

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 343 Mental Health Professional Licensure

SPONSOR(S): Health & Human Services Committee, Professions & Public Health Subcommittee, Koster and others

TIED BILLS: IDEN./SIM. BILLS: SB 566

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Professions & Public Health Subcommittee	17 Y, 0 N, As CS	Morris	McElroy
2) Health & Human Services Committee	20 Y, 0 N, As CS	Morris	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 mental health counselor is an individual who uses scientific and applied behavioral science theories, methods, and techniques to describe, prevent, and treat undesired behavior and enhance mental health and human development. Clinical social workers use scientific and applied knowledge to prevent and treat undesired behavior and the decline of an individual's mental health. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling within the Department of Health (DOH) regulates the practice of marriage and family therapy and mental health counseling.

In 2020, the Legislature passed HB 713 which, among other things, revised the licensure requirements for marriage and family therapists. Beginning on July 1, 2020, applicants for licensure must hold a master's degree from a program accredited by the Commission of Accreditation for Marriage and Family Therapy Education or a Florida university accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP). However, the legislation did not provide a window of time for education programs to meet that standard, meaning their students who graduate on or after July 1, 2020, do not meet the criteria for licensure in Florida.

HB 343 allows DOH to continue to issue licenses to graduates of otherwise qualified Florida marriage and family therapy programs until July 1, 2027, while such programs seek accreditation. Additionally, the bill removes obsolete references to DOH-issued licensure examinations and updates institutional accreditation references.

The same 2020 legislation also revised the licensure requirements for mental health counselors by requiring applicants for licensure who apply after July 1, 2025, to hold a master's degree from a program accredited by CACREP. One program in Florida is not yet accredited by CACREP. Thus, beginning in 2025, its graduates will not meet the requirements for licensure as a mental health counselor.

The bill adds the Masters in Psychology and Counseling Accreditation Council, or an equivalent body, as an authorized accrediting body for mental health counselor education programs beginning on July 1, 2025, allowing UWF to continue to graduate students who will meet the accreditation requirements for licensure. The bill also updates institutional accreditation references for mental health counselors.

The bill removes references to obsolete DOH-issued clinical social worker licensure exams, aligning statute with Board rule.

The bill has an insignificant, negative fiscal impact on DOH and no fiscal impact on local governments.

The bill takes effect upon becoming law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

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.¹ An applicant seeking licensure as a mental health counselor must:²

- Possess a master's degree from:
 - An institution of higher learning accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation (CRPA) in a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education; or
 - A Florida university program accredited by the Council for Accreditation of Counseling and Related Educational Programs and board-approved graduate courses.³
- 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 a qualified supervisor as determined by the board;
- Pass a board-approved examination; and
- Demonstrate knowledge of laws and rules governing the practice.

Current law requires licensure applicants to hold a master's degree from an institution of higher learning accredited by a regional accrediting body recognized by the CRPA. The CRPA has been succeeded by the Council for Higher Education Accreditation, which is not recognized in current law.

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 (COAMFTE) and the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) that establish the minimum standards to meet the requirements to practice the profession.⁴

Additionally, current board rule requires licensure applicants to pass the board-approved examination developed by the Examination Advisory Committee of the Association of Marital and Family Therapy Regulatory Board.⁵ This conflicts with current law, which requires applicants to pass an exam administered by DOH.⁶ However, DOH no longer administers licensure examinations.

In 2020, the Legislature passed HB 713, which, among other things, revised licensure requirements for marriage and family therapists. Beginning on July 1, 2020, applicants for licensure must possess a master's degree from an a program accredited by COAMFTE or from a Florida university program

¹ Department of Health, Agency Analysis of House Bill 343 (Oct. 25, 2021).

² 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.)

³ Ch. 2020-133, Laws of Fla, required applicants for licensure as a marriage and family therapist to graduate from an accredited program or an accredited Florida university program.

⁴ See Commission on Accreditation for Marriage and Family Therapy Education, *What Are the Benefits of COAMFTE Accreditation*, https://www.coamfte.org/COAMFTE/Accreditation/About_Accreditation.aspx (last visited Jan. 13, 2022), and Council for the Accreditation of Counseling and Related Educational Programs, *About CACREP*, <https://www.cacrep.org/about-cacrep/> (last visited Jan. 13, 2022).

⁵ Rule 64B4-3.003(2)(c), F.A.C.

