

State of Utah  
Administrative Rule Analysis  
Revised May 2023

DAL File No. 56217  
Date Filed 11-27-2023  
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NOTICE OF PROPOSED RULE

TYPE OF FILING: Amendment

Title No. - Rule No. - Section No.

Rule or Section Number:

R156-60d

Filing ID: Office Use Only

Agency Information

1. Department:	Department of Commerce	
Agency:	Division of Professional Licensing	
Room number:		
Building:	Heber M. Wells Building	
Street address:	160 East 300 South	
City, state and zip:	Salt Lake City UT 84111-2316	
Mailing address:	PO Box 146741	
City, state and zip:	Salt Lake City UT 84114-6741	
Contact persons:		
Name:	Phone:	Email:
Jana Johansen	801-530-6628	janajohansen@utah.gov

Please address questions regarding information on this notice to the persons listed above.

General Information

2. Rule or section catchline:

Substance Use Disorder Counselor Licensing Act Rule

3. Purpose of the new rule or reason for the change:

The Division in collaboration with the Substance Use Disorder Counselor Licensing Board makes this filing with the intent that the amendments being proposed incorporate changes due to SB 208 from the 2023 Legislative General Session, merge provisions found in R156-60 the Mental Health Practice Act Rule, which is being recommended for repeal, and correct grammar and formatting errors.

4. Summary of the new rule or change:

Amendments to R156-60d-101 combine sections 103 and 104 of this Rule. Amendment to R156-60d-102 reenacts definitions from the Mental Health Practice Act Rule R156-60 (being repealed) which will provide clarity and continuity for readers. This section 102 also includes grammar, citation, and formatting corrections. Amendments to R156-60d-302a correct grammar, and incorporate provisions found in R156-60. Amendment to R156-60d-302b reenacts provisions regarding experience being repealed with the Mental Health Practice Act Rule. In addition, grammar, formatting, and citation corrections are proposed. Amendments to R156-60d-302d reenact sections of the Mental Health Practice Act Rule and clarifies what constitutes the required suicide prevention course as well as incorporating reenacted provisions from the repealed R156-60. Amendments to R156-60d-303 correct grammar and clarifies requirements that the Board historically uses to determine reinstatement. Amendments to R156-60d-304 reenacts provisions regarding continuing education being repealed with the Mental Health Practice Act Rule. Amendment to R156-60d-30t removes section that is incorporated into section 303. Amendments to R156-60d-502 incorporates conduct found across the behavioral health professions for continuity. It also corrects formatting, grammar, and citations.

Fiscal Information

5. Provide an estimate and written explanation of the aggregate anticipated cost or savings to:

A) State budget:

The proposed changes are not expected to have any fiscal impact on state government revenues or expenditures. The requested changes reflect current industry standards as approved by the Substance Use Disorder Counselor Licensing Board, and will continue to ensure that the minimum required standards have been met.

**B) Local governments:**

The proposed changes are not expected to have any fiscal impact on local government revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Substance Use Disorder Counselor Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively changes the processes so there is no fiscal impact.

**C) Small businesses ("small business" means a business employing 1-49 persons):**

The proposed changes are not expected to have any fiscal impact on small business revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Substance Use Disorder Counselor Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

**D) Non-small businesses ("non-small business" means a business employing 50 or more persons):**

The proposed changes are not expected to have any fiscal impact on non-small business revenues or expenditures. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Substance Use Disorder Counselor Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes so there is no fiscal impact.

**E) Persons other than small businesses, non-small businesses, state, 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*):**

The proposed changes are not expected to have any fiscal impact on affected persons. This rule has been amended to provide technical, conforming, and stylistic changes in accordance with the Rule Writing Manual for Utah and current industry standards as approved by the Substance Use Disorder Counselor Licensing Board, and will continue to ensure that the minimum required standards have been met. None of these changes substantively change the processes for affected persons, so there is no fiscal impact.

**F) Compliance costs for affected persons (How much will it cost an impacted entity to adhere to this rule or its changes?):**

As described above in Box 5.E for other persons, the proposed changes are not expected to have any compliance costs for affected persons.

