

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 343 Mental Health Professional Licensure

**SPONSOR(S):** Koster and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 566

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Professions & Public Health Subcommittee		Morris	McElroy
2) Health & Human Services Committee			

### SUMMARY ANALYSIS

Marriage and family therapists are trained mental health professionals who diagnose and treat mental health and emotional disorders within the context of marriage and family systems. A marriage and family therapist may treat a wide range of clinical problems, including depression, marital problems, child-parent problems, as well as individual problems. A mental health counselor is an individual who uses scientific and applied behavioral science theories, methods, and techniques to describe, prevent, and treat undesired behavior and enhance mental health and human development. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling within the Department of Health (DOH) regulates the practice of marriage and family therapy and mental health counseling.

In 2020, the Legislature passed HB 713 which, among other things, revised the licensure requirements for marriage and family therapists. Beginning on July 1, 2020, applicants for licensure must hold a master's degree from a program accredited by the Commission of Accreditation for Marriage and Family Therapy Education or a Florida university accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP). However, the legislation did not provide a window of time for education programs which did not have those specific accreditations at the time the law was enacted to become accredited, meaning students who graduate on or after July 1, 2020, from such programs do not meet the accreditation qualification for licensure in Florida. HB 343 revises educational requirements for marriage and family therapy and mental health counselor licenses. The bill allows DOH to continue to issue licenses to graduates of otherwise qualified Florida marriage and family therapy programs until July 1, 2027, while such programs seek accreditation.

A mental health counselor is an individual who uses scientific and applied behavioral science theories, methods, and techniques to describe, prevent, and treat undesired behavior and enhance mental health and human development. The same 2020 legislation also revised the licensure requirements for mental health counselors by requiring applicants for licensure who apply after July 1, 2025, to hold a master's degree from a program accredited by CACREP. There are currently sixteen university mental health counselor programs accredited by CACREP in this state. The University of West Florida's (UWF) mental health counselor program is the only program accredited by the Masters in Psychology and Counseling Accreditation Council (MPCAC) in this state. Thus, beginning in 2025, UWF graduates will not meet the requirements for licensure as a mental health counselor. The bill adds the MPCAC, or an equivalent body, as an authorized accrediting body for mental health counselor education programs beginning on July 1, 2025, allowing UWF to continue to graduate students who will meet the accreditation requirements for licensure.

The bill has an insignificant, negative fiscal impact on DOH and no fiscal impact on local governments.

The bill takes effect upon becoming law.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Background

#### **Marriage and Family Therapists**

Marriage and family therapy incorporates marriage and family therapy, psychotherapy, hypnotherapy, sex therapy, counseling, behavior modification, consultation, client-centered advocacy, crisis intervention, and the provision of needed information and education to clients.<sup>1</sup> An applicant seeking licensure as a mental health counselor must:<sup>2</sup>

- Possess a master's degree from an a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or from a Florida university program accredited by the Council for Accreditation of Counseling and Related Educational Programs and board-approved graduate courses;<sup>3</sup>
- Complete two years of post-master's supervised experience under the supervision of a licensed marriage and family therapist with five years of experience or the equivalent who is a qualified supervisor as determined by the board;
- Pass a board-approved examination; and
- Demonstrate knowledge of laws and rules governing the practice.

DOH must verify that an applicant's education matches the specified courses and hours as outlined in statute. However, there are organizations that accredit marriage and family therapy education programs, including the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) and the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) that establish the minimum standards to meet the requirements to practice the profession.<sup>4</sup>

In 2020, the Legislature passed HB 713, which, among other things, revised licensure requirements for marriage and family therapists. Beginning on July 1, 2020, applicants for licensure must possess a master's degree from an a program accredited by COAMFTE or from a Florida university program accredited by CACREP and board-approved graduate courses.<sup>5</sup> However, a window of time was not granted for education programs which were unaccredited at the time to apply for and obtain such accreditation, meaning students who graduate on or after July 1, 2020, from such programs do not meet the accreditation qualifications for licensure in Florida.<sup>6</sup> Currently, six universities in Florida have a marriage and family therapy program that is not accredited by either COAMFTE or CACREP.<sup>7</sup>

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<sup>1</sup> Department of Health, Agency Analysis of House Bill 343 (Oct. 25, 2021).

<sup>2</sup> Section 491.005(3), F.S. An individual may qualify for a dual license in marriage and family therapy if he or she passes an examination in marriage and family therapy and has held an active license for at least three years as a psychologist, clinical social worker, mental health counselor, or advanced registered nurse practitioner who is determined by the Board of Nursing to be a specialist in psychiatric mental health (s. 491.0057, F.S.)

