

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

SENATE FILE NO. _____

Mental Health Professions Practice Act-amendments.

Sponsored by: Select Committee on Mental Health and
Substance Abuse Services

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), by creating a new

1 paragraph (vi), 33-38-108 and 33-38-110(c)(x) are amended
2 to read:

3

4 **33-38-106. Requirements for licensure and**
5 **certification.**

6

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

16

17 (c) Certification under this subsection shall allow
18 practice as a certified addictions practitioner only under
19 the supervision of a qualified clinical supervisor and
20 subject to any other restrictions which may be specified by
21 the board. The board shall grant certification as a
22 certified addictions practitioner to any applicant who
23 files an application upon a form and in the manner

1 prescribed by the board, accompanied by the appropriate fee
2 and who furnishes satisfactory evidence to the board of the
3 following:

4
5 (d) Provisional licensure is a means to continue
6 progress towards satisfactory completion of all licensure
7 requirements under this act. Upon review and approval by
8 the designated board member or board, the board shall issue
9 a provisional license to any applicant who files an
10 application upon a form and in the manner prescribed by the
11 board, accompanied by the appropriate fee and who furnishes
12 satisfactory evidence to the board of the following:

13
14 (i) The applicant has ~~satisfied all requirements~~
15 ~~for licensure other than the requirements for examination~~
16 ~~and completion of the required hours of supervised clinical~~
17 ~~experience~~ reached the age of majority;

18
19 (iii) The applicant meets one (1) of the
20 following educational requirements:

21
22 (A) Holds a master's or doctorate degree in
23 one (1) of the disciplines identified from an accredited

1 program and institution of higher education which is
2 professional in content and which meets the academic and
3 training content standards established by the board; or

4
5 (B) Holds a master's or doctorate degree
6 which is clinical in content from a regionally accredited
7 institution of higher education in one (1) of the
8 disciplines identified. During the term of provisional
9 licensure under this subsection, the applicant shall
10 complete any program deficiencies required to meet the
11 academic and training content standards established by the
12 board; or

13
14 (C) Holds a license for independent clinical
15 practice in good standing in the identified discipline for
16 another licensing jurisdiction which does not meet the
17 criteria for reciprocal licensure under this act. During
18 the term of provisional licensure under this subsection,
19 the applicant shall complete any program deficiencies
20 required to meet the academic and training content
21 standards established by the board.

22

1 ~~(iii)~~ (iv) The provisional licensed professional
2 counselor, clinical social worker, marriage and family
3 therapist and addictions therapist shall be allowed to
4 practice only under the supervision of a qualified clinical
5 supervisor and in accordance with any other restrictions
6 specified by the board;

7
8 ~~(iv)~~ (v) Unless extended, the provisional license
9 shall expire thirty-six (36) months after issuance or upon
10 ~~receipt by the board of the applicant's passing examination~~
11 ~~results, and completion of the required hours of~~
12 ~~supervision whichever occurs first~~ issuance of a license
13 under this act by the board;

14
15 ~~(v)~~ (vi) The board may, for good cause shown,
16 grant an extension of a provisional license subject to any
17 additional restrictions specified by the board.

18
19 (n) Certification under this subsection shall allow
20 practice as a certified addictions practitioner assistant
21 only under the supervision of a qualified clinical
22 supervisor and subject to any other restrictions which may
23 be specified by the board. The board shall grant

1 certification as a certified addictions practitioner
2 assistant to any applicant who files an application upon a
3 form and in the manner prescribed by the board, accompanied
4 by the appropriate fee and who furnishes satisfactory
5 evidence to the board of the following:

6

7 (vi) Unless extended, the applicant has six (6)
8 months from the date of employment to become certified.
9 The board may for good cause grant an extension of this
10 period.

11

12 **33-38-108. Reciprocity.**

13

14 (a) ~~The board may issue a license or certification by~~
15 ~~endorsement~~ Any individual holding a license in good
16 standing to engage in the practice of professional
17 counseling, clinical social work, ~~social work,~~ marriage and
18 family therapy and addictions therapy ~~and treatment to any~~
19 applicant who has a license or certificate in good standing
20 with no formal complaints or sanctions as a professional
21 counselor, a marriage and family therapist, a clinical
22 social worker, under the laws of another state having
23 licensure requirements substantially similar to those

1 required by this act may, upon approval of the board, be
2 issued a license to practice in this state.

3
4 (b) Any individual holding a certification in good
5 standing to engage in the practice of social ~~worker, mental~~
6 ~~health worker, addictions practitioner work~~ or an
7 addictions ~~therapist~~ therapy under the laws of another
8 ~~jurisdiction if the applicant presents proof satisfactory~~
9 ~~to the board that, at the time of application for a Wyoming~~
10 ~~license or~~ state having certification ~~by endorsement, the~~
11 ~~applicant possesses credentials and qualifications~~
12 requirements substantially ~~comparable~~ similar to those
13 required by this act ~~as determined by~~ may, upon approval of
14 the board, be issued certification to practice in this
15 state.

16
17 (c) The board shall promulgate rules and regulations
18 setting forth the manner in which credentials ~~will~~ shall be
19 reviewed by the board.

20
21 **33-38-110. Prohibited acts; penalties.**

22

1 (c) The board may refuse to renew, or may deny,
2 suspend, revoke or otherwise restrict licensure or
3 certification under this act for any of the following
4 causes:

5
6 (x) Sexual exploitation, as defined by the
7 board, of a ~~patient~~ client, former client or an individual
8 receiving services from any licensee or certificate holder
9 employed by the organization, ~~defined as~~ including:

10
11 (A) Any ~~verbal~~ behavior by a licensee or
12 certificate holder under this ~~chapter~~ act which involves
13 offers of exchange of professional services for some form
14 of sexual gratification; or

15
16 (B) Unlawful or unprofessional sexual
17 contact or intimacies, as defined by rule of the board,
18 with a client, former client or an individual receiving
19 services from any licensee or certificate holder employed
20 by the organization.

21
22 **Section 2.** W.S. 33-38-106(b)(iv), (c)(iv) and (n)(iv)
23 is repealed.

1

2

Section 3. This act is effective July 1, 2008.

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(END)