

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	-	60d	-	
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):	Substance Use Disorder Counselor Act Rule			
3.	Type of notice:	New ___; Amendment XXX; Repeal ___; Repeal and Reenact ___			
4.	Purpose of the rule or reason for the change:	The Division and the Substance Use Disorder Counselor Board reviewed the rule and determined it was necessary to: (1) increase the proportion of continuing education that may be achieved through distance learning, clinical readings, or internet-based courses; and (2) make various nonsubstantive changes.			
5.	This change is a response to comments from the Administrative Rules Review Committee.	No XXX; Yes ___			
6.	Summary of the rule or change:	Section 102: In paragraph (1), the phrase "means an educational institution" is added in order to make a complete sentence out of the definition. Section 302a: An error in the number of prerequisite courses is corrected. Section 304: In paragraph (5)(c), the maximum number of contact hours of continuing education recognized for distance learning, clinical readings, or internet-based courses is increased from six to 15. The term "distance learning" is added to clarify the intent of the requirement. The total number of continuing education hours remains constant at 40 hours.			
7.	Aggregate anticipated cost or savings to:				
	A) State budget:				

	Affected:	No ___; Yes XXX
	The Division will incur minimal costs of approximately \$50.00 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 licensed substance use disorder counselors. 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 ___; Yes XXX
	The proposed amendments apply only to licensed substance use disorder counselors. Licensees may work in a small business; however, the proposed amendments would not directly affect the business. If a small business is owned by a licensed substance use disorder counselor, the business may experience some indirect cost savings due to increasing the maximum number of contact hours of continuing education recognized for distance learning, clinical readings, or internet-based courses from six to 15 hours. Due to a wide range of circumstances, the Division cannot quantify anticipated savings to this type of small business.	
	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 apply only to licensed substance use disorder counselors. Increasing the maximum number of contact hours of continuing education recognized for distance learning, clinical readings, or internet-based courses from six to 15 is likely to result in a cost savings to licensees who complete continuing education via distance methods. Licensees practicing in rural Utah are likely to benefit the most from this amendment because they travel longer distances to attend live courses. Due to a wide range of circumstances, the Division cannot quantify anticipated savings to licensees.	
8.	Compliance costs for affected persons:	
	The proposed amendments apply only to licensed substance use disorder counselors. Increasing the maximum number of contact hours of continuing education recognized for distance learning, clinical readings, or internet-based courses from six to 15 is likely to result in a cost savings to licensees who complete continuing education via distance methods. Licensees practicing in rural Utah are likely to benefit the most from this amendment because they travel longer distances to attend live courses. Due to a wide range of circumstances, the Division cannot quantify anticipated savings to licensees.	
9.	A) Comments by the department head on the fiscal impact the rule may have on businesses:	
	In addition to making technical corrections, this filing modifies the continuing education requirement to allow credit for up to 15 hours of distance learning per renewal period. Allowing licensees to obtain continuing education online is likely to result in cost savings to individuals. 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 58-60-501	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; <i>if none, leave blank</i>):	
	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):	01/14/2015	
	B) A public hearing (optional) will be held:		
	On (mm/dd/yyyy):	At (hh:mm AM/PM):	At (place):
	01/07/2015	8:30 AM	160 East 300 South, Hearing Room 403 (4th floor), Salt Lake City, Utah
13.	This rule change may become effective on (mm/dd/yyyy):	01/21/2015	
	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	substance use disorder counselors	
15.	Attach an RTF document containing the text of this rule change (filename):	R156-60d.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):	11/20/2014

R156. Commerce, Occupational and Professional Licensing.

R156-60d. Substance Use Disorder Counselor Act Rule.

R156-60d-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) "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 of the American Council on Education (CHEA).

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

(3) "DSM-IV or 5" means the Diagnostic Statistical Manual of Mental Health Disorders published by the American Psychiatric Association.

(4) "General supervision" means that the supervisor provides consultation with the supervisee by personal face to face contact, or direct voice contact by telephone or some other means within a reasonable time consistent with the acts and practices in which the supervisee is engaged.

(5) "ICRC" means the International Certification and Reciprocity Consortium.

(6) "Initial assessment" means the procedure of gathering psychosocial information, which may include the application of the Addiction Severity Index, in order 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.

(7) "NAADAC" means the National Association of Alcohol and Drug Abuse Counselors.

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

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

(10) "Screening", as used in Subsection 58-60-502(9)(b) and (10)(b), means a brief interview conducted in person or by telephone to determine if there is a potential substance abuse problem. If 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 level recommendation in order to expedite the subsequent assessment and evaluation process. Screening instruments such as the SASSI may be included in the screening process.

(11) "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.

(12) "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.

(13) "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-302a. Qualifications for Licensure - Education Requirements.

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

- (a) human development across the lifespan; and
- (b) general psychology.

(2) In accordance with 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 of the American Council on Education (CHEA).

R156-60d-304. Continuing Education.

(1) In accordance with Section 58-60-105, there is created a continuing education requirement as a condition for renewal or reinstatement of a licensed advanced substance use disorder counselor, certified advanced substance use disorder counselor, licensed substance use disorder counselor, or a certified substance use disorder counselor issued under Title 58, Chapter 60, Part 5.

(2) Continuing education shall consist of 40 hours of education directly related to the licensee's professional practice. A licensed advanced substance use disorder counselor and licensed substance use disorder counselor shall complete the requirement during each two year license renewal cycle. A certified advanced substance use disorder counselor and a certified substance use disorder counselor shall complete the requirement during each two year period following the date of initial licensure. At least six of the 40 required hours must be in the area of professional ethics and responsibilities.

(3) The required number of hours of continuing education for a licensed advanced substance use disorder counselor or a licensed substance use disorder counselor who first becomes licensed during the two year renewal cycle shall be decreased in a pro rata amount equal to any part of that two year renewal cycle preceding the date on which that individual first became licensed.

(4) The standards for continuing education shall include:

- (a) a clear statement of purpose and defined objective for the educational program directly related to the practice of a substance use

disorder counselor;

(b) documented relevance to the licensee's professional practice;

(c) a competent, well-organized, and sequential presentation consistent with the stated purpose and objective of the program;

(d) preparation and presentation by individuals who are qualified by education, training, and experience; and

(e) a competent method of registration of individuals who actually completed the continuing education program and records of that registration completion available for review.

(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 50 minutes in formally established classroom courses, seminars, conferences, workshops, institutes, or in services;

(b) a maximum of ten hours per two year period may be recognized for teaching in a college or university, or teaching continuing education courses in the field of substance use disorder counseling; and

(c) a maximum of ~~six~~15 hours per two year period may be recognized for distance learning, clinical readings or internet-based courses directly related to practice as a substance use disorder counselor.

(6) A licensee shall be responsible for maintaining competent records of completed continuing 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 five years. However, it is the responsibility of the licensee to document the reasons and justify why the requirement could not be met.

KEY: licensing, substance use disorder counselors

Date of Enactment or Last Substantive Amendment: ~~[November 21, 2013]~~ 2015

Notice of Continuation: January 31, 2011

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