

Reprinted

1991

SENATE FILE 193
BY COMMITTEE ON STATE GOVERNMENT

(SUCCESSOR TO SSB 124)

Passed Senate, Date 3/25/91 (P. 833) Passed House, Date 5/1/91 (P. 195)
Vote: Ayes 38 Nays 11 Vote: Ayes 88 Nays 0
Approved June 4, 1991

A BILL FOR

1 An Act relating to the licensing of marital and family therapists
2 and mental health counselors, by establishing the board of
3 behavioral science examiners, prohibiting the practice of
4 marital and family therapy or mental health counseling without
5 a license, providing exemptions, redefining "mental health
6 professional" for purposes of confidential communications,
7 making penalties applicable, providing for a temporary waiver
8 of certain licensing requirements, and providing other
9 properly related matters.

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

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SF 193

3076 amended
3164

1 Section 1. Section 147.1, subsections 2 and 3, Code 1991,
2 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, physician assistant, psychologist or associate
6 psychologist, chiropractor, nurse, dentist, dental hygienist,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, occupational therapist, practitioner of
9 cosmetology, practitioner of barbering, funeral director,
10 dietitian, marital and family therapist, mental health
11 counselor, or social worker means a person licensed under this
12 title.

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

20 Sec. 2. Section 147.2, Code 1991, is amended to read as
21 follows:

22 147.2 LICENSE REQUIRED.

23 A person shall not engage in the practice of medicine and
24 surgery, podiatry, osteopathy, osteopathic medicine and
25 surgery, psychology, chiropractic, physical therapy, nursing,
26 dentistry, dental hygiene, optometry, speech pathology,
27 audiology, occupational therapy, pharmacy, cosmetology,
28 barbering, dietetics, or mortuary science, or marital and
29 family therapy, or mental health counseling and shall not
30 practice as a physician assistant as defined in the following
31 chapters of this title, unless the person has obtained from
32 the department a license for that purpose.

33 Sec. 3. Section 147.13, Code 1991, is amended by adding
34 the following new subsection after subsection 15 and
35 renumbering the subsequent subsection:

1 NEW SUBSECTION. 16. For marital and family therapists and
2 mental health counselors, behavioral science examiners.

3 Sec. 4. Section 147.14, Code 1991, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 13. For behavioral science examiners,
6 three members licensed to practice marital and family therapy,
7 one of whom shall be employed in graduate teaching, training,
8 or research in marital and family therapy and two of whom
9 shall be practicing marital and family therapists; three
10 members licensed to practice mental health counseling, one of
11 whom shall be employed in graduate teaching, training, or
12 research in mental health counseling and two of whom shall be
13 practicing mental health counselors; and three members who are
14 not licensed to practice marital and family therapy or mental
15 health counseling and who shall represent the general public.
16 A majority of the members of the board constitutes a quorum.

17 Sec. 5. Section 147.74, Code 1991, is amended by adding
18 the following new unnumbered paragraphs after unnumbered
19 paragraph 11:

20 NEW UNNUMBERED PARAGRAPH. A marital and family therapist
21 licensed under chapter 154D and this chapter may use the words
22 "licensed marital and family therapist" after the person's
23 name or signify the same by the use of the letters "L.M.F.T."
24 after the person's name. A marital and family therapist
25 licensed under chapter 154D and this chapter who possesses a
26 doctoral degree may use the prefix "Doctor" or "Dr." in
27 conjunction with the person's name, but shall add after the
28 person's name the words "Licensed Marital and Family
29 Therapist".

30 NEW UNNUMBERED PARAGRAPH. A mental health counselor
31 licensed under chapter 154D and this chapter may use the words
32 "licensed mental health counselor" after the person's name. A
33 mental health counselor licensed under chapter 154D and this
34 chapter who possesses a doctoral degree may use the prefix
35 "Doctor" or "Dr." in conjunction with the person's name, but

1 shall add after the person's name the words "Licensed Mental
2 Health Counselor".

3 Sec. 6. Section 147.80, Code 1991, is amended by adding
4 the following new subsections after subsection 19 and
5 renumbering the subsequent subsections:

6 NEW SUBSECTION. 20. License to practice marital and
7 family therapy issued upon the basis of an examination given
8 by the board of behavioral science examiners, license to
9 practice marital and family therapy issued under a reciprocal
10 agreement, or renewal of a license to practice marital and
11 family therapy.

12 NEW SUBSECTION. 21. License to practice mental health
13 counseling issued upon the basis of an examination given by
14 the board of behavioral science examiners, license to practice
15 mental health counseling issued under a reciprocal agreement,
16 or renewal of a license to practice mental health counseling.

17 Sec. 7. NEW SECTION. 154D.1 DEFINITIONS.

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

20 1. "Board" means the board of behavioral science
21 examiners, established in section 147.13.

22 2. "Licensed marital and family therapist" means a person
23 licensed to practice marital and family therapy under chapter
24 147 and this chapter.

25 3. "Licensed mental health counselor" means a person
26 licensed to practice mental health counseling under chapter
27 147 and this chapter.

28 4. "Licensee" includes a licensed marital and family
29 therapist and a licensed mental health counselor.

30 5. "Marital and family therapy" means the application of
31 therapeutic techniques in the assessment and resolution of
32 emotional conditions in individuals, couples, and families.
33 This includes the alteration and establishment of attitudes
34 and patterns of interaction relative to marriage, family life,
35 and interpersonal relationships.

3/10/1 6. "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 Sec. 8. NEW SECTION. 154D.2 REQUIREMENTS TO OBTAIN
9 LICENSE.

10 1. An applicant for a license to practice marital and
11 family therapy shall be granted a license by the board when
12 the applicant satisfies all of the following requirements:

13 a. Possesses a master's degree in marital and family
14 therapy or its equivalent from a nationally accredited
15 institution or from a program approved by the board.

16 b. Has at least two years of supervised clinical
17 experience or its equivalent as approved by the board in
18 consultation with the mental health and retardation
19 commission.

20 c. Passes an examination administered by the board.

21 d. Has not failed the examination required in paragraph
22 "c" within six months of the date of the current application.

23 2. An applicant for a license to practice mental health
24 counseling shall be granted a license by the board when the
25 applicant satisfies all of the following requirements:

26 a. Possesses a master's degree in counseling or its
27 equivalent from a nationally accredited institution or from a
28 program approved by the board.

29 b. Has at least two years of clinical experience,
30 supervised by a licensee, in assessing mental health needs and
31 problems and in providing appropriate mental health services
32 as approved by the board of behavioral science examiners in
33 consultation with the mental health and mental retardation
34 commission.

35 c. Passes an examination administered by the board.

1 3. A school counselor who meets the requirements of
2 subsection 2 may be licensed as a mental health counselor.

3 Sec. 9. NEW SECTION. 154D.3 BOARD ORGANIZATION AND
4 AUTHORITY.

5 1. In addition to duties and responsibilities provided in
6 chapters 147 and 258A, the board shall adopt rules relating
7 to:

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

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

12 c. The administration of this chapter.

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

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

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

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

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

1 per calendar year.

2 5. The board shall hold at least two regular meetings each
3 year, and no more than four additional meetings may be held
4 upon the call of the chairperson of the board, or at the
5 written request of at least four members of the board.

6 Sec. 10. NEW SECTION. 154D.4 EXEMPTIONS.

7 This chapter does not prevent qualified members of other
8 professions, including but not limited to nurses,
9 psychologists, social workers, physicians, attorneys-at-law,
10 or members of the clergy from providing or advertising that
11 they provide services of a marital and family therapy or
12 mental health counseling nature consistent with the accepted
13 standards of their respective professions, but these persons
14 shall not use a title or description denoting that they are
15 licensed marital and family therapists or licensed mental
16 health counselors.

17 Sec. 11. NEW SECTION. 154D.5 SEXUAL CONDUCT WITH CLIENT.

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

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

26 Sec. 12. Section 622.10, unnumbered paragraph 1, Code
27 1991, is amended to read as follows:

28 A practicing attorney, counselor, physician, surgeon,
29 physician's assistant, mental health professional, or the
30 stenographer or confidential clerk of any such person, who
31 obtains information by reason of the person's employment,
32 ~~minister-of-the-gospel-or-priest-of-any-denomination~~ or a
33 member of the clergy shall not be allowed, in giving
34 testimony, to disclose any confidential communication properly
35 entrusted to the person in the person's professional capacity,

1 and necessary and proper to enable the person to discharge the
2 functions of the person's office according to the usual course
3 of practice or discipline. The prohibition does not apply to
4 cases where the person in whose favor the prohibition is made
5 waives the rights conferred; nor does the prohibition apply to
6 physicians or surgeons, physician's assistants, mental health
7 professionals, or to the stenographer or confidential clerk of
8 any physicians or surgeons, physician's assistants, or mental
9 health professionals, in a civil action in which the condition
10 of the person in whose favor the prohibition is made is an
11 element or factor of the claim or defense of the person or of
12 any party claiming through or under the person. The evidence
13 is admissible upon trial of the action only as it relates to
14 the condition alleged.

15 PARAGRAPH DIVIDED. If an adverse party desires the oral
16 deposition, either discovery or evidentiary, of a physician or
17 surgeon, physician's assistant, or mental health professional
18 to which the prohibition would otherwise apply or the
19 stenographer or confidential clerk of a physician or surgeon,
20 physician's assistant, or mental health professional or
21 desires to call a physician or surgeon, physician's assistant,
22 or mental health professional to which the prohibition would
23 otherwise apply or the stenographer or confidential clerk of a
24 physician or surgeon, physician's assistant, or mental health
25 professional as a witness at the trial of the action, the
26 adverse party shall file an application with the court for
27 permission to do so. The court upon hearing, which shall not
28 be ex parte, shall grant permission unless the court finds
29 that the evidence sought does not relate to the condition
30 alleged and shall fix a reasonable fee to be paid to the
31 physician or surgeon, physician's assistant, or mental health
32 professional by the party taking the deposition or calling the
33 witness.

