

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 1041 Mental Health Counseling Interns

**SPONSOR(S):** Health Quality Subcommittee; Murphy

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1388

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	12 Y, 0 N, As CS	Castagna	O'Callaghan
2) Health Care Appropriations Subcommittee			
3) Health & Human Services Committee			

### 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 seeks to close avenues that may be utilized by some to lengthen the time period to practice in one of these fields without obtaining full licensure.

The bill provides that a person, who is registered to practice as an intern, must remain under supervision for clinical hours to count toward full licensure and may not engage in his or her own independent private practice.

Additionally, the bill provides that a registration issued on or before March 31, 2015, may not be renewed or reissued and expires March 31, 2020. Any licenses issued after March 31, 2015 are valid for 5 years.

The bill provides that a person who has held a provisional license to practice as a clinical social worker, marriage and family therapist, or mental health counselor may not apply 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, 2014.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present 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 (board) implements and enforces rules related to clinical, counseling, and psychotherapy services. The board is composed of 9 members appointed by the Governor and confirmed by the Senate within the Department of Health (Department).<sup>1</sup> Presently the board regulates:<sup>2</sup>

- 8,746 licensed clinical social workers;
- 1,840 marriage and family therapists; and
- 9,329 mental health counselors in the state.

##### Scope of Practice

*Clinical social work* is defined as the use of 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 undesired behavior and to better mental health. The practice is based on the person-in-situation perspective of psychosocial development, normal and abnormal behavior, psychopathology, unconscious motivation, interpersonal relationships, environmental stress, differential assessment, differential planning, and data gathering. Clinical social work incorporates psychotherapy, hypnotherapy, and sex therapy.<sup>3</sup>

*Marriage and family therapy* is defined as the use of 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. Practice involves 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 techniques. Marriage and family therapy incorporates marriage and family therapy, psychotherapy, including behavioral family therapy, hypnotherapy, and sex therapy.<sup>4</sup>

*Mental health counseling* is defined as the use of scientific and applied behavioral science theories, methods, and techniques for the purpose of describing, preventing, and treating undesired behavior 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. Mental health counseling incorporates psychotherapy, hypnotherapy, and sex therapy.<sup>5</sup>

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

<sup>2</sup> Email correspondence from DOH staff, March 2014, on file with Health Quality Subcommittee staff.

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

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

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

## Internship

Under ch. 491, F.S., an individual may register as an intern in the following areas: clinical social work, marriage and family therapy, or mental health counseling. Registering as an intern enables an individual to gain the required postgraduate or postmaster's degree supervised clinical experience that is required for full licensure. This clinical experience may be met by work performed on or off the premises of the supervising clinical social worker, marriage and family therapist, or mental health counselor as long as the practice is not independent and is performed while a licensed mental health professional is on the premises. Currently, 1,500 hours of face-to-face psychotherapy is required, which may not be accrued in less than 100 weeks.<sup>6</sup>

An applicant seeking registration as an intern must:<sup>7</sup>

- Submit a completed application form and the nonrefundable fee to the Department;
- 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>8</sup> Currently, there are 3,239 clinical social work interns; 859 marriage and family therapy interns; and 4,237 registered mental health counselor interns. Of this total, over 700 interns have continued to renew their intern registration for more than 10 years and 150 of them since the inception of this law in 1998.<sup>9</sup>

Recent disciplinary cases have shown that those interns who have been registered for many years are no longer practicing under supervision as is required by law. The Department has received increasing numbers of 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. To date, the Department has received 134 complaints against clinical social work interns; 51 complaints against marriage and family therapy interns and 238 complaints against mental health counselor interns. Of these, 67 have resulted in disciplinary actions and 2 of these were recent emergency restriction orders signed by the Surgeon General.<sup>10</sup>

## Provisional license

A provisional license is a 2 year license that allows individual practice, under the supervision of a licensed mental health professional, while not meeting all of the clinical experience requirements. Individuals must meet minimum coursework requirements, and possess the respective graduate degree.<sup>11</sup> Currently, there are 66 provisional clinical social workers, 11 provisional marriage and family therapists and 107 provisional mental health counselors. 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>12</sup>

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<sup>6</sup> Rule 64B4-2.001, F.A.C.

<sup>7</sup> Section 491.005, F.S.

<sup>8</sup> Currently, the registration renewal fee is \$80.00 for the two year period. DOH Analysis of HB 1041, dated February 25, 2014 (on file with Health Quality Subcommittee staff).

<sup>9</sup> DOH Analysis of HB 1041, dated February 25, 2014 (on file with Health Quality Subcommittee staff).

<sup>10</sup> *Id.*

<sup>11</sup> Section 491.0046, F.S. and Rule 64B-3.0075, F.A.C.

<sup>12</sup> *Supra fn 8.*

## Effect of Proposed Changes

The bill rewords current law to clarify that a licensed clinical social worker, marriage and family therapist, or mental health counselor is required to be on the premises when clinical services are provided by a registered intern in a private practice setting. It also states that the intern may not engage in his or her own independent private practice.

The bill provides that a person, who is registered to practice as an intern, must remain 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) after the date that the intern registration is issued and does not allow for the registration to be renewed or reissued. All intern registrations issued on or before March 31, 2015, are to expire on March 31, 2020

The bill prohibits a person who has held a provisional license from applying for an intern registration in the same profession. The bill seeks to close avenues that may be utilized by some 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 changes to the structure of existing law to clarify language.

The bill provides an effective date of July 1, 2014.

### B. SECTION DIRECTORY:

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

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

**Section 3.** Provides an effective date of July 1, 2014.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The Department will update the Customer Oriented Medical Practitioner Administration System (COMPAS) licensure system to accommodate the 5 year registration period for internships. The Department's current resources are adequate to absorb the costs associated with the update.<sup>13</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

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<sup>13</sup> *Id.*

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>14</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 Department has sufficient rule-making authority to implement the provisions of this bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

On lines 73-75 the bill shows incorrect dates. The dates should be amended to coincide with the professions' established license renewal calendar date of March 31 and to reflect the following year's registration period, which is 2015.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 18, 2014, the Health Quality Subcommittee adopted an amendment and reported the bill favorable as a committee substitute. The amendment:

- Changes the dates for intern registration to coincide with the DOH licensure renewal cycle occurring on March 31.
- Removes language allowing for subsequent intern registration if a candidate has passed the theory and practice examination.

The analysis is drafted to the committee substitute as passed by the Health Quality Subcommittee.

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<sup>14</sup> *Id.*