

Sen. Bradley, Dist 3  
Sen. Whitley, Dist 15  
Sen. Gray, Dist 6  
Sen. Sherman, Dist 24  
Sen. Avard, Dist 12  
April 29, 2021  
2021-1242s  
04/10

Amendment to HB 187

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the emergency powers of the commissioner of health and human services,  
4 relative to membership of the oversight committee on health and human services,  
5 and establishing a license and requirements for licensed social workers.  
6

7 Amend the bill by replacing all after section 3 with the following:

8

9 4 Mental Health Practice; Fees. Amend RSA 330-A:12, I to read as follows:

10 I. The board shall establish fees pursuant to RSA 541-A for supervisory agreements;  
11 applications for licensed pastoral psychotherapist, independent clinical social worker, school social  
12 worker, *licensed social worker*, *licensed social worker associate*, clinical mental health  
13 counselor, and marriage and family therapist *and conditional licenses*; renewal of license;  
14 renewal of dual license; reinstatement of license; inactive license status; reactivation of an inactive  
15 license; examination of applicants; transcribing and transferring records; and other services,  
16 including investigations and hearings conducted under this chapter.

17 5 New Sections; Mental Health Practice; Licensed Social Worker. Amend RSA 330-A by  
18 inserting after section 18-a the following new sections:

19 330-A:18-b Licensed Social Workers: Initial License.

20 I. An applicant for an initial license as a licensed social worker shall comply with the  
21 following requirements:

22 (a) Graduate with a bachelor's degree in social work from a college or university  
23 approved by the Council on Social Work Education.

24 (b) Complete 300 hours of social work or mental health education within the degree-  
25 granting program or separately.

26 (c) Complete 4,000 hours of supervised work experience.

27 (d) Complete 300 hours of supervised practical training within the degree-granting  
28 program, as part of the supervised work experience or separately.

29 (e) Pass a national proctored examination approved by the board.

30 (f) Meet other criteria as established by the board.

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1           II. The scope of practice of a licensed social worker shall be the screening, assessment,  
2 treatment planning, and treatment of mental health conditions as defined in this section as follows:

3           (a) The performance of clinical evaluation including the screening and assessment of  
4 mental health disorders, the assessment and identification of symptoms of co-occurring mental  
5 health disorders and differential diagnosis indicators, and the development of preliminary mental  
6 health disorder diagnoses for further assessment and confirmation by an appropriate professional.  
7 This includes severity assessment and assessment of dangerousness to self or others.

8           (b) The performance of treatment planning and case management referrals including co-  
9 occurring substance use disorders and medical conditions, case management and service  
10 coordination including implementation of treatment plans, consultation, coordination of care with  
11 mental health, substance use treatment and other community providers, ongoing assessment of  
12 progress and needs, and client advocacy, education, and documentation.

13           (c) The performance of counseling, including:

14                   (1) Individual, group, family, and significant other counseling; and

15                   (2) Crisis prevention and intervention to include enlisting the support of trained  
16 personnel to manage risk of harm to self or others.

17           (d) Adherence to professional and ethical responsibilities as determined by the board.

18           III. During the first 2 years of licensure, a licensed social worker may engage in practice  
19 only under clinical supervision of a licensed clinical social worker, a licensed mental health  
20 counselor, a master licensed drug and

21 alcohol counselor, a psychiatric APRN, or a licensed mental health provider approved by the board.

22           330-A:18-c Licensed Social Work Associate: Initial License.

23           I. An applicant for an initial license as a licensed social work associate shall comply with the  
24 following requirements:

25           (a)(1) Graduate with a bachelor's degree in clinical mental health, social work,  
26 psychology, behavioral health counseling, human services discipline, or equivalent program from an  
27 accredited college or university.

28                   (2) Complete 300 hours of social work or mental health education within the degree-  
29 granting program or separately.

30                   (3) Complete 4,000 hours of supervised work experience.

31                   (4) Complete 300 hours of supervised practical training within the degree-granting  
32 program, as part of the supervised work experience or separately.

33                   (5) Pass a national proctored examination approved by the board.

34                   (6) Meet other criteria as established by the board; or

35           (b)(1) Graduate with an associate's degree in clinical mental health, social work,  
36 psychology, behavioral health counseling, human services discipline, or equivalent program.

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1                   (2) Complete 300 hours of social work or mental health education within the degree-  
2 granting program or separately.

3                   (3) Complete 6,000 hours of supervised work experience.

4                   (4) Complete 300 hours of supervised practical training within the degree-granting  
5 program, as part of the supervised work experience or separately.

6                   (5) Pass a national proctored examination approved by the board.

7                   (6) Meet other criteria as established by the board.

8                   II. The scope of practice of a licensed social work associate shall be the screening,  
9 assessment, treatment planning, and treatment of mental health conditions under clinical  
10 supervision as defined in this section as follows:

11                   (a) The performance of clinical evaluation including the screening and assessment of  
12 mental health disorders, the assessment and identification of symptoms of co-occurring mental  
13 health disorders and differential diagnosis indicators, and the development of preliminary mental  
14 health disorder diagnoses for further assessment and confirmation by an appropriate professional.  
15 This includes severity assessment and assessment of dangerousness to self or others.

16                   (b) The performance of treatment planning and case management referrals including co-  
17 occurring substance use disorders and medical conditions, case management and service  
18 coordination including implementation of treatment plans, consultation, coordination of care with  
19 mental health, substance use treatment and other community providers, ongoing assessment of  
20 progress and needs, and client advocacy, education, and documentation.

