

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Children, Families, and Elder Affairs

BILL: CS/SB 566

INTRODUCER: Health Policy Committee and Senator Gruters

SUBJECT: Mental Health Professional Licensure

DATE: January 10, 2022 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Rossitto-Van Winkle	Brown	HP	Fav/CS
2.	Delia	Cox	CF	Favorable
3.			RC	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 566 amends the minimum education requirements for licensure as a clinical social worker, marriage and family therapist, or a mental health counselor in s. 491.005, F.S.

The bill allows marriage and family therapy applicants who graduated from a program not accredited by the Commission on Accreditation for Marriage and Family Therapy Education (CAMFTE), or from a Florida university program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP), on July 1, 2020, when the current s. 491.005, F.S., took effect, to now apply for licensure. Under the bill, marriage and family therapy graduates would have until September 1, 2027, to meet the minimum education requirements for licensure by earning a master's degree from any institutionally-accredited college or university, not just the CACREP.

The bill updates the education requirements for marriage and family therapists' in reference to accreditation by the Commission on Recognition of Postsecondary Accreditation (CORPA), which was dissolved in 1997. CORPA is replaced it with its successor, the Council for Higher Education Accreditation (CHEA), or its successors.

The bill also amends the minimum education requirements for licensure as a mental health counselor to include a master's degree from a program accredited by the Masters in Psychology and Counseling Accreditation Council (MPCAC), or an equivalent accrediting body, as a degree that qualifies an applicant for licensure.

The bill deletes obsolete provisions regarding the Department of Health (DOH) purchasing examinations for clinical social workers and Marriage and Family Therapists. Additionally, the bill revises the nomenclature for the accrediting authorities for marriage and family therapists and mental health counselors from a “regional” accrediting body, to an “institutional” accrediting body, to align with the U.S. Department of Education’s current vernacular thereby eliminating any perceived differences between regional and national accrediting bodies.

The bill takes effect upon becoming a law.

II. Present Situation:

The Department of Health

The Legislature created the DOH to protect and promote the health of all residents and visitors in the state.¹ The DOH is charged with the regulation of health care practitioners for the preservation of the health, safety, and welfare of the public. The Division of Medical Quality Assurance (MQA) is responsible for the boards² and professions within the DOH.³

Mental Health Professionals Licensure

Section 491.005, F.S., sets out the educational and examination requirements for a clinical social worker, marriage and family therapist, and mental health counselor to obtain a license by examination in Florida. An individual applying for licensure by examination who has satisfied the clinical experience requirements of s. 491.005, F.S., or an individual applying for licensure by endorsement pursuant to s. 491.006, F.S., intending to provide clinical social work, marriage and family therapy, or mental health counseling services in Florida, while satisfying coursework or examination requirements for licensure, must obtain a provisional license in the profession for which he or she is seeking licensure prior to beginning practice.⁴

An individual who has not satisfied the postgraduate or post-master’s level of experience requirements under s. 491.005, F.S., must register as an intern in the profession for which he or she is seeking licensure before commencing the post-master’s experience requirement. An individual who intends to satisfy part of the required graduate-level practicum, internship, or field experience outside the academic arena, must register as an intern in the profession for which he or she is seeking licensure before commencing the practicum, internship, or field experience.⁵

¹ Section 20.43, F.S.

² Under s. 456.001(1), F.S., the term “board” is defined as any board, commission, or other statutorily created entity, to the extent such entity is authorized to exercise regulatory or rulemaking functions within the DOH or, in some cases, within the MQA.

³ Section 20.43(3), F.S.

⁴ Section 491.0046, F.S.

⁵ Section 491.0045, F.S.

