

**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.)

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

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BILL: SB 858

INTRODUCER: Senator Legg

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

DATE: February 5, 2016      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Stovall	HP	<b>Pre-meeting</b>
2.	_____	_____	AHS	_____
3.	_____	_____	FP	_____

**I. Summary:**

SB 858 requires that a clinical social work, marriage and family, or mental health counselling intern practice under the supervision of a licensed clinical social worker, marriage and family therapist, or mental health counselor, as applicable, at all times. It clarifies that an intern may only practice if the supervising or another licensed mental health professional is onsite.

The bill limits the duration of a registered internship to five years, with a grandfathering provision for licenses issued before April 1, 2017. The internship may only be renewed 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.

**II. Present Situation:**

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

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

<sup>2</sup> Florida Dep't of Health, Division of Medical Quality Assurance, *Annual Report and Long Range Plan Fiscal Year 2014-2015*, p. 13, available at <http://www.floridahealth.gov/licensing-and-regulation/reports-and-publications/documents/annual-report-1415.pdf> (last visited Feb. 4, 2016).

### **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 therapies, 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>

### **Mental Health Counseling**

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. 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>

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<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.

## Interns

To be licensed as a clinical social worker, marriage and family therapist, or mental health counselor, an applicant must meet educational requirements, complete a two-year supervised postgraduate or postmaster's clinical practice, 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;
- 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. 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 without a licensed mental health professional on the premises when the intern is providing services.<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.<sup>11</sup> 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. The renewal fee for an intern is \$80 for the biennium period and no continuing education is required. Comparatively, the requirements for renewal of a licensed mental health professional's license is payment of a \$130 per biennium renewal fee and completion of 30 hours continuing education.<sup>12</sup>

## Provisional Licenses

A provisional license allows an individual applying for licensure by examination or licensure by endorsement,<sup>13</sup> who has satisfied the clinical experience requirements, to practice under supervision while meeting additional coursework or examination requirements for licensure.<sup>14</sup> Individuals must meet minimum coursework requirements and possess the respective graduate

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<sup>6</sup> Section 491.005, 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> Section 491.005(1)(c), F.S.

<sup>11</sup> *Supra* note 2.

<sup>12</sup> Florida Dep't of Health, *Senate Bill 858 Analysis* (November 17, 2015) (on file with the Senate Committee on Health Policy). The registration renewal fee is \$80 for a two-year period.

<sup>13</sup> The procedure for licensure by endorsement is provided in s. 491.006, F.S.

<sup>14</sup> Section 491.0046(1), F.S., and Rule 64B4-3.0075, F.A.C.

degree.<sup>15</sup> A provisional license is valid for 24 months, after which it may not be renewed or reissued.<sup>16</sup>

There are 53 provisionally licensed clinical social workers, 25 provisionally licensed marriage and family therapists, and 152 provisionally licensed mental health counselors.<sup>17</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>18</sup>

### **III. Effect of Proposed Changes:**

The bill amends ss. 491.0045 and 491.005, F.S., to require that a clinical social work, marriage and family, or mental health counselling intern practice under the supervision of a licensed clinical social worker, marriage and family therapist, or mental health counselor, as applicable, at all times. It clarifies that an intern may practice only if the supervising or another licensed mental health professional is onsite.

The bill limits the duration of a registered internship to five 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 only be renewed 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 deletes obsolete language, makes technical grammatical and conforming changes, and reenacts prohibitions on practicing clinical social work, marriage and family therapy, or mental health counseling unless licensed to practice that profession or the person is a registered intern.

The bill is effective July 1, 2016.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

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<sup>15</sup> Section 491.0046(2), F.S.

<sup>16</sup> Section 491.0046(4), F.S.

<sup>17</sup> *Supra* note 12.

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

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill will provide greater public protection by ensuring that these interns have met minimum qualifications for practice and are adequately supervised.

**C. Government Sector Impact:**

According to the DOH, it will experience a decrease in revenue associated with the elimination of the biennial renewal fee for interns. However, with the internship time limit restricted to five years, it is anticipated that interns will then apply for full licensure, which will offset the decrease in intern renewal revenue. DOH will also be required to update its licensure system to accommodate the five year intern license, which current resources will be adequate to absorb.<sup>19</sup>

**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.

**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.

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

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<sup>19</sup> *Supra* note 12.