**Mental Health Supervision Questions/Answers-12/17/21**

1. **What is a “Supervision Contract[[1]](#footnote-1)”?**

Answer: A Supervision Contract means a written signed contract between a supervisor and a supervisee to complete supervised training requirements for licensure.

1. **What needs to be in a Supervision Contract?**

Answer: The provisions found in Mental Health Professional Practice Act Rule R156-60-302(3) need to be included, they are as follows:

**Rule R156-60-302 (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.

1. **Does DOPL need a copy of the Supervision Contract?**

Answer: No, but the date the Supervision Contract was signed needs to be documented on the “[Verification of Supervision for Post-Graduate Mental Health Practice Hours](https://dopl.utah.gov/cmhc/cmhc_post_grad_verify_supervised_experience.pdf)” form. If it is not documented on the “Verification of Supervision for Post-Graduate Mental Health Practice Hours” form, the Division cannot accept it. The “Verification of Supervision for Post-Graduate Mental Health Practice Hours” form needs to be submitted to the Division prior to engaging in supervision.

1. **What are my supervisor’s duties and responsibilities during supervision?**

Answer: The supervisor responsibilities can be found in Mental Health Professional Practice Act Rule R156-60-302(4), they are as follows:

**Rule R156-60-302** (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.

. . .

(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.

1. **What are the Supervisee’s duties and responsibilities during supervision?**

Answer: The supervisee’s responsibilities can be found in Mental Health Professional Practice Act Rule R156-60-302(5), they are as follows:

**Rule R156-60-302** (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.

1. **What happens after the “Verification of Supervision for Post-Graduate Mental Health Practice Hours” form is submitted?**

Answer: When the form is received by the Division, licensing staff will review the form to ensure the Supervisor is qualified to supervise according to the respective licensing rule as follows:

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

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

**Rule R156-60c-302a** (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.

**Marriage and Family Therapist Licensing Act Rule R156-60b.**

 **R156-60b-302d. Qualifications to be a Marriage and Family Therapist Training Supervisor.**

 Pursuant to Subsection 58-60-307(1), to be qualified as a marriage and family therapist training supervisor under Subsections 58-60-305(1)(e) and (f) and Section R156-60-302, an individual shall:

 (1) have been licensed in good standing as a marriage and family therapist, clinical mental health counselor, psychiatrist, psychologist, registered psychiatric mental health nurse practitioner, or clinical social worker for at least two consecutive years prior to beginning supervised training;

 (2) be currently licensed in good standing in the state that the training is being performed;

 (3)(a) be currently approved by AAMFT as a marriage and family therapist supervisor;

 (b) have successfully completed a supervision course in a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited marriage and family therapy (MFT) program at an accredited university; or

 (c) have successfully completed 20 clock hours of instruction sponsored by AAMFT or the Utah Association for Marriage and Family Therapy (UAMFT) as follows:

 (i) four hours of review of models of MFT and supervision;

 (ii) eight hours of MFT supervision processes and practice;

 (iii) four hours of research on effective outcomes and processes of supervision; and

 (iv) four hours of AAMFT Code of Ethics, state rules, and case studies related to MFT supervision;

 (4)(a) enter into a written supervision contract with the supervisee in accordance with Subsection R156-60-302;

 (b) provide at least one hour of face to face supervision for each ten hours of client contact by the supervisee;

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

 (5) in each two-year renewal cycle, complete four hours of the required 40 hours of continuing professional education in topics directly related to marriage and family therapy supervisor training.

**Social Worker Licensing Act Rule R156-60a**

 **R156-60a-302e. Qualifications to be a CSW Training Supervisor.**

 In accordance with Subsections 58-60-202(3)(c) and 58-60-205(1)(e) and (f), to supervise a CSW, the supervisor shall:

 (1) be currently licensed in good standing;

 (2) for at least two consecutive years prior to beginning supervised training, have been licensed in good standing and engaged in lawful active practice, including providing mental health therapy;

 (3) 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; and

 (4) comply with all duties and responsibilities uniformly established in Section R156-60-302.