⁶ Section 491.005(3)(d), F.S.

accredited by CACREP and board-approved graduate courses.⁷ However, a window of time was not granted for education programs which were unaccredited at the time to apply for and obtain such accreditation, meaning students who graduate on or after July 1, 2020, from such programs do not meet the accreditation qualifications for licensure in Florida.⁸ Currently, six universities in Florida have a marriage and family therapy program that is not accredited by either COAMFTE or CACREP.⁹

Mental Health Counselors

A mental health counselor is an individual who uses scientific and applied behavioral science theories, methods, and techniques to describe, prevent, and treat undesired behavior and enhance mental health and human development and is based on 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.¹⁰ To qualify for licensure as a mental health counselor, an individual must:¹¹

- Have a master's degree from a mental health counseling program accredited by CACREP, or a program related to the practice of mental health counseling that includes coursework and a 700-hour practicum, internship, or fieldwork of which at least 280 hours must be in direct client services;
- Have at least two years of post-master's supervised clinical experience in mental health counseling;
- Pass an examination from the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors; and
- Pass an eight-hour course on Florida laws and rules approved by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.¹²

Current board rule requires licensure applicants to pass the board-approved examination from the National Clinical Mental Health Counseling Examination.¹³ This conflicts with current law, which requires applicants to pass an exam administered by DOH.¹⁴ However, DOH no longer administers licensure examinations.

Ch. 2020-133, L.O.F, also revised licensure requirements for mental health counselors. Beginning July 1, 2025, applicants for licensure as a mental health counselor must hold a master's degree from a program accredited by CACREP.¹⁵ The CACREP accreditation standards require 60 credits of specified educational content and a 700-hour practicum requiring face-to-face psychotherapy.¹⁶ Currently, 16 universities in this state are accredited by CACREP.¹⁷ The University of West Florida's (UWF) mental health counselor program is the only program accredited by the Masters in Psychology and Counseling Accreditation Council in this state.¹⁸ Thus, beginning in 2025, UWF's current accreditation for its mental health counselor program will not be sufficient for graduates to meet licensure requirements in this state.

Clinical Social Workers

⁷ Section 491.005, F.S. (2020).

⁸ *Supra*, note 1.

⁹ Email from Andrew Love, Director of Legislative Planning, Department of Health, MFT Follow-up, (July 27, 2021) (on file with the Health and Human Services Committee). The universities are Carlos Albizu, Jacksonville University, Palm Beach Atlantic University, St. Thomas University, University of Miami, and University of Phoenix.

¹⁰ Sections 491.003(6) and (9), F.S.

¹¹ Section 491.005(4), F.S.

¹² Section 491.005(4), F.S., and r. 64B4-3.0035, F.A.C.

¹³ Rule 64B4-3.003(2)(b), F.A.C.

¹⁴ Section 491.005(4)(d), F.S.

¹⁵ Section 491.005(4)(b), F.S.

¹⁶ *Supra*, note 1.

¹⁷ Council for Accreditation for Counseling and Related Educational Programs, *Find a Program*, <https://www.cacrep.org/directory/> (last visited Jan. 13, 2022).

¹⁸ Masters in Psychology and Counseling Accreditation Council, *Accredited Programs*, <http://mpcacaccreditation.org/accredited-programs/> (last visited Jan. 13, 2022).

To be licensed as a clinical social worker, an applicant must meet educational requirements, complete at least two years of postgraduate or postmaster's clinical practice supervised by a licensed practitioner, and pass a theory and practice examination.¹⁹ Current board rule requires licensure applicants to pass the board-approved examination from the Association of Social Work Boards.²⁰ This conflicts with current law, which requires applicants to pass an exam administered by DOH.²¹ However, DOH no longer administers licensure examinations.

Regional and National Accreditation

Accreditation is the recognition from an accrediting agency that an institution maintains a certain level of educational standards. Institutional accreditation normally applies to an entire institution and indicates that each entity of a school contributes to the achievement of the school's objectives. This does not necessarily mean that all parts of the school have the same quality level of education.²² Accrediting agencies issue accreditations.²³ Institutions or programs that request an agency's evaluation and that meet an agency's criteria are then accredited by that agency.²⁴ Accrediting agencies are organizations made up of educational professionals that:²⁵

- Establish the operating standards for educational or professional institutions and programs;
- Determine if a school meets those standards; and
- Publicly announce their findings through the issuance of accreditations.

