



Mental Health Town Hall

Questions and Answers

Please note that questions here are exactly as asked.

1. In what ways is DOPL enforcing compliance or restriction with individuals engaging in coaching involving emotionality or trauma that runs counter to Utah's recent legislative changes?

DOPL has noticed an increase in cases where individuals operating as life coaches appear to be crossing the statutory line into the practice of mental health. We want to be clear: our agency is actively investigating these matters. When our investigation confirms that an **unlicensed individual** is engaging in the practice of mental health therapy, we take disciplinary action, usually by a citation with a fine and a cease and desist order.

2. Why does it take much longer than 180 to actually complete an investigation?

DOPL investigation durations can vary and may exceed 180 days due to the inherent complexity of a case and DOPL's commitment to thoroughness. Delays often stem from the meticulous process of gathering and analyzing a large volume of evidence, combined with external factors like securing the availability or cooperation of witnesses. We assure you that this time is necessary to manage investigator workload and meet all the legal requirements, ensuring every disciplinary outcome is fair, accurate, and legally defensible.

3. How on earth are therapists able to keep their licenses when there has been sexual misconduct with their clients? I have heard it was due to the shortage of therapists in the past OR that because it's

easier to keep track of therapists when they are on probation vs losing their licenses. That doesn't seem right. There is no accountability for something so serious. Keeping therapists licensed that do these kinds of unethical things are not worth it and it shows others that they can get away with anything.

Recognizing that sexual misconduct cases are often under-reported and have a lack of traditional evidence, beginning in 2025, DOPL shifted their investigative priorities of such cases. Where previous standards often prevented investigations due to a lack of corroborating evidence beyond the single complainant's testimony, DOPL now requires a thorough investigation of all sexual misconduct allegations. It is important to note that cases with one complainant and a lack of evidence often take additional time to gather evidence or locate other potential victims. If the accusation has an immediate and significant risk to the public, DOPL may issue an emergency suspension of the license during its investigation and/or a criminal investigation.

- 4. Why does DOPL/AG instruct us [mental health professionals who submit a complaint to DOPL] to not say anything about someone being investigated? Then when the therapist being investigated gets a lawyer they are able to drag it out for years. We can't say anything to anyone or warn others of the issues this therapist has done. Nothing is put on their licenses saying they are being investigated. It feels so "yucky" to have to sit back and watch this/these therapist(s) continue to keep practicing without any warning to the public and other therapists that want to work with him/her. How can this be avoided so we don't feel like we have to protect the person getting investigated and others can know at least there is an active investigation going on with them?**

We understand that maintaining confidentiality can be frustrating to members of the public, but DOPL and the Attorney General's Office are bound by laws and rules of evidence to keep investigations confidential until they are officially adjudicated. This necessary legal standard protects the accused professional's due process rights and encourages witnesses to report without fear of retaliation. We want to be clear that citizens are free to share information when they feel it is right; however, any disagreements regarding libel or slander are entirely between private parties, and we cannot instruct citizens on whether to share publicly, even though doing so can sometimes complicate a case. Rest assured, in any case involving immediate and serious risk to the public, the Board can and will pursue an emergency suspension to prevent the therapist from practicing while the investigation proceeds.

- 5. What options do we have in terms of reporting non-licensed people (coaches, etc.)? Especially if they are presenting themselves like a**

therapist, I have a client who had some damage done by a coach, but not sure how to hold that person accountable.

Filing a complaint against a non-licensed individual who is engaging in regulated practice is strongly encouraged. Practicing a regulated profession without the appropriate license is classified as unlawful conduct and is subject to immediate disciplinary action, including significant administrative fines. For the most egregious cases that represent a serious threat to the public, DOPL will work with the Attorney General's Office to pursue the maximum penalty, which includes the possibility of criminal prosecution. Our enforcement measures are designed to protect the professional integrity of our licensees and ensure public safety.

6. Are there any protections for supervisees who report concerns about their supervisors? I have seen this power dynamic result in supervisees feeling stuck in supervision situations where they fear retaliation if they report unethical or illegal behavior.

The Utah Mental Health Professionals Practice Act ([U.C.A. 58-60-112](#)) provides clear liability protections when reporting the unlawful conduct of another licensee.

Furthermore, to safeguard trainees, our Administrative Rule ([R156-60e-101](#)) mandates that supervisors must sign off on all accrued hours regardless of any internal concerns, preventing retaliation against those pursuing licensure. While DOPL will thoroughly consider any complaint submitted by a supervisor during the application review process, these mechanisms are designed to ensure a fair system that supports both professional integrity and due process for all parties.

7. Why is there not a time limitation on complaints made that have been founded as far as enforcing the consequences. Why can the accused, who's been found guilty keep things open and ongoing when the consequences are coming, but they delay it using their attorney to buy time and build false allegations about the reporter to stall the inevitable. So they are accused, found guilty, and are still practicing without infractions because they are working the system.

