

Bill as Introduced

SB 463-FN - AS INTRODUCED

2010 SESSION

10-2825
10/05

SENATE BILL

463-FN

AN ACT

relative to regulation of mental health practitioners by the board of mental health practice.

SPONSORS:

Sen. Sgambati, Dist 4; Rep. Merry, Belk 2

COMMITTEE:

Health and Human Services

ANALYSIS

This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of expired licenses, and placement of licenses on inactive status.

.....
Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struckthrough.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Board of Mental Health Practice; Chairperson. Amend RSA 330-A:3, I to read as follows:

2 I. There shall be a board of mental health practice composed of the following members: one
3 licensed psychologist, one licensed pastoral psychotherapist, one licensed clinical social worker, one
4 licensed marriage and family therapist, one licensed clinical mental health counselor, and 3 public
5 members. The members shall be appointed to a term of 3 years by the governor with the approval of
6 the council. The members of the board shall elect a chairperson on an annual basis. No discipline's
7 representative and no public member shall serve as chairperson for [~~consecutive terms~~] **more than 2**
8 **years consecutively**.

9 2 Rulemaking; Reinstatements and Inactive Status. Amend RSA 330-A:10, V to read as follows:

10 V. How a license shall be renewed, **reinstated, or placed on inactive status**.

11 3 Mental Health Practice; Fees. RSA 330-A:12 is repealed and reenacted to read as follows:

12 330-A:12 Fees. The board shall establish fees pursuant to RSA 541-A for review of applicants
13 for licensure; supervisory agreements; applications for licensed psychologist, pastoral
14 psychotherapist, independent clinical social worker, clinical mental health counselor, and marriage
15 and family therapist; renewal of license; renewal of dual license; reinstatement of license; inactive
16 license status; reactivation of an inactive license; examination of applicants; transcribing and
17 transferring records; and other services, including investigations and hearings conducted under this
18 chapter.

19 4 Clinical Social Workers; Experience. Amend RSA 330-A:18, III to read as follows:

20 III. Has [~~had 2 years or~~] **completed a minimum of 2 years of paid, post-masters**
21 **experience including completion of a minimum of 3,000** hours of paid, post-masters, supervised
22 clinical experience.

23 5 Mental Health Practice; Clinical Mental Health Counselors. RSA 330-A:19 is repealed and
24 reenacted to read as follows:

25 330-A:19 Clinical Mental Health Counselors.

26 I. The board shall issue a clinical mental health counselor license to any person who meets
27 all of the following requirements or their equivalent:

28 (a) Has a 60 credit master's or doctoral degree in clinical mental health counseling from
29 a Council for Accreditation of Counseling and Related Educational Programs (CACREP) accredited
30 institution or its equivalent and which has received regional accreditation from the Association of

1 Secondary Schools and Colleges.

2 (b) Has passed the clinical mental health counselor's examination of the National Board
3 of Certified Counselors, Inc.

4 (c) Has completed a minimum of 2 years of paid, post-masters experience including
5 completion of a minimum of 3,000 hours of paid, post-masters, supervised clinical experience.

6 6 Licenses; Reinstatement and Inactive Status Added. Amend RSA 330-A:31 to read as follows:

7 330-A:31 Expirations [~~and~~], Renewals, *Reinstatements, and Inactive Status*. Licenses shall
8 be valid for a period of 2 years and shall become invalid on the expiration date unless renewed. It
9 shall be the duty of the board to notify every person licensed by the board under this chapter of the
10 date of expiration of the license and the amount of the fee that shall be required for its renewal for
11 2 years. Such notice shall be mailed at least 2 months in advance of the date of expiration of such
12 license. Renewal shall be conditional upon filing a timely and complete renewal application and
13 payment of the fee as set by the board. *If a license is not renewed it may be reinstated not later*
14 *than 6 months after the date of license expiration upon payment of the fee and compliance*
15 *with rules adopted by the board. A license may be placed on inactive status pursuant to*
16 *rules adopted by the board.*

17 7 Effective Date. This act shall take effect July 1, 2010.

LBAO
10-2825
12/28/09

SB 463-FN - FISCAL NOTE

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2010 through 2014.

SB 463-FN – AS AMENDED BY THE SENATE

02/10/10 0459s
02/17/10 0617s

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SENATE BILL **463-FN**

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

SPONSORS: Sen. Sgambati, Dist 4; Rep. Merry, Belk 2

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of expired licenses, placement of licenses on inactive status, and the creation of a professional conduct investigator committee.

Explanation: Matter added to current law appears in **bold italics**.
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SB 463-FN – AS AMENDED BY THE SENATE

02/17/10 0617s
02/10/10 0459s

10-2825
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Board of Mental Health Practice; Chairperson. Amend RSA 330-A:3, I to read as follows:

2 I. There shall be a board of mental health practice composed of the following members: one
3 licensed psychologist, one licensed pastoral psychotherapist, one licensed clinical social worker, one
4 licensed marriage and family therapist, one licensed clinical mental health counselor, and 3 public
5 members. The members shall be appointed to a term of 3 years by the governor with the approval of
6 the council. The members of the board shall elect a chairperson on an annual basis. No discipline's
7 representative and no public member shall serve as chairperson for [~~consecutive terms~~] **more than 2**
8 **years consecutively.**

9 2 Advisory Committees. Amend RSA 330-A:4 to read as follows:

10 330-A:4 [~~Advisory~~] Committees Established; Duties.

11 I. The board shall create an advisory committee for each mental health discipline it licenses
12 for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and RSA 330-
13 A:10, VI-XVI. The board member of each mental health discipline shall serve as the chair of that
14 advisory committee. The balance of the membership of each of the advisory committees shall be
15 composed of at least 2 persons and no more than 4 persons licensed in the mental health discipline of
16 that committee.

17 ***I-a. The board shall create a professional conduct investigator committee for the***
18 ***purpose of assisting the board in its responsibilities under RSA 330-A:28 and RSA 330-A:29.***
19 ***The board investigator shall serve as the chair of the professional conduct investigator***
20 ***committee. The balance of the membership of the professional conduct investigator***
21 ***committee shall be composed of at least one person from each profession licensed by the***
22 ***board.***

23 II. [~~Advisory~~] Committee members other than the chair shall be appointed by the board and
24 shall serve at the pleasure of the board for no more than [3] **2** consecutive, [~~2-year~~] **3-year** terms.

25 III. The board shall not form any standing committees other than those specified in this
26 chapter.

27 3 Compensation. Amend RSA 330-A:7 to read as follows:

28 330-A:7 Compensation; Expenses. Members of the board and members of the [~~advisory~~]
29 committees shall receive a per diem compensation of \$100, for a meeting or any other board or

1 committee activity requiring 2 or more hours in a 24-hour period, and shall be reimbursed for all
 2 actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of
 3 this chapter.

4 4 Organization and Meetings; Acting Board members. Amend RSA 330-A:9, II to read as
 5 follows:

6 II. When a quorum is not available for just and timely resolution of a specific matter, former
 7 board members or advisory committee members may be appointed by the board to serve as acting
 8 board members for purposes of obtaining the minimum quorum in the resolution of that specific
 9 matter *or when a particular profession cannot be represented in an adjudicatory hearing.*

10 5 Rulemaking; Reinstatements and Inactive Status. Amend RSA 330-A:10, V to read as follows:

11 V. How a license shall be renewed, *reinstated, or placed on inactive status.*

12 6 Mental Health Practice; Fees. RSA 330-A:12 is repealed and reenacted to read as follows:

13 330-A:12 Fees. The board shall establish fees pursuant to RSA 541-A for review of applicants for
 14 licensure; supervisory agreements; applications for licensed psychologist, pastoral psychotherapist,
 15 independent clinical social worker, clinical mental health counselor, and marriage and family
 16 therapist; renewal of license; renewal of dual license; reinstatement of license; inactive license status;
 17 reactivation of an inactive license; examination of applicants; transcribing and transferring records;
 18 and other services, including investigations and hearings conducted under this chapter.

19 7 Clinical Social Workers; Experience. Amend RSA 330-A:18, III to read as follows:

20 III. Has [~~had 2 years or~~] *completed a minimum of 2 years of post-masters experience*
 21 *including completion of a minimum of 3,000 hours of [paid,] post-masters, supervised clinical*
 22 *experience.*

23 8 Mental Health Practice; Clinical Mental Health Counselors. RSA 330-A:19 is repealed and
 24 reenacted to read as follows:

25 330-A:19 Clinical Mental Health Counselors. The board shall issue a clinical mental health
 26 counselor license to any person who meets all of the following requirements or their equivalent:

27 I. Has a 60 credit master's or doctoral degree in clinical mental health counseling from a
 28 Council for Accreditation of Counseling and Related Educational Programs (CACREP) accredited
 29 institution or its equivalent and which has received regional accreditation from the Association of
 30 Secondary Schools and Colleges.