Clinical Social Workers

Section 491.005(1), F.S., relates to licensure by examination for clinical social workers. The DOH must issue a license to an applicant as a clinical social worker if the Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (Board) certifies that the applicant:

- Has submitted an application and appropriate fees;
- Has earned a doctoral degree in social work from a graduate school of social work accredited by an accrediting agency recognized by the U.S. Department of Education, or a master's degree in social work from a graduate school of social work which:
 - Was accredited by the Council on Social Work Education (CSWE);
 - Was accredited by the Canadian Association of Schools of Social Work (CASSW); or
 - Has been determined to be an equivalent program to programs approved by the CSWE by the Foreign Equivalency Determination Service of the CSWE;
 - Completed all of the following coursework:
 - A supervised field placement during which the applicant provided clinical services directly to clients; and
 - Twenty-four semester hours or thirty-two quarter hours in theory of human behavior and practice methods as courses in clinically oriented services, with a minimum of one course in psychopathology and no more than one course in research;
- Has completed at least two post graduate years of clinical social work experience under the supervision of a licensed clinical social worker or the equivalent supervisor as determined by the Board;⁶
- Has passed a theory and practice examination; and
- Demonstrates, in a manner designated by Board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.

Marriage and Family Therapists

Section 491.005(3), F.S., relates to licensure by examination for marriage and family therapists. The DOH must issue a license to an applicant as a marriage and family therapist if the Board certifies that the applicant has:

- Submitted an application and appropriate fee;
- A minimum of a master's degree with major emphasis in marriage and family therapy or a closely related field from a:
 - Program accredited by the CAMFTE; or
 - Florida university program accredited by the CACREP;
- Documentation of the completion of graduate courses approved by the Board;⁷
- Completed at least two years of clinical experience during which 50 percent of the applicant's clients were receiving marriage and family therapy services:

⁶ Section 491.005(1)(c), F.S. An individual who intends to practice in Florida to satisfy clinical experience requirements must register with the DOH pursuant to s. 491.0045, F.S., before commencing practice.

⁷ Section 491.005(3)(b), F.S. If the course title that appears on the applicant's transcript does not clearly identify the content of the coursework, the applicant must provide additional documentation, including, but not limited to, a syllabus or catalog description published for the course.

- At the post-master's level; and
- Under the supervision of a licensed marriage and family therapist with at least five years of experience, or the equivalent; and whom the Board determines is a qualified supervisor;
- Passed a theory and practice examination provided by the DOH;⁸
- Demonstrated, in a manner designated by Board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.⁹

The required master's degree must have been earned at an institution of higher education that, at the time the applicant graduated, was fully accredited by a regional accrediting body recognized by:

- The Commission on Recognition of Postsecondary Accreditation (CRPA);
- A member in good standing with the Association of Universities and Colleges of Canada; or
- An institution of higher education located outside the United States and Canada which, at the time the applicant attended and graduated, maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the CRPA.¹⁰

The applicant has the burden of establishing that all above requirements for licensure are met.

An applicant who has a master's degree from a program that did not emphasize marriage and family therapy may complete the coursework requirement in an institution fully accredited by the CAMFTE, and recognized by the U.S. Department of Education.¹¹

To satisfy the clinical experience requirements, an individual who intends to practice in Florida must register with the DOH before he or she may commence practice.¹²

If a graduate has a master's degree with a major emphasis in marriage and family therapy or a closely related field which did not include all of the coursework required by the Board, the post-master's level clinical experience may not commence until the applicant has completed a minimum of ten of the courses required, as determined, by the Board. At least six semester hours, or nine quarter hours, must have been completed in the area of marriage and family systems, theories, or techniques.¹³

⁸ See s. 491.004(5), F.S., and Fla. Admin. Code R. 64B4-3.003(2)(c) and 3 (2021). The DOH no longer provides the theory and practice examination for Marriage and Family Therapists. The examination used is the one developed by the Examination Advisory Committee of the Association of Marital and Family Therapy Regulatory Board (AMFTRB). The minimum passing score is established by that provider as well.

⁹ See Fla. Admin. Code R. 64B4-3.0035 (2021).

¹⁰ *Id.* Such foreign education and training must have been received in an institution or program of higher education officially recognized by the government of the country in which it is located as an institution or program to train students to practice as professional marriage and family therapists or psychotherapists.

¹¹ Section 491.005(3)(b), F.S.

¹² Section 491.005(3)(c), F.S.

¹³ *Id.*

During the two years of required clinical experience, the applicant must provide direct individual, group, or family therapy and counseling, including cases involving:

- Unmarried dyads;
- Married couples;
- Separating and divorcing couples; and
- Family groups that include children.¹⁴

A doctoral internship may be applied toward the clinical experience requirements.

