

FILED FEB 24 1988

Reprint

SENATE FILE 2212
BY COMMITTEE ON STATE GOVERNMENT

(formerly 55B 2080)
Approved (p. 490)

Passed Senate, Date 3/22/88 (p. 960) Passed House, Date _____
Vote: Ayes 36 Nays 14 Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the credentialing of mental health counselors,
2 establishing a board of mental health counseling examiners,
3 making penalties applicable, and providing other properly
4 related matters.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

SF 2212

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5277 amended
see

1 Section 1. Section 147.1, subsections 2 and 3, Code
2 Supplement 1987, are amended to read as follows:

3 2. "Licensed" or "certified" when applied to a physician
4 and surgeon, podiatrist, osteopath, osteopathic physician and
5 surgeon, psychologist or associate psychologist, chiropractor,
6 nurse, dentist, dental hygienist, optometrist, speech
7 pathologist, audiologist, pharmacist, physical therapist,
8 occupational therapist, practitioner of cosmetology,
9 practitioner of barbering, funeral director, dietitian, mental
10 health counselor, or social worker means a person licensed
11 under this title.

12 3. "Profession" means medicine and surgery, podiatry,
13 osteopathy, osteopathic medicine and surgery, psychology,
14 chiropractic, nursing, dentistry, dental hygiene, optometry,
15 speech pathology, audiology, pharmacy, physical therapy,
16 occupational therapy, cosmetology, barbering, mortuary
17 science, mental health counseling, social work, or dietetics.

18 Sec. 2. Section 147.3, Code 1987, is amended to read as
19 follows:

20 147.3 QUALIFICATIONS.

21 An applicant for a license to practice a profession under
22 this title is not ineligible because of age, citizenship, sex,
23 race, religion, marital status or national origin, although
24 the application form may require citizenship information. A
25 board may consider the past felony record of an applicant only
26 if the felony conviction relates directly to the practice of
27 ~~medicine, podiatry, osteopathy, osteopathic medicine and~~
28 ~~surgery, chiropractic, nursing, psychology, optometry, speech~~
29 ~~pathology, audiology, pharmacy, physical therapy, occupational~~
30 ~~therapy, cosmetology, barbering, mortuary science, social work~~
31 ~~or dietetics~~ the profession for which the applicant requests
32 to be licensed. Character references may be required, but
33 shall not be obtained from licensed members of the profession.

34 Sec. 3. Section 147.13, Code 1987, is amended to read as
35 follows:

1 147.13 DESIGNATION OF BOARDS.

2 The examining boards provided in section 147.12 shall be
3 designated as follows:

- 4 1. For medicine and surgery, and osteopathy, and
5 osteopathic medicine and surgery, medical examiners~~;~~-for.
6 2. For psychology, psychology examiners~~;~~-for.
7 3. For podiatry, podiatry examiners~~;~~-for.
8 4. For chiropractic, chiropractic examiners~~;~~-for.
9 5. For physical therapists and occupational therapists,
10 physical and occupational therapy examiners~~;~~-for.
11 6. For nursing, board of nursing~~;~~-for.
12 7. For dentistry and dental hygiene, dental examiners;
13 for.
14 8. For optometry, optometry examiners~~;~~-for.
15 9. For speech pathology and audiology, speech pathology
16 and audiology examiners~~;~~-for.
17 10. For cosmetology, cosmetology examiners~~;~~-for.
18 11. For barbering, barber examiners~~;~~-for.
19 12. For pharmacy, pharmacy examiners~~;~~-for.
20 13. For mortuary science, mortuary science examiners~~;~~-for.
21 14. For social workers, social work examiners~~;~~-for.
22 15. For mental health counselors, mental health counseling
23 examiners.
24 16. For dietetics, dietetic examiners.

25 Sec. 4. Section 147.14, Code 1987, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 12. For mental health counseling
28 examiners, three members licensed to practice mental health
29 counseling and two members who are not licensed to practice
30 mental health counseling and who shall represent the general
31 public. A majority of the members of the board constitutes a
32 quorum.

33 Sec. 5. Section 147.25, unnumbered paragraph 4, Code 1987,
34 is amended to read as follows:

35 In addition to any other fee provided by law, a fee may be

1 set by the respective examining boards for each license and
2 renewal of a license to practice medicine, surgery, podiatry,
3 osteopathy, osteopathic medicine and surgery, chiropractic,
4 nursing, dentistry, dental hygiene, optometry, pharmacy,
5 physical therapy, occupational therapy, social work,
6 veterinary medicine, or dietetics a profession, which fee
7 shall be based on the annual cost of collecting information
8 for use by the department in the administration of the system
9 of health personnel statistics established by this section.
10 The fee shall be collected, transmitted to the treasurer of
11 state and deposited in the general fund of the state in the
12 manner in which license and renewal fees of the respective
13 professions are collected, transmitted, and deposited in the
14 general fund.

15 Sec. 6. Section 147.74, Code Supplement 1987, is amended
16 by adding the following new unnumbered paragraph after
17 unnumbered paragraph 11:

18 NEW UNNUMBERED PARAGRAPH. A mental health counselor
19 licensed under chapter 154D and this chapter may use the words
20 "licensed mental health counselor" after the person's name. A
21 mental health counselor licensed under chapter 154D and this
22 chapter who possesses a doctoral degree may use the prefix
23 "Doctor" or "Dr." in conjunction with the person's name, but
24 shall add after the person's name the words "Licensed Mental
25 Health Counselor".

26 Sec. 7. Section 147.76, Code 1987, is amended to read as
27 follows:

28 147.76 RULES PROMULGATED ADOPTED.

29 The examining boards for the various professions shall
30 promulgate adopt all necessary and proper rules to implement
31 and interpret the provisions of this chapter and chapters 148,
32 148A, 148C, 149, 150, 150A, 151, 152, 153, 154, 154A, 154B,
33 154C, 154D, 155, and 156.

34 Sec. 8. Section 147.80, Code 1987, is amended by adding
35 the following new subsection after subsection 18 and

1 renumbering the subsequent subsections:

2 NEW SUBSECTION. 19. License to practice mental health
3 counseling issued upon the basis of an examination given by
4 the board of mental health counseling examiners, license to
5 practice mental health counseling issued under a reciprocal
6 agreement, or renewal of a license to practice mental health
7 counseling.

