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***Bill Analysis***  
*Legislative Service Commission*

**H.B. 427**  
127th General Assembly  
(As Reported by H. Health)

**Reps. Webster, Letson, Stebelton, Harwood, Evans, J. McGregor, R. Hagan**

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**BILL SUMMARY**

- Modifies the definitions of "marriage and family therapy" and "practice of marriage and family therapy" to resolve an inconsistency regarding scope of practice.
- Expands the training a person needs to obtain a license to practice as a marriage and family therapist or an independent marriage and family therapist.
- Permits independent marriage and family therapists to supervise professional counselors and social workers when those professionals diagnose and treat mental and emotional disorders.
- Permits independent marriage and family therapists to directly supervise a social worker assistant when the assistant provides certain human, social, and community services.
- Prohibits a public member of one of the professional standards committees of the Counselor, Social Worker, and Marriage and Family Therapist Board from being a public member of either of the other two professional standards committees of the Board.
- Authorizes the Marriage and Family Therapist Professional Standards Committee to act on behalf of the Board on all matters concerning independent marriage and family therapists and marriage and family therapists.

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## CONTENT AND OPERATION

### *Background--distinction between marriage and family therapists and independent marriage and family therapists*

(R.C. 4757.30(A) and (C))

Current law provides for licensure of marriage and family therapists and independent marriage and family therapists. The requirements for licensure as an independent marriage and family therapist are more extensive than those for licensure as a marriage and family therapist: in addition to meeting the requirements for a marriage and family therapist license, the applicant must, after meeting educational requirements, complete at least two calendar years of work experience in marriage and family therapy, including 1,000 hours of documented client contact in marriage and family therapy.<sup>1</sup>

### *Scope of practice*

(R.C. 4757.01(G) and (H) and 4757.30(F) (current law) and 4757.30(E) (the bill))

### *Current law*

Two provisions of current law (R.C. 4757.01(G) and (H) and R.C. 4757.30(F)) appear inconsistent regarding the scope of practice of marriage and family therapists and independent marriage and family therapists. One section, R.C. 4757.01, includes only emotional disorders in the definitions of "marriage and family therapy" and "practice of marriage and family therapy" and excludes the diagnosis of mental disorders. The other section, R.C. 4757.30, however, appears to grant both kinds of therapists the authority to diagnose, as well as, treat both emotional *and* mental disorders.

While there are no reported court cases regarding which provision of law prevails, the Ohio Attorney General's Office rendered an opinion in 2004, at the request of the then-chairman of the Counselor, Social Worker, and Marriage and Family Therapist Board, addressing this discrepancy. In that opinion (2004 OAG No. 037), the Attorney General concluded that the two provisions are reconcilable, as "mental disorders" and "emotional disorders" have the identical definition in R.C. 4757.01(F).<sup>2</sup> The opinion went on to advise the chairman that:

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<sup>1</sup> An applicant for licensure as a marriage and family therapist needs to complete only a practicum that includes at least 300 hours of client contact (R.C. 4757.30(A)(5)).

<sup>2</sup> R.C. 4757.01(F) defines "mental and emotional disorders" as those disorders that are classified in accepted nosologies such as the International Classification of Diseases

A person who is licensed...as a marriage and family therapist may diagnose and treat mental and emotional disorders, as defined in R.C. 4757.01(F), so long as he acts within the context of marriage and family systems, and within the limitations of his professional education, training, and qualifications, and the statutory restrictions imposed on the scope of practice of marriage and family therapy. A person licensed as an independent marriage and family therapist may diagnose and treat mental and emotional disorders without supervision, but a marriage and family therapist who has not attained licensure as an independent therapist may do so only under the supervision of a psychologist, psychiatrist, professional clinical counselor, independent social worker, or independent marriage and family therapist.

While Attorney General opinions are generally considered persuasive authority, they are not binding on judges when they interpret laws.

### **The bill**

The bill modifies the definitions of "marriage and family therapy" and "practice of marriage and family therapy" to make clear that they include the diagnosis (as well as the treatment of) mental *and* emotional disorders. It also eliminates a provision in the definition of the "practice of marriage and family therapy" that provides that this term does not mean the treatment of biologically based psychiatric conditions without consultation with an appropriate medical doctor or psychiatrist, the use of psychotherapeutic techniques that are exclusive to the scope of practice of a licensed psychologist or psychiatrist, or any act that marriage and family therapists are not educated to perform.

### **Training**

(R.C. 4757.30(B))

### **Current law**

Under current law, an applicant for a marriage and family therapist license must complete training that includes instruction in research, professional ethics,

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(ICD) and the Diagnostic and Statistical Manual of Mental Disorders (DSM) and in future editions of those nosologies.

marriage and family studies, marriage and family therapy, human development appraisal of individuals and family, and systems theory.