31 II. Has passed the clinical mental health counselor's examination of the National Board of
 32 Certified Counselors, Inc.

33 III. Has completed a minimum of 2 years of post-masters experience including completion of
 34 a minimum of 3,000 hours of post-masters, supervised clinical experience.

35 9 Licenses; Reinstatement and Inactive Status Added. Amend RSA 330-A:31 to read as follows:

36 330-A:31 Expirations [~~and~~], Renewals, *Reinstatements, and Inactive Status.* Licenses shall
 37 be valid for a period of 2 years and shall become invalid on the expiration date unless renewed. It

1 shall be the duty of the board to notify every person licensed by the board under this chapter of the
2 date of expiration of the license and the amount of the fee that shall be required for its renewal for
3 2 years. Such notice shall be mailed at least 2 months in advance of the date of expiration of such
4 license. Renewal shall be conditional upon filing a timely and complete renewal application and
5 payment of the fee as set by the board. *If a license is not renewed it may be reinstated not later*
6 *than 6 months after the date of license expiration upon payment of the fee and compliance*
7 *with rules adopted by the board. A license may be placed on inactive status pursuant to*
8 *rules adopted by the board.*

9 10 Effective Date. This act shall take effect July 1, 2010.

SB 463-FN – AS AMENDED BY THE SENATE

- Page 4 -

LBAO
10-2825
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SB 463-FN - FISCAL NOTE

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation has a total fiscal impact of less than \$10,000 in each of the fiscal years 2010 through 2014.

SB 463-FN - AS AMENDED BY THE HOUSE

02/10/10 0459s
02/17/10 0617s
14Apr2010... 1221h

2010 SESSION

10-2825
10/05

SENATE BILL **463-FN**

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

SPONSORS: Sen. Sgambati, Dist 4; Rep. Merry, Belk 2

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of 14Apr2010... 1221h expired licenses, placement of licenses on inactive status, and the creation of a professional conduct investigator committee.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 463-FN - AS AMENDED BY THE HOUSE

02/17/10 0617s
02/10/10 0459s
14Apr2010... 1221h

10-2825
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Definitions; Board Investigator. Amend RSA 330-A:2 by inserting after
2 paragraph II the following new paragraph:

3 II-a. "Board investigator" means a board member who is responsible for overseeing the
4 activities of the professional conduct investigation committee.

5 2 New Paragraph; Definitions; Professional Conduct Investigator. Amend RSA 330-A:2 by
6 inserting after paragraph VII the following new paragraph:

7 VII-a. "Professional conduct investigator" means a trained mental health practitioner
8 licensed by the board who acts as the agent of the board under the guidance of the board investigator
9 and is authorized to discover facts and make reports to the board.

10 3 Board of Mental Health Practice; Chairperson. Amend RSA 330-A:3, I to read as follows:

11 I. There shall be a board of mental health practice composed of the following members: one
12 licensed psychologist, one licensed pastoral psychotherapist, one licensed clinical social worker, one
13 licensed marriage and family therapist, one licensed clinical mental health counselor, and 3 public
14 members. The members shall be appointed to a term of 3 years by the governor with the approval of
15 the council. The members of the board shall elect a chairperson on an annual basis. No discipline's
16 representative and no *individual* public member shall serve as chairperson for ~~consecutive terms~~
17 *more than 2 years consecutively.*

18 4 Advisory Committees. Amend RSA 330-A:4 to read as follows:

19 330-A:4 ~~[Advisory]~~ Committees Established; Duties.

20 I. The board shall create an advisory committee for each mental health discipline it licenses
21 for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and RSA 330-
22 A:10, VI-XVI. The board member of each mental health discipline shall serve as the chair of that
23 advisory committee. The balance of the membership of each of the advisory committees shall be
24 composed of at least 2 persons and no more than 4 persons licensed in the mental health discipline of
25 that committee.

26 *I-a. The board shall create a professional conduct investigation committee for the*
27 *purpose of assisting the board in its responsibilities under RSA 330-A:28 and RSA 330-A:29.*
28 *A board investigator, appointed by the chairperson of the board with the advice of the*

1 *board, shall serve as the chair of the professional conduct investigation committee. The*
2 *balance of the membership of the professional conduct investigation committee shall be*
3 *composed of one licensed psychologist, one licensed clinical social worker, one licensed*
4 *clinical mental health counselor, and additional members from the professions licensed by*
5 *the board to a maximum of 12 members.*

6 II. [Advisory] Committee members other than the chair shall be appointed by the board and
7 shall serve at the pleasure of the board for no more than [3] 2 consecutive, [2-year] 3-year terms.

8 III. The board shall not form any standing committees other than those specified in this
9 chapter.

10 5 Compensation. Amend RSA 330-A:7 to read as follows:

11 330-A:7 Compensation; Expenses. Members of the board and members of the [advisory]
12 committees shall receive a per diem compensation of \$100, for a meeting or any other board or
13 committee activity requiring 2 or more hours in a 24-hour period, and shall be reimbursed for all
14 actual travel[,] *and* incidental[~~,-and-clerical~~] expenses necessarily incurred in carrying out the
15 provisions of this chapter.

16 6 Organization and Meetings; Acting Board Members. Amend RSA 330-A:9, II to read as
17 follows:

18 II. When a quorum is not available for just and timely resolution of a specific matter, former
19 board members or advisory committee members may be appointed by the board to serve as acting
20 board members for purposes of obtaining the minimum quorum in the resolution of that specific
21 matter *or when a particular profession cannot be represented in an adjudicatory hearing.*

22 7 Rulemaking; Reinstatements and Inactive Status. Amend RSA 330-A:10, V to read as follows:

23 V. How a license shall be renewed, *reinstated, or placed on inactive status.*

24 8 Rulemaking; Investigations. Amend RSA 330-A:10, XVI to read as follows:

25 XVI. Procedures for accepting and responding to written complaints, publicizing the
26 complaint procedure, *standards of and procedures for* conducting investigations, *investigator*
27 *training requirements, and procedures for* conducting disciplinary hearings under this chapter.

28 9 Mental Health Practice; Fees. RSA 330-A:12 is repealed and reenacted to read as follows:

29 330-A:12 Fees. The board shall establish fees pursuant to RSA 541-A for review of applicants for
30 licensure; supervisory agreements; applications for licensed psychologist, pastoral psychotherapist,
31 independent clinical social worker, clinical mental health counselor, and marriage and family
32 therapist; renewal of license; renewal of dual license; reinstatement of license; inactive license status;
33 reactivation of an inactive license; examination of applicants; transcribing and transferring records;
34 and other services, including investigations and hearings conducted under this chapter.

35 10 Psychologists; Examinations. Amend RSA 330-A:16, I(a) to read as follows:

36 (a) Has passed a satisfactory *proctored* examination in psychology.

37 11 Pastoral Psychotherapists; Examinations. Amend RSA 330-A:17, I to read as follows:

1 I. Has passed a satisfactory *proctored* examination in pastoral counseling. The examination
2 shall be set and defined by the board.

3 12 Clinical Social Workers; Examinations. Amend RSA 330-A:18, IV to read as follows:

4 IV. Has passed a national *proctored* examination approved by the board.

5 13 Clinical Social Workers; Experience. Amend RSA 330-A:18, III to read as follows:

6 III. Has [~~had 2 years or~~] *completed a minimum of 2 years of post-masters experience*
7 *including completion of a minimum of 3,000 hours of [paid,] post-masters, supervised clinical*
8 *experience.*

9 14 Mental Health Practice; Clinical Mental Health Counselors. RSA 330-A:19 is repealed and
10 reenacted to read as follows:

11 330-A:19 Clinical Mental Health Counselors. The board shall issue a clinical mental health
12 counselor license to any person who meets all of the following requirements or their equivalent:

13 I. Has a 60 credit master's or doctoral degree in clinical mental health counseling from a
14 Council for Accreditation of Counseling and Related Educational Programs (CACREP) accredited
15 institution or its equivalent and which has received regional accreditation from the Association of
16 Secondary Schools and Colleges.

17 II. Has passed the clinical mental health counselor's proctored examination of the National
18 Board of Certified Counselors, Inc.

19 III. Has completed a minimum of 2 years of post-masters experience including completion of
20 a minimum of 3,000 hours of post-masters, supervised clinical experience.

21 15 Marriage and Family Therapists; Examinations. Amend RSA 330-A:21, II to read as follows:

22 II. Has passed the national *proctored* examination of the Association for Marriage and
23 Family Therapy Regulatory Boards.