8 Sec. 9. NEW SECTION. 154D.1 DEFINITIONS.

9 As used in this chapter unless the context otherwise
10 requires:

11 1. "Board" means the board of mental health counseling
12 examiners.

13 2. "Licensed mental health counselor" or "licensee" means
14 a person licensed to practice mental health counseling.

15 3. "Mental health counseling" means the provision of
16 counseling services involving assessment, referral,
17 consultation, and the application of therapy, human
18 development principles, learning theory, group dynamics, and
19 the etiology of maladjustment and dysfunctional behavior to
20 individuals, families, and groups for the purpose of promoting
21 optimal mental health.

22 Sec. 10. NEW SECTION. 154D.2 APPLICABILITY.

23 This chapter and chapter 147 do not prevent individuals not
24 licensed as mental health counselors from working within their
25 respective professions or occupations if they do not hold
26 themselves out to the public as being licensed mental health
27 counselors. Section 147.83 does not apply to persons who are
28 not licensed as mental health counselors and do not hold
29 themselves out as licensed mental health counselors.

30 Sec. 11. NEW SECTION. 154D.3 REQUIREMENTS FOR LICENSE.

31 Each applicant for a license as a licensed mental health
32 counselor shall meet the following requirements:

33 1. Possess a master's or doctoral degree from an
34 accredited college or university approved by the board. The
35 degree shall be in counseling with courses in the field of

1 mental health counseling or shall be a degree in an allied
2 mental health field.

3 2. Pass an examination approved by the board for the
4 purpose of licensure.

53495 3. Have two years experience in the activities of the
6 practice of mental health counseling.

7 Sec. 12. NEW SECTION. 154D.4 RULEMAKING AUTHORITY.

8 In addition to duties and responsibilities provided in
9 chapters 147 and 258A, the board shall adopt rules relating
10 to:

11 1. Educational, experiential, and examinational standards
12 for licensure as a mental health counselor.

13 2. Standards for professional conduct of persons licensed
14 under this chapter.

15 3. The administration of this chapter.

16 4. The status of active and inactive licensure and
17 guidelines for inactive licensure reentry.

18 5. Educational activities which fulfill continuing
19 education requirements for renewal of licenses.

20 Sec. 13. NEW SECTION. 154D.5 CONFIDENTIALITY OF
21 INFORMATION.

22 A licensed mental health counselor or a person working
23 under supervision of a licensee shall not disclose or be
24 compelled to disclose information acquired from persons
25 consulting that person in a professional capacity except:

26 1. If the information reveals the contemplation or
27 commission of a crime.

28 2. If the person waives the privilege by bringing charges
29 against the licensee.

30 3. With the written consent of the client, or in the case
31 of death or disability with the consent of the client's
32 personal representative, another person authorized to sue, or
33 the beneficiary of an insurance policy on the client's life,
34 health, or physical condition.

35 4. To testify in a court hearing concerning matters

1 pertaining to the welfare of children.

2 5. To seek collaboration or consultation with professional
3 colleagues or administrative superiors on behalf of the
4 client.

5 Sec. 14. INITIAL APPOINTMENTS. Notwithstanding section
6 147.19, of the initial appointees to the board of mental
7 health counseling examiners, the governor shall appoint one
8 member to serve a term of one year, two members to serve terms
9 of two years, and two members to serve terms of three years.
10 The initial appointees' successors shall be appointed for
11 terms of three years each, except that a person chosen to fill
12 a vacancy shall be appointed only for the unexpired term of
13 the board member replaced.

14 Inmaking the initial appointments to represent mental
15 health counselors on the board of mental health counseling
16 examiners, the governor shall appoint persons who meet the
17 requirements of section 154D.3, subsections 1 and 3, as
18 amended by this Act.

19 EXPLANATION

20 This bill provides for the credentialing of mental health
21 counselors. A five-member board of mental health counseling
22 examiners is established with three mental health counselor
23 members and two public members.

24 The bill sets forth the requirements for licensure as a
25 mental health counselor, which are possession of a master's
26 degree, two years of professional experience, and passage of
27 an examination.

28 The bill provides title protection for licensed mental
29 health counselors, but it does not contain a requirement for
30 licensure in order to practice.

31 SIMILAR TO SSB 2080 (LSB 7696SC)

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FILED MAR 4 1988

STATE OF IOWA
FISCAL NOTE
SENATE FILE 2212

LSB No. 7696S
Staff ID. RRS

REQ. BY SENATOR CARR

In compliance with a written request received February 24, 1988, a fiscal note for SENATE FILE 2212 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note are available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2212 provides for the licensing of mental health counselors, establishes requirements for licensure as a mental health counselor, and establishes a mental health counseling examining board.

ASSUMPTIONS

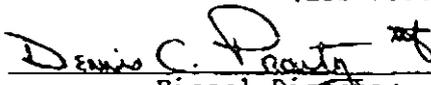
1. A part-time clerical position would be necessary for support of the board.
2. The five member board would require six meetings per year after the first year. Additional funds are necessary for the first year due to extra meetings to begin the process.
3. A fee would be charged to those seeking licensure. This money would be deposited in the general fund and expenditures would be appropriated through the Department of Public Health.

FISCAL EFFECT

	<u>FY 1989</u>	<u>FY 1990</u>
<u>REVENUE</u>		
General Fund	\$ 2,500	\$10,000
Total	\$ 2,500	\$10,000
<u>EXPENDITURES</u>		
Salaries	\$12,265	\$ 8,815
(FTE's)	(.5)	(.5)
Support	6,490	2,960
Total	\$18,755	\$11,775
<u>NET EFFECT</u>	<u>\$16,255</u>	<u>\$ 1,775</u>

Source: Department of Public Health

(LSB 7696S, RRS)


 Fiscal Director
 Legislative Fiscal Bureau
 Date: 3/3/88

SENATE FILE 2212

S-5277

1 Amend Senate File 2212 as follows:

2 1. By striking everything after the
3 enacting clause and inserting the following:
4 "Section 1. Section 147.1, subsections 2 and 3,
5 Code Supplement 1987, are amended to read as follows:

6 2. "Licensed" or "certified" when applied to a
7 physician and surgeon, podiatrist, osteopath,
8 osteopathic physician and surgeon, psychologist or
9 associate psychologist, chiropractor, nurse, dentist,
10 dental hygienist, optometrist, speech pathologist,
11 audiologist, pharmacist, physical therapist,
12 occupational therapist, practitioner of cosmetology,
13 practitioner of barbering, funeral director,
14 dietitian, mental health counselor, or social worker
15 means a person licensed under this title.