DOPL understands the frustration with this; however, licensees are not found guilty until a disciplinary agreement has been reached or an order has been issued. While available information may seem to indicate a licensee is guilty, they still have the right to due process, as explained in question 4. However, If the accusation includes an immediate and substantial risk to the public, DOPL may issue an emergency stipulation or order to temporarily suspend or limit the license to prevent the individual from practicing while the investigation or criminal process is conducted. DOPL also encourages professional associations to take a role in reviewing the ethics of professionals, as some other professional associations do.

8. How soon are updates posted to the license lookup verification system once an investigation is closed? What details are shared with the public?

Disciplinary actions are typically posted to the website within a few days when a disciplinary **agreement** or **order** is the final outcome. The official legal document that formalizes the outcome typically includes:

- Findings of Fact: a detailed, bulleted description of the specific unethical or unlawful conduct that the investigation substantiated.
- Conclusions of Law: A citation of the exact statutes or rules that the professional was found to have violated based on those facts.
- Disciplinary Sanction: the penalty being imposed, which can range from a fine, formal reprimand, placement on probation, or in severe cases, license suspension or revocation.
- Remedial Requirements: any mandated actions the professional must take to continue practicing (if not revoked), such as undergoing clinical supervision, completing specific ethics training, or submitting to practice monitoring.

For unlicensed individuals, the order will usually include a cease and desist order to legally compel them to stop the unlawful practice immediately.

9. Many of the therapists I know have lost a lot of faith in DOPL's investigations process. In part, the length of time it takes to complete, the treatment/seemingly disregard for those making the report, and lack of appropriate follow through regarding serious ethical violations. Watching a therapist violate ethics and see no significant consequences, leads to other therapists disregarding ethics because they know there won't be any serious consequences. This is incredibly frustrating and disheartening for the rest of us who are doing our best to practice in the most ethical ways.

So my questions: are you aware that DOPL as a whole lacks credibility with many in the profession? If so, do you have any plans to address that?

DOPL is very much aware of the public and professional perception regarding its investigative processes, specifically in mental health cases. We hear the frustrations you describe – the length of time for investigations, the feeling of being disregarded as a complainant, and the perceived lack of meaningful consequences for serious ethical violations. Some of this frustration is based on resource constraints or flaws in the law or DOPL procedures.

DOPL recognizes this as a critical systemic issue impacting public trust and the credibility of all ethical therapists. To address this, DOPL is actively collaborating with licensing boards, the legislature, and law enforcement to streamline the investigative process and increase transparency where legally possible. The goal is to improve the system so that it not only protects the public but also maintains the credibility and trust of ethical therapists who feel let down when unethical behavior seemingly goes unpunished.

DOPL is committed to addressing the issues impacting trust and credibility in the Mental Health Professions. However, it is also important to note that integrity is a shared endeavor. Each component in this industry—from individual therapists and colleges and universities to professional associations—must actively recognize and fulfill their respective roles in upholding the integrity of the profession.

For instance, DOPL cases can be disadvantaged or delayed by therapists protecting colleagues, turning a blind eye to unethical behavior. Furthermore, the inherent complexity of some cases requires extensive resources, time, and evidence development, which can lengthen the period between the initial complaint and DOPL's final disciplinary action. During this time, a professional association could decide to remove the member from their association, sending a clear message that members will be held accountable for unethical behavior. DOPL cannot police integrity alone. Mental Health Associations should feel empowered to uphold the high standards that their members expect and deserve. DOPL encourages associations to move beyond guidance and take action to solidify the profession's credibility from within. DOPL is committed to improving these systemic issues alongside all stakeholders, whether they be licensees, mental health associations, board members, or educational institutions.

10. Why aren't public reprimands marked on someone's license? And how are consumers supposed to find that information?

We post all public reprimands and other disciplinary actions on our website, and we strongly encourage everyone to use DOPL's online [license verification system](#) when choosing a licensed professional. The license look-up system verifies the individual's current license status and clearly indicates when a professional has a disciplinary history, providing a direct link to access the disciplinary action list. Here is the link to look up disciplinary actions <https://db.dopl.utah.gov/disciplinary-actions/>.

However, DOPL does not share informal corrective actions, which are classified as private or protected information. These actions are not public and include warnings, letters of concern, or an informal adjudicative proceeding. DOPL takes private action in cases where there is insufficient evidence, informing the individual that DOPL is aware of potential misconduct and advising them to rectify their practice. DOPL will also take informal corrective actions in cases in which the accusation is minor, does not impact public safety, and is easily corrected through education. DOPL cannot comment on informal corrective actions, as they are private. Doing so would be highly prejudicial, especially in cases in which the accusations have not been proven.

- 11. What would you suggest in terms of reporting facilities. I have had multiple clients (adults) who have been physically harmed in major ways while working at a local residential facility. I know the facilities are monitored for the safety of clients, but staff are also getting severely abused and harmed by clients. So how do we protect the caretakers of clients and protect both. (For example the staff member stabbed by the client at Chrysalis - that was on the news). Not my client - just an example.**

Mental Health Facilities are regulated through the Department of Health and Human Services (DHHS). Facility concerns should be directed there first. However, individual license holders are regulated by DOPL, and those issues should come to DOPL. Occasionally, there is overlap in these cases, and DOPL investigators will collaborate with DHHS as needed.

