

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

Proposing rule making related to licensure of mental health counselors and providing an opportunity for public comment

The Board of Behavioral Science hereby proposes to amend Chapter 31, “Licensure of Marital and Family Therapists, Mental Health Counselors, Behavior Analysts, and Assistant Behavior Analysts,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 154D.3.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 154D.

Purpose and Summary

This proposed rule making updates the name of the Association of Marriage and Family Therapy Regulatory Boards; changes the examination required for permanent mental health counselor licensure to the National Clinical Mental Health Counselor Examination effective January 1, 2022; clarifies that applicants completing their supervised experience shall complete a minimum of two calendar years of supervised practice; clarifies the expectation that temporary licensees not practice independently; and adds the American Mental Health Counselors Association to the Board’s education equivalency rules.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rule making because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the Board no later than 4:30 p.m. on November 26, 2019. Comments should be directed to:

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Professional Licensure Division
Iowa Department of Public Health
Lucas State Office Building
321 East 12th Street
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Phone: 515.281.4401
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Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 26, 2019
8:30 to 9 a.m.

Fifth Floor Board Conference Room 526
Lucas State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** definition of "AMHCA" in rule **645—31.1(154D)**:

"AMHCA" means the American Mental Health Counselors Association.

ITEM 2. Amend rule **645—31.1(154D)**, definition of "AMFTRB," as follows:

"AMFTRB" means the Association of ~~Marital~~ Marriage and Family Therapy Regulatory Boards.

ITEM 3. Amend subrule 31.3(1) as follows:

31.3(1) ~~In~~ The applicant shall take and pass the following examinations in order to qualify for licensing, the applicant:

a. For a marital and family therapist license, ~~shall take and pass the Association of Marital Marriage and Family Therapy Regulatory Board (AMFTRB) Examination in Marital and Family Therapy.~~

b. ~~For a mental health counselor license shall take and pass the National Counselor Examination of the NBCC or the National Clinical Mental Health Counselor Examination of the NBCC. Prior to January 1, 2022, for a mental health counselor license or a temporary mental health counselor license, the National Counselor Examination (NCE) of the NBCC or the National Clinical Mental Health Counselor Examination (NCMHCE) of the NBCC.~~

c. Effective January 1, 2022, for a temporary mental health counselor license, the NCE of the NBCC or the NCMHCE of the NBCC.

d. Effective January 1, 2022, for a mental health counselor license, the NCMHCE of the NBCC.

ITEM 4. Amend paragraph **31.5(1)"a"** as follows:

a. Be a minimum of two years ~~or the equivalent~~ of full-time, postgraduate supervised professional work experience in marital and family therapy.

ITEM 5. Amend subparagraph **31.6(2)"a"(10)** as follows:

(10) Professional orientation. Studies that provide an understanding of all aspects of professional functioning, including history, roles, organizational structures, ethics, standards, and credentialing. Studies in this area include, but are not limited to, the following:

1. and 2. No change.

3. Professional organizations (primarily ACA or AMHCA, ~~its~~ their divisions, and ~~its~~ their branches), including membership benefits, activities, services to members, and current emphases;

4. Ethical standards of the ACA or AMHCA and ~~their~~ the evolution of those standards, legal issues, and applications to various professional activities (e.g., appraisal and group work);

5. and 6. No change.

ITEM 6. Amend subparagraph **31.6(2)“b”(1)** as follows:

(1) Professional orientation and ethical practice. Studies that provide an understanding of all of the following aspects of professional functioning:

1. to 5. No change.

6. Professional organizations (~~i.e.,~~ primarily ACA or AMHCA, ~~its and their~~ divisions, branches, and affiliates), including membership benefits, activities, services to members, and current emphases;

7. to 9. No change.

10. Ethical standards of ACA or AMHCA and related entities, and applications of ethical and legal considerations in professional counseling.

ITEM 7. Amend paragraph **31.7(1)“a”** as follows:

a. Be a minimum of two years ~~or the equivalent of full-time,~~ of postgraduate supervised professional work experience in mental health counseling.

ITEM 8. Amend paragraph **31.10(3)“a”** as follows:

a. Meet the continuing education requirements of rule 645—32.2(272C) ~~and the mandatory reporting requirements of subrule 31.10(4).~~ A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

ITEM 9. Amend subrule 31.10(4) as follows:

31.10(4) Mandatory reporter training requirements.

a. A licensee who, in the scope of professional practice or in the licensee’s employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting as required by Iowa Code section 232.69(3)“b” in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph “*e.*” “*d.*”

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5)“*b*” in the previous ~~five~~ three years or condition(s) for waiver of this requirement as identified in paragraph “*e.*” “*d.*”

~~*c.* A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph “*e.*”~~

~~Training may be completed through separate courses as identified in paragraphs “*a*” and “*b*” or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.~~

~~*d.*~~ *c.* The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs “*a*” ~~to “*e.*”~~ and “*b.*” including program date(s), content, duration, and proof of participation.

~~*e.*~~ *d.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

~~*f.*~~ *e.* The board may select licensees for audit of compliance with the requirements in paragraphs “*a*” to “*e.*” “*d.*”

ITEM 10. Adopt the following new rule 645—31.19(154D):

645—31.19(154D) Temporary licensees. A temporary licensee shall engage only in the practice of marital and family therapy or mental health counseling as part of an agency or group practice with oversight over the temporary licensee. The agency or group practice shall have at least one independently licensed mental health provider. A temporary licensee shall not practice as a solo practitioner or solely with other temporary licensees.