16 3. "Profession" means medicine and surgery,
17 podiatry, osteopathy, osteopathic medicine and
18 surgery, psychology, chiropractic, nursing, dentistry,
19 dental hygiene, optometry, speech pathology,
20 audiology, pharmacy, physical therapy, occupational
21 therapy, cosmetology, barbering, mortuary science,
22 mental health counseling, social work, or dietetics.

23 Sec. 2. Section 147.3, Code 1987, is amended to
24 read as follows:

25 147.3 QUALIFICATIONS.

26 An applicant for a license to practice a profession
27 under this title is not ineligible because of age,
28 citizenship, sex, race, religion, marital status or
29 national origin, although the application form may
30 require citizenship information. A board may consider
31 the past felony record of an applicant only if the
32 felony conviction relates directly to the practice of
33 ~~medicine, podiatry, osteopathy, osteopathic medicine~~
34 ~~and surgery, chiropractic, nursing, psychology,~~
35 ~~optometry, speech pathology, audiology, pharmacy,~~
36 ~~physical therapy, occupational therapy, cosmetology,~~
37 ~~barbering, mortuary science, social work or dietetics~~
38 the profession for which the applicant requests to be
39 licensed. Character references may be required, but
40 shall not be obtained from licensed members of the
41 profession.

42 Sec. 3. Section 147.13, Code 1987, is amended to
43 read as follows:

44 147.13 DESIGNATION OF BOARDS.

45 The examining boards provided in section 147.12
46 shall be designated as follows:

47 1. For medicine and surgery, and osteopathy, and
48 osteopathic medicine and surgery, medical examiners;
49 for.

50 2. For psychology, psychology examiners; ~~for.~~

- 1 3. For podiatry, podiatry examiners;--for.
- 2 4. For chiropractic, chiropractic examiners;--for.
- 3 5. For physical therapists and occupational
- 4 therapists, physical and occupational therapy
- 5 examiners;--for.
- 6 6. For nursing, board of nursing;--for.
- 7 7. For dentistry and dental hygiene, dental
- 8 examiners;--for.
- 9 8. For optometry, optometry examiners;--for.
- 10 9. For speech pathology and audiology, speech
- 11 pathology and audiology examiners;--for.
- 12 10. For cosmetology, cosmetology examiners;--for.
- 13 11. For barbering, barber examiners;--for.
- 14 12. For pharmacy, pharmacy examiners;--for.
- 15 13. For mortuary science, mortuary science
- 16 examiners;--for.

17 14. For social workers and mental health
18 counselors, social work and mental health counseling
19 examiners;--for.

20 15. For dietetics, dietetic examiners.

21 Sec. 4. Section 147.14, subsection 1, Code 1987,
22 is amended to read as follows:

23 1. For podiatry, cosmetology, barbering, and
24 mortuary science, and--social-work, three members each,
25 licensed to practice the profession for which the
26 board conducts examinations, and two members who are
27 not licensed to practice the profession for which the
28 board conducts examinations and who shall represent
29 the general public. A quorum shall consist of a
30 majority of the members of the board.

31 Sec. 5. Section 147.14, Code 1987, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 12. For social work and mental
34 health counseling examiners, three members licensed to
35 practice social work; two members licensed to practice
36 mental health counseling; and two members who are not
37 licensed to practice social work or mental health
38 counseling and who shall represent the general public.
39 A majority of the members of the board constitutes a
40 quorum.

41 Sec. 6. Section 147.25, unnumbered paragraph 4,
42 Code 1987, is amended to read as follows:

43 In addition to any other fee provided by law, a fee
44 may be set by the respective examining boards for each
45 license and renewal of a license to practice medicine;
46 surgery;--podiatry;--osteopathy;--osteopathic-medicine
47 and-surgery;--chiropractic;--nursing;--dentistry;--dental
48 hygiene;--optometry;--pharmacy;--physical-therapy;
49 occupational-therapy;--social-work;--veterinary
50 medicine;--or-dietetics a profession, which fee shall

1 be based on the annual cost of collecting information
2 for use by the department in the administration of the
3 system of health personnel statistics established by
4 this section. The fee shall be collected, transmitted
5 to the treasurer of state and deposited in the general
6 fund of the state in the manner in which license and
7 renewal fees of the respective professions are
8 collected, transmitted, and deposited in the general
9 fund.

10 Sec. 7. Section 147.74, Code Supplement 1987, is
11 amended by adding the following new unnumbered
12 paragraph after unnumbered paragraph 11:

13 NEW UNNUMBERED PARAGRAPH. A mental health
14 counselor licensed under chapter 154C and this chapter
15 may use the words "licensed mental health counselor"
16 after the person's name. A mental health counselor
17 licensed under chapter 154C and this chapter who
18 possesses a doctoral degree may use the prefix
19 "Doctor" or "Dr." in conjunction with the person's
20 name, but shall add after the person's name the words
21 "Licensed Mental Health Counselor".

22 Sec. 8. Section 147.76, Code 1987, is amended to
23 read as follows:

24 147.76 RULES PROMULGATED ADOPTED.

25 The examining boards for the various professions
26 shall ~~promulgate~~ adopt all necessary and proper rules
27 to implement and interpret the provisions of this
28 chapter and chapters 148, 148A, 148C, 149, 150, 150A,
29 151, 152, 153, 154, 154A, 154B, 154C, 155, and 156.

30 Sec. 9. Section 147.80, subsection 18, Code 1987,
31 is amended to read as follows:

32 18. License to practice social work issued on the
33 basis of an examination by the board of social work
34 and mental health counseling examiners, or license to
35 practice social work issued under a reciprocity
36 agreement, or renewal of a license to practice social
37 work.

