

## HOUSE BILL NO. HB0305

Mental Health Professions Practice Act-amendments.

Sponsored by: Representative(s) Iekel

A BILL

for

1 AN ACT relating to the Mental Health Professions Practice  
2 Act; modifying certification and provisional licensing  
3 requirements; clarifying licensure and certification  
4 reciprocity; expanding elements of prohibited sexual  
5 exploitation; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9       **Section 1.** W.S. 33-38-106(b)(intro), (c)(intro),  
10 (d)(i), by creating a new paragraph (iii), by renumbering  
11 (iii) as (iv), by amending and renumbering (iv) as (v), by  
12 renumbering (v) as (vi), (n)(intro) and by creating a new  
13 paragraph (vi), 33-38-108 and 33-38-110(c)(x) are amended  
14 to read:

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16       **33-38-106. Requirements for licensure and**  
17 **certification.**

1

2 (b) Certification under this subsection shall allow  
3 practice as a certified social worker only under the  
4 supervision of a qualified clinical supervisor and subject  
5 to any other restrictions which may be specified by the  
6 board. The board shall grant certification as a certified  
7 social worker to any applicant who files an application  
8 upon a form and in the manner prescribed by the board,  
9 accompanied by the appropriate fee and who furnishes  
10 satisfactory evidence to the board of the following:

11

12 (c) Certification under this subsection shall allow  
13 practice as a certified addictions practitioner only under  
14 the supervision of a qualified clinical supervisor and  
15 subject to any other restrictions which may be specified by  
16 the board. The board shall grant certification as a  
17 certified addictions practitioner to any applicant who  
18 files an application upon a form and in the manner  
19 prescribed by the board, accompanied by the appropriate fee  
20 and who furnishes satisfactory evidence to the board of the  
21 following:

22

23 (d) Provisional licensure is a means to continue  
24 progress towards satisfactory completion of all licensure

1 requirements under this act. Upon review and approval by  
2 the designated board member or board, the board shall issue  
3 a provisional license to any applicant who files an  
4 application upon a form and in the manner prescribed by the  
5 board, accompanied by the appropriate fee and who furnishes  
6 satisfactory evidence to the board of the following:

7

8 (i) The applicant has ~~satisfied all requirements~~  
9 ~~for licensure other than the requirements for examination~~  
10 ~~and completion of the required hours of supervised clinical~~  
11 ~~experience~~ reached the age of majority;

12

13 (iii) The applicant meets one (1) of the  
14 following educational requirements:

15

16 (A) Holds a master's or doctorate degree in  
17 one (1) of the disciplines identified from an accredited  
18 program and institution of higher education which is  
19 professional in content and which meets the academic and  
20 training content standards established by the board; or

21

22 (B) Holds a master's or doctorate degree  
23 which is clinical in content from a regionally accredited  
24 institution of higher education in one (1) of the

1 disciplines identified. During the term of provisional  
2 licensure under this subsection, the applicant shall  
3 complete any program deficiencies required to meet the  
4 academic and training content standards established by the  
5 board; or

6  
7 (C) Holds a license for independent  
8 clinical practice in good standing in the identified  
9 discipline for another licensing jurisdiction which does  
10 not meet the criteria for reciprocal licensure under this  
11 act. During the term of provisional licensure under this  
12 subsection, the applicant shall complete any program  
13 deficiencies required to meet the academic and training  
14 content standards established by the board.

15  
16 ~~(iii)~~ (iv) The provisional licensed professional  
17 counselor, clinical social worker, marriage and family  
18 therapist and addictions therapist shall be allowed to  
19 practice only under the supervision of a qualified clinical  
20 supervisor and in accordance with any other restrictions  
21 specified by the board;

22  
23 ~~(iv)~~ (v) Unless extended, the provisional license  
24 shall expire thirty-six (36) months after issuance or upon

1 ~~receipt by the board of the applicant's passing examination~~  
2 ~~results, and completion of the required hours of~~  
3 ~~supervision whichever occurs first~~ issuance of a license  
4 under this act by the board;

5  
6 ~~(v)~~ (vi) The board may, for good cause shown,  
7 grant an extension of a provisional license subject to any  
8 additional restrictions specified by the board.

9  
10 (n) Certification under this subsection shall allow  
11 practice as a certified addictions practitioner assistant  
12 only under the supervision of a qualified clinical  
13 supervisor and subject to any other restrictions which may  
14 be specified by the board. The board shall grant  
15 certification as a certified addictions practitioner  
16 assistant to any applicant who files an application upon a  
17 form and in the manner prescribed by the board, accompanied  
18 by the appropriate fee and who furnishes satisfactory  
19 evidence to the board of the following:

20  
21 (vi) Unless extended, the applicant has six (6)  
22 months from the date of employment to become certified.  
23 The board may for good cause grant an extension of this  
24 period.

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**33-38-108. Reciprocity.**

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(a) ~~The board may issue a license or certification by endorsement~~ Any individual holding a license in good standing to engage in the practice of professional counseling, clinical social work, ~~social work,~~ marriage and family therapy and addictions therapy ~~and treatment to any applicant who has a license or certificate in good standing with no formal complaints or sanctions as a professional counselor, a marriage and family therapist, a clinical social worker,~~ under the laws of another state having licensure requirements substantially similar to those required by this act may upon approval of the board, be issued a license to practice in this state.

16

17

(b) Any individual holding a certification in good standing to engage in the practice of social ~~worker,~~ ~~mental health worker,~~ ~~addictions practitioner~~ work or an addictions ~~therapist~~ therapy under the laws of another jurisdiction ~~if the applicant presents proof satisfactory to the board that, at the time of application for a Wyoming license or~~ state having certification ~~by endorsement, the applicant possesses credentials and qualifications~~

1 requirements substantially ~~comparable~~similar to those  
2 required by this act ~~as determined by~~ may upon approval of  
3 the board, be issued certification to practice in this  
4 state.

5  
6 (c) The board shall promulgate rules and regulations  
7 setting forth the manner in which credentials ~~will~~shall be  
8 reviewed by the board.

9  
10 **33-38-110. Prohibited acts; penalties.**

11  
12 (c) The board may refuse to renew, or may deny,  
13 suspend, revoke or otherwise restrict licensure or  
14 certification under this act for any of the following  
15 causes:

16  
17 (x) Sexual exploitation as defined by the board,  
18 of a ~~patient~~client, former client or an individual  
19 receiving services from any licensee or certificate holder  
20 employed by the organization, defined as including:

21  
22 (A) Any ~~verbal~~ behavior by a licensee or  
23 certificate holder under this ~~chapter~~act which involves

1 offers of exchange of professional services for some form  
2 of sexual gratification; or

3

4 (B) Unlawful or unprofessional sexual  
5 contact or intimacies as defined by rule of the board, with  
6 a client, former client or an individual receiving services  
7 from any licensee or certificate holder employed by the  
8 organization.

9

10 **Section 2.** W.S. 33-38-106(b)(iv), (c)(iv) and (n)(iv)  
11 is repealed.

12

13 **Section 3.** This act is effective July 1, 2007.

14

15 (END)