

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 827 Mental Health Professionals
SPONSOR(S): Healthcare Regulation Subcommittee, Koster
TIED BILLS: IDEN./SIM. **BILLS:** SB 210

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Healthcare Regulation Subcommittee	16 Y, 0 N, As CS	Osborne	McElroy
2) Health & Human Services Committee			

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 clinical social work, marriage and family therapy, and mental health counseling.

To be licensed as a clinical social worker, marriage and family therapist, or mental health counselor, 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. During the time in which an applicant is completing the required supervised clinical experience, he or she must register with the Department of Health (DOH) as an intern. 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.

CS/HB 827 changes the title under which a post-master’s licensure candidate for clinical social work, marriage and family therapy, and mental health counseling practices for the two years of required supervised clinical practice before the candidate is eligible for full licensure. Under current law, this class of practitioner are referred to as “registered...interns,” the bill changes this title to “registered associates.” The bill makes conforming changes to statutory references to this class of practitioner.

The bill eliminates the express requirement that a fully licensed mental health professional be on the premises when clinical services are provided by a registered intern in a private practice setting.

The bill revises the title for interns who are providing services while currently enrolled as students in a course of study leading to a degree relevant to the professions of clinical social work, marriage and family therapy, and mental health counseling. For students providing services and exempt from licensure under s. 491.014, F.S., the bill changes their title from “student intern,” to “student associate.”

The bill may have 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, 2024.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Mental Health Professions

Florida licenses three distinct mental health professions: marriage and family therapists, clinical social workers, and mental health counselors.¹ All three of these professions are overseen by the Board of Social Work, Marriage and Family Therapy, and Mental Health Counseling within the Department of Health (DOH).

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.² An applicant seeking licensure as a mental health counselor must:³

- Possess a master's degree:
 - From a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education;
 - From a program accredited by the Council on Accreditation of Counseling and Related Educational Programs (CACREP) with coursework with an emphasis in marriage and family therapy and approved by the board; or
 - For master's degrees conferred before September 1, 2027, programs may be institutionally accredited with graduate courses approved by the board.
- Pass a board-approved examination;⁴ and
- Demonstrate knowledge of laws and rules governing the practice.⁵

DOH may also issue a dual license in marriage and family therapy to anyone who meets the following requirements:⁶

- Holds a valid, active license as a psychologist,⁷ a clinical social worker or mental health counselor,⁸ or is a licensed advanced practice registered nurse with a specialty in psychiatric nursing;⁹
- Has held a valid, active license for at least three years; and
- Has passed the examination required for licensure as a marriage and family therapist.

Mental Health Counselors

¹ Ch. 491, F.S.

² S. 491.003(9), F.S.

³ S. 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.)

⁴ Rule 64B4-3.003, F.A.C., establishes the examination developed by the Examination Advisory Committee of the Association of Marital and Family Therapy Regulatory Board as the approved exam.

⁵ Rule 64B4-3.0035, F.A.C., requires licensure applicants complete a course on the laws and rules of Florida as they pertain to the relevant profession. The course must include a testing mechanism on which the applicant must obtain a passing score of at least 80 percent.

⁶ S. 491.0057, F.S.

⁷ Psychologists are licensed under ch. 490, F.S.

⁸ Clinical social workers and mental health counselors are licensed under ch. 491, F.S.

⁹ Advanced practice registered nurses are licensed under s. 464.012, F.S.

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

- Possess 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 meets specific coursework and experiential learning requirements;
- Pass a board-approved examination;¹² and
- Demonstrate knowledge of laws and rules governing the practice.¹³

Clinical Social Workers

The practice of clinical social work is 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, 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.¹⁴

To be licensed as a clinical social worker, an applicant must:

- Possess a master's degree in social work from an institution which, at the time the applicant graduated, was:
 - Accredited by the Council on Social Work Education;
 - Accredited by the Canadian Association for Social Work Education;
 - Has been determined to have been a program equivalent to programs approved by the Council on Social Work Education by the Foreign Equivalency Determination Service of the Council on Social Work Education; or
 - Otherwise met coursework requirements outlined in statute.
- Pass a board-approved examination;¹⁵ and
- Demonstrate knowledge of laws and rules governing the practice.¹⁶

Mental Health Professional Intern Registration

In addition to the above, an applicant for licensure as a clinical social worker, marriage and family therapist, or mental health counselor, must register with DOH as an intern and complete at least two years of post-graduate or post-master's clinical practice supervised by a licensed practitioner before they are eligible for full licensure.¹⁷ 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.¹⁸

¹⁰ Ss. 491.003(6) and (9), F.S.