**G) Regulatory Impact Summary Table (This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts will be included in narratives above.)****Regulatory Impact Table**

<b>Fiscal Cost</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Cost</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Fiscal Benefits</b>	<b>FY2024</b>	<b>FY2025</b>	<b>FY2026</b>
State Government	\$0	\$0	\$0
Local Governments	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net Fiscal Benefits</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**H) Department head comments on fiscal impact and approval of regulatory impact analysis:**

The Executive Director of the Department of Commerce, Margaret W. Busse, has reviewed and approved this fiscal analysis.

The Division of Professional Licensing ("Division") in collaboration with the Substance Use Disorder Counselor Licensing Board

proposes these amendments in response to the statutory changes made in SB 208 during the 2023 General Session. Because Rule R156-60 is being repealed, these proposed amendments reenact the rules as they apply to clinical mental health counselors, make nonsubstantive grammar and formatting changes to streamline and update the rules, and comply with the OAR Rulewriting Manual.

**Small Businesses (less than 50 employees):**

The Division does not expect any foreseeable impact on small businesses in the practice of substance use disorder counselor in the State of Utah. The proposed amendments are to conform to the requirements of SB 208. The changes to are reenact the rules due to the repeal of Rule R156-60, update the rule to encompass current statutory requirements and practices in the profession. Further, the Division does not foresee any negative impact on small businesses since grammatical and formatting amendments are made to make the rule comport to the OAR Rule Writing Manual.

**Non-Small Businesses (50 or more employees):**

The Division finds that the non-small businesses in the substance use disorder counselor industry in the State of Utah will not suffer a negative fiscal impact from the proposed rule amendments. However, these amendments will have no expected fiscal impact for non-small businesses in Utah for the same rationale as described above for small businesses. Further, any of these costs are either inestimable, for the reasons stated above, or there is no fiscal impact.

**Citation Information**

**6. Provide citations to the statutory authority for the rule. If there is also a federal requirement for the rule, provide a citation to that requirement:**

Section 58-60-501	Subsection 58-1-106(1)(a)	Subsection 58-1-202(1)(a)

**Incorporations by Reference Information**

**7. Incorporations by Reference (if this rule incorporates more than two items by reference, please include additional tables):**

**A) 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 Office of Administrative Rules; if none, leave blank):**

<b>Official Title of Materials Incorporated (from title page)</b>	Deletes: NAADAC, the Association for Addiction Professionals NAADAC and NCC AP Code of Ethics
<b>Publisher</b>	Association for Addiction Professionals
<b>Issue Date</b>	October 9, 2016
<b>Issue or Version</b>	

**B) 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 Office of Administrative Rules; if none, leave blank):**

<b>Official Title of Materials Incorporated (from title page)</b>	Adds: Code of Ethics of the NAADAC the Association for Addiction Professionals and the NCC AP
<b>Publisher</b>	Association for Addiction Professionals
<b>Issue Date</b>	January 1, 2021 edition
<b>Issue or Version</b>	

**C) 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 Office of Administrative Rules; if none, leave blank):**

<b>Official Title of Materials Incorporated (from title page)</b>	Adds: Model Standards for Practice of Child Custody Evaluation
<b>Publisher</b>	Association of Family and Conciliation Courts (AFCC)
<b>Issue Date</b>	May 2006
<b>Issue or Version</b>	

**Public Notice Information**

**8. 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. See Section 63G-3-302 and Rule R15-1 for more information.)**

**A) Comments will be accepted until:** 01/17/2024

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

Date (mm/dd/yyyy):	Time (hh:mm AM/PM):	Place (physical address or URL):
01/16/2024	9:00 AM	160 East 300 South – Conference Room 474 and also via Google Meet – link below  Google Meeting link meet.google.com/yfq-psko-xgt Join by phone (US) +1 304-691-0096 PIN: 605869246

**To the agency:** If more space is needed for a physical address or URL, refer readers to Box 4 in General Information. If more than two hearings will take place, continue to add rows.

**9. This rule change MAY become effective on:** 01/24/2024

**NOTE:** The date above is the date the agency anticipates making the rule or its changes effective. It is NOT the effective date.