A licensed mental health professional must be on the premises when clinical services are provided by a registered intern in a private practice setting.¹⁵

The DOH must issue a dual license to persons licensed as psychologists, clinical social workers, mental health counselors, and psychiatric advanced practice registered nurses, if the candidate has:

- A valid, active license for at least three years; and
- Passed the examination provided by the DOH for marriage and family therapy.¹⁶

Mental Health Counselors

Section 491.005(4), F.S., relates to licensure by examination for mental health counselors. Education and training in mental health counseling must have been received in an institution of higher education that, at the time the applicant graduated, was fully accredited by:

- A regional accrediting body recognized by the Council for Higher Education Accreditation (CHEA) or its successor;
- A publicly recognized member in good standing with the Association of Universities and Colleges of Canada; or
- An institution of higher education located outside the United States and Canada which, at the time the applicant was enrolled and at the time the applicant graduated, was officially recognized by the government of the country in which it is located as an institution or program, to train students to practice as mental health counselors that maintained a standard of training substantially equivalent to the standards of training of those institutions in the United States which are accredited by a regional accrediting body recognized by the CHEA or its successor.

The DOH must issue a license to an applicant as a mental health counselor if the Board certifies that the applicant has:

- Submitted an application and appropriate fees;
- Earned a minimum of a master's degree from:

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.* For the purposes of dual licensure, the department shall license as a marriage and family therapist any person who meets the requirements of s. 491.0057, F.S. Fees for dual licensure may not exceed those stated in this section.

- A mental health counseling program accredited by the CACREP¹⁷ which includes clinical and didactic instruction, including courses in human sexuality and substance abuse; or
- A non-CACREP accredited program related to the practice of mental health counseling, but with coursework and practicum, internship, or fieldwork that meet all of the following:
 - Thirty-three semester hours, or forty-four quarter hours, which must include a minimum of three semester hours, or four quarter hours, of graduate-level coursework in 11 specified content areas;¹⁸ or
 - A minimum of one graduate level course emphasizing the diagnostic processes, including differential diagnosis and the use of the current diagnostic tools, such as the current edition of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders. the common core curricular experience; or
 - An equivalent program to the two previously described options, as determined by the Board, including at least 700 hours of university-sponsored supervised clinical practicum, internship, or field work, that includes at least 280 hours of direct client services, as required by CACREP accrediting standards for mental health counseling programs. This experience may not be used to satisfy the post-master’s clinical experience requirement;
 - Had at least two years of clinical experience in mental health counseling, which must be at the post-master’s level under the supervision of a licensed mental health counselor or the equivalent who is a Board qualified supervisor;¹⁹
 - Passed a theory and practice examination provided by the DOH;²⁰ and
 - Demonstrated, in a manner designated by Board rule, knowledge of the laws and rules governing the practice of clinical social work, marriage and family therapy, and mental health counseling.²¹

¹⁷ Council for Accreditation of Counseling & Related Educational Programs, *2016 CACREP Standards*, available at <http://www.cacrep.org/wp-content/uploads/2018/05/2016-Standards-with-Glossary-5.3.2018.pdf> (last visited January 6, 2022).

¹⁸ See s. 491.005(4)(b)1.a., F.S. The graduate course work must include the following 11 content areas: counseling theories and practice; human growth and development; diagnosis and treatment of psychopathology; human sexuality; group theories and practice; individual evaluation and assessment; career and lifestyle assessment; research and program evaluation; social and cultural foundations; substance abuse; and legal, ethical, and professional standards issues in the practice of mental health counseling. Courses in research, thesis or dissertation work, practicums, internships, or fieldwork may not be applied toward this requirement.

¹⁹ Section 491.005(4), F.S., An individual who intends to practice in Florida to satisfy the clinical experience requirements must register pursuant to s. 491.0045, F.S., before commencing practice. If a graduate has a master’s degree with a major related to the practice of mental health counseling which did not include all the coursework required under sub-subparagraphs (b)1.a. and b., credit for the post-master’s level clinical experience may not commence until the applicant has completed a minimum of seven of the courses required under sub-subparagraphs (b)1.a. and b., as determined by the Board, one of which must be a course in psychopathology or abnormal psychology. A doctoral internship may be applied toward the clinical experience requirement.