34 PARAGRAPH DIVIDED. For the purposes of this section,
35 "mental health professional" means psychologists-certified a

1 psychologist licensed under chapter 154B, a registered nurses
2 nurse licensed under chapter 152, a social worker licensed
3 under chapter 154C, a marital and family therapist licensed
4 under chapter 154D, a mental health counselor licensed under
5 chapter 154D, or individuals an individual holding at least a
6 master's degree in social-work-or-counseling-and-guidance a
7 related field as deemed appropriate by the board of behavioral
8 science examiners.

9 Sec. 13. TEMPORARY WAIVER.

10 1. Notwithstanding section 154D.2, subsection 1, paragraph
11 "c", an applicant who, within one year after July 1, 1991,
12 meets the requirements specified in section 154D.2, subsection
13 1, paragraphs "a" and "b", shall receive a license to practice
14 marital and family therapy without passing an examination
15 administered by the board of behavioral science examiners if
16 the application for licensure is filed with the board before
17 July 1, 1992. A person certified as a clinical member of the
18 American association for marriage and family therapy on July
19 1, 1991, who applies for licensure before July 1, 1992, shall
20 be licensed.

21 2. Notwithstanding section 154D.2, subsection 2, paragraph
22 "c", an applicant who, within one year after July 1, 1991,
23 meets the requirements specified in section 154D.2, subsection
24 2, paragraphs "a" and "b", shall receive a license to practice
25 mental health counseling without passing an examination
26 administered by the board of behavioral science examiners if
27 the application for licensure is filed with the board before
28 July 1, 1992. A person certified as a clinical mental health
29 counselor by the national academy for certified clinical
30 mental health counselors on July 1, 1991, who applies for
31 licensure before July 1, 1992, shall be licensed.

32 Sec. 14. INITIAL APPOINTMENTS. Notwithstanding section
33 147.19, of the initial appointees to the board of behavioral
34 science examiners, one member of each professional
35 subcommittee and one member appointed to represent the general

1 public shall be appointed for one-year terms, one member of
2 each subcommittee and one representative of the general public
3 shall be appointed for two-year terms, and one member of each
4 subcommittee and one representative of the general public
5 shall be appointed for three-year terms. The initial
6 appointees' successors shall be appointed for terms of three
7 years each, except that a person chosen to fill a vacancy
8 shall be appointed only for the unexpired term of the board
9 member replaced.

10

EXPLANATION

11 This bill provides for the credentialing of marital and
12 family therapists and mental health counselors by a board of
13 behavioral science examiners composed of three marital and
14 family therapists, three mental health counselors, and three
15 public members. The board is divided into two subcommittees,
16 one for marital and family therapy matters and one for mental
17 health counselor matters. The subcommittee for each
18 profession includes those board members who represent that
19 profession and public members. A decision or recommendation
20 of a subcommittee does not become effective without the
21 approval of the full board. Conversely, a decision of the
22 full board which affects a particular profession is subject to
23 veto by a majority of the subcommittee for that profession.

24 The bill sets forth the licensure requirements for marital
25 and family therapists and mental health counselors and
26 prohibits the practice of marital and family therapy or mental
27 health counseling without a license. Under the bill, members
28 of other professions are not prevented from providing or
29 advertising that they provide services of a marital and family
30 therapy or mental health counseling nature, but they must not
31 use a title or description denoting that they are licensed
32 marital and family therapists or licensed mental health
33 counselors.

34 The bill provides that an applicant who applies for
35 licensure before July 1, 1992, need not meet the examination

1 requirement. It also provides that persons certified as
2 clinical members of the American association for marriage and
3 family therapy and persons certified as clinical mental health
4 counselors by the national academy for certified clinical
5 mental health counselors must be granted licensure without
6 meeting other specific requirements if they apply before July
7 1, 1992.

8 The bill also includes a revision of the definition of
9 "mental health professional" for purposes of confidential
10 communications (section 622.10).

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SENATE FILE 193

S-3076

1 Amend Senate File 193 as follows:

2 1. By striking everything after the enacting
3 clause and inserting the following:

4 "Section 1. Section 147.1, subsections 2 and 3,
5 Code 1991, 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, physician
9 assistant, psychologist or associate psychologist,
10 chiropractor, nurse, dentist, dental hygienist,
11 optometrist, speech pathologist, audiologist,
12 pharmacist, physical therapist, occupational
13 therapist, practitioner of cosmetology, practitioner
14 of barbering, funeral director, dietitian, marital and
15 family therapist, or social worker means a person
16 licensed under this title.

17 3. "Profession" means medicine and surgery,
18 podiatry, osteopathy, osteopathic medicine and
19 surgery, practice as a physician assistant,
20 psychology, chiropractic, nursing, dentistry, dental
21 hygiene, optometry, speech pathology, audiology,
22 pharmacy, physical therapy, occupational therapy,
23 cosmetology, barbering, mortuary science, marital and
24 family therapy, social work, or dietetics.

25 Sec. 2. Section 147.13, Code 1991, is amended by
26 adding the following new subsection after subsection
27 15 and renumbering the subsequent subsection:

28 NEW SUBSECTION. 16. For marital and family
29 therapists, marital and family therapist examiners.

30 Sec. 3. Section 147.14, Code 1991, is amended by
31 adding the following new subsection:

32 NEW SUBSECTION. 13. For marital and family
33 therapist examiners, three members licensed to
34 practice marital and family therapy, one of whom shall
35 be employed in graduate teaching, training, or
36 research in marital and family therapy and two of whom
37 shall be practicing marital and family therapists; and
38 two members who are not licensed to practice marital
39 and family therapy who shall represent the general
40 public. A majority of the members of the board
41 constitutes a quorum.

42 Sec. 4. Section 147.74, Code 1991, is amended by
43 adding the following new unnumbered paragraph after
44 unnumbered paragraph 11:

45 NEW UNNUMBERED PARAGRAPH. A marital and family
46 therapist licensed under chapter 154D and this chapter
47 may use the words "licensed marital and family
48 therapist" after the person's name or signify the same
49 by the use of the letters "L.M.F.T." after the
50 person's name. A marital and family therapist

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1 licensed under chapter 154D and this chapter who
2 possesses a doctoral degree may use the prefix
3 "Doctor" or "Dr." in conjunction with the person's
4 name, but shall add after the person's name the words
5 "Licensed Marital and Family Therapist".

6 Sec. 5. Section 147.80, Code 1991, is amended by
7 adding the following new subsection after subsection
8 19 and renumbering the subsequent subsections:

9 NEW SUBSECTION. 20. License to practice marital
10 and family therapy issued upon the basis of an
11 examination given by the board of marital and family
12 therapist examiners, license to practice marital and
13 family therapy issued under a reciprocal agreement, or
14 renewal of a license to practice marital and family
15 therapy.

16 Sec. 6. NEW SECTION. 154D.1 DEFINITIONS.

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

19 1. "Board" means the board of marital and family
20 therapist examiners, established in section 147.13.

21 2. "Licensed marital and family therapist" means a
22 person licensed to practice marital and family therapy
23 under chapter 147 and this chapter.

24 3. "Licensee" means a licensed marital and family
25 therapist.

307/26 4. "Marital and family therapy" means the
27 application of therapeutic techniques in the
28 assessment and resolution of emotional conditions in
29 individuals, couples, and families. This includes the
30 alteration and establishment of attitudes and patterns
31 of interaction relative to marriage, family life, and
32 interpersonal relationships.

33 Sec. 7. NEW SECTION. 154D.2 REQUIREMENTS TO
34 OBTAIN LICENSE.

35 An applicant for a license to practice marital and
36 family therapy shall be granted a license by the board
37 when the applicant satisfies all of the following
38 requirements:

39 1. Possesses a master's degree in marital and
40 family therapy or its equivalent from a nationally
41 accredited institution or from a program approved by
42 the board.

43 2. Has at least two years of supervised clinical
44 experience or its equivalent as approved by the board
45 in consultation with the mental health and retardation
46 commission.

47 3. Passes an examination administered by the
48 board.

49 4. Has not failed the examination required in
50 subsection 3 within six months of the date of the

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1 current application.

2 Sec. 8. NEW SECTION. 154D.3 BOARD ORGANIZATION
3 AND AUTHORITY.

4 1. In addition to duties and responsibilities
5 provided in chapters 147 and 258A, the board shall
6 adopt rules relating to:

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

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

11 c. The administration of this chapter.

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

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

16 2. The board shall hold at least two regular
17 meetings each year, and no more than four additional
18 meetings may be held upon the call of the chairperson
19 of the board, or at the written request of at least
20 two members of the board.

21 Sec. 9. NEW SECTION. 154D.4 EXEMPTIONS.

22 This chapter does not prevent qualified members of
23 other professions, including but not limited to
24 nurses, psychologists, social workers, physicians,
25 attorneys-at-law, or members of the clergy from
26 providing or advertising that they provide services of
27 a marital and family therapy nature consistent with
28 the accepted standards of their respective
29 professions, but these persons shall not use a title
30 or description denoting that they are licensed marital
31 and family therapists.

32 Sec. 10. NEW SECTION. 154D.5 SEXUAL CONDUCT WITH
33 CLIENT.

34 The license of a marriage and family therapist
35 shall be revoked if the board finds that the licensee
36 engaged in sexual activity or genital contact with a
37 client while acting or purporting to act within the
38 licensee's scope of practice, whether or not the
39 client consented to the sexual activity or genital
40 contact.

