

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 247 Marriage and Family Therapists  
**SPONSOR(S):** Health Quality Subcommittee, Mercado  
**TIED BILLS:** IDEN./SIM. **BILLS:** SB 1042

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Quality Subcommittee	11 Y, 0 N, As CS	Siples	McElroy
2) Health Care Appropriations Subcommittee	11 Y, 0 N	Mielke	Clark
3) Health & Human Services Committee	17 Y, 0 N	Siples	Calamas

### SUMMARY ANALYSIS

Marriage and family therapists are trained mental health professionals who diagnose and treat mental health and emotional disorders within the context of marriage and family systems. A marriage and family therapist may treat a wide range of clinical problems, including depression, marital problems, child-parent problems, as well as individual problems.

Current law requires marriage and family therapists to take specified courses to qualify for licensure. CS/HB 247 streamlines the educational requirements by eliminating the individual course requirements, and instead requires that an applicant hold a graduate degree from an accredited program. If the applicant holds a graduate degree from an accredited program in a closely related field, the applicant must also complete board-approved graduate courses. The bill also amends a scrivener error related to the number of years of clinical experience required for licensure.

The bill amends the licensure by endorsement requirements for licensed clinical social work, marriage and family therapy, and mental health counseling to remove a requirement that an applicant licensed in another state meet the same educational requirements as an applicant for licensure by examination.

The bill requires applicants to submit licensure examination fees to the organization administering the test, rather than the Department of Health (DOH), to align statute with current practice. The bill requires The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling to designate the licensure examination, and eliminates a requirement that DOH provide the examination.

The bill has an insignificant, negative fiscal impact on DOH, which can be absorbed within existing resources. The bill has no fiscal impact on local governments.

The bill provides an effective date of July 1, 2019.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### Marriage and Family Therapists

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>1</sup> A marriage and family therapist may use scientific and applied marriage and family theories, methods, and procedures to describe, evaluate, and modify marital, family, and individual behavior within the context of marital and family systems.<sup>2</sup> The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (board) within the Department of Health (DOH) regulates the practice of marriage and family therapy.<sup>3</sup>

##### *Licensure by Examination*

An applicant seeking licensure as a marriage and family therapist must:<sup>4</sup>

- Possess a master's degree from an accredited program;
- Complete 36 semester hours of graduate coursework that includes a minimum of 3 semester hours of graduate-level coursework in:<sup>5</sup>
  - The dynamics of marriage and family systems;
  - Marriage therapy and counseling theory;
  - Family therapy and counseling theory and techniques;
  - Individual human development theories throughout the life cycle;
  - Personality or general counseling theory and techniques;
  - Psychosocial theory; and
  - Substance abuse theory and counseling techniques.
- Complete at least one graduate level course of 3 semester hours in legal, ethical, and professional standards;
- Complete at least one graduate level course of 3 semester hours in diagnosis, appraisal, assessment, and testing for individual or interpersonal disorder or dysfunction;
- Complete at least one graduate level course of 3 semester hours in behavioral research;
- Complete at least one supervised clinical practicum, internship, or field experience in a marriage and family counseling setting, during which the applicant provided at least 180 direct client contact hours of marriage and family therapy services;
- Complete two years of post-master's supervised experience under the supervision of a licensed marriage and family therapist with five years of experience or the equivalent who is qualified as a supervisor by board;
- Pass a board-approved examination;
- Demonstrate knowledge of laws and rules governing the practice;<sup>6</sup> and
- Complete a board-approved educational course on HIV and AIDS.<sup>7</sup>

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<sup>1</sup> Section 491.003(8), F.S.

<sup>2</sup> Id.

<sup>3</sup> Section 491.004, F.S.

<sup>4</sup> Section 491.005(3), F.S. An individual may qualify for a dual license in marriage and family therapy if he or she passes an examination in marriage and family therapy and has held an active license for at least three years as a psychologist, clinical social worker, mental health counselor, or advanced registered nurse practitioner who is determined by the Board of Nursing to be a specialist in psychiatric mental health (s. 491.0057, F.S.)

<sup>5</sup> In r. 64BBB4-22.110, F.A.C., the Board specifies the specific content of each of the courses required in statute.

