

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:

15

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 from the accredited program. During
2 the term of provisional licensure under this subsection,
3 the applicant shall complete any program deficiencies
4 required to meet the academic and training content
5 standards established by the 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.

1
2 **33-38-108. Reciprocity.**
3

4 ~~(a) The board may issue a license or certification by~~
5 ~~endorsement~~ Any individual holding a license in good
6 standing to engage in the practice of professional
7 counseling, clinical social work, ~~social work,~~ marriage and
8 family therapy and addictions therapy ~~and treatment to any~~
9 ~~applicant who has a license or certificate in good standing~~
10 ~~with no formal complaints or sanctions as a professional~~
11 ~~counselor, a marriage and family therapist, a clinical~~
12 ~~social worker,~~ under the laws of another state having
13 licensure requirements substantially similar to this act
14 may upon approval of the board, be issued a license to
15 practice in this state.
16

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

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

4
5 (c) The board shall promulgate rules and regulations
6 setting forth the manner in which credentials ~~will~~ shall be
7 reviewed by the board.

8
9 **33-38-110. Prohibited acts; penalties.**

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

15
16 (x) Sexual exploitation as defined by the board,
17 of a ~~patient~~ client, former client or an individual
18 receiving services from the licensee or the employer of the
19 certificate holder, defined as including:

20
21 (A) Any ~~verbal~~ behavior by a licensee or
22 certificate holder under this ~~chapter~~ act which involves
23 offers of exchange of professional services for some form
24 of sexual gratification; or

1

2

(B) Unlawful or unprofessional sexual

3

contact or intimacies as defined by rule of the board, with

4

a client, former client or an individual receiving services

5

from the licensee or the employer of the certificate

6

holder.

7

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Section 2. W.S. 33-38-106(b)(iv), (c)(iv) and (n)(iv)

9

is repealed.

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

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(END)