

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 373 Mental Health Counseling Interns

**SPONSOR(S):** Health Quality Subcommittee; Burgess, Jr.

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	11 Y, 0 N, As CS	Siples	O'Callaghan
2) Health & Human Services Committee	15 Y, 0 N	Siples	Calamas

### SUMMARY ANALYSIS

The bill revises the requirements for registration as an intern in the fields of clinical social work, marriage and family therapy, and mental health counseling. The bill limits the length of time an intern may practice in one of these fields without obtaining full licensure.

The bill provides that an individual, who is registered to practice as an intern, must remain under supervision for clinical hours to count toward full licensure. When a registered intern is providing services in a private practice setting, the bill requires a licensed mental health professional to be on the premises. The bill provides that a registration issued on or before April 1, 2017, may not be renewed or reissued and expires March 31, 2022. Any registration issued after April 1, 2017, is valid for 5 years. The bill allows a subsequent intern registration only if the candidate passes a theory and practice examination.

The bill prohibits an individual who has held a provisional license to practice as a clinical social worker, marriage and family therapist, or mental health counselor from applying for intern registration in the same profession.

The bill deletes obsolete language and makes technical changes to the structure of existing law to clarify language.

The bill will have an insignificant, negative fiscal impact on the Department of Health and no fiscal impact on local governments.

The bill provides an effective date of July 1, 2016.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Current Situation**

##### The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling

The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (the board) is located within the Department of Health (DOH), and implements and enforces rules that regulate the practice of clinical social work, marriage and family therapy, and mental health counseling pursuant to ch. 491, F.S. The board is composed of nine members appointed by the Governor and confirmed by the Senate.<sup>1</sup> Presently, the board regulates:

- 9,246 licensed clinical social workers;
- 1,866 marriage and family therapists; and
- 10,018 mental health counselors.<sup>2</sup>

##### Scope of Practice

##### *Clinical Social Work*

The practice of clinical social work uses scientific and applied knowledge, theories, and methods for the purpose of describing, preventing, evaluating, and treating individual, couple, marital, family, or group behavior to prevent and treat undesired behavior and enhance mental health. It includes methods of a psychological nature used to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders and dysfunctions (whether cognitive, affective, or behavioral, sexual dysfunction, behavioral disorders, alcoholism, and substance abuse. Clinical social work incorporates psychotherapy, hypnotherapy, sex therapy, counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients.<sup>3</sup>

##### *Marriage and Family Therapy*

The practice of marriage and family therapy uses scientific and applied marriage and family theories, methods, and procedures for the purpose of describing, evaluating, and modifying marital, family, and individual behavior, within the context of marital and family systems. The practice is based on marriage and family systems theory, marriage and family development, human development, normal and abnormal behavior, psychopathology, human sexuality, psychotherapeutic and marriage and family therapy theories and technique. The practice of marriage and family therapy include methods of a psychological nature to evaluate, assess, diagnose, treat, and prevent emotional and mental disorders or dysfunctions (whether cognitive, affective, or behavioral), sexual dysfunction, behavioral disorders, alcoholism, and substance abuse. Marriage and family therapy incorporates marriage and family therapy, psychotherapy, hypnotherapy, sex therapy, counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients.<sup>4</sup>

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<sup>1</sup> Section 491.004(1), F.S.

<sup>2</sup> Email correspondence with the Department of Health, Medical Quality Assurance staff on November 9, 2015. The number of active licensed practitioners include both in-state and out-of-state licensees, as of November 9, 2015.

<sup>3</sup> Section 491.003(7), F.S.

<sup>4</sup> Section 491.003(8), F.S.

## *Mental Health Counseling*

It uses scientific and applied behavioral science theories, methods, and techniques for the purpose of describing, preventing, and treating undesired behaviors and enhancing mental health and human development. The practice is based on the person-in-situation perspectives derived from research and theory in personality, family, group, and organizational dynamics and development, career planning, cultural diversity, human growth and development, human sexuality, normal and abnormal behavior, psychopathology, psychotherapy, and rehabilitation. The practice of mental health counseling includes methods of a psychological nature that are used to evaluate, assess, diagnose, and treat emotional and mental dysfunctions or disorders (whether cognitive, affective, or behavioral), behavioral disorders, interpersonal relationships, sexual dysfunctions, alcoholism, and substance abuse. Mental health counseling incorporates psychotherapy, hypnotherapy, sex therapy, counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients.<sup>5</sup>

### Internship

To be licensed as a clinical social worker, marriage and family therapist, or mental health counselor, an applicant must meet educational requirements, complete at least 2 years of postgraduate or postmaster's clinical practice supervised by a licensed practitioner, and pass a theory and practice examination.<sup>6</sup> During the time in which an applicant is completing the required supervised clinical experience or internship, he or she must register with the DOH as an intern.<sup>7</sup> The supervised clinical experience may be met by providing at least 1,500 hours of face-to-face psychotherapy with clients, which may not be accrued in less than 100 weeks.<sup>8</sup>

An applicant seeking registration as an intern must:<sup>9</sup>

- Submit a completed application form and the nonrefundable fee to the DOH;
- Complete education requirements;
- Submit an acceptable supervision plan for meeting the practicum, internship, or field work required for licensure that was not satisfied by graduate studies; and
- Identify a qualified supervisor.