1. **Is the supervisor approved by the Division?**

Answer: The supervisor is not approved by the Division. The Division reviews the type of license the proposed supervisors holds, status of license, years of experience, if the supervisor needs to meet MFT supervision requirements and total number of people being supervised by the supervisor in order to determine if they are qualified to supervise. If the supervisor is qualified, a letter will be sent to the supervisor indicating that supervision may be conducted. If the supervisor is not qualified, the supervisee and supervisor are contacted by DOPL staff.

1. **Can my supervisor be located in another state and provide supervision via electronic methods**?

Answer: The supervisor, who must be a "Mental health therapist" as defined in **Utah Code 58-60-102 (5)** means an individual who is practicing within the scope of practice defined in the individual's respective licensing act and is licensed under this title.

The supervisor must be licensed in the State of Utah and meet the “Qualifications to be a Training Supervisor” in the respective licensing act in order to provide supervision. Additionally, if supervision is being provided remotely, the supervisee and supervisor must adhere to the provisions in the Mental Health Professional Practice Act Rule regarding remote supervision.

 **Mental Health Professional Practice Act Rule R156-60-302. Supervised Training Requirements - Supervision Contract - Duties and Responsibilities of Supervisor and Supervisee**

 (3) A supervision contract shall include at least the following provisions:

 (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.

1. **When does my “Verification of Supervision for Post-Graduate Mental Health Practice Hours” form need to be submitted?**

**Answer:** Prior to beginning supervised training[[2]](#footnote-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 for Post-Graduate Mental Health Practice Hours form.[[3]](#footnote-3)

1. **How long does it take DOPL to make a determination regarding my supervisor after I send in my “Verification of Supervision for Post-Graduate Mental Health Practice Hours” form?**

**Answer:** Typically within 7 days. If you have not heard back, please contact DOPL at B3@utah.gov.

1. **What is the best way to send in my “Verification of Supervision for Post-Graduate Mental Health Practice Hours” form?**

Answer: Send by Email to B3@utah.gov, the drop box located at the Division with Attn: B3, 160 East 300 South, Salt Lake City, Utah or Mail: PO BOX 146741, Salt Lake City Utah 84114-6741.

1. **What does “total hours” mean on the “Supervision for Post-Graduate Mental Health Practice Hours” form?**

**Answer:** The “total hours” of post graduate supervised mental health training should be the total of all hours completed in accordance with:

Utah Code 58-60-205 (1)(d) have completed a minimum of 4,000 hours of clinical social work training as defined by division rule under Section 58-1-203;

Utah Code 58-60-305 (1)(d) have completed a minimum of 4,000 hours of marriage and family therapy training as defined by division rule under Section 58-1-203; or

Utah Code 58-60-405(1) (d) have completed a minimum of 4,000 hours of clinical mental health counselor training as defined by division rule under Section 58-1-203.

1. **What does “Hours of Mental Health Therapy Training “ mean on the “Supervision for Post-Graduate Mental Health Practice Hours” form?**

**Answer:** The “Hours of Mental Health Therapy Training” means the hours spent practicing mental health therapy with a patient/client[[4]](#footnote-4). The “Practice of Mental Health Therapy” is defined in Utah Code 58-60-102(7).

Utah Code 58-60-205 (1)(e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy

Utah Code 58-60-305 (1)(e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy; or

Utah Code 58-60-405(1)(e) document successful completion of not less than 1,000 hours of supervised training in mental health therapy

1. **What does “Hours of Direct Supervision“ mean on the “Supervision for Post-Graduate Mental Health Practice Hours” form?**

 **Answer:** Direct Supervision is defined in the Mental Health Professional Practice Act Rule R156- 60-102(4) "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.

