professional counselor and mental health therapy~~] clinical training as an associate clinical mental health counselor extern [~~professional counselor temporary~~];

(3) pass the National Counseling Examination of the National Board for Certified Counselors if it is determined by the Board that current taking and passing of the examination is necessary to demonstrate the applicant's ability to engage safely and competently in practice as a [~~professional~~] clinical mental health counselor;

(4) pass the National Clinical Mental Health Counseling Examination if it is determined by the Board that current taking and passing of the examination is necessary to demonstrate the applicant's ability to engage safely and competently in practice

as a ~~[professional]~~ clinical mental health counselor; and
(5) complete a minimum of 40 hours of
~~[professional]~~ 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 ~~[professional]~~ clinical mental health counselor.

**R156-60c-401. Requirements to be Qualified as a
[Professional]Clinical Mental Health Counselor Training
Supervisor [~~and Mental Health Therapist Training Supervisor~~].**

In accordance with Subsections 58-60-405(1)(e) and (f), in order for an individual to be qualified as a ~~[professional]~~ clinical mental health counselor training supervisor [~~or mental health therapist trainer~~], the individual shall have the following qualifications:

(1) be currently licensed in good standing in a profession set forth for a supervisor under Subsection 58-60-405(1)(e) in the state in which the supervised training is being performed;

(2) have engaged in lawful practice of mental health therapy as a physician, ~~[professional]~~ clinical mental health counselor, psychiatrist, psychologist, clinical social worker, registered psychiatric mental health nurse specialist, or marriage and family therapist for not fewer than 4,000 hours in a period of not less than two years prior to beginning supervision activities; and

(3) be employed by or have a contract with the mental health agency that employs the supervisee, but not be employed by the supervisee, nor be employed by an agency owned in total or in part by the supervisee, or in which the supervisee has any controlling interest.

**R156-60c-402. Duties and Responsibilities of a Supervisor of
[Professional]Clinical Mental Health Counselor [~~and Mental
Health Therapy Training~~].**

The duties and responsibilities of a licensee providing supervision to an individual completing supervised ~~[professional]~~ clinical mental health counselor [~~and mental health therapy~~] training requirements for licensure as a ~~[professional]~~ clinical mental health counselor are to:

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

(2) be engaged in 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;

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

(4) provide periodic review of the client records assigned to the supervisee;

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

(6) monitor the performance of the supervisee for compliance with laws, standards, and ethics applicable to the practice of ~~[professional]~~clinical mental health counseling and report violations to the Division;

(7) supervise only a supervisee who is an employee of a public or private mental health agency;

(8) submit appropriate documentation to the Division with respect to all work completed by the supervisee evidencing the performance of the supervisee during the period of supervised ~~[professional]~~clinical mental health counselor ~~[and mental health therapy]~~training, including the supervisor's evaluation of the supervisee's competence in the practice of ~~[professional]~~clinical mental health counseling~~[-and mental health therapy]~~;

(9) supervise not more than three supervisees at any given time unless approved by the Board and Division; and

(10) assure each supervisee is licensed as a licensed associate ~~[professional]~~clinical mental health counselor or licensed associate ~~[professional]~~clinical mental health counselor extern prior to beginning the supervised training of the supervisee as required under Subsection 58-60-405(1)(e) and (f).

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 the compliance with the requirements of Sections R156-60c-401 and R156-60c-402;

(2) engaging in the supervised practice of mental health therapy when not in compliance with Subsections R156-60c-401(3) and R156-60c-402(7);

(3) engaging in and aiding or abetting conduct or practices which 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 which could reasonably be expected to place the client at a disadvantage recognizing the power imbalance which exists or may

exist between the [~~professional~~] counselor and the client;

(10) engaging in sexual activities or sexual contact with client's relatives or other individuals with whom the client maintains a relationship when that individual is especially vulnerable or susceptible to being disadvantaged because of his personal history, current mental status, or any condition which could reasonably be expected to place that individual at a disadvantage recognizing the power imbalance which exists or may exist between the [~~professional~~] counselor and that individual;

(11) engaging in physical contact with a client when 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 which 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 provision of the American Mental Health Counselors Association Code of Ethics, last amended March 2010, which is adopted and incorporated by reference.

KEY: licensing, counselors, mental health, [~~professional counselors~~]clinical mental health counselor

Date of Enactment or Last Substantive Amendment: [~~February 24, 2011~~]2012

Notice of Continuation: January 7, 2010

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