A registered intern may renew his or her registration every biennium, with no limit to the number of times it may be renewed.<sup>10</sup> Currently, there are 3,949 clinical social work interns; 1,039 marriage and family therapy interns; and 4,966 registered mental health counselor interns. More than 700 interns have continued to renew their intern registration for more than 10 years, and 150 of them have been renewing their registrations since the inception of this law in 1998.<sup>11</sup>

Recent disciplinary cases have shown that those interns who have held intern registrations for many years are no longer practicing under supervision as is required by law. The DOH receives complaints against registered interns for various infractions including filing false reports, failing to meet minimum standards, boundary violations, sexual misconduct, Medicaid fraud, false advertising, etc. Since 2007, the DOH has received 173 complaints against clinical social work interns, 72 complaints against marriage and family therapy interns, and 306 complaints against mental health counselor interns. Of these, 74 complaints have resulted in disciplinary actions and 4 resulted in emergency restriction orders signed.<sup>12</sup>

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<sup>5</sup> Section 491.003(9), F.S.

<sup>6</sup> Section 491.005, F.S. A procedure for licensure by endorsement is provided in s. 491.006, F.S.

<sup>7</sup> Section 491.0045, F.S.

<sup>8</sup> Rule 64B4-2.001, F.A.C.

<sup>9</sup> Section 491.0045(2), F.S.

<sup>10</sup> Department of Health, *House Bill 373 Bill Analysis* (Oct. 20, 2015) (on file with House Health Quality Subcommittee). The registration renewal fee is \$80.00 for a two-year period.

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

## Provisional License

A provisional license allows an individual applying for licensure by examination or licensure by endorsement, who has satisfied the clinical experience requirements, to practice under supervision while meeting additional coursework or examination requirements for licensure.<sup>13</sup> Individuals must meet minimum coursework requirements and possess the respective graduate degree.<sup>14</sup> A provisional license is valid for 24 months, after which it may not be renewed or reissued.<sup>15</sup>

There are 53 provisionally licensed clinical social workers, 25 provisionally licensed marriage and family therapists, and 152 provisionally licensed mental health counselors.<sup>16</sup> The board has accepted applications for intern registrations from practitioners whose provisional licenses have expired. Currently, there is no prohibition against a provisional licensee applying for an intern registration.<sup>17</sup>

### **Effect of Proposed Changes**

The bill provides that a registered intern must practice under the supervision of a licensed clinical social worker, marriage and family therapist, or mental health counselor for clinical hours to count toward full licensure. Additionally, this bill limits the time period for registered internship to 5 years (60 months) from the date the intern registration is issued and provides that a registration may not be renewed or reissued. Any intern registration issued on or before April 1, 2017, will expire on March 31, 2022. Registrations issued after April 1, 2017, expire 60 months after the date of issue and may only be renewed if the candidate has passed the theory and practice examination required for full licensure.

Under current law, an intern may perform work on or off the premises of the supervising mental health professional provided the off-premises work is not the independent private practice of unlicensed health services on the premises at the same time the intern is providing services. The bill clarifies that a licensed clinical social worker, marriage and family therapist, or mental health counselor is required to be on the premises when a registered intern provides clinical services in a private practice setting.

The bill prohibits a person who has held a provisional license from applying for an intern registration in the same profession. Under current law, there is no such provision, thus allowing individuals to lengthen the time period to practice in the fields of clinical social work, marriage and family therapy, and mental health counseling without obtaining full licensure.

The bill deletes obsolete language and makes technical grammatical and conforming changes.

The bill provides an effective date of July 1, 2016.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends s. 491.0045, F.S., relating to intern registration and requirements.

**Section 2.** Amends s. 491.005, F.S., relating to licensure by examination.

**Section 3.** Provides an effective date of July 1, 2016.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

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<sup>13</sup> Section 491.0046(1), F.S., and Rule 64B4-3.0075, F.A.C.

<sup>14</sup> Section 491.0046(2), F.S.

<sup>15</sup> Section 491.0046(4), F.S.

<sup>16</sup> *Supra* note 10.

<sup>17</sup> *Id.*

The DOH will experience a decrease in revenues due to the elimination of the biennial renewal fee for interns. However, with internships limited to a 5-year duration, it is anticipated that interns will apply for full licensure which will offset the decrease in the intern renewal revenue.<sup>18</sup>

2. Expenditures:

The DOH will need to update its licensure system to accommodate the 5-year registration period for internships. The DOH advises its current resources are sufficient to absorb the costs associated with the update.<sup>19</sup>

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Interns of clinical social work, marriage and family therapy, and mental health counseling will no longer have to pay the biennial renewal fee, yet will be required to pay initial fees and renewal for full licensure after 5 years of internship to continue to practice in these professions.<sup>20</sup>

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The DOH has sufficient rule-making authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 17, 2015, the Health Quality Subcommittee adopted an amendment to change the date of application of certain registration requirements in the bill to after the effective date of the bill, thereby

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

requiring registrations issued on or before April 1, 2017, to expire on March 31, 2022, and applying the 5-year time limit to all registrations issued after April 1, 2017.

The bill was reported favorably as a committee substitute. The analysis is drafted to the committee substitute.