While the United States Department of Education (DOE) does not issue accreditations, it does hold agencies accountable by ensuring that such agencies enforce their accreditation standards effectively. As part of DOE oversight, the Secretary of Education is required by law to publish a list of nationally recognized accrediting agencies that the Secretary determines to be reliable authorities as to the quality of education or training provided by the institutions of higher education and the higher education programs they accredit.²⁶

The DOE issued finalized regulations in the Federal Register in October 2019 relating to institutional accrediting agencies.²⁷ DOE issued a letter of guidance on February 26, 2020, specifying that final regulations omit references to "regional" and "national" accreditation.²⁸ The letter specifies, "[b]ecause the Department holds all accrediting agencies to the same standards, distinctions between regional and national accrediting agencies are unfounded." Provisions implemented in 34 C.F.R. § 602.32(d), relating to the recognition of accrediting agencies, became effective January 1, 2021.

However, the education requirements in current Florida law distinguish regional from institutional accrediting agencies for marriage and family therapists and mental health counselors. This does not align with the federal guidance. DOE's letter of guidance gave notice to states to come into compliance with federal regulations which took effect on July 1, 2020. Alignment with federal guidance is necessary to ensure compliance with federal accreditation standards and to avoid delays in implementation of

¹⁹ Section 491.005, F.S.

²⁰ Rule 64B4-3.003(2)(a), F.A.C.

²¹ Section 491.005(1)(d)

²² U.S. Department of Homeland Security – Study in the States, *The Basics of School Accreditation*, <https://studyinthestates.dhs.gov/the-basics-of-school-accreditation> (last visited Jan. 13, 2022).

²³ Id. See also U.S. Department of Education, *Database of Accredited Postsecondary Institutions and Programs*, <https://ope.ed.gov/dapip/#/home> (last visited Jan. 13, 2022).

²⁴ U.S. Department of Education, *Database of Accredited Postsecondary Institutions and Programs*, <https://ope.ed.gov/dapip/#/home> (last visited Jan. 13, 2022).

²⁵ *Supra*, note 22.

²⁶ *Supra*, note 24.

²⁷ 84 C.F.R. § 58834 (2020). The new regulations delayed implementation of changes to DOE staff's review of accrediting agency applications for initial or renewal of recognition under 34 C.F.R. § 602.32(d) until January 1, 2021. The new regulations also delayed implementation of changes to DOE staff's process for responding to accrediting agency applications and allowing agency responses within 180 days under 34 C.F.R. § 602.32(h) until July 1, 2021.

²⁸ U.S. Department of Education, Re: Final Accreditation and State Authorization Regulations (February 26, 2021) <https://sacscoc.org/app/uploads/2020/03/State-Authorization-Letter-w-Diane-Signature-2.26.19.pdf> (last visited Jan. 13, 2022).

DOE review of accrediting agency applications and DOE processes for responding to accrediting agency applications.²⁹

Effect of the Bill

Marriage and Family Therapists

The bill restructures current law to clarify educational options, aligning with Board interpretation.

The bill allows DOH to continue to issue licenses to graduates of otherwise qualified Florida marriage and family therapy programs until July 1, 2027, while the six programs seek accreditation.

The bill also updates the accreditation requirement for institutions of higher education by replacing the defunct Commission on Recognition of Postsecondary Accreditation with the Council for Higher Education Accreditation.

Mental Health Counselors

The bill adds the Masters in Psychology and Counseling Accreditation Council, or an equivalent body, as an authorized accrediting body for mental health counselor education programs beginning on July 1, 2025. This will allow UWF to continue to graduate students who are eligible for licensure in this state.

Clinical Social Workers

The bill removes references to obsolete DOH-issued licensure exams for clinical social workers, aligning statute with Board rule.

Institutional Accreditation

The bill removes all references to “regional” accreditation in the practice acts for clinical social workers and marriage and family therapists. The bill replaces the references with “institutional” accreditation throughout. This conforms Florida law to the terminology used in U.S. Department of Education regulations.

The bill is effective upon becoming a law.

B. SECTION DIRECTORY:

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

Section 2: Provides the bill shall take effect upon becoming a law.

²⁹ Id.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOH will experience a non-recurring increase in workload to update IT systems and websites, the impact of which can be absorbed within current resources.³⁰

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

II. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Rule-making authority is not needed to implement the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

³⁰ *Supra*, note 1.
STORAGE NAME h0343c.HHS
DATE 2/2/2022

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 13, 2022, the Professions and Public Health Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment:

- Removed obsolete references to DOH-issued licensure examinations; and
- Updated institutional accreditation references for mental health counselors and marriage and family therapists to conform to federal Department of Education requirements.

This analysis is drafted to the committee substitute as passed by the Professions and Public Health Subcommittee.

On February 1, 2022, the Health and Human Services Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment removes obsolete language which conflicts with Board rule relating to DOH-issued licensure examinations for clinical social workers. This analysis is drafted to the committee substitute as passed by the Health and Human Services Committee.