24 16 Licenses; Reinstatement and Inactive Status Added. Amend RSA 330-A:31 to read as
25 follows:

26 330-A:31 Expirations [~~and~~], Renewals, *Reinstatements, and Inactive Status.*

27 I. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration
28 date unless renewed. It shall be the duty of the board to notify every person licensed by the board
29 under this chapter of the date of expiration of the license and the amount of the fee that shall be
30 required for its renewal for 2 years. Such notice shall be mailed at least 2 months in advance of the
31 date of expiration of such license. Renewal shall be conditional upon filing a timely and complete
32 renewal application and payment of the fee as set by the board.

33 II. *If a license is not renewed it may be reinstated not later than 6 months after the*
34 *date of license expiration upon payment of the fee and compliance with rules adopted by*
35 *the board. A license may be placed on inactive status pursuant to rules adopted by the*
36 *board.*

37 III. *Upon the request of a person licensed by the board who is a member of any*

SB 463-FN - AS AMENDED BY THE HOUSE

- Page 4 -

1 *reserve component of the armed forces of the United States or the national guard and is*
2 *called to active duty, the board shall place such person's license on inactive status. The*
3 *license may be reactivated, after notification to the board, within one year of the person's*
4 *release from active status by payment of the renewal fee and with proof of completion of the*
5 *most current continuing education requirement unless still within the renewal period.*

6 17 Effective Date. This act shall take effect July 1, 2010.

LBAO
10-2825
Amended 04/15/10

SB 463 FISCAL NOTE

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended by the House (Amendment #2010-1221h), has a total fiscal impact of less than \$10,000 in each of the fiscal years 2010 through 2014.

SB 468 FISCAL NOTE

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended by the House (Amendment #2010-1221h), has a total fiscal impact of less than \$10,000 in each of the fiscal years 2010 through 2014.

CHAPTER 244
SB 463-FN -FINAL VERSION

02/10/10 0459s
02/17/10 0617s
14Apr2010... 1221h
06/02/10 2223eba

2010 SESSION

10-2825
10/05

SENATE BILL ***463-FN***

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

SPONSORS: Sen. Sgambati, Dist 4; Rep. Merry, Belk 2

COMMITTEE: Health and Human Services

AMENDED ANALYSIS

This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of expired licenses, placement of licenses on inactive status, and the creation of a professional conduct investigator committee.

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CHAPTER 244
SB 463-FN -FINAL VERSION

02/10/10 0459s
02/17/10 0617s
14Apr2010... 1221h
06/02/10 2223eba

10-2825
10/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to regulation of mental health practitioners by the board of mental health practice.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 244:1 New Paragraph; Definitions; Board Investigator. Amend RSA 330-A:2 by inserting after
2 paragraph II the following new paragraph:

3 II-a. "Board investigator" means a board member who is responsible for overseeing the
4 activities of the professional conduct investigation committee.

5 244:2 New Paragraph; Definitions; Professional Conduct Investigator. Amend RSA 330-A:2 by
6 inserting after paragraph VII the following new paragraph:

7 VII-a. "Professional conduct investigator" means a trained mental health practitioner
8 licensed by the board who acts as the agent of the board under the guidance of the board investigator
9 and is authorized to discover facts and make reports to the board.

10 244:3 Board of Mental Health Practice; Chairperson. Amend RSA 330-A:3, I to read as follows:

11 I. There shall be a board of mental health practice composed of the following members: one
12 licensed psychologist, one licensed pastoral psychotherapist, one licensed clinical social worker, one
13 licensed marriage and family therapist, one licensed clinical mental health counselor, and 3 public
14 members. The members shall be appointed to a term of 3 years by the governor with the approval of
15 the council. The members of the board shall elect a chairperson on an annual basis. No discipline's
16 representative and no *individual* public member shall serve as chairperson for [~~consecutive terms~~]
17 *more than 2 years consecutively*.

18 244:4 Advisory Committees. Amend RSA 330-A:4 to read as follows:

19 330-A:4 [~~Advisory~~] Committees Established; Duties.

20 I. The board shall create an advisory committee for each mental health discipline it licenses
21 for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and RSA 330-
22 A:10, VI-XVI. The board member of each mental health discipline shall serve as the chair of that
23 advisory committee. The balance of the membership of each of the advisory committees shall be
24 composed of at least 2 persons and no more than 4 persons licensed in the mental health discipline of
25 that committee.

26 *I-a. The board shall create a professional conduct investigation committee for the*
27 *purpose of assisting the board in its responsibilities under RSA 330-A:28 and RSA 330-A:29.*

CHAPTER 244
SB 463-FN - FINAL VERSION
- Page 2 -

1 *A board investigator, appointed by the chairperson of the board with the advice of the*
2 *board, shall serve as the chair of the professional conduct investigation committee. The*
3 *balance of the membership of the professional conduct investigation committee shall be*
4 *composed of one licensed psychologist, one licensed clinical social worker, one licensed*
5 *clinical mental health counselor, and additional members from the professions licensed by*
6 *the board to a maximum of 12 members.*

7 II. [Advisory] Committee members other than the chair shall be appointed by the board and
8 shall serve at the pleasure of the board for no more than [3] 2 consecutive, [2-year] 3-year terms.

9 III. The board shall not form any standing committees other than those specified in this
10 chapter.

11 244:5 Compensation. Amend RSA 330-A:7 to read as follows:

12 330-A:7 Compensation; Expenses. Members of the board and members of the [advisory]
13 committees shall receive a per diem compensation of \$100, for a meeting or any other board or
14 committee activity requiring 2 or more hours in a 24-hour period, and shall be reimbursed for all
15 actual travel[,] **and** incidental[~~,-and-clerical~~] expenses necessarily incurred in carrying out the
16 provisions of this chapter.

17 244:6 Organization and Meetings; Acting Board Members. Amend RSA 330-A:9, II to read as
18 follows:

19 II. When a quorum is not available for just and timely resolution of a specific matter, former
20 board members or advisory committee members may be appointed by the board to serve as acting
21 board members for purposes of obtaining the minimum quorum in the resolution of that specific
22 matter **or when a particular profession cannot be represented in an adjudicatory hearing.**

23 244:7 Rulemaking; Reinstatements and Inactive Status. Amend RSA 330-A:10, V to read as
24 follows:

25 V. How a license shall be renewed, **reinstated, or placed on inactive status.**

26 244:8 Rulemaking; Investigations. Amend RSA 330-A:10, XVI to read as follows:

27 XVI. Procedures for accepting and responding to written complaints, publicizing the
28 complaint procedure, **standards of and procedures for** conducting investigations, **investigator**
29 **training requirements,** and **procedures for** conducting disciplinary hearings under this chapter.

30 244:9 Mental Health Practice; Fees. RSA 330-A:12 is repealed and reenacted to read as follows:

31 330-A:12 Fees. The board shall establish fees pursuant to RSA 541-A for review of applicants for
32 licensure; supervisory agreements; applications for licensed psychologist, pastoral psychotherapist,
33 independent clinical social worker, clinical mental health counselor, and marriage and family
34 therapist; renewal of license; renewal of dual license; reinstatement of license; inactive license status;
35 reactivation of an inactive license; examination of applicants; transcribing and transferring records;
36 and other services, including investigations and hearings conducted under this chapter.

CHAPTER 244
SB 463-FN – FINAL VERSION
- Page 3 -

1 244:10 Psychologists; Examinations. Amend RSA 330-A:16, I(a) to read as follows:

2 (a) Has passed a satisfactory *proctored* examination in psychology.

3 244:11 Pastoral Psychotherapists; Examinations. Amend RSA 330-A:17, I to read as follows:

4 I. Has passed a satisfactory *proctored* examination in pastoral counseling. The examination
5 shall be set and defined by the board.

6 244:12 Clinical Social Workers; Examinations. Amend RSA 330-A:18, IV to read as follows:

7 IV. Has passed a national *proctored* examination approved by the board.

8 244:13 Clinical Social Workers; Experience. Amend RSA 330-A:18, III to read as follows:

9 III. Has [~~had 2 years or~~] *completed a minimum of 2 years of post-masters experience*
10 *including completion of a minimum of 3,000 hours of* [~~paid,~~] *post-masters, supervised clinical*
11 *experience.*

12 244:14 Mental Health Practice; Clinical Mental Health Counselors. RSA 330-A:19 is repealed
13 and reenacted to read as follows:

14 330-A:19 Clinical Mental Health Counselors. The board shall issue a clinical mental health
15 counselor license to any person who meets all of the following requirements or their equivalent:

16 I. Has a 60 credit master's or doctoral degree in clinical mental health counseling from a
17 Council for Accreditation of Counseling and Related Educational Programs (CACREP) accredited
18 institution or its equivalent which has received regional accreditation from the Association of
19 Secondary Schools and Colleges.