38 Sec. 10. Section 147.80, Code 1987, is amended by
39 adding the following new subsection after subsection
40 18 and renumbering the subsequent subsections:

41 NEW SUBSECTION. 19. License to practice mental
42 health counseling issued upon the basis of an
43 examination given by the board of social work and
44 mental health counseling examiners, license to
45 practice mental health counseling issued under a
46 reciprocal agreement, or renewal of a license to
47 practice mental health counseling.

48 Sec. 11. Section 154C.1, Code 1987, is amended to
49 read as follows:

50 154C.1 DEFINITIONS.

1 As used in this chapter unless the context
2 otherwise requires:

3 1. "Board" means the board of social work and
4 mental health counseling examiners.

5 2. "Licensed mental health counselor" means a
6 person licensed to practice mental health counseling.

7 3. "Licensed social worker" or "licensee" means a
8 person licensed to practice social work.

9 4. "Licensee" means a person licensed under this
10 chapter.

11 5. "Mental health counseling" means the provision
12 of counseling services involving assessment, referral,
13 consultation, and the application of therapy, human
14 development principles, learning theory, group
15 dynamics, and the etiology of maladjustment and
16 dysfunctional behavior to individuals, families, and
17 groups for the purpose of promoting optimal mental
18 health.

19 6. "Practice of licensed social work" means the
20 professional activity of licensed social workers which
21 is directed at enhancing, protecting, or restoring
22 people's capacity for social functioning and includes
23 the application of social work methods and values in
24 evaluating personal and family problems and
25 relationships, assisting persons and families with
26 adjustment problems and reaching appropriate decisions
27 about their lives, and counseling emotionally
28 distressed individuals and families.

29 7. "Private practice of licensed social work"
30 means the autonomous professional activity of a
31 licensed social worker which is not under the auspices
32 of a public or private nonprofit corporation.

33 Sec. 12. Section 154C.2, unnumbered paragraph 2,
34 Code 1987, is amended to read as follows:

35 This chapter and chapter 147 do not prevent
36 individuals not licensed as social workers or mental
37 health counselors from working within their respective
38 professions or occupations if they do not hold
39 themselves out to the public as being licensed social
40 workers or licensed mental health counselors. Section
41 147.83 does not apply to persons who are not licensed
42 as-social-workers licensees and do not hold themselves
43 out as licensed-social-workers licensees.

44 Sec. 13. Section 154C.3, Code 1987, is amended to
45 read as follows:

46 154C.3 REQUIREMENTS FOR LICENSE AS-A-LICENSEE
47 SOCIAL-WORKER.

48 Each applicant for a license as a licensed social
49 worker or a licensed mental health counselor shall
50 meet the following requirements:

SENATE FILE 2212

S-5345

1 Amend the amendment, S-5277, to Senate File 2212 as
2 follows:

3 1. Page 1, line 14, by inserting after the word
4 "dietitian," the following: "marital and family
5 therapist,".

6 2. Page 1, line 21, by inserting after the word
7 "science," the following: "marital and family
8 therapy,".

9 3. Page 2, by striking lines 17 and 18 and
10 inserting the following:

11 "14. For social workers, marital and family
12 therapists, and mental health counselors, social work,
13 marital and family therapy, and mental health
14 counseling".

15 4. Page 2, line 33, by inserting after the word
16 "work" the following: ", marital and family
17 therapy,".

18 5. Page 2, line 35, by inserting after the word
19 "work;" the following: "two members licensed to
20 practice marital and family therapy;".

21 6. Page 2, line 37, by inserting after the word
22 "work" the following: ", marital and family
23 therapy,".

24 7. Page 3, line 12, by striking the words
25 "paragraph after" and inserting the following:
26 "paragraphs after".

27 8. Page 3, by inserting after line 12 the
28 following:

29 "NEW UNNUMBERED PARAGRAPH. A marital and family
30 therapist licensed under chapter 154D and this chapter
31 may use the words "licensed marital and family
32 therapist" after the person's name or signify the same
33 by the use of the letters "L.M.F.T." after the
34 person's name. A marital and family therapist
35 licensed under chapter 154C and this chapter who
36 possesses a doctoral degree may use the prefix
37 "Doctor" or "Dr." in conjunction with the person's
38 name, but shall add after the person's name the words
39 "Licensed Marital and Family Therapist"."

40 9. Page 3, line 33, by inserting after the word
41 "work" the following: "marital and family
42 therapy,".

43 10. Page 3, line 39, by striking the words
44 "subsection after" and inserting the following:
45 "subsections after".

46 11. Page 3, by inserting after line 40 the
47 following:

48 "NEW SUBSECTION. 19. License to practice marital
49 and family therapy issued upon the basis of an
50 examination given by the board of social work, marital

1 and family therapy, and mental health counseling
2 examiners, license to practice marital and family
3 therapy issued under a reciprocal agreement, or
4 renewal of a license to practice marital and family
5 therapy."

6 12. Page 3, line 41, by striking the figure "19"
7 and inserting the following: "20".

8 13. Page 3, line 43, by inserting after the word
9 "work" the following: ", marital and family
10 therapy,".

11 14. Page 4, line 3, by inserting after the word
12 "work" the following: ", marital and family
13 therapy,".

14 15. Page 4, by inserting after line 4, the
15 following:

16 "2. "Licensed marital and family therapist" means
17 a person licensed to practice marital and family
18 therapy."

19 16. Page 4, line 5, by striking the figure "2."
20 and inserting the following: "3".

21 17. Page 4, line 7, by striking the figure "3"
22 and inserting the following: "4".

23 18. Page 4, line 9, by striking the figure "4"
24 and inserting the following: "5".

25 19. Page 4, by inserting after line 10 the
26 following:

27 6. "Marital and family therapy" means the
28 application of principles and methods of marital and
29 family therapy and other therapeutic techniques in the
30 assessment and resolution of emotional conflict,
31 modification of perceptions and behavior, and
32 alteration and establishment of attitudes and patterns
33 of interaction relative to marriage, family life, and
34 interpersonal relationships.

