

BEHAVIORAL SCIENCE

Footnotes

Enforcement, §147.87, 147.90, 147.92
Penalty, general, §147.86

154D.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. *"Board"* means the board of behavioral science examiners, established in section 147.13.
2. *"Licensed marital and family therapist"* means a person licensed to practice marital and family therapy under chapter 147 and this chapter.
3. *"Licensed mental health counselor"* means a person licensed to practice mental health counseling under chapter 147 and this chapter.
4. *"Licensee"* includes a licensed marital and family therapist and a licensed mental health counselor.
5. *"Marital and family therapy"* means the application of counseling techniques in the assessment and resolution of emotional conditions. This includes the alteration and establishment of attitudes and patterns of interaction relative to marriage, family life, and interpersonal relationships.
6. *"Mental health counseling"* means the provision of counseling services involving assessment, referral, consultation, and the application of counseling, human development principles, learning theory, group dynamics, and the etiology of maladjustment and dysfunctional behavior to individuals, families, and groups.

91 Acts, ch 229, §6

154D.2 Licensure marital and family therapy mental health counseling.

1. An applicant for a license to practice marital and family therapy shall be granted a license by the board when the applicant satisfies all of the following requirements:
 - a. Possesses a master's degree in marital and family therapy consisting of at least forty-five credit hours, or its equivalent, from a nationally accredited institution or from a program approved by the board.
 - b. Has at least two years of supervised clinical experience or its equivalent as approved by the board. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.
 - c. Passes an examination administered by the board.
 - d. Has not failed the examination required in paragraph "c" within six months of the date of the current application.
2. An applicant for a license to practice mental health counseling shall be granted a license by the board when the applicant satisfies all of the following requirements:
 - a. Possesses a master's degree in counseling consisting of at least forty-five credit hours, or its equivalent, from a nationally accredited institution or from a program approved by the board.

b. Has at least two years of supervised clinical experience in assessing mental health needs and problems and in providing appropriate mental health services as approved by the board. Standards for supervision, including the required qualifications for supervisors, shall be determined by the board by rule.

c. Passes an examination administered by the board.

91 Acts, ch 229, §7; 94 Acts, ch 1170, §25, 26; 2004 Acts, ch 1090, §2, 3; 2005 Acts, ch 89, §17, 18

154D.3 Board organization and authority.

1. In addition to duties and responsibilities provided in chapters 147 and 272C, the board shall adopt rules relating to:

a. Standards required for licensees engaging in the professions covered by this chapter.

b. Standards for professional conduct of persons licensed under this chapter.

c. The administration of this chapter.

d. The status of active and inactive licensure, and guidelines for reentry of inactive licensees.

e. Educational activities which fulfill continuing education requirements for license renewals.

2. A separate subcommittee is established within the board for each of the professions under the board's jurisdiction. The chairperson of the board shall appoint to the subcommittee for each profession those members of the board who represent that profession. The chairperson shall appoint two of the public members of the board to serve on a subcommittee. Each subcommittee shall, by majority vote, rule on all license applications within the subcommittee's assigned profession, approve and administer the grading of the examination given to applicants for licenses to practice that profession, and otherwise coordinate the board's administration of all matters pertinent to regulation of the practice of the profession.

3. A decision or recommendation of a subcommittee shall not become effective without approval of the board. The board may initiate action relating to either of the professions within its jurisdiction.

4. Members attending meetings of the board's subcommittees shall be reimbursed on the same basis as members attending board meetings up to a maximum of six subcommittee meetings per calendar year.

91 Acts, ch 229, §8; 98 Acts, ch 1050, §2, 5

154D.4 Exemptions.

1. This chapter and chapter 147 do not prevent qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, physician assistants, attorneys at law, or members of the clergy, from providing or advertising that they provide services of a marital and family therapy or mental health counseling nature consistent with the accepted standards of their respective professions, but these persons shall not use a title or description denoting that they are licensed marital and family therapists or licensed mental health counselors.

2. The licensure requirements of this chapter and chapter 147 do not apply to the following:

a. Students whose activities are conducted within a course of professional education in marital and family therapy or mental health counseling.

b. A person who practices marital and family therapy or mental health counseling under the supervision of a person licensed under this chapter as part of a clinical experience as described in section 154D.2, subsection 1, paragraph "b", or section 154D.2, subsection 2, paragraph "b".

c. The provision of children, family, or mental health services through the department of human services or juvenile court, or agencies contracting with the department of human services or juvenile court, by persons who do not represent themselves to be either a marital and family therapist or a mental health counselor.

91 Acts, ch 229, §9; 98 Acts, ch 1050, §3, 5

154D.5 Sexual conduct with client.

The license of a marital and family therapist or a mental health counselor shall be revoked if the board finds that the licensee engaged in sexual activity or genital contact with a client while acting or purporting to act within the licensee's scope of practice, whether or not the client consented to the sexual activity or genital contact.

The revocation shall be in addition to any other penalties provided by law.

91 Acts, ch 229, §10

154D.6 Transition provisions.

1. An applicant for a license to practice marital and family therapy or mental health counseling, applying prior to July 1, 2000, shall not be required respectively to meet the examination requirement contained in section 154D.2, subsection 1, paragraph "c", or subsection 2, paragraph "c", if one of the following is met:

a. The applicant meets the requirements contained in section 154D.2, subsection 1, paragraphs "a" and "b", or subsection 2, paragraphs "a" and "b", respectively.

b. The applicant meets the requirements contained in section 154D.2, subsection 1, paragraph "a", or subsection 2, paragraph "a", and has four thousand hours of employment experience in the practice of marital and family therapy or mental health counseling, respectively.

2. Penalty fees otherwise incurred pursuant to section 147.10, and continuing education requirements applicable to the period prior to license reinstatement, shall be waived by the board for any previously licensed marital and family therapist or mental health counselor whose license has lapsed prior to July 1, 1998. Applicants with a lapsed license applying for reinstatement shall be required to complete a reinstatement application and pay a renewal fee and reinstatement fee pursuant to section 147.11 and section 147.80, subsections 21 and 22.

3. The department of public health may retain any renewal fees generated by 1998 Iowa Acts, chapter 1050 which exceed the department's revenue projections for fee generation relating to marital and family therapy and mental health counseling under chapters 147 and 154D established prior to the enactment of 1998 Iowa Acts, chapter 1050, during the fiscal year beginning July 1, 1998, and ending June 30, 1999. The department may use the retained fees to pay any administrative expenses directly resulting from the provisions of 1998 Iowa Acts, chapter 1050.

98 Acts, ch 1050, §4, 5