

House File 485 - Introduced

HOUSE FILE 485
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 107)

A BILL FOR

1 An Act relating to supervision requirements for licensed
2 marital and family therapists, mental health counselors, and
3 social workers, and including effective date provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 154C.3, subsection 1, paragraph c,
2 subparagraph (5), subparagraph division (a), Code 2021, is
3 amended by adding the following new subparagraph subdivision:
4 NEW SUBPARAGRAPH SUBDIVISION. (0ii) By a person licensed
5 under section 154D.2 to practice marital and family therapy
6 without supervision or mental health counseling without
7 supervision.

8 Sec. 2. Section 154C.3, Code 2021, is amended by adding the
9 following new subsection:

10 NEW SUBSECTION. 4. *Supervision.* The board shall not, by
11 rule or other means, require that supervision be completed
12 in-person as a condition for an applicant to receive a license,
13 a reciprocal license, or a renewed license under this chapter.

14 Sec. 3. Section 154D.2, Code 2021, is amended to read as
15 follows:

16 **154D.2 Licensure — marital and family therapy — mental**
17 **health counseling.**

18 1. An applicant for a license to practice marital and family
19 therapy or mental health counseling shall be granted a license
20 by the board when the applicant satisfies all of the following
21 requirements:

22 ~~1-~~ a. Possesses a master's degree in marital and family
23 therapy or mental health counseling, as applicable, consisting
24 of at least sixty semester hours, or its equivalent, from a
25 nationally accredited institution or from a program approved
26 by the board.

27 ~~2-~~ b. Has at least two years of supervised clinical
28 experience or its equivalent as approved by the board.
29 Standards for supervision, including the required
30 qualifications for supervisors, shall be determined pursuant
31 to the requirements in subsection 2 and by the board by rule,
32 provided that a supervisor may be a person licensed under this
33 section to practice marital and family therapy or mental health
34 counseling without supervision or a licensed independent social
35 worker licensed under chapter 154C.

1 ~~3.~~ c. Passes an examination approved by the board.

2 2. The board shall not, by rule or other means, require any
3 in-person supervised clinical experience.

4 Sec. 4. Section 154D.4, subsection 2, paragraph b, Code
5 2021, is amended to read as follows:

6 b. A person who practices marital and family therapy or
7 mental health counseling under the supervision of a person
8 licensed under [this chapter](#) as part of a clinical experience as
9 described in section 154D.2, subsection ~~2~~ 1, paragraph "b".

10 Sec. 5. BOARD OF SOCIAL WORK AND BOARD OF BEHAVIORAL SCIENCE
11 — RULES. The board of social work and the board of behavioral
12 science shall amend their administrative rules pursuant to
13 chapter 17A to remove any requirement for supervised clinical
14 experience and supervised professional practice to be completed
15 in-person as a condition for the licensure of marital and
16 family therapists, mental health counselors, and social workers
17 pursuant to chapters 154C and 154D. The board of social work
18 and the board of behavioral science shall replace all licensing
19 requirements for in-person supervision with the ability to have
20 supervision requirements completed electronically.

21 Sec. 6. EMERGENCY RULES.

22 1. The board of social work and the board of behavioral
23 science shall adopt emergency rules under section 17A.4,
24 subsection 3, and section 17A.5, subsection 2, to implement
25 the sections of this Act amending section 154C.3 and section
26 154D.2, and the rules shall be effective immediately upon
27 filing unless a later date is specified in the rules. Any
28 emergency rules adopted in accordance with this section shall
29 also be published as a notice of intended action as provided
30 in section 17A.4, subsection 1.

31 2. The board of social work and the board of behavioral
32 science shall jointly develop rules adopted pursuant to this
33 subsection through a collaborative process. The respective
34 boards may establish subcommittees or designate other personnel
35 to facilitate such a process. Such rules shall consist of

1 substantively identical standards applicable to the professions
2 regulated by the respective boards and shall, to the greatest
3 extent possible, consist of substantially similar language
4 in a substantially similar format. Prior to a vote to adopt
5 such rules by either board, each board shall, by a separate
6 vote, approve the language to be adopted by the other board.
7 Neither board shall vote to adopt such rules until the rules
8 to be adopted by both boards have been so approved. Such rules
9 shall have the same effective date and shall be submitted to
10 the administrative rules coordinator and the administrative
11 code editor for publication in the same issue of the Iowa
12 administrative bulletin pursuant to sections 17A.4 and 17A.5.

13 Sec. 7. EFFECTIVE DATE. This Act, being deemed of immediate
14 importance, takes effect upon enactment.

15

EXPLANATION

16

The inclusion of this explanation does not constitute agreement with
17 the explanation's substance by the members of the general assembly.

18 This bill relates to supervision requirements for licensed
19 marital and family therapists, mental health counselors, and
20 social workers and provides an effective date.

21 The bill provides that the board of social work and the
22 board of behavioral science shall not require that supervision
23 of an applicant for a license as a social worker, marital
24 or family therapist, or mental health counselor be completed
25 in-person. The bill allows licensed marital and family
26 therapists and mental health counselors eligible to practice
27 without supervision to supervise applicants for an independent
28 social worker license.

29 The bill provides that the board of behavioral science
30 shall not require supervised clinical experience for marital
31 or family therapists or mental health counselors. The bill
32 allows licensed marital and family therapists and mental
33 health counselors eligible to practice without supervision and
34 licensed independent social workers to supervise applicants
35 for a marital and family therapist license or mental health

1 counselor license. The bill makes a conforming change to Code
2 section 154D.4(2)(b).

3 The bill directs the board of social work and the board
4 of behavioral science to amend their administrative rules to
5 remove any requirement for supervised clinical experience and
6 supervised professional practice to be completed in-person as a
7 condition for the licensure of marital and family therapists,
8 mental health counselors, and social workers.

9 The bill requires the board of social work and board of
10 behavioral science to adopt emergency rules. The rules shall
11 be effective immediately upon filing unless a later date is
12 specified in the rules. Any emergency rules adopted shall also
13 be published as a notice of intended action as provided in Code
14 section 17A.4, subsection 1.

15 The bill requires the board of social work and the board
16 of behavioral science to jointly develop rules through a
17 collaborative process. The respective boards may establish
18 subcommittees or designate other personnel to facilitate the
19 process. The adopted rules shall consist of substantively
20 identical standards applicable to the professions regulated
21 by the respective boards and shall, to the greatest extent
22 possible, consist of substantially similar language in a
23 substantially similar format. Prior to a vote to adopt the
24 rules by either board, each board shall, by a separate vote,
25 approve the language to be adopted by the other board. Neither
26 board shall vote to adopt such rules until the rules to be
27 adopted by both boards have been so approved. Such rules
28 shall have the same effective date and shall be submitted to
29 the administrative rules coordinator and the administrative
30 code editor for publication in the same issue of the Iowa
31 administrative bulletin.

32 The bill takes effect upon enactment.