Utah Code 58-60-205 (1)(e) …documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision of a mental health therapist, as defined by rule

Utah Code 58-60-305 (1)(e) …documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision of a mental health therapist, as defined by rule

Utah Code 58-60-405 (1)(e) …documented evidence demonstrates not less than 100 of the hours were obtained under the direct supervision of a mental health therapist, as defined by rule

1. **What does “Supervisor Evaluation “ mean on the “Supervision for Post-Graduate Mental Health Practice Hours” form?**

**Answer:** The supervisor evaluation field is for the supervisor and supervisee to utilize for any of the following:a plan for documenting the ongoing supervision using the Division-provided supervision form[[5]](#footnote-5), including objective and measurable circumstances where the supervisor will sign supervision forms and monitor the supervisee's performance for compliance with the laws, rules, standards, and ethics of the profession.[[6]](#footnote-6)

Upon completion of the supervised training, submit to the Division on the Division-provided supervision forms:

1. documentation of the training hours completed by the supervisee; and
2. an evaluation of the supervisee with respect to the quality of the work performed and the supervisee's competency to practice in the profession.[[7]](#footnote-7)
3. **Can I pay my supervisor for supervised mental health training?**

**Answer:** No. A supervisee shall 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, per Utah Admin Code R156-60-302(5)(e).[[8]](#footnote-8)

1. **Can a supervisee be a 1099 contractor?**

**Answer**: No. A supervisee must be a W-2 employee with a public or private mental health agency[[9]](#footnote-9). This aligns with federal tax legislation. The Internal Revenue Service has regulations on who can be considered a W2 employee and who can be considered a 1099 contractor. The regulations from the IRS published publicly as tax topic 762 found at:

<https://www.irs.gov/taxtopics/tc762>.

1. **Who can supervise an associate marriage and family therapist?**

 **Answer:** The qualifications are found in the Marriage and Family Therapist Licensing Act Rule R156-60b-302d. Qualifications to be a Marriage and Family Therapist Training Supervisor.

 **Rule R156-60b-302d** Pursuant to Subsection 58-60-307(1), to be qualified as a marriage and family therapist training supervisor under Subsections 58-60-305(1)(e) and (f) and Section R156-60-302, an individual shall:

 (1) have been licensed in good standing as a marriage and family therapist, clinical mental health counselor, psychiatrist, psychologist, registered psychiatric mental health nurse practitioner, or clinical social worker for at least two consecutive years prior to beginning supervised training;

 (2) be currently licensed in good standing in the state that the training is being performed;

 (3)(a) be currently approved by AAMFT as a marriage and family therapist supervisor;

 (b) have successfully completed a supervision course in a Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) accredited marriage and family therapy (MFT) program at an accredited university; or

 (c) have successfully completed 20 clock hours of instruction sponsored by AAMFT or the Utah Association for Marriage and Family Therapy (UAMFT) as follows:

 (i) four hours of review of models of MFT and supervision;

 (ii) eight hours of MFT supervision processes and practice;

 (iii) four hours of research on effective outcomes and processes of supervision; and

 (iv) four hours of AAMFT Code of Ethics, state rules, and case studies related to MFT supervision

1. **Who can supervise mental health therapist?**

**Answer:** According to Utah Code 58-60, a supervisee needs to be:

(ii) under the supervision of a supervisor approved by the division in collaboration with the board who is a:

 (A) clinical mental health counselor;

 (B) psychiatrist;

 (C) psychologist;

 (D) registered psychiatric mental health nurse practitioner;

 (E) marriage and family therapist; or

 (F) clinical social worker.

1. Mental Health Professional Practice Act Rule R156-60-102(8) “Supervision Contract” [↑](#footnote-ref-1)
2. Mental Health Professional Practice Act Rule R156-60-302(1) [↑](#footnote-ref-2)
3. Mental Health Professional Practice Act Rule R156-60-302(2) [↑](#footnote-ref-3)
4. Mental Health Professional Practice Act 58-60-102(1) [↑](#footnote-ref-4)
5. Mental Health Professional Practice Act Rule R156-60-302(3)(e) [↑](#footnote-ref-5)
6. Mental Health Professional Practice Act Rule R156-60-302(4)(h) [↑](#footnote-ref-6)
7. Mental Health Professional Practice Act Rule R156-60-302(4)(i) [↑](#footnote-ref-7)
8. Mental Health Professional Practice Act Rule R156-60-302(5)(e) [↑](#footnote-ref-8)
9. Mental Health Professional Practice Act Rule R156-60-302(5)(c) [↑](#footnote-ref-9)