35 20. Page 4, line 11, by striking the figure "5"
36 and inserting the following: "7".

37 21. Page 4, line 19, by striking the figure "6"
38 and inserting the following: "8".

39 22. Page 4, line 29, by striking the figure "7"
40 and inserting the following: "9".

41 23. Page 4, line 36, by inserting after the word
42 "workers" the following: ", marital and family
43 therapists,".

44 24. Page 4, line 40, by inserting after the word
45 "workers" the following: ", marital and family
46 therapists".

47 25. Page 4, line 49, by inserting after the word
48 "worker" the following: ", marital and family
49 therapist,".

50 26. Page 5, line 4, by inserting after the word

S-5345 Page 3

1 "work." the following: "For a license as a marital
2 and family therapist, the degree shall be in marital
3 and family therapy or its equivalent or from a program
4 approved by the board."

5 27. Page 5, line 17, by inserting after the word
6 "licensure" the following: "as a marital and family
7 therapist and licensure".

8 28. Page 5, line 28, by inserting after the word
9 "work" the following: ", marital and family
10 therapy,".

11 29. Page 5, line 35, by inserting after the word
12 "work" the following: ", marital and family
13 therapy,".

14 30. Page 5, by striking line 37 and inserting the
15 following: "one year, one member to serve a term of
16 two years, and two members to serve terms of three".

17 31. Page 5, by inserting after line 42 the
18 following:

19 "For two years after the effective date of this
20 Act, the board members appointed to represent marital
21 and family therapists shall only be required to
22 possess a master's or doctoral degree in marital and
23 family therapy, or its equivalent, from an accredited
24 college or university."

25 32. Page 5, line 44, by inserting after the word
26 "work" the following: ", marital and family
27 therapy,".

28 33. By striking page 5, line 49, through page 6,
29 line 3, and inserting the following:

30 "____. Title page, by striking lines 1 and 2 and
31 inserting the following: "An Act relating to the
32 credentialing of persons in certain related health
33 care professions; changing the name and composition of
34 the board of social work examiners and adding powers
35 and duties of the board with respect to marital and
36 family therapists and mental health counselors,"."

S-5345
Filed March 14, 1988

BY JOHN A. PETERSON

(after 3/22 of 1988)

SENATE FILE 2212

S-5349

1 Amend Senate File 2212 as follows:

2 1. Page 5, by striking lines 5 and 6 and
3 inserting the following:

4 "3. Have at least two years of postdegree
5 experience, supervised by a mental health
6 professional, in assessing mental health problems and
7 needs of individuals used in providing appropriate
8 mental health services for those individuals."

9 2. By striking page 5, line 22 through page 6,
10 line 4, and inserting the following:

11 "A licensed mental health counselor or a person
12 working under the supervision of a licensed mental
13 health counselor is subject to chapter 228."

S-5349

Filed March 14, 1988

Adopted by 90-1

BY MICHAEL E. GRONSTAL

Amended

SENATE FILE 2212
BY COMMITTEE ON STATE GOVERNMENT

(AS AMENDED AND PASSED BY THE SENATE MARCH 22, 1988)

_____ - New Language by the Senate

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the credentialing of mental health counselors,
2 establishing a board of mental health counseling examiners,
3 making penalties applicable, and providing other properly
4 related matters.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2212

1 Section 1. Section 147.1, subsections 2 and 3, Code
2 Supplement 1987, are amended to read as follows:

3 2. "Licensed" or "certified" when applied to a physician
4 and surgeon, podiatrist, osteopath, osteopathic physician and
5 surgeon, psychologist or associate psychologist, chiropractor,
6 nurse, dentist, dental hygienist, optometrist, speech
7 pathologist, audiologist, pharmacist, physical therapist,
8 occupational therapist, practitioner of cosmetology,
9 practitioner of barbering, funeral director, dietitian, mental
10 health counselor, or social worker means a person licensed
11 under this title.

12 3. "Profession" means medicine and surgery, podiatry,
13 osteopathy, osteopathic medicine and surgery, psychology,
14 chiropractic, nursing, dentistry, dental hygiene, optometry,
15 speech pathology, audiology, pharmacy, physical therapy,
16 occupational therapy, cosmetology, barbering, mortuary
17 science, mental health counseling, social work, or dietetics.

18 Sec. 2. Section 147.3, Code 1987, is amended to read as
19 follows:

20 147.3 QUALIFICATIONS.

21 An applicant for a license to practice a profession under
22 this title is not ineligible because of age, citizenship, sex,
23 race, religion, marital status or national origin, although
24 the application form may require citizenship information. A
25 board may consider the past felony record of an applicant only
26 if the felony conviction relates directly to the practice of
27 ~~medicine, podiatry, osteopathy, osteopathic medicine and~~
28 ~~surgery, chiropractic, nursing, psychology, optometry, speech~~
29 ~~pathology, audiology, pharmacy, physical therapy, occupational~~
30 ~~therapy, cosmetology, barbering, mortuary science, social work~~
31 ~~or dietetics~~ the profession for which the applicant requests
32 to be licensed. Character references may be required, but
33 shall not be obtained from licensed members of the profession.

34 Sec. 3. Section 147.13, Code 1987, is amended to read as
35 follows:

1 147.13 DESIGNATION OF BOARDS.

2 The examining boards provided in section 147.12 shall be
3 designated as follows:

- 4 1. For medicine and surgery, and osteopathy, and
5 osteopathic medicine and surgery, medical examiners~~;~~-for.
- 6 2. For psychology, psychology examiners~~;~~-for.
- 7 3. For podiatry, podiatry examiners~~;~~-for.
- 8 4. For chiropractic, chiropractic examiners~~;~~-for.
- 9 5. For physical therapists and occupational therapists,
10 physical and occupational therapy examiners~~;~~-for.
- 11 6. For nursing, board of nursing~~;~~-for.
- 12 7. For dentistry and dental hygiene, dental examiners~~;~~
13 for.
- 14 8. For optometry, optometry examiners~~;~~-for.
- 15 9. For speech pathology and audiology, speech pathology
16 and audiology examiners~~;~~-for.
- 17 10. For cosmetology, cosmetology examiners~~;~~-for.
- 18 11. For barbering, barber examiners~~;~~-for.
- 19 12. For pharmacy, pharmacy examiners~~;~~-for.
- 20 13. For mortuary science, mortuary science examiners~~;~~-for.
- 21 14. For social workers, social work examiners~~;~~-for.
- 22 15. For mental health counselors, mental health counseling
23 examiners.
- 24 16. For dietetics, dietetic examiners.