**Agency Authorization Information**

**To the agency:** Information requested on this form is required by Sections 63G-3-301, 63G-3-302, 63G-3-303, and 63G-3-402. 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.

<b>Agency head or designee and title:</b>	Mark B. Steinagel, Division Director	<b>Date:</b>	11/27/2023
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R156. Commerce, ~~[Occupational and]~~ Professional Licensing.

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

R156-60d-101. Title - Authority - Organization and Relationship to Rule R156-1.

(1) This rule is known as the "Substance Use Disorder Counselor Act Rule."

(2) This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act.

(3) The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-60d-102. Definitions.

~~[In addition to the definitions regarding substance use disorder counseling practice in Title 58, Chapters 1 and 60, as used in Title 58, Chapters 1 and 60, the following rule definitions supplement the statutory definitions]~~ Terms used in this rule are defined in Title 58, Chapter 1, Division of Professional Licensing Act, and Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act. In addition:

(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(CHEA).

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

(3) "ASUDC" means an advanced substance use disorder counselor.

(4) "CASUDC" means a certified advanced substance use disorder counselor.

(5) "CASUDCI" means a certified advanced substance use disorder counselor intern.

(6) "CSUDC" means a certified substance use disorder counselor.

(7) "CSUDCI" means a certified substance use disorder counselor intern.

(8) "Client" or "patient" means an individual who, if competent, requests, or if not competent to request is lawfully provided professional services by a mental health therapist when the mental health therapist:

(a) agrees verbally or in writing to provide professional services to that individual; or

(b) without an overt agreement does in fact provide professional services to that individual.

(~~[3]~~9) "DSM-~~[I]~~V or 5" is the approved diagnostic and statistical manual for mental disorders and means the following: ~~[means the Diagnostic Statistical Manual of Mental Health Disorders published by the American Psychiatric Association.]~~

(a) Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition: DSM-5-TR published by the American Psychiatric Association;

(b) International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM) for Physicians, Professional Edition published by the American Medical Association; or

(c) International Classification of Diseases, Tenth Revision, Clinical Modification (ICD-10-CM): The Complete Official Draft Code Set published by the American Medical Association.

(10) "Human growth and development," as used in Subsection R156-60d-302a(1)(a), means a course at a college or university accredited by CHEA, that includes an emphasis on human growth and development across the lifespan, from conception to death.

([4]11) "IC&RC" means the International Certification and Reciprocity Consortium.

(12) "Independent of control," as used in Subsection R156-60d-302b(3)(e), means not being employed by the supervisee, or by an agency owned in total or in part by the supervisee, or that the supervisee has any controlling interest.

([5]13) "Initial assessment" means the procedure of gathering psycho-social information, including the application of the Addiction Severity Index, 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.

([6]14) "NAADAC" means the Association for Addiction Professionals.

(15) "On-the-job training program," as used in Subsection 58-1-307(1)(c) means a program that:

(a) applies to individuals who have completed courses required for graduation in a degree or formal training program that would qualify for licensure under this chapter;

(b) starts immediately upon completion of courses required for graduation;

(c) ends 45 days from the date it begins, or upon licensure, whichever is earlier, and may not be extended or used a second time;

(d) the individual is an employee of a public or private mental health agency, in-patient or out-patient hospital, educational institution, or government agency, and is providing clinical mental health services; and

(e) is supervised by a qualified individual licensed under this chapter, and includes supervision meetings on at least a weekly basis with the supervisee and supervisor physically present in the same room at the same time.

([7]16) "Prerequisite courses," as used in Subsections 58-60-506(2)(a)(iii) and (5)(a)(iii), means courses completed before qualifying for licensure.

([8]17) "SASSI" means Substance Abuse Subtle Screening Inventory.

([9]18) "Screening," as used in Subsections 58-60-502(9)(b) and (10)(b)(i), means a brief interview conducted in person or by [telephone]other electronic means used to determine [if there is a ] the potential of a substance abuse problem. [If]When 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 Criteria 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]19) "Substance use disorder education program," as used in Subsections 58-60-506(2)(b) and (5)(b), means college or university coursework at an accredited institution.