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

43 Sec. 11. Section 622.10, unnumbered paragraph 1,
44 Code 1991, is amended to read as follows:

45 A practicing attorney, counselor, physician,
46 surgeon, physician's assistant, mental health
47 professional, or the stenographer or confidential
48 clerk of any such person, who obtains information by
49 reason of the person's employment, minister-of-the
50 gospel-or-priest-of-any-denomination or a member of

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1 the clergy shall not be allowed, in giving testimony,
2 to disclose any confidential communication properly
3 entrusted to the person in the person's professional
4 capacity, and necessary and proper to enable the
5 person to discharge the functions of the person's
6 office according to the usual course of practice or
7 discipline. The prohibition does not apply to cases
8 where the person in whose favor the prohibition is
9 made waives the rights conferred; nor does the
10 prohibition apply to physicians or surgeons,
11 physician's assistants, mental health professionals,
12 or to the stenographer or confidential clerk of any
13 physicians or surgeons, physician's assistants, or
14 mental health professionals, in a civil action in
15 which the condition of the person in whose favor the
16 prohibition is made is an element or factor of the
17 claim or defense of the person or of any party
18 claiming through or under the person. The evidence is
19 admissible upon trial of the action only as it relates
20 to the condition alleged.

21 PARAGRAPH DIVIDED. If an adverse party desires the
22 oral deposition, either discovery or evidentiary, of a
23 physician or surgeon, physician's assistant, or mental
24 health professional to which the prohibition would
25 otherwise apply or the stenographer or confidential
26 clerk of a physician or surgeon, physician's
27 assistant, or mental health professional or desires to
28 call a physician or surgeon, physician's assistant, or
29 mental health professional to which the prohibition
30 would otherwise apply or the stenographer or
31 confidential clerk of a physician or surgeon,
32 physician's assistant, or mental health professional
33 as a witness at the trial of the action, the adverse
34 party shall file an application with the court for
35 permission to do so. The court upon hearing, which
36 shall not be ex parte, shall grant permission unless
37 the court finds that the evidence sought does not
38 relate to the condition alleged and shall fix a
39 reasonable fee to be paid to the physician or surgeon,
40 physician's assistant, or mental health professional
41 by the party taking the deposition or calling the
42 witness.

43 PARAGRAPH DIVIDED. For the purposes of this
44 section, "mental health professional" means
45 psychologists-certified a psychologist licensed under
46 chapter 154B, a registered nurses nurse licensed under
47 chapter 152, a social worker licensed under chapter
48 154C, a marital and family therapist licensed under
49 chapter 154D, or individuals an individual holding at
50 least a master's degree in social-work-or-counseling

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1 and-guidance a related field as deemed appropriate by
2 the board of marital and family therapist examiners.
3 Sec. 12. INITIAL APPOINTMENTS. Notwithstanding
4 section 147.19, of the initial appointees to the board
5 of marital and family therapist examiners, one member
6 who has met the requirements of section 154D.2,
7 subsections 1 and 2, and one member appointed to
8 represent the general public shall be appointed for
9 one-year terms, and two members who have met the
10 qualifications of section 154D.2, subsections 1 and 2
11 and one representative of the general public shall be
12 appointed for two-year terms. The initial appointees'
13 successors shall be appointed for terms of three years
14 each, except that a person chosen to fill a vacancy
15 shall be appointed only for the unexpired term of the
16 board member replaced."
17 2. Title page, by striking lines 1 through 9, and
18 inserting the following: "An Act relating to the
19 licensing of marital and family therapists by
20 establishing the board of marital and family therapist
21 examiners, redefining "mental health professional" for
22 purposes of confidential communications, making
23 penalties applicable, and providing other properly
24 related matters."

By MICHAEL E. GRONSTAL

S-3076 FILED FEBRUARY 25, 1991

Loat 3/25 (p. 798)

SENATE FILE 193

S-3164

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4 "Section 1. Section 147.1, subsections 2 and 3,
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9 assistant, psychologist or associate psychologist,
10 chiropractor, nurse, dentist, dental hygienist,
11 optometrist, speech pathologist, audiologist,
12 pharmacist, physical therapist, occupational
13 therapist, practitioner of cosmetology, practitioner
14 of barbering, funeral director, dietitian, marital and
15 family therapist, or social worker means a person
16 licensed under this title.

17 3. "Profession" means medicine and surgery,
18 podiatry, osteopathy, osteopathic medicine and
19 surgery, practice as a physician assistant,
20 psychology, chiropractic, nursing, dentistry, dental
21 hygiene, optometry, speech pathology, audiology,
22 pharmacy, physical therapy, occupational therapy,
23 cosmetology, barbering, mortuary science, marital and
24 family therapy, social work, or dietetics.

25 Sec. 2. Section 147.2, Code 1991, is amended to
26 read as follows:

27 147.2 LICENSE REQUIRED.

28 A person shall not engage in the practice of
29 medicine and surgery, podiatry, osteopathy,
30 osteopathic medicine and surgery, psychology,
31 chiropractic, physical therapy, nursing, dentistry,
32 dental hygiene, optometry, speech pathology,
33 audiology, occupational therapy, pharmacy,
34 cosmetology, barbering, dietetics, or mortuary
35 science, or marital and family therapy, and shall not
36 practice as a physician assistant as defined in the
37 following chapters of this title, unless the person
38 has obtained from the department a license for that
39 purpose.

40 Sec. 3. Section 147.13, Code 1991, is amended by
41 adding the following new subsection after subsection
42 15 and renumbering the subsequent subsection:

43 NEW SUBSECTION. 15. For marital and family
44 therapists, marital and family therapist examiners.

45 Sec. 4. Section 147.14, Code 1991, is amended by
46 adding the following new subsection:

47 NEW SUBSECTION. 13. For marital and family
48 therapist examiners, three members licensed to
49 practice marital and family therapy, one of whom shall
50 be employed in graduate teaching, training, or

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1 research in marital and family therapy and two of whom
2 shall be practicing marital and family therapists; and
3 two members who are not licensed to practice marital
4 and family therapy who shall represent the general
5 public. A majority of the members of the board
6 constitutes a quorum.

7 Sec. 5. Section 147.74, Code 1991, is amended by
8 adding the following new unnumbered paragraph after
9 unnumbered paragraph 11:

10 NEW UNNUMBERED PARAGRAPH. A marital and family
11 therapist licensed under chapter 154D and this chapter
12 may use the words "licensed marital and family
13 therapist" after the person's name or signify the same
14 by the use of the letters "L.M.F.T." after the
15 person's name. A marital and family therapist
16 licensed under chapter 154D and this chapter who
17 possesses a doctoral degree may use the prefix
18 "Doctor" or "Dr." in conjunction with the person's
19 name, but shall add after the person's name the words
20 "Licensed Marital and Family Therapist".

21 Sec. 6. Section 147.80, Code 1991, is amended by
22 adding the following new subsection after subsection
23 19 and renumbering the subsequent subsections:

24 NEW SUBSECTION. 20. License to practice marital
25 and family therapy issued upon the basis of an
26 examination given by the board of marital and family
27 therapist examiners, license to practice marital and
28 family therapy issued under a reciprocal agreement, or
29 renewal of a license to practice marital and family
30 therapy.

31 Sec. 7. NEW SECTION. 154D.1 DEFINITIONS.

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

34 1. "Board" means the board of marital and family
35 therapist examiners, established in section 147.13.

36 2. "Licensed marital and family therapist" means a
37 person licensed to practice marital and family therapy
38 under chapter 147 and this chapter.

39 3. "Licensee" means a licensed marital and family
40 therapist.

41 4. "Marital and family therapy" means the
42 application of counseling techniques in the assessment
43 and resolution of emotional conditions, other than
44 nervous and mental disorders as defined in the
45 American psychiatric association's diagnostic and
46 statistical manual-III-R and its subsequent revisions,
47 in individuals, couples, and families. This includes
48 the alteration and establishment of attitudes and
49 patterns of interaction relative to marriage, family
50 life, and interpersonal relationships.

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1 Sec. 8. NEW SECTION. 154D.2 REQUIREMENTS TO
2 OBTAIN LICENSE.

3 An applicant for a license to practice marital and
4 family therapy shall be granted a license by the board
5 when the applicant satisfies all of the following
6 requirements:

7 1. Possesses a master's degree in marital and
8 family therapy or its equivalent from a nationally
9 accredited institution or from a program approved by
10 the board.

11 2. Has at least two years of supervised clinical
12 experience or its equivalent as approved by the board
13 in consultation with the mental health and retardation
14 commission.

15 3. Passes an examination administered by the
16 board.

17 4. Has not failed the examination required in
18 subsection 3 within six months of the date of the
19 current application.

20 Sec. 9. NEW SECTION. 154D.3 BOARD ORGANIZATION
21 AND AUTHORITY.

22 1. In addition to duties and responsibilities
23 provided in chapters 147 and 258A, the board shall
24 adopt rules relating to:

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

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

29 c. The administration of this chapter.

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

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

34 2. The board shall hold at least two regular
35 meetings each year, and no more than four additional
36 meetings may be held upon the call of the chairperson
37 of the board, or at the written request of at least
38 two members of the board.

39 Sec. 10. NEW SECTION. 154D.4 EXEMPTIONS.

40 This chapter does not prevent qualified members of
41 other professions, including but not limited to
42 nurses, psychologists, social workers, physicians,
43 attorneys-at-law, or members of the clergy from
44 providing or advertising that they provide services of
45 a marital and family therapy nature consistent with
46 the accepted standards of their respective
47 professions, but these persons shall not use a title
48 or description denoting that they are licensed marital
49 and family therapists.

50 Sec. 11. NEW SECTION. 154D.5 SEXUAL CONDUCT WITH

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1 CLIENT.

2 The license of a marriage and family therapist
3 shall be revoked if the board finds that the licensee
4 engaged in sexual activity or genital contact with a
5 client while acting or purporting to act within the
6 licensee's scope of practice, whether or not the
7 client consented to the sexual activity or genital
8 contact.

