



**House
Legislative
Analysis
Section**

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MARRIAGE AND FAMILY THERAPISTS

House Bill 5678

Sponsor: Rep. Gerald H. Law
Committee: State Affairs

Complete to 11-1-90

A SUMMARY OF HOUSE BILL 5678 AS INTRODUCED 4-10-90

The bill would amend the Occupational Code to extend the code's definition of "marriage counselors" to include family therapists, and to amend and clarify the licensing requirements for that profession. Licenses would be issued to those who were registered before the effective date of the bill upon their first renewal after the effective date of the bill.

Definitions. Under the bill, a "marriage and family therapist" would mean an individual engaged in the practice of marriage and family therapy, and could use only the title "licensed marriage and family therapist," "licensed marriage counselor," or the abbreviation "L.M.F.T." An individual engaged in obtaining the experience required for licensure could use the title "marriage and family therapist intern," or "marriage and family therapist trainee."

Use of titles; exempted professionals. The bill would add "family therapist," "marital counselor," and "marital therapist" to the list of titles which, under the code, may only be used by those licensed as marriage and family therapists. Currently, this provision does not apply to psychologists, attorneys, certain social workers, nor to physicians or ordained clerics who do not advertise as marriage counselors. The bill would clarify this provision to exclude from the licensing requirements of the code an individual practicing a statutorily regulated profession or occupation, if service to families, couples, or subsystems of families were part of the services provided, and the individual was not portrayed as being a marriage and family therapist. Under the bill, a "statutorily regulated profession or occupation" would mean one that included, but was not limited to, the following: a physician, attorney, social worker, certified social worker, social work technician, licensed psychologist, limited licensed psychologist, temporary limited licensed psychologist, licensed professional counselor, or school counselor. An ordained cleric or other religious practitioner whose advice was incidental to his or her duties would still be exempt from the licensing requirements of the code, as long as he or she did not advertise, and as long as a fee or donation were not charged for the services.

Board of Marriage and Family Therapy. Under the bill, the Board of Marriage Counselors would be redefined as the Board of Marriage and Family Therapy, and its six licensed members would have to have been licensed and active in the practice of marriage and family therapy for at least three years prior to appointment to the board. The board could promulgate rules requiring an examination as a qualification for licensure, or requiring a program of continuing professional education as a condition of license renewal.

Licensing requirements. Criteria for registration of marriage counselors would be replaced by licensing standards for marriage and family therapists. Under the bill, the Department

of Licensing and Regulation would issue a marriage and family therapist license to an individual of good moral character who either held a master's or higher graduate degree from an accredited training program in marriage and family therapy, or who held a master's or higher graduate degree from an accredited college or university, and provided evidence of having completed the following graduate-level courses at an accredited college or university:

- Three courses in family studies totaling at least six semester or nine quarter hours.
- Three courses in family therapy methodology that totaled at least six semester or nine quarter hours.
- Three courses in human development, personality theory, or psychopathology that totaled at least six semester or nine quarter hours.
- At least two semester or three quarter hours in ethics, law, and standards of professional practice.
- At least two semester or three quarter hours in research.

In addition, the candidate would have to provide verified proof of having completed 300 hours of direct client contact, at least half of which were completed in a setting where families, couples, or subsystems of families were physically present in the therapy room, and of having completed 60 hours of supervision of clinical experience over at least eight consecutive months in either a clinical practicum during graduate education, or in a postgraduate marriage and family therapy institute acceptable to the board. The candidate would also be required to provide evidence of having completed, over a period of five years, a minimum of 2,000 direct client contact hours in supervised marriage and family therapy experience, half of which had been completed with families, couples, or other subsystems of families physically present in the therapy room, and which had been obtained under conditions prescribed under the bill.

Privileged information. The bill would delete the code's current confidentiality requirements. Under the bill, information obtained by a licensee regarding individuals counseled would be privileged information not subject to waiver, regardless of whether the information was obtained directly from a client, from another person involved in the therapy, from a test or other evaluation mechanism, or from other sources; whether it was obtained prior to, during, or following therapy; or whether the individual involved was a current or former client.

Exceptions to Privileged Information. A waiver for privileged information could be obtained only:

- Where disclosure was required by law or was necessary to protect the health or safety of an individual.
- When the licensee was a party defendant to a civil, criminal, or administrative action arising from services performed as a

licensee, in which case the waiver would be limited only to that action.

- When a waiver specifying the terms of disclosure had been obtained in writing from each individual over 18 involved in the therapy, and then only in accordance with the terms of the waiver. If more than one individual was involved in the licensee's services, the privilege would not be waived for any individual unless all individuals over 18 involved in the therapy had executed the waiver.

Except as provided above, referrals made by a circuit court or its counseling service, as provided under the Circuit Court Family Counseling Service Act, would be preserved inviolate and would not be subject to waiver.