



UTAH DEPARTMENT  
OF COMMERCE

Office of Professional Licensure Review

# Mental & Behavioral Health Licensure Review

*The following presentation was adapted from a presentation by Jeff Shumway, Director of OPLR, on 11/3/2022 with the BHWW and individual meeting with Anna Lieber, UMHCA President, and Mr. Shumway on 11/09/2022*

November 3, 2022

# OPLR Background

- **January 2021:** [Executive Order 2021-01](#)
- **May 2022:** [SB 16](#) (2022) enacted as Utah Code [13-1b](#)

Created the Office of Professional Licensure Review (OPLR) within the Department of Commerce to perform the following duties:

- (1) Conduct a **sunrise review** of any applications to establish a new regulated occupation
- (2) Conduct a **review of each regulated occupation** at least once every 10 years
- (3) Respond to **legislative inquiries** regarding proposed or existing regulated occupations
- (4) **Report** to the Business and Labor Interim Committee annually

Applies to regulation of occupations administered by state executive branch agencies ([13-1b-102](#))

# OPLR Background

- **January 2021:** [Executive Order 2021-01](#)
- **May 2022:** [SB 16](#) (2022) enacted as Utah Code [13-1b](#)
- **July 2022:** OPLR begins operation
- **October 2022:** OPLR proposes review of MH/BH

Based on proposal to address mental health crisis, Business & Labor interim committee unanimously approves OPLR review of Mental & Behavioral Health Occupational Regulation for CY 2023