20 II. Has passed the clinical mental health counselor's proctored examination of the National
21 Board for Certified Counselors, Inc.

22 III. Has completed a minimum of 2 years of post-masters experience including completion of
23 a minimum of 3,000 hours of post-masters, supervised clinical experience.

24 244:15 Marriage and Family Therapists; Examinations. Amend RSA 330-A:21, II to read as
25 follows:

26 II. Has passed the national *proctored* examination of the Association [~~for Marriage~~] *of*
27 *Marital* and Family Therapy Regulatory Boards.

28 244:16 Licenses; Reinstatement and Inactive Status Added. Amend RSA 330-A:31 to read as
29 follows:

30 330-A:31 Expirations [~~and~~], Renewals, *Reinstatements, and Inactive Status.*

31 I. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration
32 date unless renewed. It shall be the duty of the board to notify every person licensed by the board
33 under this chapter of the date of expiration of the license and the amount of the fee that shall be
34 required for its renewal for 2 years. Such notice shall be mailed at least 2 months in advance of the
35 date of expiration of such license. Renewal shall be conditional upon filing a timely and complete
36 renewal application and payment of the fee as set by the board.

CHAPTER 244
SB 463-FN - FINAL VERSION
- Page 4 -

1 **II. If a license is not renewed it may be reinstated not later than 6 months after the**
2 **date of license expiration upon payment of the fee and compliance with rules adopted by**
3 **the board. A license may be placed on inactive status pursuant to rules adopted by the**
4 **board.**

5 **III. Upon the request of a person licensed by the board who is a member of any**
6 **reserve component of the armed forces of the United States or the national guard and is**
7 **called to active duty, the board shall place such person's license on inactive status. The**
8 **license may be reactivated, after notification to the board, within one year of the person's**
9 **release from active status by payment of the renewal fee and with proof of completion of the**
10 **most current continuing education requirement unless still within the renewal period.**

11 244:17 Effective Date. This act shall take effect July 1, 2010.

12
13 Approved: July 1, 2010
14 Effective Date: July 1, 2010

Amendments

Amendment to SB 463-FN

1 Amend the bill by inserting after section 1 the following and renumbering the original sections 2-7 to
2 read as 5-10, respectively:

3

4 2 Advisory Committees. Amend RSA 330-A:4 to read as follows:

5 330-A:4 [Advisory] Committees Established; Duties.

6 I. The board shall create an advisory committee for each mental health discipline it licenses
7 for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and RSA 330-
8 A:10, VI-XVI. The board member of each mental health discipline shall serve as the chair of that
9 advisory committee. The balance of the membership of each of the advisory committees shall be
10 composed of at least 2 persons and no more than 4 persons licensed in the mental health discipline of
11 that committee.

12 *I-a. The board shall create a professional conduct investigator committee for the*
13 *purpose of assisting the board in its responsibilities under RSA 330-A:28 and RSA 330-A:29.*
14 *The board investigator shall serve as the chair of the professional conduct investigator*
15 *committee. The balance of the membership of the professional conduct investigator*
16 *committee shall be composed of at least one person from each profession licensed by the*
17 *board.*

18 II. [Advisory] Committee members other than the chair shall be appointed by the board and
19 shall serve at the pleasure of the board for no more than [3] 2 consecutive, [~~2-year~~] 3-year terms.

20 III. The board shall not form any standing committees other than those specified in this
21 chapter.

22 3 Compensation. Amend RSA 330-A:7 to read as follows:

23 330-A:7 Compensation; Expenses. Members of the board and members of the [advisory]
24 committees shall receive a per diem compensation of \$100, for a meeting or any other board or
25 committee activity requiring 2 or more hours in a 24-hour period, and shall be reimbursed for all
26 actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of
27 this chapter.

28 4 Organization and Meetings; Acting Board members. Amend RSA 330-A:9, II to read as
29 follows:

30 II. When a quorum is not available for just and timely resolution of a specific matter, former
31 board members or advisory committee members may be appointed by the board to serve as acting
32 board members for purposes of obtaining the minimum quorum in the resolution of that specific
33 matter *or when a particular profession cannot be represented in an adjudicatory hearing.*



2010-0317s

AMENDED ANALYSIS

This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of expired licenses, placement of licenses on inactive status, and the creation of a professional conduct investigator committee.



Amendment to SB 463-FN

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8 A:10, VI-XVI. The board member of each mental health discipline shall serve as the chair of that
9 advisory committee. The balance of the membership of each of the advisory committees shall be
10 composed of at least 2 persons and no more than 4 persons licensed in the mental health discipline of
11 that committee.

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13 *purpose of assisting the board in its responsibilities under RSA 330-A:28 and RSA 330-A:29.*
14 *The board investigator shall serve as the chair of the professional conduct investigator*
15 *committee. The balance of the membership of the professional conduct investigator*
16 *committee shall be composed of at least one person from each profession licensed by the*
17 *board.*

18 II. ~~[Advisory]~~ Committee members other than the chair shall be appointed by the board and
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31 board members or advisory committee members may be appointed by the board to serve as acting
32 board members for purposes of obtaining the minimum quorum in the resolution of that specific



1 *matter or when a particular profession cannot be represented in an adjudicatory hearing.*

2

3 Amend the bill by replacing sections 7 and 8 with the following:

4

5 7 Clinical Social Workers; Experience. Amend RSA 330-A:18, III to read as follows:

6 III. Has [~~had 2 years of~~] *completed a minimum of 2 years of post-masters experience*
7 *including completion of a minimum of 3,000 hours of paid, post-masters, supervised clinical*
8 *experience.*

9 8 Mental Health Practice; Clinical Mental Health Counselors. RSA 330-A:19 is repealed and
10 reenacted to read as follows:

11 330-A:19 Clinical Mental Health Counselors. The board shall issue a clinical mental health
12 counselor license to any person who meets all of the following requirements or their equivalent:

13 I. Has a 60 credit master's or doctoral degree in clinical mental health counseling from a
14 Council for Accreditation of Counseling and Related Educational Programs (CACREP) accredited
15 institution or its equivalent and which has received regional accreditation from the Association of
16 Secondary Schools and Colleges.

17 II. Has passed the clinical mental health counselor's examination of the National Board of
18 Certified Counselors, Inc.

19 III. Has completed a minimum of 2 years of post-masters experience including completion of
20 a minimum of 3,000 hours of paid, post-masters, supervised clinical experience.



2010-0459s

AMENDED ANALYSIS

This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of expired licenses, placement of licenses on inactive status, and the creation of a professional conduct investigator committee.

Committee Minutes

**SENATE CALENDAR NOTICE
HEALTH AND HUMAN SERVICES**

Senator Kathleen Sgambati Chairman
 Senator Peggy Gilmour V Chairman
 Senator Molly Kelly
 Senator John Gallus
 Senator Michael Downing

For Use by Senate Clerk's Office ONLY		
<input type="checkbox"/>	Bill Status	
<input type="checkbox"/>	Docket	
<input type="checkbox"/>	Calendar	
Proof:	<input type="checkbox"/> Calendar	<input type="checkbox"/> Bill Status

Date: January 26, 2010

HEARINGS

Tuesday

2/2/2010

HEALTH AND HUMAN SERVICES

SH 103

8:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

<p>8:30 AM SB331</p> <p>8:45 AM SB306</p> <p>8:55 AM SB463-FN</p> <p>9:15 AM SB343-FN</p>	<p>establishing a governor's commission task force on substance use disorder treatment for Medicaid eligible individuals.</p> <p>extending the commission to develop a legislative plan to meet the needs of certain adults with developmental disabilities.</p> <p>relative to regulation of mental health practitioners by the board of mental health practice.</p> <p>relative to Medicaid managed care.</p>
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Sponsors:

SB331

Sen. Harold Janeway
Rep. Patricia McMahon
Rep. W. Douglas Scamman

Sen. Sharon Carson
Rep. William Butynski

Sen. Bob Odell
Rep. Suzanne Harvey

Sen. Peggy Gilmour
Rep. Kathleen Taylor

SB306

Sen. Peggy Gilmour

Rep. Joan Schulze

Rep. Sandra Harris

SB463-FN

Sen. Kathleen Sgambati

Rep. Liz Merry

SB343-FN

Sen. Jeb Bradley
Rep. David Boutin

Sen. Michael Downing
Sen. John Gallus

Sen. Robert Letourneau
Rep. Fran Wendelboe

Rep. Sherman Packard

Health & Human Services Committee Hearing Report

TO: Members of the Senate

FROM: Shannon Whitehead, Legislative Aide

RE: Hearing report on SB 463-FN – AN ACT

HEARING DATE: February 2, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Sgambati, Gilmour, Kelly Gallus, and Downing

MEMBERS OF THE COMMITTEE ABSENT: n/a

Sponsor(s): Sen. Sgambati, Dist 4; Rep. Merry, Belk 2

What the bill does: This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of expired licenses, and placement of licenses on inactive status.