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

11 Sec. 12. Section 622.10, unnumbered paragraph 1,
12 Code 1991, is amended to read as follows:

13 A practicing attorney, counselor, physician,
14 surgeon, physician's assistant, mental health
15 professional, or the stenographer or confidential
16 clerk of any such person, who obtains information by
17 reason of the person's employment, ~~minister-of-the~~
18 ~~gospel-or-priest-of-any-denomination or a member of~~
19 the clergy shall not be allowed, in giving testimony,
20 to disclose any confidential communication properly
21 entrusted to the person in the person's professional
22 capacity, and necessary and proper to enable the
23 person to discharge the functions of the person's
24 office according to the usual course of practice or
25 discipline. The prohibition does not apply to cases
26 where the person in whose favor the prohibition is
27 made waives the rights conferred; nor does the
28 prohibition apply to physicians or surgeons,
29 physician's assistants, mental health professionals,
30 or to the stenographer or confidential clerk of any
31 physicians or surgeons, physician's assistants, or
32 mental health professionals, in a civil action in
33 which the condition of the person in whose favor the
34 prohibition is made is an element or factor of the
35 claim or defense of the person or of any party
36 claiming through or under the person. The evidence is
37 admissible upon trial of the action only as it relates
38 to the condition alleged.

39 PARAGRAPH DIVIDED. If an adverse party desires the
40 oral deposition, either discovery or evidentiary, of a
41 physician or surgeon, physician's assistant, or mental
42 health professional to which the prohibition would
43 otherwise apply or the stenographer or confidential
44 clerk of a physician or surgeon, physician's
45 assistant, or mental health professional or desires to
46 call a physician or surgeon, physician's assistant, or
47 mental health professional to which the prohibition
48 would otherwise apply or the stenographer or
49 confidential clerk of a physician or surgeon,
50 physician's assistant, or mental health professional

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1 as a witness at the trial of the action, the adverse
2 party shall file an application with the court for
3 permission to do so. The court upon hearing, which
4 shall not be ex parte, shall grant permission unless
5 the court finds that the evidence sought does not
6 relate to the condition alleged and shall fix a
7 reasonable fee to be paid to the physician or surgeon,
8 physician's assistant, or mental health professional
9 by the party taking the deposition or calling the
10 witness.

11 PARAGRAPH DIVIDED. For the purposes of this
12 section, "mental health professional" means
13 psychologists-certified a psychologist licensed under
14 chapter 154B, a registered nurses nurse licensed under
15 chapter 152, a social worker licensed under chapter
16 154C, a marital and family therapist licensed under
17 chapter 154D, or individuals an individual holding at
18 least a master's degree in social-work-or-counseling
19 and-guidance a related field as deemed appropriate by
20 the board of marital and family therapist examiners.

21 Sec. 13. TEMPORARY WAIVER. Notwithstanding
22 section 154D.2, subsection 3, an applicant who, within
23 one year after July 1, 1991, meets the requirements
24 specified in section 154D.2, subsections 1 and 2,
25 shall receive a license to practice marital and family
26 therapy without passing an examination administered by
27 the board of marital and family therapist examiners if
28 the application for licensure is filed with the board
29 before July 1, 1992. A person certified as a clinical
30 member of the American association for marriage and
31 family therapy on July 1, 1991, who applies for
32 licensure before July 1, 1992, shall be licensed.

33 Sec. 14. INITIAL APPOINTMENTS. Notwithstanding
34 section 147.19, of the initial appointees to the board
35 of marital and family therapist examiners, one member
36 who has met the requirements of section 154D.2,
37 subsections 1 and 2, and one member appointed to
38 represent the general public shall be appointed for
39 one-year terms, and two members who have met the
40 qualifications of section 154D.2, subsections 1 and 2
41 and one representative of the general public shall be
42 appointed for two-year terms. The initial appointees'
43 successors shall be appointed for terms of three years
44 each, except that a person chosen to fill a vacancy
45 shall be appointed only for the unexpired term of the
46 board member replaced."

47 2. Title page, by striking lines 1 through 9, and
48 inserting the following: "An Act relating to the
49 requirement of licensure of marital and family
50 therapists by establishing the board of marital and

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1 family therapist examiners, redefining "mental health
2 professional" for purposes of confidential
3 communications, making penalties applicable, and
4 providing other properly related matters."

By MICHAEL E. GRONSTAL

S-3091

1 Amend amendment, S-3076, to Senate File 193 as
 2 follows:
 3 1. Page 2, line 27, by striking the word
 4 "therapeutic" and inserting the following:
 5 "counseling".
 6 2. Page 2, line 28, by inserting after the word
 7 "conditions" the following: ", other than nervous and
 8 mental disorders as defined in the American
 9 psychiatric association's diagnostic and statistical
 10 manual-III-R and its subsequent revisions,".

By MICHAEL GRONSTAL

S-3091 FILED MARCH 7, 1991

Adopted 3/25 (p. 798)

SENATE FILE 193

S-3100

1 Amend Senate File 193 as follows:
 2 1. Page 3, line 31, by striking the word
 3 "therapeutic" and inserting the following:
 4 "counseling".
 5 2. Page 3, line 32, by inserting after the word
 6 "conditions" the following: "other than nervous and
 7 mental disorders as defined in the American
 8 psychiatric association's diagnostic and statistical
 9 manual-III-R and its subsequent revisions".
 10 3. Page 4, line 3, by striking the word "therapy"
 11 and inserting the following: "counseling".
 12 4. Page 4, line 6, by inserting after the word
 13 "groups" the following: ", other than those
 14 individuals with nervous and mental disorders as
 15 defined by the American psychiatric association's
 16 diagnostic and statistics manual-III-R and subsequent
 17 revisions,".
 18 5. Page 5, by striking lines 1 and 2.

By WILLIAM D. PALMER
 MARY E. KRAMER
 JEAN LLOYD-JONES

MICHAEL E. GRONSTAL
 RICHARD VANDE HOEF
 EUGENE FRAISE

S-3100 FILED MARCH 11, 1991

Adopted 3/25 (p. 833)

SENATE FILE 193

S-3173

1 Amend Senate File 193 as follows:
 2 1. Page 4, line 14, by inserting after the word
 3 "therapy" the following: "consisting of at least
 4 forty-five credit hours,".
 5 2. Page 4, line 14, by striking the word
 6 "equivalent" and inserting the following:
 7 "equivalent,".
 8 3. Page 4, line 26, by inserting after the word
 9 "counseling" the following: "consisting of at least
 10 forty-five credit hours,".
 11 4. Page 4, line 27, by striking the word
 12 "equivalent" and inserting the following:
 13 "equivalent,".

By RICHARD VARN
 MICHAEL E. GRONSTAL
 LARRY MURPHY

S-3173 FILED MARCH 25, 1991

ADOPTED (p. 833)

1 Section 1. Section 147.1, subsections 2 and 3, Code 1991,
2 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, physician assistant, psychologist or associate
6 psychologist, chiropractor, nurse, dentist, dental hygienist,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, occupational therapist, practitioner of
9 cosmetology, practitioner of barbering, funeral director,
10 dietitian, marital and family therapist, mental health
11 counselor, or social worker means a person licensed under this
12 title.

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

20 Sec. 2. Section 147.2, Code 1991, is amended to read as
21 follows:

22 147.2 LICENSE REQUIRED.

23 A person shall not engage in the practice of medicine and
24 surgery, podiatry, osteopathy, osteopathic medicine and
25 surgery, psychology, chiropractic, physical therapy, nursing,
26 dentistry, dental hygiene, optometry, speech pathology,
27 audiology, occupational therapy, pharmacy, cosmetology,
28 barbering, dietetics, ~~or~~ mortuary science, ~~or~~ marital and
29 family therapy, or mental health counseling and shall not
30 practice as a physician assistant as defined in the following
31 chapters of this title, unless the person has obtained from
32 the department a license for that purpose.

33 Sec. 3. Section 147.13, Code 1991, is amended by adding
34 the following new subsection after subsection 15 and
35 renumbering the subsequent subsection:

1 NEW SUBSECTION. 16. For marital and family therapists and
2 mental health counselors, behavioral science examiners.

3 Sec. 4. Section 147.14, Code 1991, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 13. For behavioral science examiners,
6 three members licensed to practice marital and family therapy,
7 one of whom shall be employed in graduate teaching, training,
8 or research in marital and family therapy and two of whom
9 shall be practicing marital and family therapists; three
10 members licensed to practice mental health counseling, one of
11 whom shall be employed in graduate teaching, training, or
12 research in mental health counseling and two of whom shall be
13 practicing mental health counselors; and three members who are
14 not licensed to practice marital and family therapy or mental
15 health counseling and who shall represent the general public.
16 A majority of the members of the board constitutes a quorum.

17 Sec. 5. Section 147.74, Code 1991, is amended by adding
18 the following new unnumbered paragraphs after unnumbered
19 paragraph 11:

20 NEW UNNUMBERED PARAGRAPH. A marital and family therapist
21 licensed under chapter 154D and this chapter may use the words
22 "licensed marital and family therapist" after the person's
23 name or signify the same by the use of the letters "L.M.F.T."
24 after the person's name. A marital and family therapist
25 licensed under chapter 154D and this chapter who possesses a
26 doctoral degree may use the prefix "Doctor" or "Dr." in
27 conjunction with the person's name, but shall add after the
28 person's name the words "Licensed Marital and Family
29 Therapist".

30 NEW UNNUMBERED PARAGRAPH. A mental health counselor
31 licensed under chapter 154D and this chapter may use the words
32 "licensed mental health counselor" after the person's name. A
33 mental health counselor licensed under chapter 154D and this
34 chapter who possesses a doctoral degree may use the prefix
35 "Doctor" or "Dr." in conjunction with the person's name, but

1 shall add after the person's name the words "Licensed Mental
2 Health Counselor".