¹¹ S. 491.005(4), F.S.

¹² Rule 64B4-3.003, F.A.C., establishes the National Clinical Mental Health Counseling Examination (NCMHCE) developed by the National Board for Certified Counselors (NBCC) as the approved exam.

¹³ *Supra*, note 5.

¹⁴ S. 491.003(8), F.S.

¹⁵ Rule 64B4-3.003, F.A.C., establishes the Clinical Level objective multiple choice examination developed by the Association of Social Work Boards (ASWB) as the approved exam.

¹⁶ *Supra*, note 5.

¹⁷ Ss. 491.005 and 491.0045, F.S.

¹⁸ Rule 64B4-2.001, F.A.C.; The 1,500 hours of face-to-face psychotherapy with clients are not required to be directly supervised. The requirement for "supervision" may be met through at least 1 hour of face-to-face contact with the supervisor every two weeks wherein the supervision focuses on the raw data from the intern's face-to-face psychotherapy with clients.

An applicant seeking registration as an intern must:¹⁹

- Submit a completed application form and the nonrefundable fee to DOH;
- Complete education requirements necessary for licensure in the relevant profession;
- 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.

An intern registration expires 60 months after the date of issue and may only be renewed if the candidate has passed the theory and practice examination required for full licensure.²⁰

Current law requires that a licensed mental health professional be on the premises when a registered intern is providing clinical services in a private practice setting.²¹ There is not a comparable requirement for registered interns providing clinical services at a public facility.²²

Effect of the Proposed Changes

CS/HB 827 changes the title under which a post-master's licensure candidate for clinical social work, marriage and family therapy, and mental health counseling practices for the two years of required supervised clinical practice before the candidate is eligible for full licensure.

The bill revises the titles of the following practitioners as described:

- “Registered clinical social worker *intern*” becomes “registered *associate* clinical social worker;”
- “Registered marriage and family therapist intern” becomes “registered associate marriage and family therapist;” and
- “Registered mental health counselor intern” becomes “Registered associate mental health counselor.”

The bill makes conforming changes to other statutory references to this class of practitioner.

The bill also eliminates the express requirement that a fully licensed mental health professional be on the premises when clinical services are provided by a registered intern²³ in a private practice setting.

The bill revises the title for interns who are providing services while currently enrolled as students in a course of study leading to a degree relevant to the professions of clinical social work, marriage and family therapy, and mental health counseling. For students providing services and exempt from licensure under s. 491.014, F.S., the bill changes their title from “student intern,” to “student associate.”

The bill provides an effective date of July 1, 2024.

B. SECTION DIRECTORY:

- Section 1:** Amends s. 491.003, F.S., relating to definitions.
- Section 2:** Amends s. 491.0045, F.S., relating to intern registration; requirements.
- Section 3:** Amends s. 491.005, F.S., relating to licensure by examination.
- Section 4:** Amends s. 491.007, F.S., relating to renewal of license, registration, or certificate.
- Section 5:** Amends s. 491.009, F.S., relating to discipline.
- Section 6:** Amends s. 491.012, F.S., relating to violations; penalty; injunction.

¹⁹ S. 491.0045(2), F.S.

²⁰ S. 491.0045(6), F.S.

²¹ S. 491.005(1)(c), 491.005(3)(c), and 491.005(4)(c), F.S.

²² Public facilities include county health departments, social services agencies (such as the Department of Children & Families or the Department of Elder Affairs), or public hospitals. These entities may have their own policies regarding the on-site supervision of practitioners who are not fully licensed, but it is not expressly required by statute. For more information on where mental health professionals are employed, see U.S. Bureau of Labor Statistics, Occupational Employment and Wage Statistics (2022). Available at <https://www.bls.gov/oes/current/oes211019.htm> (last visited January 17, 2024).

²³ “Registered associate,” under the bill.

- Section 7:** Amends s. 491.014, F.S., relating to exemptions.
Section 8: Amends s. 491.0149, F.S., relating to display of license; use of professional title on promotional materials.
Section 9: Amends s. 414.065, F.S., relating to noncompliance with work requirements.
Section 10: 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:

DOH may incur insignificant costs due to the provisions of the bill, which current resources are adequate to absorb.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

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:

Sufficient rule-making authority exists to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