Who supports the bill: Senator Sgambati and Joan Staigers Haley from the Board of Mental Health Practice.

Who opposes the bill: No one appeared in opposition

Summary of testimony received:

Senator Sgambati, Prime Sponsor of the bill.

- The bill is a technical fix, but a very important fix. This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of expired licenses, and placement of licenses on inactive status. The committee will here a more detailed testimony from the Board of Mental Health Practice.

Joan Staigers Haley

- Ms. Haley is the current chair for the Mental Health Practice Board. The Board is proposing changes to RSA 330-A:3, RSA 330-A:10, RSA 330-A:12, RSA 330-A:18, III RSA 330-A:31 as well as changes to RSA 330-A:4, 330-A:7 and 330-A:9 which are addressed in the amendment. The Board is seeking these changes in hopes of

clarifying sections of the law and making technical corrections. There are also come inconsistencies in the current law and the administrative rules.

- RSA 330-A:3 The current rules do not allow for a board member to be chair of the board two years in a row. The board elects a chair each year; however, the Board feels that it takes almost a full year to become competent in that role and it would be advantageous to the Board and the public to be able to elect a board chair two years in a row.
- RSA330-A:10 and 12 do tie together. The current law allows the Board to establish fees for examination of applicants, licensure, renewal of licensure, renewal of license, transcribing and transferring records, and other services including investigations and hearings conducted under this chapter. Presently as written it does not allow the board to collect fees from persons applying for initial licensure, reinstating a license that has expired or placing a license on inactive status. The Board is funded through the general fund and deposits all fees collected into the general fund. The Board's current rules allow for collecting fees for applications, reinstatements and inactive licenses and would like to clarify these fees in the law.
- RSA 330-A:18 II is a house keeping meter. The current law regarding post-masters supervision reads, "has had 2 years or 3000 hours of paid, post-masters supervised clinical experiences." The majority of states that license independent clinical social workers require 2 years and 3000 hours, not or. The Board would like the technical correction made.
- RSA 330-A:19 addresses changes to the licensure of clinical mental health counselors. Most of the changes in this section clean up the language of the law. The current law refers to programs meeting the guidelines of the National Academy of Certified Clinical Mental Health Counselors. That program no longer exists. The proposed change refers to programs accredited by the Council for Accreditation of Counseling and Related Education Programs, known as CACREP for the Association of Secondary Schools or Colleges. This is an accrediting body for counselor education programs. The board wanted the educational requirements to be aligned with accredited standards as it does of paid, post-masters experience including completion of a minimum of 3,000 hours of paid, post-masters, supervised experience does not change. It merely uses similar language to that required of social workers.
- RSA 330-A:31 addresses reinstatement of an expired license and inactive status for a current license. The current law does not address these two statuses. The current law states that a license shall become invalid on the expiration date unless

renewed. In other words if a license shall become invalid on the expiration date it is no longer valid and they must reapply. The proposed law change would allow for reinstatement within six months of the license expiring by paying a fee and showing continuing education credits. This is less cumbersome, less expensive and more expedient than having to reapply for licensure. The same reasoning applies, to the inactive status. Many applicants would like to put their license on inactive for various reasons: working in another state, staying at home to care for children, long term illness or working in a field that does not require a license. Board rules currently allow licensees to be on inactive status and we have about 189 inactive licenses, however it is not clear that this is allowed by law.

- RSA-A:4 Establishes a professional conduct investigator committee.
- RSA 330-A:28 addresses investigations and complaints. Currently, section II of RSA 330-A:28 allows the Board to employ or retain hearing officers, legal counsel, medical advisors, mental health advisors or investigators to assist with the investigation. The Board currently operates, with volunteer investigators, who report to the Board Investigator. The Board would like to establish a formal committee to assist the Board Investigator with complaints. This would allow all of the volunteer investigators to meet with the Board investigator and discuss the various complaints. This committee would be similar to the medical review sub committee of the Board of Medicine.
- RSA 330-A:7 changes would allow the Board to compensate members of the proposed professional conduct investigator committee.
- RSA330-A:9 expands on the current law which allows for a former board member or former advisory committee member to be appointed by the board for the purpose of obtaining a minimum quorum.
- Senator Gilmour had a comment on the Requirement section of the bill. *Competed minimum of 2 years supervisor experience.* Why "paid" instead of voluntary. Senator Gilmour stated she was not sure of that intent.
- Shelia Reynolds Finnegan responded that, clinical supervisors from the board are a paid supervised experience. If it is unpaid it's an intern experience, not a professional capacity.
- Senator Gilmour also commented on the post masters volunteer and disciplines required, why? Shelia Reynolds Finnegan responded that again it is about a professional capacity full time. It has to be a paid position, the standards and expectations are different.

- Senator Gilmour commented and _____ said the volunteers are the same except for payment.
- Shelia Reynolds Finnegan responded that the expectation is as an employed professional not that volunteer professionals are not valued, but many people just can't afford to volunteer full time.
- Senator Kelly board asked how many discipline boards are there. Ms Haley responded that there are 5. Each has an advisory committee that can't be more than 4. Amendment is crate another committee.
- Ms. Haley suggested an amendment would be sufficient to create a professional conduct investigator committee for the purpose of assisting the board in its responsibilities and be composed of at least one person from each profession licensed by the board.
- Hearing ended at 9:20am

Funding: Please refer to the Fiscal Impact Note

Action: The committee VOTED OUGHT TO PASS WITH AMENDMENT 4-0. First motion made by Senator Sqambati, second motion made by Senator Kelly. Senator Sqambati will report the bill out.

Date: February 2, 2010
Time: 9:02 A.M.
Room: SH RM 103

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The Senate Committee on Health and Human Services held a hearing on the following:

SB 463-FN relative to regulation of mental health practitioners by the board of mental health practice.

Members of Committee present: Senator Sgambati
 Senator Gilmour
 Senator Kelly
 Senator Gallus
 Senator Downing

The Vice Chair, Senator Peggy Gilmour, opened the hearing on SB 463-FN and invited the prime sponsor, Senator Kathleen Sgambati, to introduce the legislation.

Senator Kathleen G. Sgambati, D. 4: Thank you, Senator Gilmour. I would ask your support of SB 463. For the record, I'm Kathleen Sgambati, representing Senate District 4. I will be extremely brief. I brought this bill forward on behalf of the Board of Mental Health Practice. Their intent was to update the statute and to put some technical fixes. And, I would ask you to defer questions to them, and I am certain that they're here to testify for you. Thank you.

Senator Peggy Gilmour, D. 12: Thank you, Senator Sgambati. Joan Haley?

Joan Staigers Haley: Staigers Haley.

Senator Peggy Gilmour, D. 12: Joan Staigers Haley, welcome.

Ms. Staigers Haley: My writing got smaller as I went along. Good morning, Madam Chair, and Committee members. I'm Joan Staigers Haley. I'm the current Chair of the Board of Mental Health Practice, and I'm going to speak about this bill.

jac

The Board is proposing changes to RSA 330-A:3, RSA 330-A:10, RSA 330-A:12, RSA 330-A:18, III, RSA 330-A:31, as well as changes to RSA 330-A:4, 330-A:7, and 330-A:9, which are addressed in the amendment. The Board is seeking these changes in hopes of clarifying sections of the law, and making technical corrections. There are also some inconsistencies between the current law and the administrative rules.

So, in terms of chronological order, I'll begin with RSA 330-A:3, which is about the Board Chair terms. Currently, our law says that the Board Chair can serve for one year, and not any consecutive years. And, we have found, I found personally, as the Chair of the Board, that the learning curve is pretty steep, and after a year, just beginning to get the hang of things, and then having to step down does not make much sense in terms of the smooth operation for the Board. So, this is saying that it would still be an annual election, but that the Board Chair could serve two consecutive years.

In terms of RSA 330-A:10 and 12, they tie in together. The current law allows the Board to establish fees for examination of applicant's licensure, renewal of license, transcribing and transferring records, and, other services, including investigations and hearings conducted under this chapter. However, it does allow the Board to collect fees from persons applying for their initial license, reinstating a license that has expired, or placing a license on inactive status.

The Board is funded through the General Fund, and deposits all fees collected into the General Fund. The Board's current rules for collecting fees for applications, reinstatements, and inactive licenses, and I'd like to clarify these other areas in the law.

