

**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:** CS/SB 884

**INTRODUCER:** Health Policy Committee and Senator Baxley

**SUBJECT:** Clinical Social Workers, Marriage and Family Therapists, and Mental Health Counselors

**DATE:** April 2, 2019                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	<b>Fav/CS</b>
2.	_____	_____	AHS	_____
3.	_____	_____	AP	_____

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**Please see Section IX. for Additional Information:**  
COMMITTEE SUBSTITUTE - Substantial Changes

**I. Summary:**

- CS/SB 884 amends ch. 491, F.S.to:
- Define the terms “certified master social worker” and the “practice of generalist social work”;
  - Require the Department of Health (DOH) to:
    - Issue a certificate to a certified master social worker meeting certain requirements,
    - Make rules, and
    - Take disciplinary action against certified master social workers under certain circumstances;
  - Revise the application and examination requirements for certification as a master social worker;
  - Require the use of applicable professional titles by licensees and certificate holders, provisional licensees, and interns, on social media and other specified materials; and
  - Delete obsolete language.

The bill has an insignificant negative impact on state revenues and expenditures, which can be absorbed within existing resources of the DOH.

The bill takes effect July 1, 2019.

## II. Present Situation:

### **Clinical Social Workers, Marriage and Family Therapists, Mental Health Counselors and Certified Master Social Workers**

#### *Clinical Social Worker*

Section 491.005(1), F.S., directs the DOH to issue a license to a clinical social worker applicant whom the board certifies:

- Has submitted an application and paid the appropriate fee;
- Has received a doctoral degree in social work from an accredited graduate school of social work which:
  - Was accredited by the Council on Social Work Education;
  - Was accredited by the Canadian Association of Schools of Social Work; or
  - Was from an equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education.
- Has complete coursework in six content areas;
- Has complete a supervised field placement;
- Has complete 24 semester hours or 32 quarter hours in theory of human behavior and practice methods in clinically oriented services;
- Has completed at least 2 years of clinical social work experience, after completion of a graduate degree. An individual who intends to practice in Florida to satisfy clinical experience requirements must register as an intern before commencing practice.
- Has passed a theory and practice examination; and
- Has demonstrated knowledge of the Florida laws and rules governing the practice of clinical social work.

#### *Marriage & Family Therapist*

Section 491.005(3)(b), F.S., relating to licensure by examination for marriage and family therapists requires:

- A master's degree with major emphasis in marriage and family therapy or a closely related field;
- Specific coursework in 12 content areas; and
- A practicum, internship, or field experience of 180 hours providing direct client contact hours of marriage and family services under the supervision of a licensed marriage and family therapist with at least 5 years of experience.

According to the DOH, the specific course work requirement must be an exact match. Lack of an exact match may significantly delay an applicant's licensure.<sup>1</sup>

Section 491.005(3)(c), F.S., is inconsistent as it requires both 2 years, and 3 years, of clinical experience for a marriage and family therapy licensure applicant. According to the DOH, the 3 years of clinical experience was a technical error and is inconsistent with other statutory

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<sup>1</sup> *Supra* note 1.

requirements. Only 2 years of clinical experience for a marriage and family therapy applicant is required.<sup>2</sup>

### ***Mental Health Counselor***

Section 491.005(4), F.S., relating to licensure by examination for mental health counselors names the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors as the required examination for a mental health counselor. The correct name of the examination required for licensure as a mental health counselor is the National Clinical Mental Health Counseling Examination. The examination was developed by, and is administered by, the National Board for Certified Counselors.