25 Sec. 4. Section 147.14, Code 1987, is amended by adding
26 the following new subsection:

27 NEW SUBSECTION. 12. For mental health counseling
28 examiners, three members licensed to practice mental health
29 counseling and two members who are not licensed to practice
30 mental health counseling and who shall represent the general
31 public. A majority of the members of the board constitutes a
32 quorum.

33 Sec. 5. Section 147.25, unnumbered paragraph 4, Code 1987,
34 is amended to read as follows:

35 In addition to any other fee provided by law, a fee may be

1 set by the respective examining boards for each license and
2 renewal of a license to practice medicine, surgery, podiatry,
3 osteopathy, osteopathic medicine and surgery, chiropractic,
4 nursing, dentistry, dental hygiene, optometry, pharmacy,
5 physical therapy, occupational therapy, social work,
6 veterinary medicine, or dietetics a profession, which fee
7 shall be based on the annual cost of collecting information
8 for use by the department in the administration of the system
9 of health personnel statistics established by this section.
10 The fee shall be collected, transmitted to the treasurer of
11 state and deposited in the general fund of the state in the
12 manner in which license and renewal fees of the respective
13 professions are collected, transmitted, and deposited in the
14 general fund.

15 Sec. 6. Section 147.74, Code Supplement 1987, is amended
16 by adding the following new unnumbered paragraph after
17 unnumbered paragraph 11:

18 NEW UNNUMBERED PARAGRAPH. A mental health counselor
19 licensed under chapter 154D and this chapter may use the words
20 "licensed mental health counselor" after the person's name. A
21 mental health counselor licensed under chapter 154D and this
22 chapter who possesses a doctoral degree may use the prefix
23 "Doctor" or "Dr." in conjunction with the person's name, but
24 shall add after the person's name the words "Licensed Mental
25 Health Counselor".

26 Sec. 7. Section 147.76, Code 1987, is amended to read as
27 follows:

28 147.76 RULES PROMULGATED ADOPTED.

29 The examining boards for the various professions shall
30 promulgate adopt all necessary and proper rules to implement
31 and interpret the provisions of this chapter and chapters 148,
32 148A, 148C, 149, 150, 150A, 151, 152, 153, 154, 154A, 154B,
33 154C, 154D, 155, and 156.

34 Sec. 8. Section 147.80, Code 1987, is amended by adding
35 the following new subsection after subsection 18 and

1 renumbering the subsequent subsections:

2 NEW SUBSECTION. 19. License to practice mental health
3 counseling issued upon the basis of an examination given by
4 the board of mental health counseling examiners, license to
5 practice mental health counseling issued under a reciprocal
6 agreement, or renewal of a license to practice mental health
7 counseling.

8 Sec. 9. NEW SECTION. 154D.1 DEFINITIONS.

9 As used in this chapter unless the context otherwise
10 requires:

11 1. "Board" means the board of mental health counseling
12 examiners.

13 2. "Licensed mental health counselor" or "licensee" means
14 a person licensed to practice mental health counseling.

15 3. "Mental health counseling" means the provision of
16 counseling services involving assessment, referral,
17 consultation, and the application of therapy, human
18 development principles, learning theory, group dynamics, and
19 the etiology of maladjustment and dysfunctional behavior to
20 individuals, families, and groups for the purpose of promoting
21 optimal mental health.

22 Sec. 10. NEW SECTION. 154D.2 APPLICABILITY.

23 This chapter and chapter 147 do not prevent individuals not
24 licensed as mental health counselors from working within their
25 respective professions or occupations if they do not hold
26 themselves out to the public as being licensed mental health
27 counselors. Section 147.83 does not apply to persons who are
28 not licensed as mental health counselors and do not hold
29 themselves out as licensed mental health counselors.

30 Sec. 11. NEW SECTION. 154D.3 REQUIREMENTS FOR LICENSE.

31 Each applicant for a license as a licensed mental health
32 counselor shall meet the following requirements:

33 1. Possess a master's or doctoral degree from an
34 accredited college or university approved by the board. The
35 degree shall be in counseling with courses in the field of

1 mental health counseling or shall be a degree in an allied
2 mental health field.

3 2. Pass an examination approved by the board for the
4 purpose of licensure.

5 3. Have at least two years of postdegree experience,
6 supervised by a mental health professional, in assessing
7 mental health problems and needs of individuals used in
8 providing appropriate mental health services for those
9 individuals.

10 Sec. 12. NEW SECTION. 154D.4 RULEMAKING AUTHORITY.

11 In addition to duties and responsibilities provided in
12 chapters 147 and 258A, the board shall adopt rules relating
13 to:

14 1. Educational, experiential, and examinational standards
15 for licensure as a mental health counselor.

16 2. Standards for professional conduct of persons licensed
17 under this chapter.

18 3. The administration of this chapter.

19 4. The status of active and inactive licensure and
20 guidelines for inactive licensure reentry.

21 5. Educational activities which fulfill continuing
22 education requirements for renewal of licenses.

23 Sec. 13. NEW SECTION. 154D.5 CONFIDENTIALITY OF
24 INFORMATION.

25 A licensed mental health counselor or a person working
26 under the supervision of a licensed mental health counselor is
27 subject to chapter 228.

28 Sec. 14. INITIAL APPOINTMENTS. Notwithstanding section
29 147.19, of the initial appointees to the board of mental
30 health counseling examiners, the governor shall appoint one
31 member to serve a term of one year, two members to serve terms
32 of two years, and two members to serve terms of three years.
33 The initial appointees' successors shall be appointed for
34 terms of three years each, except that a person chosen to fill
35 a vacancy shall be appointed only for the unexpired term of

1 the board member replaced.