RSA 330-A:18, III is a housekeeping matter. The current law regarding post-master's supervision for clinical, licensed clinical social workers has, has had two years, or 3,000 hours of paid post-master's supervised clinical experience. The majority of states, and, in fact, our, the other disciplines that we regulate say that requires two years and 3,000 hours, not or. So, we would just like to bring the licensed clinical social workers in so that they're consistent with the other master's level licenses.

RSA 330-A:19, addresses changes to the licensure of the clinical mental health counselor's law, and most of the changes clean up the language of the law. The current law refers to programs meeting the guidelines of the National Academy of Certified Clinical Mental Health Counselors. Well, that program no longer exists, so it doesn't make sense to have legislation that refers to it.

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The proposed changes refer to programs accredited by the Council for Accreditation of Counseling and Related Education Programs, known as CACREP, or the Association of Secondary Schools or Colleges. This is an accrediting body for counselor education programs. The Board wants the educational requirements to be aligned with the accreditation standards, as it does with the other professions licensed by the Board.

The supervision requirement of two years of paid post-master's experience, including completion of a minimum of 3,000 hours of paid post-master's supervised experience does not change, it merely uses similar language as the social workers.

RSA 330-A:31, addresses reinstatement of an expired license and inactive status for a current license. The current law does not address these two statuses. The current law states the license shall become invalid on the expiration date unless renewed. In other words, if a licensee forgets to renew their license by the expiration date, it is no longer valid and they must reapply.

The proposed law change would allow for reinstatement within six months of the license expiring by paying a fee and showing continuing education credits. And there are other examples when people...it might not be that somebody has forgotten it, maybe that somebody has had an illness, or has been taking care of a loved one, or has been out of the country, so it's not just forgetful licensees that we're trying to help here.

So, it's much less cumbersome than asking somebody to reapply for the entire, do the entire process again. And, the same reasoning applies to the inactive status. Many applicants would like to put their licenses on inactive status for a variety of reasons, working in another state or staying at home to care for children, long-term illness, working in a field that does not require a license. And Board rules currently allow licenses to be on inactive status, and we have about 189 inactive licenses. However, it's not clear that this is allowed in our current law, so we'd like to make that clear.

Now, I'm on to the amendments. And, I'm not sure if you have the amendments in front of you. Were we going to address the...

Senator Molly Kelly, D. 10: I got it yesterday afternoon when Greg e-mailed it to me. He said he would have it here, and that would be the case.

Senator Kathleen G. Sgambati, D. 4: Oh, I do, I do.

auc

Please see Attachment #1 – Amendment #2010-0317s, submitted by Senator Kathleen G. Sgambati.

Ms. Staigers Haley: You do, okay. Does everybody...shall I speak to the...

Senator Kathleen G. Sgambati, D. 4: Where...is the red-lined, right? Okay.

Ms. Staigers Haley: Okay?

Senator Kathleen G. Sgambati, D. 4: All set, thank you.

Ms. Staigers Haley: So, the first amendment, RSA 330-A:4, establishes a professional conduct investigator committee. RSA 330-A:28, addresses investigations and complaints. Currently, section II of RSA 330-A:28 allows the Board to employ or retain hearing officers, legal counsel, medical advisors, mental health advisors or investigators to assist with the investigation. The Board currently operates with volunteer investigators who report to the Board investigator, who's one of the members of the Board of Mental Health Practice.

The Board would like to establish a formal committee to assist the Board investigator with complaints. This would allow all the volunteer investigators to meet with the Board investigator and discuss the various complaints. This committee would be similar to the medical review subcommittee of the Board of Medicine.

RSA 330-A:7, would allow the Board to compensate members of the proposed professional investigator committee. And, RSA 330-A:9 expands the current law, which allows for a substitution of former Board members, or former advisory committee members to be appointed by the Board for purposes of obtaining a minimum quorum, and if somebody needs to be recused from discussing a certain matter. So, this would allow...it would expand a little bit what we, currently, we are not allowed to substitute, to have substitute Board members for recusals on specific matters. So, if we're investigating a psychologist, for example, it does not, current law does not allow us to substitute somebody just for that matter, and this would allow that.

Senator Kathleen G. Sgambati, D. 4: Thank you.

Ms. Staigers Haley: So, that's it. Wow.

Senator Kathleen G. Sgambati, D. 4: Thank you for the walkthrough. Any questions? Senator Gilmour?

jac

Senator Peggy Gilmour, D. 12: I do have a question on the requirements. It's required that they complete a minimum of two years of paid post-master's supervised experience.

Ms. Staigers Haley: Hm-hmm.

Senator Peggy Gilmour, D. 12: Why paid if the other requirements of clinical supervision and the hours are there?

Ms. Staigers Haley: Why paid instead of voluntary?

Senator Peggy Gilmour, D. 12: Yes, yes. Or, why could not volunteer time, as long as it was supervised in a clinical setting? Why couldn't that apply?

Ms. Staigers Haley: That's a really good question, and I'm not sure what the intent was...

Ms. Renaud-Finnegan: You want some help, Joanie?

Ms. Staigers Haley: Yes.

Ms. Renaud-Finnegan: I'll help you.

Ms. Staigers Haley: Oh, good.

Sheila Renaud-Finnegan: I'm Sheila Renaud-Finnegan. I'm the clinical social worker.

Senator Kathleen G. Sgambati, D. 4: Can you come forward and introduce yourself? I don't think we can hear it.

Deborah A. Chroniak: You need to come up here.

Ms. Renaud-Finnegan: Oh, I'm sorry.

Deborah A. Chroniak: That's okay. Not a problem.

Ms. Renaud-Finnegan: Sheila Renaud-Finnegan; I'm the clinical social worker representative from the Board.

The reason why paid supervised experience is necessary is because, if it's unpaid, then it's an internship in a school or educational setting in a graduate program, and the paid experience is in a professional capacity, following a graduate program. So, it needs to be an employment situation.

Jan

Senator Peggy Gilmour, D. 12: Yeah. I've been in situations where we did have volunteers; it was in a hospice setting. Post-master' supervised volunteer couldn't count?

Ms. Renaud-Finnegan: No. I mean, I don't think that would count in any professional capacity. I think all of the disciplines require post-master's employed positions.

Senator Peggy Gilmour, D. 12: I guess my question is why?

Ms. Renaud-Finnegan: Well, because it's a professional capacity and you want it to be full-time. I mean, I don't think that would count in any setting, even a school setting, or any other professional setting. I mean, it has to be a paid position where the person is employed as a professional. I think the standards are probably different, the expectations are probably different.

Senator Peggy Gilmour, D. 12: Yeah. I don't know if it's debatable. Follow up?

Senator Kathleen G. Sgambati, D. 4: Yes.

Senator Peggy Gilmour, D. 12: For example, specifically in federal regulation around some things, volunteers are, they're the same standard, same employment ...

Ms. Renaud-Finnegan: Hm-hmm.

Senator Peggy Gilmour, D. 12: ...policy, same supervision requirements; it's just simply lack of payment. As it, perhaps you take it for another day, but ...

Ms. Renaud-Finnegan: Yeah.

Senator Peggy Gilmour, D. 12: ...I just hate to see us limit ourselves because of a word.

Ms. Renaud-Finnegan: Hm-hmm.

Ms. Staigers Haley: What I was looking for to see, in our current law what the other, what the other disciplines say. I think this was meant to bring...

JAC

Ms. Renaud-Finnegan: This particular clause, if you're talking about the social work clause? It was meant to bring the "or" to an "and", because now it has "or", and we just meant to change the word from "or" to "and".

Senator Peggy Gilmour, D. 12: Right. I understand that. I just...

Ms. Staigers Haley: The language in all, in all of...for all of the disciplines it says paid, and we've never actually had this question before. So, it's an interesting question about the paid versus not paid. But it, we're following, for example, the social work follows the National NASW guidelines.

Senator Peggy Gilmour, D. 12: I think we always did it this way.

Ms. Staigers Haley: Right.

Senator Peggy Gilmour, D. 12: Is it because we always did it this way?

Ms. Staigers Haley: It could be. It could be.

Ms. Renaud-Finnegan: I think it could be, but I also do think that there is more of an expectation and a standard if someone is an employed professional, you know, and that this is a job for this person, rather than a volunteer position. Not that volunteer positions aren't valued, but they're not usually seen as a completely full-time professional paid, full-time position. I mean, most people can't afford to volunteer full-time.

Senator Peggy Gilmour, D. 12: That would be correct. Thank you.

Senator Kathleen G. Sgambati, D. 4: Yes, indeed. Thank you.

Ms. Staigers Haley: That would be correct, she said.

Ms. Renaud-Finnegan: I did hear her.

Senator Kathleen G. Sgambati, D. 4: Senator Kelly?