**The bill**

The bill expands the training an applicant needs to complete to include instruction in evaluation (in addition to research), legal and ethical (in addition to professional) responsibilities, and therapeutic theory and techniques for individuals, groups, and families.

**Supervision of other practitioners by independent marriage and family therapists**

**Supervision of professional counselors**

(R.C. 4757.21)

**Current law.** Under current law, the only practitioners who can supervise a professional counselor when the counselor diagnoses and treats mental and emotional disorders are psychologists, psychiatrists, professional clinical counselors, or independent social workers.

**The bill.** The bill permits independent marriage and family therapists to supervise professional counselors when such counselors diagnose and treat mental and emotional disorders.

**Supervision of social workers**

(R.C. 4757.26(A) and (C))

**Current law.** Under current law, the only practitioners who can supervise a social worker when the social worker diagnoses and treats mental disorders are psychologists, psychiatrists, professional clinical counselors, independent social workers, and registered nurses who hold a master's degree in psychiatric nursing.

In addition, current law prohibits a social worker from engaging in the practice of social work as an employee of a private individual, partnership, or group practitioner of social work unless the social worker is supervised by one of the professionals noted above.

**The bill.** The bill permits independent marriage and family therapists to supervise social workers when social workers diagnose and treat mental and emotional disorders. It also permits an independent marriage and family therapist to supervise a social worker when the social worker engages in the practice of social work as an employee of a private individual, partnership, or group practitioner of social work.

**Supervision of social worker assistants**

(R.C. 4757.26(D))

**Current law.** Under current law, the only practitioners who can directly supervise a social work assistant when the assistant provides human, social, and community services are psychologists, psychiatrists, professional clinical counselors, professional counselors, independent social workers, social workers, or registered nurses who hold a master's degree in psychiatric nursing.

**The bill.** The bill permits independent marriage and family therapists to directly supervise social worker assistants.

**Marriage and Family Therapist Professional Standards Committee**

(R.C. 4757.04)

**Current law**

Current law specifies that within the Counselor, Social Worker, and Marriage and Family Therapist Board there are three professional standards committees corresponding to the three kinds of professionals the Board regulates. The membership of the three professional standards committees is as follows:

<b>Counselors Professional Standards Committee</b>	<b>Social Workers Professional Standards Committee</b>	<b>Marriage and Family Therapists Professional Standards Committee</b>
<u>Members:</u>  Board's professional clinical counselor members  Board's professional counselor members  Member who represents the public (1 person)	<u>Members:</u>  Board's independent social worker members  Board's social worker members  Member who represents the public (1 person who is not the public member representing the public on the Counselors Professional Standards Committee)	<u>Members:</u>  Board's marriage and family therapists    Member who represents the public (1 person who is not the member representing the public on the Counselors Professional Standards Committee or the Social Workers Professional Standards Committee)

### **The bill**

The bill prohibits the member representing the public on the Counselors Professional Standards or the Social Workers Professional Standards Committees from being the same public member on the other professional standards committees of the Board, and the member representing the public on the Social Workers Professional Standards Committee from being the same public member on the Counselors Professional Standards Committee *or* the Marriage and Family Therapist Professional Standards Committee. The result of these prohibitions is that a public member of one professional standards committee cannot be a public member of either of the other two professional standards committees of the Board.

### **Marriage and Family Therapist Professional Standards Committee's authority**

(R.C. 4757.04)

### **Current law**

Under current law, only the Counselors Professional Standards Committee and the Social Workers Professional Standards Committee have full authority to act on behalf of the Counselor, Social Worker, and Marriage and Family Therapist Board on all matters concerning the professionals they represent.<sup>3</sup>

### **The bill**

The bill authorizes the Marriage and Family Therapist Professional Standards Committee to act on behalf of the Board on all matters concerning independent marriage and family therapists and marriage and family therapists.

### **Reorganization**

(R.C. 4757.30(C))

The bill reorganizes, but does not substantively change, the law governing the requirements a person must meet to obtain a license to practice as an independent marriage and family therapist.

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<sup>3</sup> The Counselors Committee can act on behalf of the Board on all matters concerning professional clinical counselors and professional counselors and the Social Workers Committee can act on behalf of the Board on all matters concerning independent social workers, social workers, and social work assistants.

**Waiver of certain requirements to attain licensure**

(R.C. 4757.30(D) (repealed by the bill))

The bill eliminates a provision in current law that authorizes the Counselor, Social Worker, and Marriage and Family Therapist Board to waive certain requirements to obtain a license to practice as a marriage and family therapist or independent marriage and family therapist since this authority expired on April 7, 2005.

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**HISTORY**

ACTION	DATE
Introduced	01-09-08
Reported, H. Health	04-29-08

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