

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 858

INTRODUCER: Senator Legg

SUBJECT: Clinical Social Worker, Marriage and Family Therapist, and Mental Health Counselor Interns

DATE: February 26, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	Favorable
2.	Brown	Pigott	AHS	Recommend: Favorable
3.	Pace	Hrdlicka	FP	Favorable

I. Summary:

SB 858 requires clinical social worker, marriage and family therapist, and mental health counselor interns to practice under the supervision of a licensed clinical social worker, marriage and family therapist, or mental health counselor, as applicable, at all times. The bill provides that an intern may practice only if the supervising professional or another licensed mental health professional is on-site.

The bill limits the duration of a registered internship to 5 years. The internship may be renewed only if the registration is issued after April 1, 2017, and the intern has passed the theory and practice examination required for full licensure. The bill prohibits a person who has held a provisional license from applying for an intern registration in the same profession.

The bill is estimated to have an indeterminate but likely insignificant fiscal impact on state government.

II. Present Situation:

The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (board) within the Department of Health (DOH) implements and enforces rules that regulate the practice of clinical social work, marriage and family therapy, and mental health counseling. The board is composed of nine members appointed by the Governor and confirmed

by the Senate.¹ Currently, the board regulates 9,762 licensed clinical social workers, 2,017 marriage and family therapists, and 10,578 mental health counselors.²

The practices of clinical social work, marriage and family therapy, and mental health counseling include methods 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. Each of the practices incorporates psychotherapy, hypnotherapy, sex therapy, counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of information and education to clients.³

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 to enhance mental health.⁴

Marriage and Family Therapy

The practice of marriage and family therapy uses scientific and applied 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.⁵

Mental Health Counseling

The practice of mental health counseling 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.⁶

Internship

To be licensed as a clinical social worker, marriage and family therapist, or mental health counselor an individual must meet educational requirements, complete a 2-year supervised

¹ Section 491.004(1), F.S.

² DOH, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2014-2015*, p. 13, Table 1: Summary of Licensed Practitioners, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1415.pdf> (last visited Feb. 23, 2016).

³ See ss. 491.003(7), (8), and (9), F.S.

⁴ Section 491.003(7), F.S.

⁵ Section 491.003(8), F.S.

⁶ Section 491.003(9), F.S.

postgraduate or postmaster's clinical experience, and pass a theory and practice examination.⁷ An internship may be applied toward postgraduate or postmaster's clinical work experience.⁸ The supervised clinical experience may be met by providing at least 1,500 hours of face-to-face psychotherapy with clients in the applicable field and may not be accrued in less than 100 weeks.⁹ 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.¹⁰

An applicant seeking registration as an intern must:

- Submit a completed application form and a nonrefundable fee;
- 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.¹¹

Currently, a registered intern may renew his or her registration every 2 years, with no limit to the number of times it may be renewed.¹² An intern may perform work on or off the premises of the supervising mental health professional, provided the off-premises work is not located at an independent private practice without a licensed mental health professional present when the intern is providing services.¹³

Currently, there are 3,949 clinical social work interns, 1,039 marriage and family therapy interns, and 4,966 registered mental health counselor interns.¹⁴ According to the DOH, more than 700 interns have continued to renew their intern registration for more than 10 years, and 150 of them have renewed their registrations since the inception of the registration in 1998. The renewal fee for an intern is \$80 every 2 years and continuing education is not required. Comparatively, the renewal fee for a mental health professional's license is \$130 every 2 years and 30 hours of continuing education.¹⁵

The DOH reviewed disciplinary cases against registered interns and found that some interns who have held an intern registration for many years do not remain under the required supervision of a licensed practitioner and many are in sole practitioner private practice without meeting minimum competency standards, such as passing the national clinical examination. The DOH has received an increasing number of complaints against these interns for various infractions including filing false reports, failing to meet minimum standards, boundary violations, sexual misconduct, Medicaid fraud, and false advertising.¹⁶

⁷ Section 491.005, F.S.

⁸ Section 491.005(1)(c), F.S.

⁹ Rule 64B4-2.001, F.A.C

¹⁰ Section 491.0045, F.S.

¹¹ Section 491.0045(2), F.S.

¹² *Infra* note 15.

¹³ Section 491.005(1)(c), F.S.

¹⁴ *Supra* note 2.

¹⁵ DOH, *Senate Bill 858 Analysis* (November 17, 2015) (on file with the Senate Committee on Health Policy).

¹⁶ *Id.*

Provisional Licenses

A provisional license allows an individual applying for licensure by examination or licensure by endorsement¹⁷ who has satisfied the clinical experience requirements, to practice under the supervision of a licensed professional while meeting additional coursework or examination requirements for licensure.¹⁸ Individuals must meet minimum coursework requirements and possess the respective graduate degree.¹⁹ A provisional license is valid for 24 months, after which it may not be renewed or reissued.²⁰

Currently, there are 53 provisionally licensed clinical social workers, 25 provisionally licensed marriage and family therapists, and 152 provisionally licensed mental health counselors.²¹ The board accepts applications for intern registrations from provisionally licensed practitioners whose provisional licenses have expired but who have not met licensure requirements. Currently, there is no prohibition against a provisional licensee applying for an intern registration.²²

III. Effect of Proposed Changes:

The bill amends ss. 491.0045 to require that a clinical social worker, marriage and family therapist, or mental health counselor intern must practice under the supervision of a licensed clinical social worker, marriage and family therapist, or mental health counselor, as applicable, at all times. The bill limits the duration of a registered internship to 5 years (60 months) from the date the intern registration is issued. An intern registration issued on or before April 1, 2017, will expire on March 31, 2022, and may not be renewed or reissued. Registrations issued after April 1, 2017, expire 60 months after the date of issuance and may be renewed only if the candidate has passed the theory and practice examination required for full licensure. The bill prohibits a person who has held a provisional license from applying for an intern registration in the same profession.

The bill amends s. 491.005, F.S., to clarify that an intern may only practice if there is a licensed mental health professional on-site.

The bill reenacts s. 491.012, F.S., related to prohibitions on practicing clinical social work, marriage and family therapy, or mental health counseling unless the practitioner is licensed to practice that profession or is a registered intern.

The bill is effective July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹⁷ The procedure for licensure by endorsement is provided in s. 491.006, F.S.

¹⁸ See s. 491.0046(1), F.S., and Rule 64B4-3.0075, F.A.C.

¹⁹ Section 491.0046(2), F.S.

²⁰ Section 491.0046(4), F.S.

²¹ *Supra* note 2.

²² *Supra* note 15.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under the bill clinical social worker, marriage and family therapist, and mental health counselor interns must meet new minimum qualifications for practice and requirements for supervision, which will have an indeterminate impact on their ability to practice.

C. Government Sector Impact:

The DOH reports that it will experience a decrease in revenue associated with the elimination of the biennial renewal fee for interns. However, with the internship restricted to 5 years, it is anticipated that interns will apply for full licensure, which will likely offset the decrease in intern registration renewal revenue.

The DOH will also be required to update its licensure system to accommodate the 5-year intern license, which current resources can absorb.²³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 491.0045 and 491.005.

This bill reenacts section 491.012 of the Florida Statutes.

²³ *Supra* note 15.

IX. Additional Information:

- A. **Committee Substitute – Statement of Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