Section 491.005(4), F.S., contains a 300-hour difference between the hours of practicum, internship, or field experience required for graduates from a CACREP and non-CACREP graduates. A mental health counselor applicant who graduated from a program not accredited by CACREP is required to complete 1,000 hours of practicum, internship, or field experience. An MHC applicant who graduated from a CACREP accredited program is required to meet the CACREP standards to complete 700 hours of practicum or internship.<sup>3</sup>

### ***Certified Master Social Worker***

Section 491.0145, F.S., permits the DOH to certify an applicant for a designation as a “certified master social worker” upon the following conditions:

- The applicant submits an application and nonrefundable fee to the DOH at least 60 days before the examination to qualify to take the exam;
- Submits an official transcript that the applicant has received:
  - A doctoral degree in social work, or
  - A master’s degree in social work with an emphasis on clinical practice or administration in seven content areas;
- Submit proof of at least 3 years’ experience in clinical services or administrative experience; and
- Has passed the national Advanced Generalist level examination developed by the Association of Social Work Boards required by the DOH.<sup>4</sup>

Any person who holds a master’s degree in social work from institutions outside the United States may apply to the DOH for certification if the academic training in social work has been evaluated as equivalent to a degree from a school accredited by the Council on Social Work Education. The applicant must submit to the DOH a copy of the academic training from the Foreign Equivalency Determination Service of the Council on Social Work Education.

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<sup>2</sup> *Id.*

<sup>3</sup> Council for Accreditation of Counseling & Related Educational Programs, *2016 CACREP Standards*, available at <http://www.cacrep.org/wp-content/uploads/2018/05/2016-Standards-with-Glossary-5.3.2018.pdf> (last visited Feb. 1, 2019).

<sup>4</sup>The Department of Health, Board of Clinical Social work, Marriage & Family Therapy and Mental health Counseling, *Certified Master Social Worker*, available at <https://floridamenthalhealthprofessions.gov/licensing/certified-master-social-worker/> (last visited Mar.20, 2019).

A certified master social worker is not licensed or authorized to provide clinical social work services. It is an administrative license.<sup>5</sup>

### ***Licensure by Endorsement***

Section 491.006, F.S., relating to licensure or certification by endorsement, requires an applicant to demonstrate to the board that he or she:

- Has knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling;
- Holds an active valid license to practice, and has actively practiced the profession in another state for 3 of the last 5 years immediately preceding licensure;
- Meets the education requirements of ch. 491, F.S., in the profession for which the applicant seeks licensure;
- Has passed a substantially equivalent licensure examination in another state, or has passed the licensure examination in this state in the profession for which the applicant seeks licensure;
- Holds a license in good standing; and
- Is not under investigation for, or been found to have committed, an act that would constitute a violation of ch. 491, F.S.

To satisfy the education requirements for endorsement as a clinical social worker, marriage and family therapist or mental health counselor an applicant must demonstrate specific particular course work, rather than a degree from an accredited school or college, or proof of licensure in another state, is required of an applicant for licensure by endorsement.<sup>6</sup>

The educational requirements for certification by endorsement for a certified master social worker are proof to the DOH of:

- A doctoral degree in social work<sup>7</sup>; or
- A master's degree<sup>8</sup> with a major emphasis in clinical practice or administration, including, but not limited to:
  - Agency administration and supervision;
  - Program planning and evaluation;
  - Staff development;
  - Research;
  - Community organization;
  - Community services;
  - Social planning, or
  - Human service advocacy; and

<sup>5</sup> Department of Health, *Certified Master Social Worker*, available at <https://floridasmalhealthprofessions.gov/licensing/certified-master-social-worker/> (last visited Apr. 1, 2019).

<sup>6</sup> Section 491.005, F.S.

<sup>7</sup> Section 491.0145, F.S. Doctoral degrees must have been received from a graduate school of social work which at the time the applicant was enrolled and graduated was accredited by an accrediting agency approved by the United States Department of Education.

<sup>8</sup>Section 491.0145, F.S. Master's degrees must have been received from a graduate school of social work which at the time the applicant was enrolled and graduated was accredited by the Council on Social Work Education or the Canadian Association of Schools of Social Work or by one that meets comparable standards.