2 In making the initial appointments to represent mental
3 health counselors on the board of mental health counseling
4 examiners, the governor shall appoint persons who meet the
5 requirements of section 154D.3, subsections 1 and 3, as
6 amended by this Act.

7 SIMILAR TO SSB 2080 (LSB 7696SC)

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STATE GOVERNMENT: Dieleman, Chair: Carr and Soorholtz

SENATE FILE 2212 *Man* DIELEMAN, CH.
BY (PROPOSED COMMITTEE ON CARR
STATE GOVERNMENT BILL) SOORHOLTZ

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to the credentialing of mental health counselors,
2 changing the name and composition of the board of social work
3 examiners and adding powers and duties of the board with
4 respect to mental health counselors, making penalties
5 applicable, and providing other properly related matters.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.1, subsections 2 and 3, Code
2 Supplement 1987, are amended to read as follows:

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4 and surgeon, podiatrist, osteopath, osteopathic physician and
5 surgeon, psychologist or associate psychologist, chiropractor,
6 nurse, dentist, dental hygienist, optometrist, speech
7 pathologist, audiologist, pharmacist, physical therapist,
8 occupational therapist, practitioner of cosmetology,
9 practitioner of barbering, funeral director, dietitian, mental
10 health counselor, or social worker means a person licensed
11 under this title.

12 3. "Profession" means medicine and surgery, podiatry,
13 osteopathy, osteopathic medicine and surgery, psychology,
14 chiropractic, nursing, dentistry, dental hygiene, optometry,
15 speech pathology, audiology, pharmacy, physical therapy,
16 occupational therapy, cosmetology, barbering, mortuary
17 science, mental health counseling, social work, or dietetics.

18 Sec. 2. Section 147.3, Code 1987, is amended to read as
19 follows:

20 147.3 QUALIFICATIONS.

21 An applicant for a license to practice a profession under
22 this title is not ineligible because of age, citizenship, sex,
23 race, religion, marital status or national origin, although
24 the application form may require citizenship information. A
25 board may consider the past felony record of an applicant only
26 if the felony conviction relates directly to the practice of
27 ~~medicine, podiatry, osteopathy, osteopathic medicine and~~
28 ~~surgery, chiropractic, nursing, psychology, optometry, speech~~
29 ~~pathology, audiology, pharmacy, physical therapy, occupational~~
30 ~~therapy, cosmetology, barbering, mortuary science, social work~~
31 ~~or dietetics~~ the profession for which the applicant requests
32 to be licensed. Character references may be required, but
33 shall not be obtained from licensed members of the profession.

34 Sec. 3. Section 147.13, Code 1987, is amended to read as
35 follows:

1 147.13 DESIGNATION OF BOARDS.

2 The examining boards provided in section 147.12 shall be
3 designated as follows:

- 4 1. For medicine and surgery, and osteopathy, and
5 osteopathic medicine and surgery, medical examiners~~7~~-for.
6 2. For psychology, psychology examiners~~7~~-for.
7 3. For podiatry, podiatry examiners~~7~~-for.
8 4. For chiropractic, chiropractic examiners~~7~~-for.
9 5. For physical therapists and occupational therapists,
10 physical and occupational therapy examiners~~7~~-for.
11 6. For nursing, board of nursing~~7~~-for.
12 7. For dentistry and dental hygiene, dental examiners~~7~~
13 for.
14 8. For optometry, optometry examiners~~7~~-for.
15 9. For speech pathology and audiology, speech pathology
16 and audiology examiners~~7~~-for.
17 10. For cosmetology, cosmetology examiners~~7~~-for.
18 11. For barbering, barber examiners~~7~~-for.
19 12. For pharmacy, pharmacy examiners~~7~~-for.
20 13. For mortuary science, mortuary science examiners~~7~~-for.
21 14. For social workers and mental health counselors,
22 social work and mental health counseling examiners~~7~~-for.
23 15. For dietetics, dietetic examiners.

24 Sec. 4. Section 147.14, subsection 1, Code 1987, is
25 amended to read as follows:

- 26 1. For podiatry, cosmetology, barbering, and mortuary
27 science, ~~and-social-work~~, three members each, licensed to
28 practice the profession for which the board conducts
29 examinations, and two members who are not licensed to practice
30 the profession for which the board conducts examinations and
31 who shall represent the general public. A quorum shall
32 consist of a majority of the members of the board.

33 Sec. 5. Section 147.14, Code 1987, is amended by adding
34 the following new subsection:

- 35 NEW SUBSECTION. 12. For social work and mental health

1 counseling examiners, three members licensed to practice
2 social work; two members licensed to practice mental health
3 counseling; and two members who are not licensed to practice
4 social work or mental health counseling and who shall
5 represent the general public. A majority of the members of
6 the board constitutes a quorum.

7 Sec. 6. Section 147.25, unnumbered paragraph 4, Code 1987,
8 is amended to read as follows:

9 In addition to any other fee provided by law, a fee may be
10 set by the respective examining boards for each license and
11 renewal of a license to practice medicine, surgery, podiatry,
12 osteopathy, osteopathic medicine and surgery, chiropractic,
13 nursing, dentistry, dental hygiene, optometry, pharmacy,
14 physical therapy, occupational therapy, social work,
15 veterinary medicine, or dietetics a profession, which fee
16 shall be based on the annual cost of collecting information
17 for use by the department in the administration of the system
18 of health personnel statistics established by this section.
19 The fee shall be collected, transmitted to the treasurer of
20 state and deposited in the general fund of the state in the
21 manner in which license and renewal fees of the respective
22 professions are collected, transmitted, and deposited in the
23 general fund.

24 Sec. 7. Section 147.74, Code Supplement 1987, is amended
25 by adding the following new unnumbered paragraph after
26 unnumbered paragraph 11:

27 NEW UNNUMBERED PARAGRAPH. A mental health counselor
28 licensed under chapter 154C and this chapter may use the words
29 "licensed mental health counselor" after the person's name. A
30 mental health counselor licensed under chapter 154C and this
31 chapter who possesses a doctoral degree may use the prefix
32 "Doctor" or "Dr." in conjunction with the person's name, but
33 shall add after the person's name the words "Licensed Mental
34 Health Counselor".