([10]20) "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-~~[I]~~V 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-~~[I]~~V or 5 diagnosis and the determination of an individualized treatment plan.

(21) "SUDC" means a substance use disorder counselor.

(22) "Supervised experience," as used in Subsections 58-60-506(2)(c) and (5)(c), means experience gathered under the general supervision of a license holder meeting the requirements of Section 58-60-508.

(23) "Supervisor Verification form" means the form provided by the Division to document who is providing supervision to a supervised individual, which at a minimum includes:

(a) name and license number of the individual;

(b) name and license number of the supervisor; and

(c) supervised individuals place of employment.

(~~[12]~~ 24) "Unprofessional conduct", as defined in Title 58 Chapter~~[s]~~ 1, Division of Professional Licensing Act, and Title 58, Chapter 60, Mental Health Professional Practice Act, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-60d-502. [

**~~R156-60d-103. Authority Purpose.~~**

~~This rule is adopted by the Division under the authority of Subsection 58-1-106(1)(a) to enable the Division to administer Title 58, Chapter 60, Part 5.~~

**~~R156-60d-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.]~~

**R156-60d-302a. Qualifications for Licensure - Education Requirements.**

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

(a) human growth development, completed at an accredited institution ~~[across the lifespan]; [and]~~

(b) general psychology, completed at an accredited institution; and

(c) a two hour suicide prevention course as described in Section R156-60d-302d.

(2) ~~[In accordance with]~~ Under 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( ) CHEA( )]~~.

**R156-60d-302b. Qualifications for Licensure - Supervised Experience Requirements.**

(1) ~~[In accordance with]~~ Under Subsection 58-60-506(2)(c), the 4,000 hours of supervised experience ~~[in substance use disorder treatment required to qualify an applicant for the]~~ for an advanced substance use disorder counselor license shall ~~[consist of providing substance use disorder counseling services as defined in]~~ meet the requirements of Subsection 58-60-502(9).

(2) ~~[In accordance with]~~ Under Subsection 58-60-506(5)(c), the 2,000 hours of supervised experience ~~[in substance use disorder treatment required to qualify an applicant for the]~~ for a substance use disorder counselor license shall ~~[consist of providing substance use disorder counseling services as defined in]~~ meet the requirements of Subsection 58-60-502(10).

(3) ~~[In accordance with]~~ Under Subsections 58-60-506(2)(c)(i) and 58-60-506(5)(c)(i), supervised experience shall be ~~[completed]~~ obtained:

(a) under direct supervision as defined in ~~[Section]~~ Subsection 58-60-502(3); ~~[and R156-60-102(4), by a supervisor who meets the requirements of Section 58-60-508 and Section R156-60-302; and~~

~~— (b) in accordance with Section R156-60-302, which requires a written supervision contract and establishes certain duties and responsibilities for the supervisor and supervisee.]~~

(b) while the applicant is a W-2 employee providing substance use disorder treatment at one of the following facilities:

(i) mental health agency;

(ii) in-patient or out-patient hospital;

(iii) educational institution;

(iv) non-profit organization; or

(v) government agency;

(c) in accordance with the supervised training requirements of Section R156-60d-302b;

(d) under a supervisor who meets the requirements of Section 58-60-508 and Section R156-60d-302b;

(e) while maintaining a supervisor-supervisee relationship in which the supervisor is independent of control by the supervised individual, and that the ability of the supervisor to supervise and direct the practice of that individual is not compromised; and

(f) in not less than 2,000 hours per 12 month period.

(4) Notwithstanding Subsection (3)(b), an individual may qualify for licensure when:

(a) exempt under Subsection 58-1-307(1)(b); or

(b) they completed training in another jurisdiction while:

(i) licensed as the equivalent of a SUDC; or

(ii) engaged in the practice of providing substance use disorder treatment while not required to be license.

(5) The exemption in Subsection 58-1-307(1)(b) does not permit an applicant to engage in the required hours of substance use disorder treatment training without first becoming licensed as a SUDC.