Senator Molly Kelly, D. 10: Joan, I just have a question in regard to the amendment.

Ms. Staigers Haley: Hm-hmm.

Senator Molly Kelly, D. 10: This deals with the Advisory Committees?

Ms. Staigers Haley: Uh-huh.

doc

Senator Molly Kelly, D. 10: Are the Advisory Committees not working? Is there a system that's working? It's just, looked like, when I read this...

Ms. Staigers Haley: Do you mean the professional investigation committee?

Senator Molly Kelly, D. 10: All of it...said the board shall create an advisory committee for each mental health discipline. So, I mean...

Ms. Staigers Haley: Oh.

Senator Molly Kelly, D. 10: I mean how many...I mean that's already in the statute.

Ms. Staigers Haley: Yes.

Senator Molly Kelly, D. 10: Right.

Ms. Staigers Haley: Yes.

Senator Molly Kelly, D. 10: How many disciplines are there?

Ms. Staigers Haley: There are five disciplines regulated by the Board of Mental Health Practice, licensed clinical social work; marriage and family therapist; psychologist; pastoral psychotherapist; and clinical mental health counselors. We each have an advisory committee that is between...that can be no more than four people.

Senator Molly Kelly, D. 10: Hm-hmm.

Ms. Staigers Haley: And, those...depending on the discipline, they meet with more or less frequency.

Senator Molly Kelly, D. 10: And so, what you're asking on this amendment is to create another...

Ms. Staigers Haley: Yes.

Senator Molly Kelly, D. 10: ...committee.

Ms. Staigers Haley: Yes.

doc

Senator Molly Kelly, D. 10: And how many members are on the Board, on the Advisory Board? And you say you each sit on one of the committees, how many members?

Ms. Staigers Haley: There are five professional members of the Board of Mental Health Practice, representing each one of those disciplines.

Senator Molly Kelly, D. 10: Right. Each one would be on one of those committees.

Ms. Staigers Haley: We're actually talking about a separate thing. So, we already have the advisory committees.

Senator Molly Kelly, D. 10: Hm-hmm.

Ms. Staigers Haley: That's already, that's going. This is ...

Senator Molly Kelly, D. 10: In addition.

Ms. Staigers Haley: In addition, a professional conduct investigators committee. We currently have professional conduct investigators who serve at the pleasure of the Board for ...but, this would allow them to have a meeting as a committee. Right now, they are ... it's a little unclear because it precedes when I was on the Board, and when Sheila was on the Board, but they have meetings, but they're not considered a committee. So, it's...this would clarify that this is a working group that does have the authority to meet...

Senator Molly Kelly, D. 10: Hm-hmm.

Ms. Staigers Haley: ...to assist the Board investigators in the investigations for the Board.

Senator Molly Kelly, D. 10: Okay. And I just was going to follow up.

Senator Kathleen G. Sgambati, D. 4: Very quick, because we're still behind.

Senator Molly Kelly, D. 10: Okay. That's alright.

Senator Kathleen G. Sgambati, D. 4: Okay. Thank you very much.

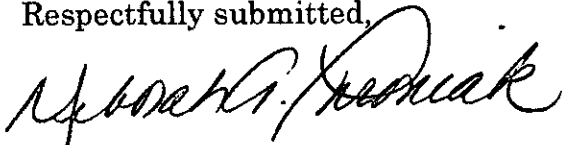
Ms. Staigers Haley: Thank you.

Please see Attachment #2 – Prepared written testimony of Joan Staigers Haley.

Senator Kathleen G. Sgambati, D. 4: Okay. I have no one else signed up on SB 463. So, we will close the hearing. Thank you.

Hearing concluded at 9:19 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Deborah A. Chroniak". The signature is written in a cursive style with a large initial "D".

Deborah A. Chroniak
Senate Secretary
03-16-10

2 Attachments

Sen. Sgambati, Dist. 4
January 22, 2010
2010-0317s
10/05

Amendment to SB 463-FN

1 Amend the bill by inserting after section 1 the following and renumbering the original sections 2-7 to
2 read as 5-10, respectively:

3

4 2 Advisory Committees. Amend RSA 330-A:4 to read as follows:

5 330-A:4 ~~[Advisory]~~ Committees Established; Duties.

6 I. The board shall create an advisory committee for each mental health discipline it licenses
7 for the purpose of assisting the board in its responsibilities under RSA 330-A:10, II, and RSA 330-
8 A:10, VI-XVI. The board member of each mental health discipline shall serve as the chair of that
9 advisory committee. The balance of the membership of each of the advisory committees shall be
10 composed of at least 2 persons and no more than 4 persons licensed in the mental health discipline of
11 that committee.

12 *I-a. The board shall create a professional conduct investigator committee for the*
13 *purpose of assisting the board in its responsibilities under RSA 330-A:28 and RSA 330-A:29.*
14 *The board investigator shall serve as the chair of the professional conduct investigator*
15 *committee. The balance of the membership of the professional conduct investigator*
16 *committee shall be composed of at least one person from each profession licensed by the*
17 *board.*

18 II. ~~[Advisory]~~ Committee members other than the chair shall be appointed by the board and
19 shall serve at the pleasure of the board for no more than ~~[3] 2~~ consecutive, ~~[2-year] 3-year~~ terms.

20 III. The board shall not form any standing committees other than those specified in this
21 chapter.

22 3 Compensation. Amend RSA 330-A:7 to read as follows:

23 330-A:7 Compensation; Expenses. Members of the board and members of the ~~[advisory]~~
24 committees shall receive a per diem compensation of \$100, for a meeting or any other board or
25 committee activity requiring 2 or more hours in a 24-hour period, and shall be reimbursed for all
26 actual travel, incidental, and clerical expenses necessarily incurred in carrying out the provisions of
27 this chapter.

28 4 Organization and Meetings; Acting Board members. Amend RSA 330-A:9, II to read as
29 follows:

30 II. When a quorum is not available for just and timely resolution of a specific matter, former
31 board members or advisory committee members may be appointed by the board to serve as acting
32 board members for purposes of obtaining the minimum quorum in the resolution of that specific
33 matter *or when a particular profession cannot be represented in an adjudicatory hearing.*



2010-0317s

AMENDED ANALYSIS

This bill makes changes to the regulation of mental health practice, including the experience required for clinical mental health counselors and clinical social workers, the reinstatement of expired licenses, placement of licenses on inactive status, and the creation of a professional conduct investigator committee.



Joan Staigers Haley, MS
Chairperson
David L. Sundell, D.Min.
Deborah Warner, Ph.D.
Sheila Renaud-Finnegan,
MSW
Gail Mears, Psy.D.
David Braiterman, Esq.
Public Member

STATE OF NEW HAMPSHIRE
BOARD OF MENTAL HEALTH PRACTICE

Mailing Address:
Board of Mental Health Practice
Dolloff Building – 117 Pleasant Street
Concord, NH 03301
(603) 271-6762
Fax Number (603) 271-3950
TDD Access: Relay NH 1-800-735-2964
www.nh.gov/mhpb

February 2, 2010

Good morning Madam Chair and Committee Members.

My name is Joan Staigers Haley and I am the Chairperson of the Board of Mental Health Practice.

The Board is proposing changes to RSA 330-A:3, RSA 330-A:10, RSA 330-A:12, RSA 330-A:18, III, RSA 330-A:31 as well as changes to RSA 330-A:4, 330-A:7 and 330-A:9 which are addressed in the amendment. The Board is seeking these changes in hopes of clarifying sections of the law and making technical corrections. There are also some inconsistencies in the current law and the administrative rules.

Let me begin in chronological order.

RSA 330-A:3 re: Board chair terms

The current rules do not allow for a board member to be chair of the board two years in a row. The board elects a chair each year, however, the Board feels that it takes almost a full year to become competent in that role and it would be advantageous to the board and the public to be able to elect a board chair two years in a row.

RSA 330-A:10 and 12 actually tie in together. The current law allows the board to establish fees for examination of applicants, licensure, renewal of license, transcribing and transferring records, and other services, including investigations and hearings conducted under this chapter. Presently, as written it does not allow the board to collect fees from persons applying for initial for licensure, reinstating a license that has expired or placing a license on inactive status. The Board is funded through the general fund and

deposits all fees collected into the general fund. The Board's current rules allow for collecting fees for applications, reinstatements and inactive licenses and would like to clarify these fees in the law.

RSA 330-A:18 III is a housekeeping matter. The current law regarding post-master's supervision reads "has had 2 years **or** 3000 hours of paid, post master's, supervised clinical experience. The majority of states that license independent clinical social workers require 2 years **and** 3000 hours, not **or**. The Board would like the technical correction made.