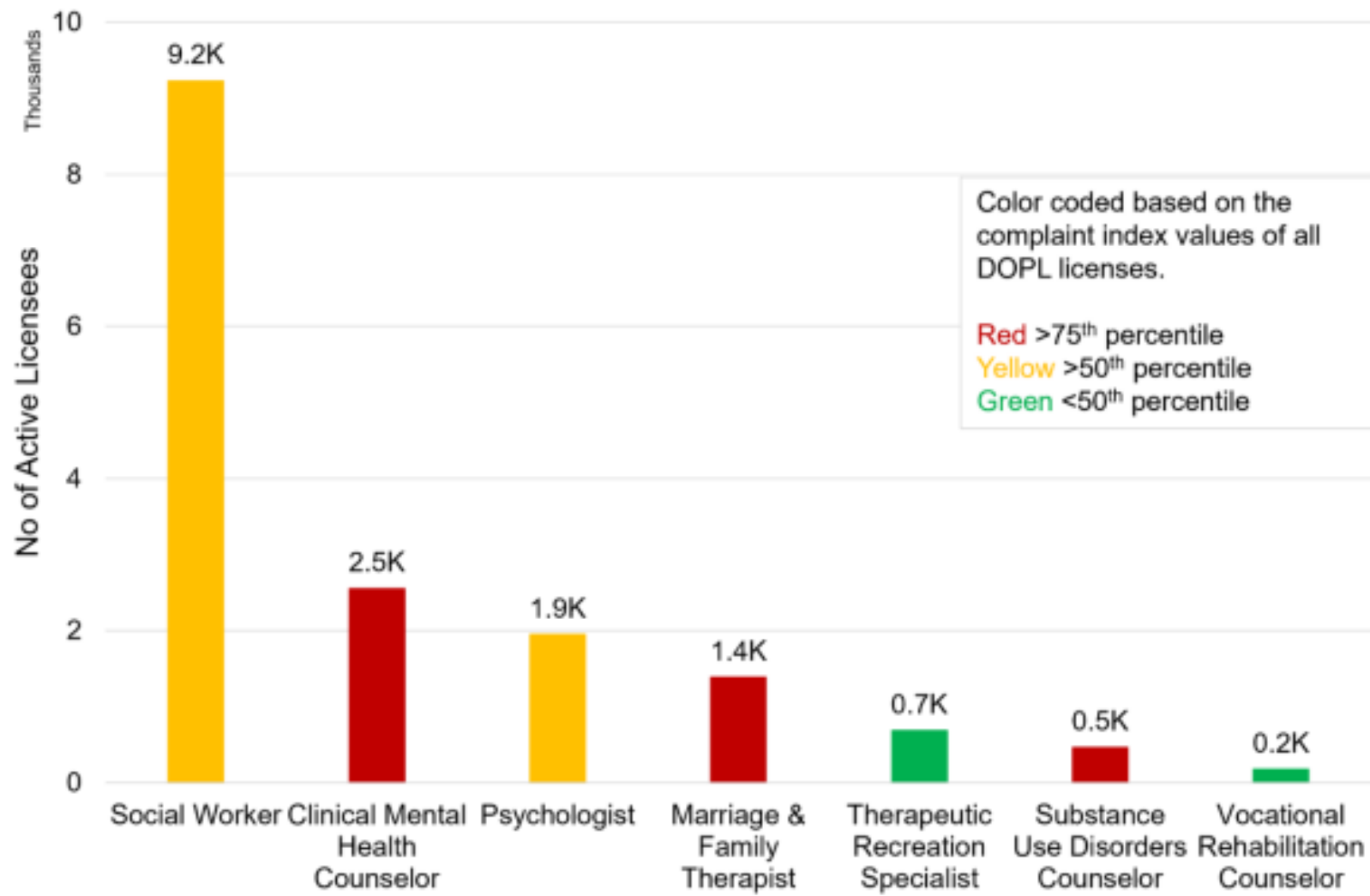
# Occupations for Review

## Department of Commerce

- Social Worker (9,200 active licensees)
- Marriage & Family Therapist (1,400)
- Clinical Mental Health Counselor (2,600)
- Substance Use Disorder Counselor (500)
- Psychologist (1,200)
- Behavior Analyst (700)
- Therapeutic Recreation Specialist (700)
- Vocational Rehabilitation Counselor (200)
- State Certified Music Therapist (70)

## Department of Health and Human Services

- Certified Case Manager (1,000)
- Certified Peer Support Specialist (100)
- Child/Family Peer Support Specialist/ Family Resource Facilitator (25)
- Certified Crisis Worker (130)
- Behavioral Emergency Services Technician (0)
- Advanced Behavioral Emergency Services Technician (0)



Occupation	Licenses	Active Licensees (As of July 2022)	Complaint Index* (Justified complaints per 100 active licensees)
<i>Division of Professional Licensure</i>			
Social Worker	Licensed Clinical Social Worker	5,389	3.0
	Social Service Worker	1,896	
	Certified Social Worker	1,814	
	Certified Social Worker Intern	138	
Clinical Mental Health Counselor	Clinical Mental Health Counselor	2,048	7.0
	Associate Clinical Mental Health Counselor	499	
	Associate Clinical Mental Health Counselor Extern	13	
	Volunteer Clinical Mental Health Counselor	1	
Psychologist	Psychologist	1,215	3.9
	Certified Psychology Resident	38	
	Behavior Analyst	642	
	Assistant Behavior Analyst	42	
	Behavior Specialist	11	
	Assistant Behavior Specialist	5	
Marriage and Family Therapist	Marriage & Family Therapist	1,127	5.8
	Associate Marriage & Family Therapist	265	
	Associate MFT Extern	2	

# Research Questions

- 1. Policy Landscape**
- 2. Impact to Consumers**
  - a. Risk of Harm
  - b. Availability of Services
  - c. Quality of Services
- 1. Impact to Practitioners**
  - a. Entry into Occupation
  - b. Practice of Occupation
  - c. Portability of License
- 2. Impact to Regulators**
  - a. Resource Demands
- 3. Policy Analysis**

# Impact to Consumers

## 1. Risk of Harm

What risks of harm does the practice of this occupation pose to consumers?

*Key Considerations: Severity, probability, and permanence of health, safety, & financial harms*

## 2. Availability of Services

How available are mental and behavioral health services to Utah consumers?

*Key Considerations: Supply of practitioners; cost, wait time, and geographic distance to services*



# Impact to Practitioners

## 1. **Entry into Occupation**

What barriers do practitioners face in order to enter this occupation?

*Key Considerations: Training pathways; cost, duration, and geographic distance to training*

## 2. **Practice of Occupation**

What requirements must practitioners meet in order to continue to practice this occupation?

*Key Considerations: Renewal burden, oversight, compliance, remediation/grievance requirements*

## 3. **Portability of License**

What is required for practitioners to continue working in this occupation across jurisdictions?

*Key Considerations: Intrastate, interstate, multistate, international, multinational portability*

# Stakeholder Engagement Timeline

## Phase 1

### OPLR Open Door

*Nov – Dec 2022*

Open period for stakeholders to engage with OPLR to share data/ideas

## Phase 2

### Data Requests

*Jan – Feb 2023*

Time for OPLR to request additional data; no unsolicited input at this phase

## Phase 3

### OPLR Analysis

*Mar – Aug 2023*

Period for OPLR to independently conduct analysis & to draft report

## Phase 4

### Review & Comment

*May – Dec 2023*

Opportunity for informal review & formal comment by select stakeholders

# What type of data & information is OPLR hoping to receive?

1. Academic journal articles
2. Industry reports (e.g., trends analysis)
3. Employer data (e.g., staffing needs)
4. Consumer data (e.g., wait times, travel)
5. Ideas for change

- ➡ Other questions we should be asking
- ➡ Other stakeholders we should engage

# UMHCA's response

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We have no reason to panic – OPLR is an unbiased agency who will likely make positive recommendations to the UT legislature, which will benefit our profession.

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UMHCA will continue to actively engage and communicate with OPLR and keep all members updated.

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LPPC is actively working on a way to gather information requested by OPLR and investigating possible reasons why the complaint index is so high for CMHCs.

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OPLR attended the Counseling Compact Brown Bag on 11/10/2022

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If you have specific ideas or questions, please reach out to Anna Lieber [president@umhca.org](mailto:president@umhca.org).