²⁰ See s. 491.004(5), F.S., and Fla. Admin Code R. 64B4-3.003(2)(b) and 3 (2021). The DOH no longer provides the theory and practice examination for mental health counselors. The examination used is the National Clinical Mental Health Counseling Examination (NCMHCE), clinical simulation examination developed by the National Board for Certified Counselors (NBCC). Applicants for licensure by endorsement may use the National Counselor Examination for Licensure and Certification (NCE) if the exam was taken prior to the year 2000. The minimum passing score is established by the test provider.

²¹ Fla. Admin. Code R. 64B4-3.0035 (2021).

Beginning July 1, 2025, an applicant for mental health counseling licensure must have a master's degree from a program that is accredited by the CACREP which consists of at least 60 semester hours or 80 quarter hours.²²

A licensed mental health professional is required to be on the premises when clinical services are provided by a registered intern in a private practice setting. Section 491.005, F. S., contains the same provision for registered clinical social worker interns.²³

Recent Legislative History of Section 491.005, F.S.

The current program accreditation and licensure requirements in s. 491.005, F.S., for social workers, marriage and family therapists and mental health counselors were enacted during the 2020 legislative session.²⁴

As of July 1, 2020 an applicant seeking licensure under current s. 491.005(4), F.S., as a mental health counselor was required to have a master's degree from an a program accredited by the CACREP beginning July 1, 2025. Until July 1, 2025, mental health counseling students in programs related to the practice of mental health counseling that were not accredited by the CACREP could still obtain a license as a mental health counselor by satisfying the additional statutory requirements in s. 491.005(4), F.S., which required coursework and practicum, internship, or fieldwork consisting of at least 60 semester hours or 80 quarter hours and meeting other specific requirements. This window of time also gave those non-CACREP accredited programs time to apply for and obtain CACREP accreditation.²⁵

However, for marriage and family therapy licensure candidates, the current s. 491.005(3), F.S., contains no similar window of time for students to obtain licensure, or programs to obtain CAMFTE or CACREP accreditation. On July 1, 2020, students who had satisfied the previous requirements of s. 491.005(3), F.S., for licensure in programs not accredited by the CAMFTE, or who were in a Florida program not accredited by the CACREP, became immediately unable to obtain a license to practice marriage and family therapy without seeking a variance from the Board.

III. Effect of Proposed Changes:

Clinical Social Workers

CS/SB 566 removes from s. 491.005(1), F.S., obsolete language for clinical social workers relating to the recovery by the DOH of the costs of purchasing examinations. The DOH no longer purchases examinations. The bill also makes minor technical changes to s. 491.005(1), F.S.

²² Section 491.005(4)(b), F.S.

²³ *Id.*

²⁴ Chapter 2020-133, L.O.F.

²⁵ Section 491.005(4)(b), F.S.

Marriage and Family Therapist Licensure

CS/SB 566 amends s. 491.005(3), F.S., to create three pathways to licensure by requiring applicants for a marriage and family therapy license to meet the minimum educational requirements by one of the following methods:

- A minimum of a master's degree in marriage and family therapy from a college or university that is accredited by the CAMFTE;
- A minimum of a master's degree with a major emphasis in marriage and family therapy from a college or university that is accredited by the CACREP and graduate courses approved by the Board; or
- A minimum of a master's degree with an emphasis in marriage and family therapy or a closely related field, with a degree conferred date before September 1, 2027, from an institutionally accredited college or university and graduate courses approved by the Board.

The bill allows the DOH to license marriage and family therapy students or graduates who have graduated from a program not accredited by CAMFTE or CACREP until September 1, 2027, and gives unaccredited programs time to obtain accreditation if desired.

The bill updates the education requirements for marriage and family therapists, including current law's obsolete reference to accreditation by the Commission on Recognition of Postsecondary Accreditation (CORPA), which was dissolved in 1997. The bill replaces the CORPA with the Council for Higher Education Accreditation (CHEA) or its successors.