- 12. Why does it seem that until the media gets involved DOPL doesn't do much discipline with unethical therapists? We hear of these therapists that have been reported over and over again and not much happens to them until the media gets involved and/or someone(s) is/are seriously hurt.**

While it may appear that "DOPL doesn't do much discipline with unethical therapists" until the media gets involved, there are many DOPL disciplinary actions against unethical therapists that do not garner media attention and go unnoticed by the general public.

There are instances in which DOPL is made aware of critical evidence from outside sources, such as news reports or law enforcement investigations. When this new information becomes available, DOPL immediately works with those external agencies to acquire the necessary information to include in investigations. While DOPL prefers to gather evidence and information firsthand, there are instances when a media story generates more evidence than we previously had. For example, some victims may feel empowered to come forward after media coverage. Additionally, many Utahns are unaware they can file a complaint with DOPL, a fact that we are actively trying to remedy. Because of this, some complainants may contact the media directly without ever notifying DOPL of the misconduct. While a DOPL investigation is often already underway by the time a media story is published, DOPL will investigate accusations of unlawful or unprofessional conduct, no matter the source of the information.

- 13. What is the criteria to meet for a DOPL investigation?**

Per [Utah Code Title 58](#), any violation of the laws and rules regarding the profession is the criteria to open a DOPL investigation.

14. Who can make a complaint?

Anyone can file a complaint. Complaints can be filed by members of the public, co-workers, licensing board members, professional associations, other state agencies, federal disciplinary databases, etc.

15. Do you believe that a quarterly sharing of data re: number of complaints against MH therapists would begin to act as a deterrent to engage in unprofessional conduct?

The Background and Investigation Advisory Committee receives a report like this from the Chief Investigator at each of its quarterly meetings. It is then reported to the Behavioral Health Licensing Board at their next scheduled meeting. Both the Advisory Committee meetings and the Board meetings are recorded and available to the public at the Utah Public Notice Website: <https://www.utah.gov/pmnl/>.

Additionally, DOPL publishes a monthly Disciplinary Newsletter on its website, which details all citations and formal administrative actions from the previous month. You can access this information from our website under the “Enforcement” dropdown by clicking on Disciplinary Newsletter: <https://dopl.utah.gov/disciplinary-newsletters/>.

16. When would an influx of these complaints and heavier caseloads necessitate hiring additional investigators (dedicated to the mental health space specifically)?

In 2023, DOPL recognized an influx of complaints and cases in the mental health professions and reallocated its limited existing resources in order to assign an additional investigator to mental health cases.

Recently, Senate Bill 48 ([S.B. 48](#)), passed during the 2025 General Legislative Session, creating the Mental Health Education and Enforcement Fund. As funds become available, the Division, in concurrence with the Board, may use some of those funds towards an additional investigator.

17. The monthly newsletter that lists finalized citations for the last 6 months lists CMH/SW as the fewest number of citations month over month compared to other license groups - so when the 269 complaints/inquiries for the first part of 2025 are talked about, are those mostly still in process? It seems the numbers of citations and the complaint numbers aren't lining up- what am I missing?

DOPL does take action against mental health professionals who commit unlawful or unprofessional conduct, but the type of action differs based on severity of the conduct and DOPL's citation authority as outlined in each profession's statute. Citations are just one type of discipline and are typically used for minor infractions that do not affect public

safety, and are easily corrected with education. Furthermore, DOPL does not have as broad of citation authority for unprofessional conduct in the Mental Health Professional Practice Act as other professions. This leaves formal discipline actions as a remedy, such as public reprimands, probation, surrender, or revocation for licensed individuals. These types of actions are published in DOPL's monthly disciplinary newsletter under the disciplinary action section, as opposed to the citation section.

18. Does title 58: the self-report requirement not currently apply to mental health professionals?

The current self-report requirement ([58-1-301.5](#)) requires professionals to self-report criminal history changes primarily at the time of their application for licensure, license renewal, reinstatement, or relicensure, which can significantly delay appropriate action, as professionals only renew their license every two years. Depending on when a criminal infraction takes place, DOPL might not know of the incident until a year or so later. Due to this, DOPL is collaborating with Mental Health Associations and Utah State Legislators to modify this requirement. Legislative changes could require sooner notification, allowing DOPL to review and take appropriate action in a timely manner. Additionally, the Legislature could modify the background check requirement for Mental Health Professionals, requiring enrollment in the FBI Rap Back System, an automated system where the Division is notified by enforcement agencies when a licensed professional receives a criminal infraction.

19. How is the board approaching a process to address scope-of-practice creep that has increased at a broad level, especially in the light of recent legislative actions creating “omnibus” bodies, communicating to the public and to practitioners that all levels of training accredited vs non-accredited programs, any length of time, etc are all equivalent and equally qualified to do assessment and intervention across all ages, couples/systems, and conditions?

The Behavioral Health Board has a Qualifications and Professional Development Advisory Committee, which is composed of licensed mental health professionals who are also university educators. This expert committee meets every month to rigorously review and approve educational equivalencies, ensuring all applicants meet professional standards as required by law. These committee meetings are open to the public.