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

~~[In accordance with]~~ Under Subsections 58-60-506(1)(~~e~~d) and 58-60-115(5)(b), the following examinations ~~[required is]~~ will meet this requirement:

(1) for ~~[licensure as a]~~ certified advanced substance use disorder counselor ~~[and an]~~ or advanced substance use disorder counselor:

(a) ~~[the written NAADAC National Certification Exam Level II or MAC with a minimum criterion score set by NAADAC; or]~~ National Certified Addiction Counselor, Level II (NCACII) administered by the National Certification Commissions for Addiction Professionals (NCC AP);

(b) Master Addiction Counselor (MAC) administered by the NCC AP; or

(~~[b]c~~) [~~the written ICRC~~] Advanced Alcohol and Drug Counselor (AADC) [~~Examination with a minimum criterion score as set by ICRC; and~~] administered by the IC&RC.

(2) for [~~licensure as~~] a certified substance use disorder counselor or substance use disorder counselor:

(a) [~~the written NAADAC National Certification Exam Levels I, II or MAC with a minimum criterion score set by NAADAC; or~~] National Certified Addiction Counselor, Level I (NCACI) administered by the NCC AP;

(b) National Certified Addiction Counselor, Level II (NCACII) administered by the NCC AP;

(c) Master Addiction Counselor (MAC) administered by the NCC AP;

(~~[b]d~~) [~~the written ICRC~~] Alcohol and Drug Counselor (ADC) administered by the International Certification & Reciprocity Consortium (IC&RC); or

(e) Advanced Alcohol and Drug Counselor (AADC) [~~Examination with a minimum criterion score as set by ICRC~~] administered by the IC&RC.

**R156-60d-302d. Qualifications for Licensure - Suicide Prevention Course.**

(1) Under Subsections 58-60-506(2)(a)(iii) and (5)(a)(iii), the two hour suicide prevention course required to obtain substance use disorder counselor or advanced substance use disorder counselor licensure shall be:

(a) approved, sponsored, or conducted by one of the following:

(i) accredited college or university;

(ii) county, state, or federal agency;

(iii) professional association, or similar body, involved in clinical mental health therapy or substance use disorder treatment; or

(iv) mental health agency that provides clinical mental health services or substance use disorder treatment;

(b) relevant to mental health, substance use, and suicide prevention, consistent with the laws of this state, and include one or more of the following components:

(i) suicide concepts and facts;

(ii) suicide risk assessment, crisis intervention, and first aid;

(iii) evidence-based intervention for suicide risk;

(iv) continuity of care and follow-up services for suicide risk; and

(v) therapeutic alliances for intervention in suicide risk;

(c) completed in not less than 50-minute blocks of time in one of the following formats:

(i) classroom lecture and discussion;

(ii) workshops;

(iii) synchronous webinars;

(iv) asynchronous online self-paced modules;

(v) case study reviews; or

(vi) simulations; and

(d) completed within two years of application.

(2) The course provider shall provide certification of:

(a) course attendance;

(b) hours completed;

(c) name of provider; and

(d) date of completion.

(3) An applicant for licensure shall submit certification of course completion, within the preceding two years, to the Division as a prerequisite for licensure.

**R156-60d-303. Renewal and Reinstatement of License.**~~[Cycle—Procedures.]~~

~~(1) [In accordance with]~~ Under Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to ~~[licensees]~~all licenses under Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act, is established ~~[by rule]~~in S[ub]section R156-1-308a~~[-(1)]~~.

(2) Advanced substance use disorder counselor and substance use disorder counselor renewal~~[Renewal]~~ and reinstatement procedures shall be in accordance with Sections R156-1-308[e]a through R156-1-308l, except as provided in Subsection (3).

(3) Under Subsection 58-1-308(6)(a) and Section R156-1-308g, an applicant for reinstatement of licensure as a substance use disorder counselor or an advanced substance use disorder counselor whose license has expired over five years, shall upon request:

(a) meet with the Board to evaluate the applicant's ability to safely and competently practice substance use disorder treatment; and

(b) if recommended by the Board, complete one or more of the following:

(i) establish a plan of supervision under an approved supervisor, which may include up to 2,000 hours of substance use disorder treatment training as an SUDC before qualifying for reinstatement of the ASUDC license;

(ii) retake and pass an examination required in Section R156-60d-302c; or

(iii) complete up to 40 hours of continuing education in subjects determined by the Board.