RSA 330-A:19 addresses changes to the licensure of clinical mental health counselors. Most of the changes in this section clean up the language of the law. The current law refers to programs meeting the guidelines of the National Academy of Certified Clinical Mental Health Counselors. That program no longer exists. The proposed change refers to programs accredited by the Council for Accreditation of Counseling and Related Education Programs, known as CACREP or the Association of Secondary Schools or Colleges. This is an accrediting body for counselor education programs. The Board wanted the educational requirements to be aligned with accredited standards as it does with the other professions licensed by the Board. The supervision requirement of 2 years of paid, post-masters experience including completion of a minimum of 3,000 hours of paid, post-masters, supervised experience does not change. It merely uses similar language to that required of social workers.

RSA 330-A:31 addresses reinstatement of an expired license and inactive status for a current license. The current law does not address these two statuses. The current law states that a license shall become invalid on the expiration date unless renewed. In other words, if a licensee forgets to renew their license by the expiration date it is no longer valid and they must reapply. The proposed law change would allow for reinstatement within six months of the license expiring by paying a fee and showing continuing education credits. This is less cumbersome, less expensive and more expedient than having to reapply for licensure. The same reasoning applies to the inactive status. Many applicants would like to put their license on inactive for various reasons: working in another state, staying at home to care for children, long term illness or working in a field that does not require a license. Board rules currently allow licenses to be on inactive status and we have about 189 inactive licenses, however, it is not clear that this is allowed by law.

AMENDMENTS

RSA 330-A:4 Establishes a professional conduct investigator committee.

RSA 330-A:28 addresses investigations and complaints. Currently, section II of RSA 330-A:28 allows the Board to employ or retain hearing officers, legal counsel, medical advisors, mental health advisors or investigators to assist with the investigation. The board currently operates, with volunteer investigators who report to the Board

investigator. The Board would like to establish a formal committee to assist the Board investigator with complaints. This would allow all of the volunteer investigators to meet with the Board investigator and discuss the various complaints. This committee would be similar to the medical review sub-committee of the Board of Medicine.

RSA 330-A:7 – Changes would allow the Board to compensate members of the proposed professional conduct investigator committee.

RSA 330-A:9 – expands on the current law which allows for a former board member or former advisory committee member to be appointed by the board for the purposes of obtaining a minimum quorum.

Thank you for your time and I would be happy to answer any questions you may have for me or Peggy Lynch, our Board administrator.

Speakers

Voting Sheets

Senate Health and Human Services Committee

EXECUTIVE SESSION

Bill # SB 463-FN

Hearing date: 2-2-10

Executive session date: 2-2-10

Motion of: OTP

VOTE: 4-0

<u>Made by</u>	Sgambati <input type="checkbox"/>	<u>Seconded</u>	Sgambati <input type="checkbox"/>	<u>Reported</u>	Sgambati <input type="checkbox"/>
<u>Senator:</u>	Gilmour <input type="checkbox"/>	<u>by Senator:</u>	Gilmour <input type="checkbox"/>	<u>by Senator:</u>	Gilmour <input type="checkbox"/>
	Kelly <input checked="" type="checkbox"/>		Kelly <input type="checkbox"/>		Kelly <input type="checkbox"/>
	Gallus <input type="checkbox"/>		Gallus <input checked="" type="checkbox"/>		Gallus <input type="checkbox"/>
	Downing <input type="checkbox"/>		Downing <input type="checkbox"/>		Downing <input type="checkbox"/>

Motion of: OTP/A

VOTE: 4-0

<u>Made by</u>	Sgambati <input type="checkbox"/>	<u>Seconded</u>	Sgambati <input type="checkbox"/>	<u>Reported</u>	Sgambati <input checked="" type="checkbox"/>
<u>Senator:</u>	Gilmour <input checked="" type="checkbox"/>	<u>by Senator:</u>	Gilmour <input type="checkbox"/>	<u>by Senator:</u>	Gilmour <input type="checkbox"/>
	Kelly <input type="checkbox"/>		Kelly <input checked="" type="checkbox"/>		Kelly <input type="checkbox"/>
	Gallus <input type="checkbox"/>		Gallus <input type="checkbox"/>		Gallus <input type="checkbox"/>
	Downing <input type="checkbox"/>		Downing <input type="checkbox"/>		Downing <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Sgambati, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Gilmour, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Kelly	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Gallus	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Downing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

*Amendments: # 0459(S)

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: February 2, 2010

THE COMMITTEE ON Health and Human Services

to which was referred Senate Bill 463-FN

AN ACT relative to regulation of mental health practitioners by
the board of mental health practice.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 0459s

Senator Kathleen G. Sgambati
For the Committee

Deb Chroniak 271-3096

New Hampshire General Court - Bill Status System

Docket of SB463

Docket Abbreviations

Bill Title: relative to regulation of mental health practitioners by the board of mental health practice.**Official Docket of SB463:**

Date	Body	Description
01/13/2010	S	Introduced and Referred to Health and Human Services; SJ 2 , Pg.30
01/26/2010	S	Hearing: February 2, 2010, Room 103, State House, 8:55 a.m.; SC5
02/03/2010	S	Committee Report: Ought to Pass with Amendment 0459s, 2/10/10; SC6 , Pg.6
02/10/2010	S	Committee Amendment 0459s, AA, VV; SJ 6 , Pg.74
02/10/2010	S	Ought to Pass with Amendment 0459s, MA, VV; OT3rdg; SJ 6 , Pg.75
02/10/2010	S	Passed by Third Reading Resolution; SJ 6 , Pg.78
02/17/2010	S	Sen. Sgambati Moved Reconsideration on 3rdg and Final Passage, MA, VV; SJ 7 , Pg.81
02/17/2010	S	Sen. Sgambati Moved Reconsideration on Ought to Pass with Amendment, MA, VV; SJ 7 , Pg.81
02/17/2010	S	Sen. Sgambati Floor Amendment 0617s, AA, VV; SJ 7 , Pg.81
02/17/2010	S	Ought to Pass with Amendment 0459s, 0617s, MA, VV; OT3rdg; SJ 7 , Pg.81
02/17/2010	S	Passed by Third Reading Resolution; SJ 7 , Pg.90
02/17/2010	H	Introduced and Referred to Executive Departments and Administration; HJ 18 , PG.1018
03/10/2010	H	Public Hearing: 3/17/2010 10:00 AM LOB 306
03/17/2010	H	Subcommittee Work Session: 3/30/2010 10:00 AM LOB 306
03/30/2010	H	Subcommittee Work Session: 4/1/2010 9:15 AM LOB 306
04/01/2010	H	Subcommittee Work Session: 4/6/2010 10:15 AM LOB 306
04/01/2010	H	Executive Session: 4/6/2010 10:30 AM LOB 306
04/06/2010	H	==CANCELLED== Subcommittee Work Session: 4/14/2010 1:30 PM LOB 306
04/08/2010	H	Committee Report: Ought to Pass with Amendment #1221h for April 14 (Vote 18-0; CC); HC 29 , PG.1456
04/08/2010	H	Proposed Committee Amendment #1221h; HC 29 , PG.1473-1474
04/14/2010	H	Amendment #1221h Adopted, VV; HJ 32 , PG.1578-1580
04/14/2010	H	Ought to Pass with Amendment #1221h: MA VV; HJ 32 , PG.1578-1580
05/19/2010	S	Sen. Sgambati Concurs with House Amendment 1221h, MA, VV; SJ 20 , Pg.643
05/19/2010	H	Enrolled Bill Amendment #2223 Adopted; HJ 46 , PG.2248
06/02/2010	S	Enrolled Bill Amendment #2223 Adopted; SJ 21 , Pg.752
06/02/2010	S	Enrolled; SJ 21 , Pg.776
06/02/2010	H	Enrolled
07/01/2010	S	Signed by the Governor on 07/01/2010; Effective 07/01/2010; Chapter 0244

NH House

NH Senate

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New Hampshire General Court Information Systems
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Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 463-FN ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 0317(S)

- AMENDMENT # 0459(S)

_____ - AMENDMENT # _____

_____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED

AS AMENDED BY THE HOUSE

FINAL VERSION

AS AMENDED BY THE SENATE

_____ PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

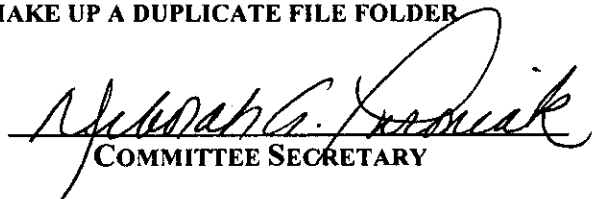
EXECUTIVE SESSION REPORT

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

FN AMENDED 4/15/10

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK 3-17-10


COMMITTEE SECRETARY