<sup>6</sup> See r. 64B4-3.0035, F.A.C., for a list of the laws and rules for which an applicant must demonstrate knowledge.

DOH must verify that an applicant's education matches the specified courses and hours as outlined in statute. However, there are organizations that accredit marriage and family therapy education programs, including the Commission on Accreditation for Marriage and Family Therapy Education and the Council for the Accreditation of Counseling and Related Educational Programs, and establish the minimum standards to meet the requirements to practice the profession.<sup>8</sup>

### *Licensure by Endorsement*

An individual may apply for licensure by endorsement if the individual holds a license to practice clinical social work, marriage and family therapy, or mental health counseling in another U.S. state. To qualify for licensure, an applicant must:<sup>9</sup>

- Hold an active and unencumbered license to practice marriage and family therapy, clinical social work, and mental health counseling in another state;
- Have actively practiced as a licensed clinical social worker, marriage and family therapist, or licensed mental health counselor for three of the last five years immediately preceding application for licensure in this state;
- Meet the educational requirements as required by statute for the profession for which the individual is applying;
- Have passed a licensing examination that is substantially equivalent to the licensing examination in this state; and
- Complete a board-approved educational course on HIV and AIDS.<sup>10</sup>

DOH must verify that the applicant has completed the course work specified in statute. If a course was unavailable at the time the applicant graduated or does not meet the course content requirements, an applicant must take additional course(s) to qualify for licensure by endorsement.<sup>11</sup>

### Accreditation of Educational Programs

The goal of accreditation is to ensure that higher education institutions and programs meet acceptable levels of quality.<sup>12</sup> Colleges and universities are accredited by one of 19 recognized institutional accrediting organizations, and programs are accredited by one of approximately 60 recognized programmatic accrediting organizations.<sup>13</sup> Accrediting organizations are private, nongovernmental organizations created to review higher education institutions and programs for quality.<sup>14</sup> All recognized accrediting organizations have been reviewed for quality by the U.S. Department of Education or the Council for Higher Education Accreditation (CHEA).<sup>15</sup>

The U.S. Department of Education oversees the accreditation of post-secondary educational institutions and programs by reviewing all federally-recognized accrediting organizations. The Secretary of Education will recognize an accrediting organization that is determined to be a reliable authority as to

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<sup>7</sup> Section 491.0065, F.S.

<sup>8</sup> See Commission on Accreditation for Marriage and Family Therapy Education, *What Are the Benefits of COAMFTE Accreditation*, available at [https://www.coamfte.org/COAMFTE/Accreditation/About\\_Accreditation.aspx](https://www.coamfte.org/COAMFTE/Accreditation/About_Accreditation.aspx) (last visited January 21, 2019), and Council for the Accreditation of Counseling and Related Educational Programs, *Why Should I Choose an Accredited Program?*, available at <http://www.cacrep.org/value-of-accreditation/why-should-i-choose-an-accredited-program/> (last visited January 21, 2019).

<sup>9</sup> Section 491.006, F.S.

<sup>10</sup> *Supra* note 7.

<sup>11</sup> Department of Health, *2019 Agency Legislative Bill Analysis for HB 247*, (Jan. 23, 2019), on file with the Health Quality Subcommittee.

<sup>12</sup> U.S. Dep't of Education, *Overview of Accreditation in the United States*, (last rev. Jan. 28, 2019), available at <https://www2.ed.gov/admins/finaid/accred/accreditation.html#Overview> (last visited February 14, 2019).

<sup>13</sup> Council for Higher Education Accreditation, *About Accreditation*, available at <https://www.chea.org/about-accreditation> (last visited February 14, 2019).

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

<sup>15</sup> *Id.*

the quality of education or training provided by the institutions or programs it accredits.<sup>16</sup> The primary functions of accreditation are:<sup>17</sup>

- Assessment of the quality of academic programs;
- To create of a culture of continuous improvement and simulate a general raising of the standards;
- Involvement of faculty and staff in institutional evaluation and planning; and
- Establishment of criteria for professional certification and licensure and for upgrading courses offering such preparation.