- Three years' of supervised experience.<sup>9</sup>

### ***Display of Licenses and Use of Professional Titles***

Section 491.0149, F.S., requires a clinical social worker, marriage and family therapist, or mental health counselor, and certified as a master social worker to display their licenses at each practice location. On all promotional materials, cards, brochures, stationery, advertisements, and signs, the above licensees' must display their name and respective professions titles as follows:

- "Licensed clinical social worker" or "LCSW";
- "Licensed marriage and family therapist" or "LMFT"; and
- "Licensed mental health counselor" or "LMHC."

An intern and provisional licensee in clinical social work, marriage and family therapy, or mental health counseling must also display his or her valid registration or provisional license at each location where the intern is completing experience requirements or a provisional licensee is practicing; and both must also include "intern" or "provisional licensee" on all promotional materials, cards, brochures, stationery, advertisements, and signs, naming the intern or provisional licensee.

### ***License Renewal***

Section 491.007, F.S., provides for the renewal of a license, registration, or certificate for clinical social workers, marriage and family therapists, mental health counselors, and certified master social workers and gives the DOH and the Board of Clinical Social Work, Marriage and Family Therapy and Mental Health Counseling rulemaking authority to prescribe the requirements for renewal of the license, registration or certificate of the above listed professions. Sections 491.007 and 491.0045(6), F.S., both address the renewal of an intern registration.

### ***License Discipline***

Section 491.009, F.S., sets out what acts by a clinical social worker, marriage and family therapist, mental health counselor, or certified master social worker constitute grounds for discipline, or denial of licensure. However, s. 491.009(2), F.S., incorrectly references psychologists, who are not licensed under ch. 491, F.S., and does not include the certified master social worker profession regulated by the DOH.

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

CS/SB 884 amends s. 491.003, F.S., to define the terms "certified master social worker" and the "practice of generalist social work" for ch. 491, F.S. A "certified master social worker" is a person licensed under ch. 491, F.S., to practice generalist social work. "General social work" is the application of social work theory, knowledge, methods and ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, or communities. The term includes the application of

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<sup>9</sup> See Fla. Admin. Code R. 64B25-28.013, (2019) which defines a year of experience and s. 491.0145, F.S., which includes 3 years of clinical services or administrative activities at the post-master's level under the supervision of a person who meets the education and experience requirements for certification as a certified master social worker, or is licensed as a clinical social worker under ch. 491, F.S. A doctoral internship may be applied toward the supervision requirement.

specialized knowledge and advanced practice skills in non-diagnostic assessment, treatment planning, implementation and evaluation, case management, information and referral, supervision, consultation, education, research, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities.

The bill amends s. 491.0145, F.S., to no longer require an applicant for a certificate as a master social worker, with a master's degree in social work, to show proof that the masters' degree had an emphasis in clinical practice or administration, and deletes the requirement that the application be received by DOH at least 60 days before the examination to qualify to take the exam. The bill further reduces the number of years of supervised experience for an applicant from three to 2 years. The bill also deletes the provision relating to a non-refundable fee set by the DOH for taking the examination.

The bill amends s. 491.0149, F.S., adding to the list of promotional materials, "social media," that all licensees and certificate holders, interns, and provisional licensees, must include their professional titles. The bill also requires a generalist social worker to include the words "certified master social worker" or the letters "CMSW" on all his or her promotional materials.

The bill gives the DOH rule making authority and removes obsolete language in s. 491.004, F.S.

The bill takes effect July 1, 2019.

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

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 491.003, 491.004, 491.0145, and 491.0149.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Health Policy on April 1, 2019:**

The CS:

- Defines “certified master social worker” and the “practice of generalist social work”;
- Requires the DOH to issue a certificate to a certified master social workers meeting certain requirements, make rules, and take disciplinary action against them;
- Revises the application and examination requirements for certification as a master social worker;
- Requires the use of professional titles by licensees and certificate holders, provisional licensees, and intern registrants on social media and other specified materials; and
- Deletes obsolete language and make technical and conforming changes.

**B. Amendments:**

None.