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MAR 3 1998

Place On Calendar

HOUSE FILE 2516
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 610)

Passed House, Date ^(P.797) 3/18/98 Passed Senate, ^(P.867) Date 3/24/98
Vote: Ayes 92 Nays 1 Vote: Ayes 34 Nays 15
Approved April 2, 1998

A BILL FOR

1 An Act providing for mandatory licensure for marital and family
2 therapists and mental health counselors, establishing
3 transition provisions, removing frequency requirements
4 regarding board of behavioral science examiners' meetings, and
5 providing an effective date.

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

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HF 2516

1 Section 1. Section 147.2, Code 1997, is amended to read as
2 follows:

3 A person shall not engage in the practice of medicine and
4 surgery, podiatry, osteopathy, osteopathic medicine and
5 surgery, psychology, chiropractic, physical therapy, nursing,
6 dentistry, dental hygiene, optometry, speech pathology,
7 audiology, occupational therapy, respiratory care, pharmacy,
8 cosmetology, barbering, social work, dietetics, marital and
9 family therapy or mental health counseling, or mortuary
10 science or shall not practice as a physician assistant as
11 defined in the following chapters of this subtitle, unless the
12 person has obtained from the department a license for that
13 purpose.

14 Sec. 2. Section 154D.3, subsection 5, Code 1997, is
15 amended by striking the subsection.

16 Sec. 3. Section 154D.4, Code 1997, is amended to read as
17 follows:

18 154D.4 EXEMPTIONS.

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

29 2. The licensure requirements of this chapter and chapter
30 147 do not apply to the following:

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

34 b. A person who practices marital and family therapy or
35 mental health counseling under the supervision of a person

1 licensed under this chapter as part of a clinical experience
2 as described in section 154D.2, subsection 1, paragraph "b",
3 or section 154D.2, subsection 2, paragraph "b".

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

10 Sec. 4. NEW SECTION. 154D.6 TRANSITION PROVISIONS.

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

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

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

25 2. Penalty fees otherwise incurred pursuant to section
26 147.10, and continuing education requirements applicable to
27 the period prior to license reinstatement, shall be waived by
28 the board for any previously licensed marital and family
29 therapist or mental health counselor whose license has lapsed
30 prior to July 1, 1998. Applicants with a lapsed license
31 applying for reinstatement shall be required to complete a
32 reinstatement application and pay a renewal fee and
33 reinstatement fee pursuant to section 147.11 and section
34 147.80, subsections 21 and 22.

35 3. The department of public health may retain any renewal

1 fees generated by this Act which exceed the department's
2 revenue projections for fee generation relating to marital and
3 family therapy and mental health counseling under chapters 147
4 and 154D established prior to the enactment of this Act,
5 during the fiscal year beginning July 1, 1998, and ending June
6 30, 1999. The department may use the retained fees to pay any
7 administrative expenses directly resulting from the provisions
8 of this Act.

9 Sec. 5. This Act, being deemed of immediate importance,
10 takes effect upon enactment.

11

EXPLANATION

12 This bill provides for the mandatory licensure of
13 individuals engaged in the professional practice of marital
14 and family therapy or mental health counseling. Title
15 requirements have previously been established in Code chapter
16 154D regarding qualification to utilize the professional
17 designation of marital and family therapist or mental health
18 counselor, but that chapter does not mandate licensing in
19 order to practice. The bill adds marital and family therapy
20 and mental health counseling to the list of professions for
21 which a license is required in Code section 147.2. The bill
22 adds physician assistants to the list of other professions who
23 are not prevented from providing services of a marital and
24 family therapy or mental health counseling nature consistent
25 with the accepted standards of their professions, and provides
26 that licensure requirements of the bill shall not apply to
27 students whose activities are conducted within a course of
28 professional education in marital and family therapy or mental
29 health counseling, to persons practicing under the supervision
30 of a licensee under the chapter as part of a clinical
31 experience, or to the provision of children, family, or mental
32 health services through the department of human services or
33 juvenile court, or agencies contracting with the department of
34 human services or juvenile court, by persons who do not
35 represent themselves to be either a marital and family

1 therapist or a mental health counselor.