Mental Health Counselor Licensure

CS/SB 566 amends s. 491.005(4), F.S., to create additional pathways to licensure. Beginning July 1, 2025, the bill allows applicants for a mental health counseling license to meet the minimum educational requirements by attaining a minimum of a master's degree from a mental health counseling program:

- Accredited by the CACREP, MPCAC, or an equivalent accrediting body, which consists of at least 60 semester hours or 80 quarter hours of clinical and didactic instruction, including a course in human sexuality and a course in substance abuse; or
- Related to the practice of mental health counseling while not accredited by the CACREP which includes coursework and practicum, internship or fieldwork, that consists of at least 60 semester hours, or 80 quarter hours, and which meets multiple additional requirements, including:
 - 33 semester hours or 44 quarter hours of graduate coursework in 11 different content areas;²⁶
 - A thesis or dissertation;
 - Practicums, internships, or fieldwork that may not be applied toward the required courses in 11 different content areas;
 - Graduate level coursework addressing diagnostic processes, including differential diagnosis and the use of the current diagnostic tools, such as the current edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders; or

²⁶ Section 491.005(4)(b), F.S.

- Equivalent to the previous two options, as determined by the Board, which includes at least 700 hours of university-sponsored, supervised clinical practicum, internship, or field experience that includes at least 280 hours of direct client services, as required in the accrediting standards of the CACREP for mental health counseling programs. This experience may not be used to satisfy any post-master's clinical experience requirement.

The bill allows the DOH to license mental health counseling students or graduates, who after July 1, 2025, would have been unable to obtain a Florida license, if they had graduated from a program not accredited by the CACREP. The bill adds the MPCAC as an approved accrediting agency as well as other programs accredited by equivalent accrediting bodies, for the purposes of meeting the minimum educational qualifications for licensure as a mental health counselor prospectively as of the bill's effective date.

The bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The DOH indicates that it will experience a non-recurring increase in workload and costs associated with updating the Licensing and Enforcement Information Database System, Online Service Portal, Cognitive Virtual Agent, and Board website to change to the licensing requirements for marriage and family therapists and mental health counselors. Current resources and budget authority are adequate to absorb these costs.²⁷

VI. Technical Deficiencies:

None.

VII. Related Issues:

Sections 491.005(3) and 491.005(4), F.S., require master's degrees to be earned from programs accredited by "regional" accrediting bodies. On February 26, 2020, the U.S. Department of Education issued a letter of guidance, specifying that final regulations published in that year omit references to "regional" and "national" accreditation. The letter specifies that "[b]ecause the Department holds all accrediting agencies to the same standards, distinctions between regional and national accrediting agencies are unfounded." Provisions implemented in 34 C.F.R. s. 602.32(d), relating to the recognition of accrediting agencies, will become effective January 1, 2021.²⁸ The U.S. Department of Education now defines agencies that accredit institutions of higher education as "institutional" accrediting agencies.²⁹ The bill modifies the language in s. 491.005, F.S., to reflect this change.

VIII. Statutes Affected:

This bill substantially amends section 491.005 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Health Policy on December 2, 2021:**

- Amends the bill title to include clinical social workers;
- Updates language to reflect the terminology change by the U.S. Department of Education to define agencies that accredit institutions of higher education as "institutional" accrediting agencies, rather than "regional" accrediting agencies;
- Updates the education requirements for marriage and family therapists in reference to accreditation by the Commission on Recognition of Postsecondary Accreditation

²⁷ Department of Health, *2022 Agency Legislative Bill Analysis*, (Oct. 25, 2021), p. 4 (on file with the Senate Health Policy Committee).

²⁸ U.S. Department of Education, Office of the Under Secretary, *Re: Final Accreditation and State Authorization Regulations* (Feb. 26, 2021) available at <https://sacscoc.org/app/uploads/2020/03/State-Authorization-Letter-w-Diane-Signature-2.26.19.pdf> (last visited Nov. 20, 2021).

²⁹ See 34 C.F.R. s. 602.3 (2021).

(CORPA), which was dissolved in 1997; and replaces it with the Council for Higher Education Accreditation (CHEA) or its successors;

- Removes obsolete language for clinical social workers and marriage and family therapists relating to the recovery by the DOH of the costs to purchasing examinations, because the DOH no longer purchases examinations; and
- Makes other minor technical changes.

B. Amendments:

None.