3 Sec. 6. Section 147.80, Code 1991, is amended by adding
4 the following new subsections after subsection 19 and
5 renumbering the subsequent subsections:

6 NEW SUBSECTION. 20. License to practice marital and
7 family therapy issued upon the basis of an examination given
8 by the board of behavioral science examiners, license to
9 practice marital and family therapy issued under a reciprocal
10 agreement, or renewal of a license to practice marital and
11 family therapy.

12 NEW SUBSECTION. 21. License to practice mental health
13 counseling issued upon the basis of an examination given by
14 the board of behavioral science examiners, license to practice
15 mental health counseling issued under a reciprocal agreement,
16 or renewal of a license to practice mental health counseling.

17 Sec. 7. NEW SECTION. 154D.1 DEFINITIONS.

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

20 1. "Board" means the board of behavioral science
21 examiners, established in section 147.13.

22 2. "Licensed marital and family therapist" means a person
23 licensed to practice marital and family therapy under chapter
24 147 and this chapter.

25 3. "Licensed mental health counselor" means a person
26 licensed to practice mental health counseling under chapter
27 147 and this chapter.

28 4. "Licensee" includes a licensed marital and family
29 therapist and a licensed mental health counselor.

30 5. "Marital and family therapy" means the application of
31 counseling techniques in the assessment and resolution of
32 emotional conditions other than nervous and mental disorders
33 as defined in the American psychiatric association's
34 diagnostic and statistical manual-III-R and its subsequent
35 revisions in individuals, couples, and families. This

1 includes the alteration and establishment of attitudes and
2 patterns of interaction relative to marriage, family life, and
3 interpersonal relationships.

4 6. "Mental health counseling" means the provision of
5 counseling services involving assessment, referral,
6 consultation, and the application of counseling, human
7 development principles, learning theory, group dynamics, and
8 the etiology of maladjustment and dysfunctional behavior to
9 individuals, families, and groups, other than those
10 individuals with nervous and mental disorders as defined by
11 the American psychiatric association's diagnostic and
12 statistics manual-III-R and subsequent revisions, for the
13 purpose of promoting optimal mental health.

14 Sec. 8. NEW SECTION. 154D.2 REQUIREMENTS TO OBTAIN
15 LICENSE.

16 1. An applicant for a license to practice marital and
17 family therapy shall be granted a license by the board when
18 the applicant satisfies all of the following requirements:

19 a. Possesses a master's degree in marital and family
20 therapy consisting of at least forty-five credit hours, or its
21 equivalent, from a nationally accredited institution or from a
22 program approved by the board.

23 b. Has at least two years of supervised clinical
24 experience or its equivalent as approved by the board in
25 consultation with the mental health and retardation
26 commission.

27 c. Passes an examination administered by the board.

28 d. Has not failed the examination required in paragraph
29 "c" within six months of the date of the current application.

30 2. An applicant for a license to practice mental health
31 counseling shall be granted a license by the board when the
32 applicant satisfies all of the following requirements:

33 a. Possesses a master's degree in counseling consisting of
34 at least forty-five credit hours, or its equivalent, from a
35 nationally accredited institution or from a program approved

1 by the board.

2 b. Has at least two years of clinical experience,
3 supervised by a licensee, in assessing mental health needs and
4 problems and in providing appropriate mental health services
5 as approved by the board of behavioral science examiners in
6 consultation with the mental health and mental retardation
7 commission.

8 c. Passes an examination administered by the board.

* 9 Sec. 9. NEW SECTION. 154D.3 BOARD ORGANIZATION AND
10 AUTHORITY.

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

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

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

18 c. The administration of this chapter.

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

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

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

35 3. A decision or recommendation of a subcommittee shall

1 not become effective without approval of the board. The board
2 may initiate action relating to either of the professions
3 within its jurisdiction.

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

8 5. The board shall hold at least two regular meetings each
9 year, and no more than four additional meetings may be held
10 upon the call of the chairperson of the board, or at the
11 written request of at least four members of the board.

12 Sec. 10. NEW SECTION. 154D.4 EXEMPTIONS.

13 This chapter does not prevent qualified members of other
14 professions, including but not limited to nurses,
15 psychologists, social workers, physicians, attorneys-at-law,
16 or members of the clergy from providing or advertising that
17 they provide services of a marital and family therapy or
18 mental health counseling nature consistent with the accepted
19 standards of their respective professions, but these persons
20 shall not use a title or description denoting that they are
21 licensed marital and family therapists or licensed mental
22 health counselors.

23 Sec. 11. NEW SECTION. 154D.5 SEXUAL CONDUCT WITH CLIENT.

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

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

32 Sec. 12. Section 622.10, unnumbered paragraph 1, Code
33 1991, is amended to read as follows:

34 A practicing attorney, counselor, physician, surgeon,
35 physician's assistant, mental health professional, or the

1 stenographer or confidential clerk of any such person, who
2 obtains information by reason of the person's employment,
3 minister-of-the-gospel-or-priest-of-any-denomination or a
4 member of the clergy shall not be allowed, in giving
5 testimony, to disclose any confidential communication properly
6 entrusted to the person in the person's professional capacity,
7 and necessary and proper to enable the person to discharge the
8 functions of the person's office according to the usual course
9 of practice or discipline. The prohibition does not apply to
10 cases where the person in whose favor the prohibition is made
11 waives the rights conferred; nor does the prohibition apply to
12 physicians or surgeons, physician's assistants, mental health
13 professionals, or to the stenographer or confidential clerk of
14 any physicians or surgeons, physician's assistants, or mental
15 health professionals, in a civil action in which the condition
16 of the person in whose favor the prohibition is made is an
17 element or factor of the claim or defense of the person or of
18 any party claiming through or under the person. The evidence
19 is admissible upon trial of the action only as it relates to
20 the condition alleged.

21 PARAGRAPH DIVIDED. If an adverse party desires the oral
22 deposition, either discovery or evidentiary, of a physician or
23 surgeon, physician's assistant, or mental health professional
24 to which the prohibition would otherwise apply or the
25 stenographer or confidential clerk of a physician or surgeon,
26 physician's assistant, or mental health professional or
27 desires to call a physician or surgeon, physician's assistant,
28 or mental health professional to which the prohibition would
29 otherwise apply or the stenographer or confidential clerk of a
30 physician or surgeon, physician's assistant, or mental health
31 professional as a witness at the trial of the action, the
32 adverse party shall file an application with the court for
33 permission to do so. The court upon hearing, which shall not
34 be ex parte, shall grant permission unless the court finds
35 that the evidence sought does not relate to the condition

1 alleged and shall fix a reasonable fee to be paid to the
2 physician or surgeon, physician's assistant, or mental health
3 professional by the party taking the deposition or calling the
4 witness.

5 PARAGRAPH DIVIDED. For the purposes of this section,
6 "mental health professional" means psychologists-certified a
7 psychologist licensed under chapter 154B, a registered nurses
8 nurse licensed under chapter 152, a social worker licensed
9 under chapter 154C, a marital and family therapist licensed
10 under chapter 154D, a mental health counselor licensed under
11 chapter 154D, or individuals an individual holding at least a
12 master's degree in social-work-or-counseling-and-guidance a
13 related field as deemed appropriate by the board of behavioral
14 science examiners.

352615 Sec. 13. TEMPORARY WAIVER.

16 1. Notwithstanding section 154D.2, subsection 1, paragraph
17 "c", an applicant who, within one year after July 1, 1991,
18 meets the requirements specified in section 154D.2, subsection
19 1, paragraphs "a" and "b", shall receive a license to practice
20 marital and family therapy without passing an examination
21 administered by the board of behavioral science examiners if
22 the application for licensure is filed with the board before
23 July 1, 1992. A person certified as a clinical member of the
24 American association for marriage and family therapy on July
25 1, 1991, who applies for licensure before July 1, 1992, shall
26 be licensed.

27 2. Notwithstanding section 154D.2, subsection 2, paragraph
28 "c", an applicant who, within one year after July 1, 1991,
29 meets the requirements specified in section 154D.2, subsection
30 2, paragraphs "a" and "b", shall receive a license to practice
31 mental health counseling without passing an examination
32 administered by the board of behavioral science examiners if
33 the application for licensure is filed with the board before
34 July 1, 1992. A person certified as a clinical mental health
35 counselor by the national academy for certified clinical

1 mental health counselors on July 1, 1991, who applies for
2 licensure before July 1, 1992, shall be licensed.
3 Sec. 14. INITIAL APPOINTMENTS. Notwithstanding section
4 147.19, of the initial appointees to the board of behavioral
5 science examiners, one member of each professional
6 subcommittee and one member appointed to represent the general
7 public shall be appointed for one-year terms, one member of
8 each subcommittee and one representative of the general public
9 shall be appointed for two-year terms, and one member of each
10 subcommittee and one representative of the general public
11 shall be appointed for three-year terms. The initial
12 appointees' successors shall be appointed for terms of three
13 years each, except that a person chosen to fill a vacancy
14 shall be appointed only for the unexpired term of the board
15 member replaced.

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SENATE FILE 193

H-3714

1 Amend amendment, H-3566, to Senate File 193, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, by striking lines 3 through 8 and
5 inserting the following:

6 "____. Page 5, by inserting after line 8 the
7 following:

8 "Sec. ____ NEW SECTION. 154D.2A SCOPE OF
9 PRACTICE.

10 1. A person granted a license as a marital and
11 family therapist under section 154D.2, subsection 1,
12 shall practice marital and family therapy as defined
13 in section 154D.1, subsection 5.