CHEA is an institutional membership organization that recognizes institutional and programmatic accrediting organizations.<sup>18</sup> Recognition by CHEA affirms that the standards and processes of the accrediting organization are consistent with the academic quality, improvement, and accountability standards that CHEA has established.<sup>19</sup> CHEA's standards require an accrediting organization to:<sup>20</sup>

- Have a clear description of academic quality and clear expectations that institutions and programs that are accredited have processes to determine whether quality standards are met;
- Have standards that require institutions and programs to provide consistent, reliable information about academic quality and student achievement;
- Encourage self-scrutiny and planning for change and needed improvement;
- Employ appropriate and fair organizational policies and procedures that include effective checks and balances;
- Demonstrate ongoing review of accreditation practice; and
- Possess sufficient resources.

For marriage and family therapy, CHEA recognizes the Commission of Accreditation for Marriage and Family Therapy Education for master's, doctoral, and post-doctoral clinical training in the U.S. and Canada, as well as the Council for Accreditation of Counseling and Related Education Programs for master's and doctoral degrees in counseling in the U.S. and throughout the world.<sup>21</sup>

### **Effect of Proposed Changes**

CS/HB 247 requires an applicant for licensure to hold a master's degree with an emphasis in marriage and family therapy from a program accredited by the Commission of Accreditation for Marriage and Family Therapy Education or a Florida university program accredited by the Council for Accreditation of Counseling and Related Educational Programs. An applicant may also qualify for licensure if he or she holds a master's degree in a closely related field and has completed graduated courses approved by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling. The bill eliminates specified coursework and clinical experience required for licensure that is currently enumerated in statute, which conforms the educational requirements to those of most other health care professions.

To be licensed as a marriage and family therapist, s. 491.005(3), F.S., requires an applicant to complete two years of clinical experience. However, later in the same paragraph, it states the clinical experience required is three years. DOH currently enforces the two-year requirement. The bill corrects the scrivener's error in the paragraph.

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<sup>16</sup> *Supra* note 12.

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

<sup>18</sup> Council for Higher Education Accreditation, *CHEA at a Glance*, available at <https://www.chea.org/about> (last visited February 14, 2019).

<sup>19</sup> Council for Higher Education Accreditation, *2018-2019 Directory of CHEA-Recognized Organizations*, (Feb. 2019), available at <https://www.chea.org/2018-2019-directory-chea-recognized-accrediting-organizations-pdf> (last visited February 14, 2019).

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

<sup>21</sup> *Id.*

The bill eliminates the requirement that an applicant for licensure by endorsement as a licensed clinical social worker, marriage and family therapist, or licensed mental health counselor meet the specified educational requirements in statute. The bill retains all other requirements to be licensed by endorsement, including passing an equivalent licensure examination.

The bill requires applicants to submit licensure examination fees to the organization administering the test, rather than DOH, to align statute with current practice.<sup>22</sup> The bill also requires the board to designate the licensure examination and eliminates the requirement for DOH to provide the examination.

The bill provides an effective date of July 1, 2019.

**B. SECTION DIRECTORY:**

**Section 1:** Amends s. 491.005, F.S., relating to licensure by examination.

**Section 2:** Amends s. 491.006, F.S., relating to licensure or certification by endorsement.

**Section 3:** Provides an effective date of July 1, 2019.

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

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

1. Revenues:

None.

2. Expenditures:

DOH will incur insignificant costs to amend adopted rules to reflect the changes made in this bill, which current resources are adequate to absorb.<sup>23</sup>

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Individuals applying for licensure may receive licenses faster since DOH will no longer be required to review transcripts to verify that the applicant has met the course requirements. Applicants for licensure by endorsement may save costs related to completing courses to meet the specific course requirements enumerated in statute and rule.

**D. FISCAL COMMENTS:**

None.

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<sup>22</sup> *Supra* note 11.

<sup>23</sup> *Id.*

### **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:**

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 February 20, 2019, the Health Quality Subcommittee adopted three amendments and reported the bill favorably as a committee substitute. The three amendments:

- Corrected the name of the organization that administers the licensure examination;
- Updated the names of the accreditation agencies to their current names;
- Deleted unnecessary language related to DOH review of transcripts;
- Required the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling to designate the theory and practice examination required for licensure, rather than have DOH provide the examination; and
- Corrected cross-references.

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