2 The bill exempts individuals seeking licensure prior to
3 July 1, 2000, from the examination requirements contained in
4 Code section 154D.2, subsection 1, paragraph "c", and
5 subsection 2, paragraph "c", provided that the education and
6 clinical experience requirements contained in Code section
7 154D.2 are met, or in lieu of the clinical experience
8 requirements, that 4,000 hours of practice have been
9 performed. The bill provides that previously licensed
10 applicants whose licenses have lapsed prior to July 1, 1998,
11 shall not incur a financial penalty or be subject to
12 continuing education requirements for the period of the lapse
13 in licensure. Applicants for reinstatement shall complete a
14 reinstatement application and pay a renewal and reinstatement
15 fee. The department of public health is authorized, for
16 fiscal year 1998-1999, to retain any renewal fees generated by
17 the enactment of the bill which are in excess of the
18 anticipated revenues derived from fees relating to marital and
19 family therapy and mental health counseling under the existing
20 provisions of Code chapters 147 and 154D.

21 Additionally, the bill strikes Code section 154D.3,
22 subsection 5, which relates to the number of board of
23 behavioral science examiners' meetings required to be held
24 annually.

25 The bill would become law upon enactment.

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HSB 610

HUMAN RESOURCES

Succeeded By

SF/HF 2516

*Openstra, Chr.
Capprell
Boye*

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

Passed Senate, Date _____

Passed House, Date _____

Vote: Ayes _____ Nays _____

Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act providing for mandatory licensure for marital and family
2 therapists and mental health counselors, establishing
3 transition provisions, removing frequency requirements
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2 follows:

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7 audiology, occupational therapy, respiratory care, pharmacy,
8 cosmetology, barbering, social work, dietetics, marital and
9 family therapy or mental health counseling, or mortuary
10 science or shall not practice as a physician assistant as
11 defined in the following chapters of this subtitle, unless the
12 person has obtained from the department a license for that
13 purpose.

14 Sec. 2. Section 154D.3, subsection 5, Code 1997, is
15 amended by striking the subsection.

16 Sec. 3. Section 154D.4, Code 1997, is amended to read as
17 follows:

18 154D.4 EXEMPTIONS.

19 This chapter and chapter 147 do not prevent qualified
20 members of other professions, including but not limited to
21 nurses, psychologists, social workers, physicians, physician
22 assistants, attorneys-at-law, or members of the clergy, from
23 providing or advertising that they provide services of a
24 marital and family therapy or mental health counseling nature
25 consistent with the accepted standards of their respective
26 professions, but these persons shall not use a title or
27 description denoting that they are licensed marital and family
28 therapists or licensed mental health counselors. The
29 licensure requirement of this chapter does not apply to
30 students whose activities are conducted within a course of
31 professional education in marital and family therapy or mental
32 health counseling, or to a person who practices marital and
33 family therapy or mental health counseling under the
34 supervision of a person licensed under this chapter as part of
35 a clinical experience as described in section 154D.2,

1 subsection 1, paragraph "b", or section 154D.2, subsection 2,
2 paragraph "b".

3 Sec. 4. NEW SECTION. 154D.6 TRANSITION PROVISIONS.

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

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

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

18 2. Penalty fees otherwise incurred pursuant to section
19 147.10, and continuing education requirements applicable to
20 the period prior to license reinstatement, shall be waived by
21 the board for any previously licensed marital and family
22 therapist or mental health counselor whose license has lapsed
23 prior to July 1, 1998. Applicants with a lapsed license
24 applying for reinstatement shall be required to complete a
25 reinstatement application and pay a renewal fee and
26 reinstatement fee pursuant to section 147.11 and section
27 147.80, subsections 21 and 22.