14 2. Notwithstanding section 154D.1, subsection 5, a
15 person granted a license as a marital and family
16 therapist under section 154D.2, subsection 1, may
17 apply counseling techniques in the assessment and
18 resolution of emotional conditions including nervous
19 and mental disorders, as defined in the American
20 psychiatric association's diagnostic and statistical
21 manual-III-R and its subsequent revisions, which
22 relate to marital and family therapy, in individuals,
23 couples, and families, if the licensee satisfies all
24 of the following requirements:

25 a. Possesses a doctoral degree in marital and
26 family therapy from a nationally accredited
27 institution or from a program approved by the board
28 consisting of at least thirty credit hours, or its
29 equivalent, of instruction in all of the following:

30 (1) Clinical psychopathology, personality, and
31 abnormal behavior.

32 (2) Evaluation of mental and emotional status.

33 (3) Diagnosis of mental illness and nervous
34 disorders.

35 (4) Treatment of mental illness and nervous
36 disorders.

37 b. Has at least two years of supervised clinical
38 experience in counseling, including the diagnosis and
39 treatment of mental illness and nervous disorders in a
40 clinical or private counseling setting, one year of
41 which was completed after the award of the licensee's
42 doctoral degree.

43 3. A person granted a license as a mental health
44 counselor under section 154D.2, subsection 2, shall
45 practice mental health counseling as defined in
46 section 154D.1, subsection 6.

47 4. Notwithstanding section 154D.1, subsection 6, a
48 person granted a license as a mental health counselor
49 under section 154D.2, subsection 2, may provide
50 counseling services to individuals, families, and

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1 groups, including individuals with nervous and mental
2 disorders as defined by the American psychiatric
3 association's diagnostic and statistical manual-III-R
4 and its subsequent revisions, which relate to mental
5 health counseling, if the licensee satisfies all of
6 the following requirements:

7 a. Possesses a doctoral degree in mental health
8 counseling from a nationally accredited institution or
9 from a program approved by the board consisting of at
10 least thirty credit hours, or its equivalent, of
11 instruction in all of the following:

12 (1) Clinical psychopathology, personality, and
13 abnormal behavior.

14 (2) Evaluation of mental and emotional status.

15 (3) Diagnosis of mental illness and nervous
16 disorders.

17 (4) Treatment of mental illness and nervous
18 disorders.

19 b. Has at least two years of supervised clinical
20 experience in counseling, including the diagnosis and
21 treatment of mental illness and nervous disorders in a
22 clinical or private counseling setting, one year of
23 which was completed after the award of the licensee's
24 doctoral degree.

25 5. Notwithstanding section 154D.1, subsection 6, a
26 person granted a license as a mental health counselor
27 under section 154D.2, subsection 2, may provide
28 counseling services to individuals, families, and
29 groups, including individuals with nervous and mental
30 disorders as defined by the American psychiatric
31 association's diagnostic and statistical manual-III-R
32 and its subsequent revisions, which relate to mental
33 health counseling, if the licensee is supervised by
34 any of the following: a person practicing as a mental
35 health counselor pursuant to subsection 4 of this
36 section; a person licensed to practice medicine and
37 surgery, osteopathy, or osteopathic medicine and
38 surgery; a person certified as a health service
39 provider in psychology pursuant to section 154B.7; or
40 a person serving as the director of a community mental
41 health center."

42 2. Page 1, by inserting after line 13, the
43 following:

44 " . By renumbering as necessary."

45 3. By renumbering as necessary.

By JAY of Appanoose

CARPENTER of Polk

RENKEN of Grundy

BEATTY of Warren

BISIGNANO of Polk

PAVICH of Pottawattamie

HANSON of Delaware

H-3714 FILED APRIL 18, 1991

Law 5/1/91 (9 1950)

SENATE FILE 193

H-3566

- 1 Amend Senate File 193, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 3, by striking lines 32 through 35, and
4 inserting the following: "emotional conditions.
5 This".
6 2. Page 4, by striking lines 9 through 13 and
7 inserting the following: "individuals, families, and
8 groups."
9 3. By striking page 8, line 15 through page 9,
10 line 2.
11 4. Title page, lines 7 and 8, by striking the
12 following: "providing for a temporary waiver of
13 certain licensing requirements,".

By COMMITTEE ON STATE GOVERNMENT
BLANSHAN of Greene, Chairperson

H-3566 FILED APRIL 10, 1991

Adopted as amended by 3726 5/1/91 (S. 1950)

SENATE FILE 193

H-3726

- 1 Amend the amendment, H-3566, to Senate File 193, as
2 amended, passed, and reprinted by the Senate, as
3 follows:
4 1. Page 1, by inserting after line 10, the
5 following:
6 "____. Page 9, by inserting after line 15, the
7 following:
8 "Initial professional appointees to the board of
9 behavioral science examiners shall meet the
10 requirements of section 154D.2, subsection 1,
11 paragraphs "a" and "b", or section 154D.2, subsection
12 2, paragraphs "a" and "b", and shall not be required
13 to pass an examination in order to be appointed to the
14 board.""
15 2. By renumbering as necessary.

By HANSON of Delaware

H-3726 FILED APRIL 18, 1991

Adopted 5/1/91 (S. 1950)

SENATE FILE 193

H-3951

- 1 Amend Senate File 193, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 20 through 32.
4 2. Page 6, line 13, by striking the word "does"
5 and inserting the following: "and chapter 147 do".
6 3. Title page, line 3, by striking the words
7 "practice of" and inserting the following: "use of
8 the title".
9 4. Title page, by striking line 4 and inserting
10 the following: "marital and family therapist or
11 mental health counselor without".

By LUNDBY of Linn

H-3951 FILED APRIL 26, 1991

Adopted 5/1/91 (S. 1951)

SENATE FILE 193

S-3682

1 Amend the House amendment, S-3669, to Senate File
2 193, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting after line 22 the follow-
5 ing:

6 "____. Page 9, by inserting after line 15 the fol-
7 lowing:

8 "Sec. ____ . LEGISLATIVE INTENT. It is the intent
9 of the general assembly that marital and family
10 therapists and mental health counselors develop their
11 respective professional standards and credentials to
12 the doctoral level with appropriate clinical
13 experience in the anticipation of licensure which
14 shall authorize licensees to diagnose and treat
15 persons with nervous and mental disorders as defined
16 in the American psychiatric association's diagnostic
17 and statistical manual-III-R and its subsequent
18 revisions as the disorders relate to their respective
19 professional specialties.""

20 2. By renumbering as necessary.

By WILLIAM D. PALMER
JEAN LLOYD-JONES
MARY KRAMER

S-3682 FILED MAY 2, 1991

LOST (p. 16/17)

HOUSE AMENDMENT TO
SENATE FILE 193

S-3669

- 1 Amend Senate File 193, as amended, passed, and
- 2 reprinted by the Senate, as follows:
- 3 1. Page 1, by striking lines 20 through 32.
- 4 2. Page 3, by striking lines 32 through 35, and
- 5 inserting the following: "emotional conditions.
- 6 This".
- 7 3. Page 4, by striking lines 9 through 13 and
- 8 inserting the following: "individuals, families, and
- 9 groups."
- 10 4. Page 6, line 13, by striking the word "does"
- 11 and inserting the following: "and chapter 147 do".
- 12 5. By striking page 8, line 15 through page 9,
- 13 line 2.
- 14 6. Page 9, by inserting after line 15, the
- 15 following:
- 16 "Initial professional appointees to the board of
- 17 behavioral science examiners shall meet the
- 18 requirements of section 154D.2, subsection 1,
- 19 paragraphs "a" and "b", or section 154D.2, subsection
- 20 2, paragraphs "a" and "b", and shall not be required
- 21 to pass an examination in order to be appointed to the
- 22 board."
- 23 7. Title page, line 3, by striking the words
- 24 "practice of" and inserting the following: "use of
- 25 the title".
- 26 8. Title page, by striking line 4 and inserting
- 27 the following: "marital and family therapist or
- 28 mental health counselor without".
- 29 9. Title page, lines 7 and 8, by striking the
- 30 following: "providing for a temporary waiver of
- 31 certain licensing requirements,".
- 32 10. By renumbering, relettering, or redesignating
- 33 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-3669 FILED MAY 1, 1991

Senate Concurrence 5/2/91 (p 1618)

DIELEMAN, CH.
KIBBIE
LIND

SSB 124
STATE GOVERNMENT

SENATE FILE 193
BY (PROPOSED COMMITTEE ON STATE
GOVERNMENT BILL BY CHAIRPERSON
KIBBIE)

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

A BILL FOR

1 An Act relating to the licensing of marital and family therapists
2 and mental health counselors, by establishing the board of
3 behavioral science examiners, prohibiting the practice of
4 marital and family therapy or mental health counseling without
5 a license, providing exemptions, redefining "mental health
6 professional" for purposes of confidential communications,
7 making penalties applicable, providing for a temporary waiver
8 of certain licensing requirements, and providing other
9 properly related matters.

10 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 1991,
2 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, physician assistant, psychologist or associate
6 psychologist, chiropractor, nurse, dentist, dental hygienist,
7 optometrist, speech pathologist, audiologist, pharmacist,
8 physical therapist, occupational therapist, practitioner of
9 cosmetology, practitioner of barbering, funeral director,
10 dietitian, marital and family therapist, mental health
11 counselor, or social worker means a person licensed under this
12 title.

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

20 Sec. 2. Section 147.2, Code 1991, is amended to read as
21 follows:

22 147.2 LICENSE REQUIRED.

23 A person shall not engage in the practice of medicine and
24 surgery, podiatry, osteopathy, osteopathic medicine and
25 surgery, psychology, chiropractic, physical therapy, nursing,
26 dentistry, dental hygiene, optometry, speech pathology,
27 audiology, occupational therapy, pharmacy, cosmetology,
28 barbering, dietetics, or mortuary science, or marital and
29 family therapy, or mental health counseling and shall not
30 practice as a physician assistant as defined in the following
31 chapters of this title, unless the person has obtained from
32 the department a license for that purpose.