<sup>3</sup> Ch. 2020-133, Laws of Fla., required applicants for licensure as a marriage and family therapist to graduate from an accredited program or an accredited Florida university program.

<sup>4</sup> See Commission on Accreditation for Marriage and Family Therapy Education, *What Are the Benefits of COAMFTE Accreditation*, [https://www.coamfte.org/COAMFTE/Accreditation/About\\_Accreditation.aspx](https://www.coamfte.org/COAMFTE/Accreditation/About_Accreditation.aspx) (last visited March 16, 2021), and Council for the Accreditation of Counseling and Related Educational Programs, *About CACREP*, <https://www.cacrep.org/about-cacrep/> (last visited March 16, 2021).

<sup>5</sup> Section 491.005, F.S. (2020).

<sup>6</sup> *Supra*, note 1.

<sup>7</sup> Email from Andrew Love, Director of Legislative Planning, Department of Health, MFT Follow-up, (July 27, 2021). The universities are Carlos Albizu, Jacksonville University, Palm Beach Atlantic University, St. Thomas University, University of Miami, and University of Phoenix.

## Mental Health Counselors

A mental health counselor is an individual who uses scientific and applied behavioral science theories, methods, and techniques to describe, prevent, and treat undesired behavior and enhance mental health and human development and is based on research and theory in personality, family, group, and organizational dynamics and development, career planning, cultural diversity, human growth and development, human sexuality, normal and abnormal behavior, psychopathology, psychotherapy, and rehabilitation.<sup>8</sup> To qualify for licensure as a mental health counselor, an individual must:<sup>9</sup>

- Have a master's degree from a mental health counseling program accredited by CACREP, or a program related to the practice of mental health counseling that includes coursework and a 700-hour practicum, internship, or fieldwork of which at least 280 hours must be in direct client services;
- Have at least two years of post-master's supervised clinical experience in mental health counseling;
- Pass an examination from the Professional Examination Service for the National Academy of Certified Clinical Mental Health Counselors; and
- Pass an eight-hour course on Florida laws and rules approved by the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling.<sup>10</sup>

Ch. 2020-133, L.O.F, also revised licensure requirements for mental health counselors. Beginning July 1, 2025, applicants for licensure as a mental health counselor must hold a master's degree from a program accredited by CACREP.<sup>11</sup> The CACREP accreditation standards require 60 credits of specified educational content and a 700-hour practicum requiring face-to-face psychotherapy.<sup>12</sup> There are currently sixteen universities in this state accredited by CACREP.<sup>13</sup> The University of West Florida's (UWF) mental health counselor program is the only program accredited by the Masters in Psychology and Counseling Accreditation Council in this state.<sup>14</sup> Thus, beginning in 2025, UWF's current accreditation for its mental health counselor program will not be sufficient for graduates to meet licensure requirements in this state.

### Effect of the Bill

#### Marriage and Family Therapists

The bill allows DOH to continue to issue licenses to graduates of otherwise qualified Florida marriage and family therapy programs until July 1, 2027, while such programs seek accreditation.

#### Mental Health Counselors

The bill adds the Masters in Psychology and Counseling Accreditation Council, or an equivalent body, as an authorized accrediting body for mental health counselor education programs beginning on July 1, 2025. This will allow UWF to continue to graduate students who are eligible for licensure in this state.

#### B. SECTION DIRECTORY:

**Section 1:** Amends s. 491.005, F.S., relating to licensure by examination.

**Section 2:** Provides the bill shall take effect upon becoming a law.

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<sup>8</sup> Sections 491.003(6) and (9), F.S.

<sup>9</sup> Section 491.005(4), F.S.

<sup>10</sup> Section 491.005(4), F.S., and r. 64B4-3.0035, F.A.C.

<sup>11</sup> Section 491.005(4)(b), F.S.

<sup>12</sup> *Supra*, note 1.

<sup>13</sup> Council for Accreditation for Counseling and Related Educational Programs, *Find a Program*, <https://www.cacrep.org/directory/> (last visited Dec. 22, 2021).

<sup>14</sup> Masters in Psychology and Counseling Accreditation Council, *Accredited Programs*, <http://mpcacaccreditation.org/accredited-programs/> (last visited Dec. 22, 2021).

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

DOH will experience a non-recurring increase in workload to update IT systems and websites, the impact of which can be absorbed within current resources.<sup>15</sup>

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

Rule-making authority is not needed to implement the bill.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

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<sup>15</sup> *Supra*, note 1.  
**STORAGE NAME:** h0343.PPH  
**DATE:** 1/11/2022