28 3. The department of public health may retain any renewal
29 fees generated by this Act which exceed the department's
30 revenue projections for fee generation relating to marital and
31 family therapy and mental health counseling under chapters 147
32 and 154D established prior to the enactment of this Act,
33 during the fiscal year beginning July 1, 1998, and ending June
34 30, 1999. The department may use the retained fees to pay any
35 administrative expenses directly resulting from the provisions

1 of this Act.

2 Sec. 5. This Act, being deemed of immediate importance,
3 takes effect upon enactment.

4 EXPLANATION

5 This bill provides for the mandatory licensure of
6 individuals engaged in the professional practice of marital
7 and family therapy or mental health counseling. Title
8 requirements have previously been established in Code chapter
9 154D regarding qualification to utilize the professional
10 designation of marital and family therapist or mental health
11 counselor, but that chapter does not mandate licensing in
12 order to practice. The bill adds marital and family therapy
13 and mental health counseling to the list of professions for
14 which a license is required in Code section 147.2. The bill
15 adds physician assistants to the list of other professions who
16 are not prevented from providing services of a marital and
17 family therapy or mental health counseling nature consistent
18 with the accepted standards of their professions, and provides
19 that licensure requirements of the bill shall not apply to
20 students whose activities are conducted within a course of
21 professional education in marital and family therapy or mental
22 health counseling, or to persons practicing under the
23 supervision of a licensee of the chapter as part of a clinical
24 experience.

25 The bill exempts individuals seeking licensure prior to
26 July 1, 2000, from the examination requirements contained in
27 Code section 154D.2, subsection 1, paragraph "c", and
28 subsection 2, paragraph "c", provided that the education and
29 clinical experience requirements contained in Code section
30 154D.2 are met, or in lieu of the clinical experience
31 requirements, that 4,000 hours of practice have been
32 performed. The bill provides that previously licensed
33 applicants whose licenses have lapsed prior to July 1, 1998,
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4 fiscal year 1998-1999, to retain any renewal fees generated by
5 the enactment of the bill which are in excess of the
6 anticipated revenues derived from fees relating to marital and
7 family therapy and mental health counseling under the existing
8 provisions of Code chapters 147 and 154D.

9 Additionally, the bill strikes Code section 154D.3,
10 subsection 5, which relates to the number of board of
11 behavioral science examiners' meetings required to be held
12 annually.

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HOUSE FILE 2516

AN ACT

PROVIDING FOR MANDATORY LICENSURE FOR MARITAL AND FAMILY THERAPISTS AND MENTAL HEALTH COUNSELORS, ESTABLISHING TRANSITION PROVISIONS, REMOVING FREQUENCY REQUIREMENTS REGARDING BOARD OF BEHAVIORAL SCIENCE EXAMINERS' MEETINGS, AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. Section 147.2, Code 1997, is amended to read as follows:

A person shall not engage in the practice of medicine and surgery, podiatry, osteopathy, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, nursing, dentistry, dental hygiene, optometry, speech pathology, audiology, occupational therapy, respiratory care, pharmacy,

cosmetology, barbering, social work, dietetics, marital and family therapy or mental health counseling, or mortuary science or shall not practice as a physician assistant as defined in the following chapters of this subtitle, unless the person has obtained from the department a license for that purpose.

Sec. 2. Section 154D.3, subsection 5, Code 1997, is amended by striking the subsection.

Sec. 3. Section 154D.4, Code 1997, is amended to read as follows:

154D.4 EXEMPTIONS.

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

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

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

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

c. The provision of children, family, or mental health services through the department of human services or juvenile court, or agencies contracting with the department of human services or juvenile court, by persons who do not represent

themselves to be either a marital and family therapist or a mental health counselor.

Sec. 4. NEW SECTION. 154D.6 TRANSITION PROVISIONS.

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

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

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

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

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

Sec. 5. This Act, being deemed of immediate importance, takes effect upon enactment.

RON J. CORBETT
Speaker of the House

MARY E. KRAHER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2516, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved  1998

TERRY E. BRANSTAD
Governor