33 Sec. 3. Section 147.13, Code 1991, is amended by adding
34 the following new subsection after subsection 15 and
35 renumbering the subsequent subsection:

1 NEW SUBSECTION. 16. For marital and family therapists and
2 mental health counselors, behavioral science examiners.

3 Sec. 4. Section 147.14, Code 1991, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 13. For behavioral science examiners,
6 three members licensed to practice marital and family therapy,
7 one of whom shall be employed in graduate teaching, training,
8 or research in marital and family therapy and two of whom
9 shall be practicing marital and family therapists; three
10 members licensed to practice mental health counseling, one of
11 whom shall be employed in graduate teaching, training, or
12 research in mental health counseling and two of whom shall be
13 practicing mental health counselors; and three members who are
14 not licensed to practice marital and family therapy or mental
15 health counseling and who shall represent the general public.
16 A majority of the members of the board constitutes a quorum.

17 Sec. 5. Section 147.74, Code 1991, is amended by adding
18 the following new unnumbered paragraphs after unnumbered
19 paragraph 11:

20 NEW UNNUMBERED PARAGRAPH. A marital and family therapist
21 licensed under chapter 154D and this chapter may use the words
22 "licensed marital and family therapist" after the person's
23 name or signify the same by the use of the letters "L.M.F.T."
24 after the person's name. A marital and family therapist
25 licensed under chapter 154D and this chapter who possesses a
26 doctoral degree may use the prefix "Doctor" or "Dr." in
27 conjunction with the person's name, but shall add after the
28 person's name the words "Licensed Marital and Family
29 Therapist".

30 NEW UNNUMBERED PARAGRAPH. A mental health counselor
31 licensed under chapter 154D and this chapter may use the words
32 "licensed mental health counselor" after the person's name. A
33 mental health counselor licensed under chapter 154D and this
34 chapter who possesses a doctoral degree may use the prefix
35 "Doctor" or "Dr." in conjunction with the person's name, but

1 shall add after the person's name the words "Licensed Mental
2 Health Counselor".

3 Sec. 6. Section 147.80, Code 1991, is amended by adding
4 the following new subsections after subsection 19 and
5 renumbering the subsequent subsections:

6 NEW SUBSECTION. 20. License to practice marital and
7 family therapy issued upon the basis of an examination given
8 by the board of behavioral science examiners, license to
9 practice marital and family therapy issued under a reciprocal
10 agreement, or renewal of a license to practice marital and
11 family therapy.

12 NEW SUBSECTION. 21. License to practice mental health
13 counseling issued upon the basis of an examination given by
14 the board of behavioral science examiners, license to practice
15 mental health counseling issued under a reciprocal agreement,
16 or renewal of a license to practice mental health counseling.

17 Sec. 7. NEW SECTION. 154D.1 DEFINITIONS.

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

20 1. "Board" means the board of behavioral science
21 examiners, established in section 147.13.

22 2. "Licensed marital and family therapist" means a person
23 licensed to practice marital and family therapy under chapter
24 147 and this chapter.

25 3. "Licensed mental health counselor" means a person
26 licensed to practice mental health counseling under chapter
27 147 and this chapter.

28 4. "Licensee" includes a licensed marital and family
29 therapist and a licensed mental health counselor.

30 5. "Marital and family therapy" means the application of
31 therapeutic techniques in the assessment and resolution of
32 emotional conditions in individuals, couples, and families.
33 This includes the alteration and establishment of attitudes
34 and patterns of interaction relative to marriage, family life,
35 and interpersonal relationships.

1 6. "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 Sec. 8. NEW SECTION. 154D.2 REQUIREMENTS TO OBTAIN
9 LICENSE.

10 1. An applicant for a license to practice marital and
11 family therapy shall be granted a license by the board when
12 the applicant satisfies all of the following requirements:

13 a. Possesses a master's degree in marital and family
14 therapy or its equivalent from a nationally accredited
15 institution or from a program approved by the board.

16 b. Has at least two years of supervised clinical
17 experience or its equivalent as approved by the board in
18 consultation with the mental health and retardation
19 commission.

20 c. Passes an examination administered by the board.

21 d. Has not failed the examination required in paragraph
22 "c" within six months of the date of the current application.

23 2. An applicant for a license to practice mental health
24 counseling shall be granted a license by the board when the
25 applicant satisfies all of the following requirements:

26 a. Possesses a master's degree in counseling or its
27 equivalent from a nationally accredited institution or from a
28 program approved by the board.

29 b. Has at least two years of clinical experience,
30 supervised by a licensee, in assessing mental health needs and
31 problems and in providing appropriate mental health services
32 as approved by the board of behavioral science examiners in
33 consultation with the mental health and mental retardation
34 commission.

35 c. Passes an examination administered by the board.

1 3. A school counselor who meets the requirements of
2 subsection 2 may be licensed as a mental health counselor.

3 Sec. 9. NEW SECTION. 154D.3 BOARD ORGANIZATION AND
4 AUTHORITY.

5 1. In addition to duties and responsibilities provided in
6 chapters 147 and 258A, the board shall adopt rules relating
7 to:

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

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

12 c. The administration of this chapter.

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

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

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

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

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

1 per calendar year.

2 5. The board shall hold at least two regular meetings each
3 year, and no more than four additional meetings may be held
4 upon the call of the chairperson of the board, or at the
5 written request of at least four members of the board.

6 Sec. 10. NEW SECTION. 154D.4 EXEMPTIONS.

7 This chapter does not prevent qualified members of other
8 professions, including but not limited to nurses,
9 psychologists, social workers, physicians, attorneys-at-law,
10 or members of the clergy from providing or advertising that
11 they provide services of a marital and family therapy or
12 mental health counseling nature consistent with the accepted
13 standards of their respective professions, but these persons
14 shall not use a title or description denoting that they are
15 licensed marital and family therapists or licensed mental
16 health counselors.

17 Sec. 11. NEW SECTION. 154D.5 SEXUAL CONDUCT WITH CLIENT.

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

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

26 Sec. 12. Section 622.10, unnumbered paragraph 1, Code
27 1991, is amended to read as follows:

28 A practicing attorney, counselor, physician, surgeon,
29 physician's assistant, mental health professional, or the
30 stenographer or confidential clerk of any such person, who
31 obtains information by reason of the person's employment,
32 minister-of-the-gospel-or-priest-of-any-denomination or a
33 member of the clergy shall not be allowed, in giving
34 testimony, to disclose any confidential communication properly
35 entrusted to the person in the person's professional capacity,

1 and necessary and proper to enable the person to discharge the
2 functions of the person's office according to the usual course
3 of practice or discipline. The prohibition does not apply to
4 cases where the person in whose favor the prohibition is made
5 waives the rights conferred; nor does the prohibition apply to
6 physicians or surgeons, physician's assistants, mental health
7 professionals, or to the stenographer or confidential clerk of
8 any physicians or surgeons, physician's assistants, or mental
9 health professionals, in a civil action in which the condition
10 of the person in whose favor the prohibition is made is an
11 element or factor of the claim or defense of the person or of
12 any party claiming through or under the person. The evidence
13 is admissible upon trial of the action only as it relates to
14 the condition alleged.

15 PARAGRAPH DIVIDED. If an adverse party desires the oral
16 deposition, either discovery or evidentiary, of a physician or
17 surgeon, physician's assistant, or mental health professional
18 to which the prohibition would otherwise apply or the
19 stenographer or confidential clerk of a physician or surgeon,
20 physician's assistant, or mental health professional or
21 desires to call a physician or surgeon, physician's assistant,
22 or mental health professional to which the prohibition would
23 otherwise apply or the stenographer or confidential clerk of a
24 physician or surgeon, physician's assistant, or mental health
25 professional as a witness at the trial of the action, the
26 adverse party shall file an application with the court for
27 permission to do so. The court upon hearing, which shall not
28 be ex parte, shall grant permission unless the court finds
29 that the evidence sought does not relate to the condition
30 alleged and shall fix a reasonable fee to be paid to the
31 physician or surgeon, physician's assistant, or mental health
32 professional by the party taking the deposition or calling the
33 witness.

34 PARAGRAPH DIVIDED. For the purposes of this section,
35 "mental health professional" means psychologists-certified a

1 psychologist licensed under chapter 154B, a registered nurses
2 nurse licensed under chapter 152, a social worker licensed
3 under chapter 154C, a marital and family therapist licensed
4 under chapter 154D, a mental health counselor licensed under
5 chapter 154D, or individuals an individual holding at least a
6 master's degree in social-work-or-counseling-and-guidance a
7 related field as deemed appropriate by the board of behavioral
8 science examiners.

9 Sec. 13. TEMPORARY WAIVER.

10 1. Notwithstanding section 154D.2, subsection 1, paragraph
11 "c", an applicant who, within one year after July 1, 1991,
12 meets the requirements specified in section 154D.2, subsection
13 1, paragraphs "a" and "b", shall receive a license to practice
14 marital and family therapy without passing an examination
15 administered by the board of behavioral science examiners if
16 the application for licensure is filed with the board before
17 July 1, 1992. A person certified as a clinical member of the
18 American association for marriage and family therapy on July
19 1, 1991, who applies for licensure before July 1, 1992, shall
20 be licensed.

21 2. Notwithstanding section 154D.2, subsection 2, paragraph
22 "c", an applicant who, within one year after July 1, 1991,
23 meets the requirements specified in section 154D.2, subsection
24 2, paragraphs "a" and "b", shall receive a license to practice
25 mental health counseling without passing an examination
26 administered by the board of behavioral science examiners if
27 the application for licensure is filed with the board before
28 July 1, 1992. A person certified as a clinical mental health
29 counselor by the national academy for certified clinical
30 mental health counselors on July 1, 1991, who applies for
31 licensure before July 1, 1992, shall be licensed.