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

~~[In accordance with]~~ (1) Under Section 58-60-105, the continuing ~~[professional]~~education (CE) requirements for each two-year renewal cycle beginning October 1 of each even-numbered year, for an individual ~~[substance use disorder counselor]~~ licensed under Title 58, Chapter 60, Part 5~~[-are established in Section R156-60-105.]~~, Substance Use Disorder Counselor Licensing Act, shall:

(a) be completed by an individual as follows:

(i) 20 hours for CSUDC;

(ii) 40 hours for SUDC;

(iii) 20 hours for CASUDC; or

(iv) 40 hours for ASUDC;

(b) include:

(i) six hours in ethics of substance use disorder treatment, law, or technology; and

(ii) two hours in suicide prevention, this course shall meet the requirements of Section R156-60d-302d.

(2) An individual who completes more than the required number of CE hours during a two-year renewal cycle may carry over excess hours to the next two-year renewal cycle, as follows:

(a) five hours for a CSUDC or CASUDC; or

(b) ten hours for a SUDC or ASUDC.

(3) CE shall be:

(a) approved, conducted, or under the sponsorship of one of the following:

(i) accredited college or university;

(ii) county, state, or federal agency;

(iii) professional association, or similar body, involved in clinical mental health therapy or substance use disorder treatment; or

(iv) mental health agency that provides clinical mental health services or substance use disorder treatment;

(b) completed in not less than 50-minute blocks of time in one of the following formats:

(i) college or university lecture and discussion up to a maximum of:

(A) three CE hours per semester hour; or

(B) 1.5 CE hours per quarter hour;

(ii) conference;

(iii) lecture or instruction up to a maximum of two times per course, up to a maximum of:

(A) five hours for a CSUDC or CASUDC; or

(B) ten hours for a SUDC or ASUDC;

(iv) seminar;

(v) training session;

(vi) synchronous distance learning course that is clearly documented as real-time and interactive;

(vii) asynchronous distance learning course that is not real-time and interactive, up to a maximum of:

(A) eight hours for a CSUDC or CASUDC; or

(B) 15 hours for a SUDC or ASUDC;

(viii) specialty certification;

(ix) direct supervision of a CSUDC or CASUDC completing the experience requirements for licensure, up to a maximum of ten hours for a SUDC or ASUDC; or

(x) volunteer service on a board, committee, or in a leadership role in any state, national, or international organization for the development and improvement of the licensee's profession; one CE hour may be counted as a regular credit, ethics, law, or technology credit, up to a maximum of six CE hours during each two-year period;

(c) prepared and presented by individuals who are qualified by education, training, and experience to provide CE;

(d) relevant to the licensee's scope of practice; and

(e) verified by a certificate of course completion that shall include:

(i) name of the attendee;

(ii) name of course provider;

(iii) name of instructor;

(iv) date of the course;

(v) title of the course;

(vi) number of CE hours;

(vii) course objectives; and

(viii) type of CE, for example, seminar, real-time interactive, distance learning, teaching.

(4) An individual shall maintain adequate documentation as proof of compliance with this section for a period of two years after the end of the renewal cycle for which the CE is due.

(5) An individual may not carry forward any CE hours received before a granted license, including professional upgrades.

(6) CE hours shall be decreased proportionately according to the date of licensure within the two-year renewal cycle.

(7) The Division may defer or waive CE requirements in accordance with Section R156-1-308d. [

~~**R156-60d-307. License Reinstatement Requirements.**~~

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

~~(1) meet with the Board upon request for the purpose of evaluating the applicant's current ability to engage safely and competently in practice as a substance use disorder counselor and to make a determination of any additional education, experience or examination requirements that will be required before reinstatement;~~

~~(2) pass the examination required in Section R156-60d-302e if it is determined necessary by the Board to demonstrate the applicant's ability to engage safely and competently in practice as a substance use disorder counselor; and~~

~~(3) complete at least 40 hours of 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 substance use disorder counselor.]~~