35 Sec. 8. Section 147.76, Code 1987, is amended to read as

1 follows:

2 147.76 RULES PROMULGATED ADOPTED.

3 The examining boards for the various professions shall
4 ~~promulgate~~ adopt all necessary and proper rules to implement
5 and interpret ~~the provisions of~~ this chapter and chapters 148,
6 148A, 148C, 149, 150, 150A, 151, 152, 153, 154, 154A, 154B,
7 154C, 155, and 156.

8 Sec. 9. Section 147.80, subsection 18, Code 1987, is
9 amended to read as follows:

10 18. License to practice social work issued on the basis of
11 an examination by the board of social work and mental health
12 counseling examiners, or license to practice social work
13 issued under a reciprocity agreement, or renewal of a license
14 to practice social work.

15 Sec. 10. Section 147.80, Code 1987, is amended by adding
16 the following new subsection after subsection 18 and
17 renumbering the subsequent subsections:

18 NEW SUBSECTION. 19. License to practice mental health
19 counseling issued upon the basis of an examination given by
20 the board of social work and mental health counseling
21 examiners, license to practice mental health counseling issued
22 under a reciprocal agreement, or renewal of a license to
23 practice mental health counseling.

24 Sec. 11. Section 154C.1, Code 1987, is amended to read as
25 follows:

26 154C.1 DEFINITIONS.

27 As used in this chapter unless the context otherwise
28 requires:

29 1. "Board" means the board of social work and mental
30 health counseling examiners.

31 2. "Licensed mental health counselor" means a person
32 licensed to practice mental health counseling.

33 3. "Licensed social worker" or "licensee" means a person
34 licensed to practice social work.

35 4. "Licensee" means a person licensed under this chapter.

1 5. "Mental health counseling" means the provision of
2 counseling services involving assessment, referral,
3 consultation, and the application of therapy, human
4 development principles, learning theory, group dynamics, and
5 the etiology of maladjustment and dysfunctional behavior to
6 individuals, families, and groups for the purpose of promoting
7 optimal mental health.

8 3 6. "Practice of licensed social work" means the
9 professional activity of licensed social workers which is
10 directed at enhancing, protecting, or restoring people's
11 capacity for social functioning and includes the application
12 of social work methods and values in evaluating personal and
13 family problems and relationships, assisting persons and
14 families with adjustment problems and reaching appropriate
15 decisions about their lives, and counseling emotionally
16 distressed individuals and families.

17 4 7. "Private practice of licensed social work" means the
18 autonomous professional activity of a licensed social worker
19 which is not under the auspices of a public or private
20 nonprofit corporation.

21 Sec. 12. Section 154C.2, unnumbered paragraph 2, Code
22 1987, is amended to read as follows:

23 This chapter and chapter 147 do not prevent individuals not
24 licensed as social workers or mental health counselors from
25 working within their respective professions or occupations if
26 they do not hold themselves out to the public as being
27 licensed social workers or licensed mental health counselors.
28 Section 147.83 does not apply to persons who are not ~~licensed~~
29 ~~as-social-workers~~ licensees and do not hold themselves out as
30 ~~licensed-social-workers~~ licensees.

31 Sec. 13. Section 154C.3, Code 1987, is amended to read as
32 follows:

33 154C.3 REQUIREMENTS FOR LICENSE ~~AS-A-BICENSED-SOCIAL~~
34 ~~WORKER~~.

35 Each applicant for a license as a licensed social worker or

1 a licensed mental health counselor shall meet the following
2 requirements:

3 1. Possess a master's or doctoral degree ~~in-social-work~~
4 from an accredited college or university approved by the
5 board. For a license as a social worker, the degree shall be
6 in social work. For a license as a mental health counselor,
7 the degree shall be in counseling with courses in the field of
8 mental health counseling or shall be a degree in an allied
9 mental health field.

10 2. Pass an examination approved by the board for ~~this the~~
11 purpose of licensure.

12 3. Have two years experience in the activities of the
13 practice of ~~social-work~~ the profession for which the applicant
14 is requesting licensure.

15 Sec. 14. Section 154C.4, Code 1987, is amended by adding
16 the following new subsection:

17 NEW SUBSECTION. 6. Educational, experiential, and
18 examinational standards for licensure as a mental health
19 counselor.

20 Sec. 15. Section 154C.5, unnumbered paragraph 1, Code
21 1987, is amended to read as follows:

22 A ~~licensed-social-worker~~ licensee or a person working under
23 supervision of a licensee shall not disclose or be compelled
24 to disclose information acquired from persons consulting that
25 person in a professional capacity except:

26 Sec. 16. TRANSITION -- NEW MEMBERS OF BOARD. The members
27 of the board of social work examiners shall become members of
28 the board of social work and mental health counseling
29 examiners and may continue to serve the terms to which they
30 were appointed. However, service on both boards shall be
31 considered together for the purposes of section 147.19.

32 Notwithstanding section 147.19, for the initial terms of
33 the additional members of the board of social work and mental
34 health counseling examiners, the governor shall appoint one
35 member to serve a term of one year and one member to serve a

1 term of three years. The initial appointees' successors shall
2 be appointed for terms of three years each, except that a
3 person chosen to fill a vacancy shall be appointed only for
4 the unexpired term of the board member replaced.

5 In making the initial appointments to represent mental
6 health counselors on the board of social work and mental
7 health counseling examiners, the governor shall appoint
8 persons who meet the requirements of section 154C.3,
9 subsections 1 and 3, as amended by this Act.

10

EXPLANATION

11 This bill provides for the credentialing of mental health
12 counselors. The board of social work examiners is renamed the
13 board of social work and mental health counseling examiners
14 and its composition is changed by adding two mental health
15 counselor members, making a total of seven members. This
16 board would function as the credentialing authority for both
17 social workers and mental health counselors.

18 The bill sets forth the requirements for licensure as a
19 mental health counselor, which are possession of a master's
20 degree, two years of professional experience, and passage of
21 an examination.

22 The bill provides title protection for licensed mental
23 health counselors, but it does not contain a requirement for
24 licensure in order to practice.

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