32 Sec. 14. INITIAL APPOINTMENTS. Notwithstanding section
33 147.19, of the initial appointees to the board of behavioral
34 science examiners, one member of each professional
35 subcommittee and one member appointed to represent the general

1 public shall be appointed for one-year terms, one member of
2 each subcommittee and one representative of the general public
3 shall be appointed for two-year terms, and one member of each
4 subcommittee and one representative of the general public
5 shall be appointed for three-year terms. The initial
6 appointees' successors shall be appointed for terms of three
7 years each, except that a person chosen to fill a vacancy
8 shall be appointed only for the unexpired term of the board
9 member replaced.

10

EXPLANATION

11 This bill provides for the credentialing of marital and
12 family therapists and mental health counselors by a board of
13 behavioral science examiners composed of three marital and
14 family therapists, three mental health counselors, and three
15 public members. The board is divided into two subcommittees,
16 one for marital and family therapy matters and one for mental
17 health counselor matters. The subcommittee for each
18 profession includes those board members who represent that
19 profession and public members. A decision or recommendation
20 of a subcommittee does not become effective without the
21 approval of the full board. Conversely, a decision of the
22 full board which affects a particular profession is subject to
23 veto by a majority of the subcommittee for that profession.

24 The bill sets forth the licensure requirements for marital
25 and family therapists and mental health counselors and
26 prohibits the practice of marital and family therapy or mental
27 health counseling without a license. Under the bill, members
28 of other professions are not prevented from providing or
29 advertising that they provide services of a marital and family
30 therapy or mental health counseling nature, but they must not
31 use a title or description denoting that they are licensed
32 marital and family therapists or licensed mental health
33 counselors.

34 The bill provides that an applicant who applies for
35 licensure before July 1, 1992, need not meet the examination

1 requirement. It also provides that persons certified as
2 clinical members of the American association for marriage and
3 family therapy and persons certified as clinical mental health
4 counselors by the national academy for certified clinical
5 mental health counselors must be granted licensure without
6 meeting other specific requirements if they apply before July
7 1, 1992.

8 The bill also includes a revision of the definition of
9 "mental health professional" for purposes of confidential
10 communications (section 622.10).

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SENATE FILE 193

AN ACT

RELATING TO THE LICENSING OF MARITAL AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS, BY ESTABLISHING THE BOARD OF BEHAVIORAL SCIENCE EXAMINERS, PROHIBITING THE USE OF THE TITLE MARITAL AND FAMILY THERAPIST OR MENTAL HEALTH COUNSELOR WITHOUT A LICENSE, PROVIDING EXEMPTIONS, REDEFINING "MENTAL HEALTH PROFESSIONAL" FOR PURPOSES OF CONFIDENTIAL COMMUNICATIONS, MAKING PENALTIES APPLICABLE, AND PROVIDING OTHER PROPERLY RELATED MATTERS.

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

Section 1. Section 147.1, subsections 2 and 3, Code 1991, are amended to read as follows:

2. "Licensed" or "certified" when applied to a physician and surgeon, podiatrist, osteopath, osteopathic physician and surgeon, physician assistant, psychologist or associate psychologist, chiropractor, nurse, dentist, dental hygienist, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, occupational therapist, practitioner of cosmetology, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health

counselor, or social worker means a person licensed under this title.

3. "Profession" means medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, pharmacy, physical therapy, occupational therapy, cosmetology, barbering, mortuary science, marital and family therapy, mental health counseling, social work, or dietetics.

Sec. 2. Section 147.13, Code 1991, is amended by adding the following new subsection after subsection 15 and renumbering the subsequent subsection:

NEW SUBSECTION. 16. For marital and family therapists and mental health counselors, behavioral science examiners.

Sec. 3. Section 147.14, Code 1991, is amended by adding the following new subsection:

NEW SUBSECTION. 13. For behavioral science examiners, three members licensed to practice marital and family therapy, one of whom shall be employed in graduate teaching, training, or research in marital and family therapy and two of whom shall be practicing marital and family therapists; three members licensed to practice mental health counseling, one of whom shall be employed in graduate teaching, training, or research in mental health counseling and two of whom shall be practicing mental health counselors; and three members who are not licensed to practice marital and family therapy or mental health counseling and who shall represent the general public. A majority of the members of the board constitutes a quorum.

Sec. 4. Section 147.74, Code 1991, is amended by adding the following new unnumbered paragraphs after unnumbered paragraph 11:

NEW UNNUMBERED PARAGRAPH. A marital and family therapist licensed under chapter 154D and this chapter may use the words "licensed marital and family therapist" after the person's name or signify the same by the use of the letters "L.M.F.T."

after the person's name. A marital and family therapist licensed under chapter 154D and this chapter who possesses a doctoral degree may use the prefix "Doctor" or "Dr." in conjunction with the person's name, but shall add after the person's name the words "Licensed Marital and Family Therapist".

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

Sec. 5. Section 147.80, Code 1991, is amended by adding the following new subsections after subsection 19 and renumbering the subsequent subsections:

NEW SUBSECTION. 20. License to practice marital and family therapy issued upon the basis of an examination given by the board of behavioral science examiners, license to practice marital and family therapy issued under a reciprocal agreement, or renewal of a license to practice marital and family therapy.

NEW SUBSECTION. 21. License to practice mental health counseling issued upon the basis of an examination given by the board of behavioral science examiners, license to practice mental health counseling issued under a reciprocal agreement, or renewal of a license to practice mental health counseling.

Sec. 6. NEW SECTION. 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.

Sec. 7. NEW SECTION. 154D.2 REQUIREMENTS TO OBTAIN LICENSE.

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 in consultation with the mental health and retardation commission.

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 clinical experience, supervised by a licensee, in assessing mental health needs and problems and in providing appropriate mental health services as approved by the board of behavioral science examiners in consultation with the mental health and mental retardation commission.

c. Passes an examination administered by the board.

Sec. 8. NEW SECTION. 154D.3 BOARD ORGANIZATION AND AUTHORITY.

1. In addition to duties and responsibilities provided in chapters 147 and 258A, 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.

5. The board shall hold at least two regular meetings each year, and no more than four additional meetings may be held upon the call of the chairperson of the board, or at the written request of at least four members of the board.

Sec. 9. NEW SECTION. 154D.4 EXEMPTIONS.

This chapter and chapter 147 do not prevent qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, 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.

Sec. 10. NEW SECTION. 154D.5 SEXUAL CONDUCT WITH CLIENT.

The license of a marriage 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.

Sec. 11. Section 622.10, unnumbered paragraph 1, Code 1991, is amended to read as follows:

A practicing attorney, counselor, physician, surgeon, physician's assistant, mental health professional, or the stenographer or confidential clerk of any such person, who obtains information by reason of the person's employment, ~~minister-of-the-gospel-or-priest-of-any-denomination or a member of the clergy~~ shall not be allowed, in giving testimony, to disclose any confidential communication properly entrusted to the person in the person's professional capacity, and necessary and proper to enable the person to discharge the functions of the person's office according to the usual course of practice or discipline. The prohibition does not apply to cases where the person in whose favor the prohibition is made waives the rights conferred; nor does the prohibition apply to physicians or surgeons, physician's assistants, mental health professionals, or to the stenographer or confidential clerk of any physicians or surgeons, physician's assistants, or mental health professionals, in a civil action in which the condition of the person in whose favor the prohibition is made is an element or factor of the claim or defense of the person or of any party claiming through or under the person. The evidence is admissible upon trial of the action only as it relates to the condition alleged.

PARAGRAPH DIVIDED. If an adverse party desires the oral deposition, either discovery or evidentiary, of a physician or surgeon, physician's assistant, or mental health professional to which the prohibition would otherwise apply or the stenographer or confidential clerk of a physician or surgeon, physician's assistant, or mental health professional or desires to call a physician or surgeon, physician's assistant, or mental health professional to which the prohibition would otherwise apply or the stenographer or confidential clerk of a physician or surgeon, physician's assistant, or mental health professional as a witness at the trial of the action, the

adverse party shall file an application with the court for permission to do so. The court upon hearing, which shall not be ex parte, shall grant permission unless the court finds that the evidence sought does not relate to the condition alleged and shall fix a reasonable fee to be paid to the physician or surgeon, physician's assistant, or mental health professional by the party taking the deposition or calling the witness.

PARAGRAPH DIVIDED. For the purposes of this section, "mental health professional" means ~~psychologists-certified a psychologist licensed under chapter 154B, a registered nurse licensed under chapter 152, a social worker licensed under chapter 154C, a marital and family therapist licensed under chapter 154D, a mental health counselor licensed under chapter 154D, or individuals an individual~~ holding at least a master's degree in ~~social-work-or-counseling-and-guidance a related field as deemed appropriate by the board of behavioral science examiners.~~

Sec. 12. INITIAL APPOINTMENTS. Notwithstanding section 147.19, of the initial appointees to the board of behavioral science examiners, one member of each professional subcommittee and one member appointed to represent the general public shall be appointed for one-year terms, one member of each subcommittee and one representative of the general public shall be appointed for two-year terms, and one member of each subcommittee and one representative of the general public shall be appointed for three-year terms. The initial appointees' successors shall be appointed for terms of three years each, except that a person chosen to fill a vacancy shall be appointed only for the unexpired term of the board member replaced.

Initial professional appointees to the board of behavioral science examiners shall meet the requirements of section 154D.2, subsection 1, paragraphs "a" and "b", or section 154D.2, subsection 2, paragraphs "a" and "b", and shall not be

required to pass an examination in order to be appointed to the board.

JOE J. WELSH
President of the Senate

ROBERT C. ARNOULD
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 193, Seventy-fourth General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved June 4, 1991

TERRY E. BRANSTAD
Governor

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