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

~~["Unprofessional conduct" includes:~~

~~(1) violating of any provision of the NAADAC, the Association for Addiction Professionals (October 9, 2016) NAADAC and NCC AP Code of Ethics, which is hereby incorporated by reference;~~

~~(2) violating any provision applicable to a supervisor under Section 58-60-508 or Section R156-60-302;~~

~~(3) violating any provision applicable to a supervisee under Section R156-60-302; or~~

~~(4) directing one's mental health therapist supervisor to engage in a practice that would violate any statute, rule, or generally accepted professional or ethical standard of the supervisor's profession.]~~

Under Subsection 58-60-110(2), "unprofessional conduct" includes:

(1) using the abbreviated title of:

(a) ASUDC unless licensed as an advanced substance use disorder counselor;

(b) CASUDC unless licensed as a certified advanced substance use disorder counselor;

(c) CASUDC unless licensed as a certified advanced substance use disorder counselor intern;

(d) CSUDCI unless licensed as a certified substance use disorder counselor intern;

(e) CSUDC unless licensed as a substance use disorder counselor;

(f) SUDC unless licensed as a substance use disorder counselor;

(2) acting as a supervisor or accepting supervision from a supervisor without complying with or ensuring compliance with Subsection 58-60-502(10) and Section R156-60d-302b;

(3) directing one's supervisor to engage in a practice that would violate any statute, rule, or generally accepted professional or ethical standard of the supervisor's profession;

(4) engaging in the supervised practice of substance use disorder treatment:

(a) as a licensed CASUDC or CSUDC unless:

(i) the licensee has completed a substance use disorder education program from an accredited college or university; and

(ii) the scope of practice is within the licensee's competency, abilities, and education;

(b) while not in compliance with Section R156-60d-302b;

(5) engaging in or aiding or abetting:

(a) conduct or practices that are dishonest, deceptive, or fraudulent;

(b) deceptive or fraudulent billing practices;

(c) 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; or

(d) physical contact with a client when there is a risk of exploitation or potential harm to the client resulting from the contact;

(6) engaging in dual or multiple relationships with a client or former client when there is a risk of or potential harm to the client;

(7) engaging in sexual activities or sexual contact with a client, former client, or another individual with whom the client maintains a close personal relationship with or without the client's consent;

(8) exploiting for personal gain a:

(a) client;

(b) former client; or

(c) person who has a personal relationship with a client;

(9) failing to:

(a) establish and maintain professional boundaries with a client or former client;

(b) exercise professional discretion and impartial judgment required for the performance of professional activities, duties, and functions;

(c) provide impartial, objective, and informed services, recommendations, or opinions with respect to:

(i) custodial or parental rights;

(ii) divorce;

(iii) domestic relationships;

(iv) adoptions;

(v) sanity;

(vi) competency;

(vii) mental health; or

(viii) other determination concerning an individual's civil or legal rights;

(d) maintain client records including records of assessment, treatment, progress notes, and billing information for a period of not less than ten years from the documented termination of services to the client;

- (e) provide client records in a reasonable time upon written request of the client, or the client's legal guardian;
- (f) obtain informed consent from the client or the client's legal guardian before taping, recording, or permitting third-party observations of client activities or records;
- (g) protect the confidences of persons named or identified in the client records;
- (h) abide by the Code of Ethics of the NAADAC, the Association for Addiction Professionals and the NCC AP, January 1, 2021 edition, which is incorporated by reference;
- (i) follow the Model Standards of Practice for Child Custody Evaluation of the Association of Family and Conciliation Courts (AFCC) May 2006, which is incorporated by reference;
- (j) cooperate with the Division during an investigation;
- (10) if providing services remotely, failing to:
  - (a) practice according to professional standards of care in the delivery of services;
  - (b) protect the security of electronic confidential data and information; or
  - (c) appropriately store and dispose of electronic confidential data and information; and
- (11) violating Section R156-60d-302b regarding supervised experience.

KEY: licensing, substance use disorder counselors

Date of Enactment or Last Substantive Amendment: ~~[November 10, 2020]~~ 2024

Notice of Continuation: July 14, 2020

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