21                   (c) The performance of counseling, including:

22                         (1) Individual, group, family, and significant other counseling; and

23                         (2) Crisis prevention and intervention to include enlisting the support of trained  
24 personnel to manage risk of harm to self or others.

25                   (d) Adherence to professional and ethical responsibilities as determined by the board.

26                   III. A licensed social work associate may engage in practice only under clinical supervision  
27 of a licensed clinical social worker, a licensed mental health counselor, a master licensed drug and  
28 alcohol counselor, a psychiatric APRN, or a licensed mental health provider approved by the board.

29                   330-A:18-d Social Work; Conditional License.

30                   I. Applicants for licensure under this section may apply to the board for conditional  
31 licensure. To receive a conditional license, applicants shall comply with the following requirements:

32                   (a) Clinical Social Worker:

33                         (1) Hold a master's or doctoral degree in social work or social welfare from a CSWE  
34 approved program.

35                         (2) Obtain a board approved supervisory agreement, with documented intent to  
36 pursue licensure as a clinical social worker under this chapter.

37                         (3) Meet other criteria as reasonably established by the board.

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1 (b) Licensed Social Worker:

2 (1) Hold a bachelor's degree in social work or social welfare from a CSWE approved  
3 program.

4 (2) Obtain a board approved supervisory agreement, with documented intent to  
5 pursue licensure as a licensed social worker under this chapter.

6 (3) Meet other criteria as reasonably established by the board.

7 (c) Licensed Social Work Associate:

8 (1) Hold an associate's or bachelor's degree in clinical mental health, social work,  
9 psychology, behavioral health counseling, human services discipline, or equivalent program from an  
10 accredited college or university.

11 (2) Complete 300 hours of social work or mental health education within the degree-  
12 granting program or separately.

13 (3) Complete 300 hours of supervised practical training within the degree-granting  
14 program, as part of the supervised work experience or separately.

15 (4) Obtain a board approved supervisory agreement, with documented intent to  
16 pursue licensure as a licensed social work associate under this chapter.

17 (5) Meet other criteria as reasonably established by the board.

18 II. Conditional licenses issued under this section shall be valid for a period of 2 years from  
19 the date of issuance. Applicants in good standing with the board may apply for a one-time renewal of  
20 a conditional license.

21 6 Mental Health Practice; Unlawful Practice. Amend RSA 330-A:23, I-II to read as follows:

22 I. Except as provided in RSA 330-A:34, it shall be unlawful for any person to be engaged in  
23 mental health practice unless that person is licensed by the board, working as a candidate under the  
24 direct supervision of a person licensed by the board, **conditionally licensed by the board**, or  
25 engaged in the practice of other mental health services as an alternative provider as defined in RSA  
26 330-A:2, I. The license or the registration of such person shall be current and valid. It shall be  
27 unlawful for any person to practice as or to refer to oneself as a pastoral psychotherapist, a clinical  
28 social worker, **a licensed social worker, a licensed social work associate**, a clinical mental  
29 health counselor, or a marriage and family therapist, or use the word "psychotherapist," or any  
30 variation thereof, in such person's title unless that person is licensed **or conditionally licensed** by  
31 the board or working as a candidate under the direct supervision of a person licensed by the board.  
32 Psychiatrists licensed under RSA 329 and psychiatric nurse practitioners licensed under RSA 326-  
33 B:18 may refer to themselves as psychotherapists.

34 II. Except as otherwise provided in this chapter, any person who violates paragraph I or  
35 paragraph III of this section or who violates any of the other provisions of this chapter relating to  
36 pastoral psychotherapy, clinical social work, **licensed social work**, clinical mental health  
37 counseling, or marriage and family therapy, or, having had his or her license suspended or revoked,

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1 shall continue to represent himself or herself as a licensed pastoral psychotherapist, clinical social  
2 worker, *licensed social work, licensed social work associate*, clinical mental health counselor,  
3 or marriage and family therapist, or as a psychotherapist, shall be guilty of a class A misdemeanor if  
4 a natural person, and a felony if any other person, and each violation shall be deemed a separate  
5 offense.

6 7 Managed Care Law; Definitions. Amend RSA 420-J:3, XVII to read as follows:

7 XVII. "Facility" means an institution providing health care services or a health care setting,  
8 including but not limited to hospitals and other licensed inpatient centers, ambulatory surgical or  
9 treatment centers, skilled nursing centers, residential treatment centers, *community mental*  
10 *health programs as defined under RSA 135-C:7, community substance use disorder*  
11 *treatment programs as defined under RSA 172:2-c, community health centers*, diagnostic,  
12 laboratory and imaging centers, and rehabilitation and other therapeutic health settings.

13 8 New Section; Managed Care Law; Credentialing Verification Procedures. Amend RSA 420-J  
14 by inserting after section 4 the following new section:

15 420-J:4-a Facility Credentialing.

16 I. Health carriers shall, whenever possible, credential qualified entities as facilities when  
17 paneling and enrolling participating providers.

18 II. Nothing in this section shall be construed to require a health carrier to select or enroll a  
19 specific facility as a participating provider.

20 9 Effective Date.

21 I. Sections 4-6 of this act shall take effect 60 days after its passage.

22 II. The remainder of this act shall take effect upon its passage.

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AMENDED ANALYSIS

This bill:

I. Makes various changes to the powers of the commissioner of the department of health and human services during a public health emergency.

II. Authorizes the joint legislative oversight committee on health and human services to review, and rescind by a 2/3 vote, emergency orders issued by the commissioner.

III. Gives a person subject to a treatment order for a communicable disease a right to a hearing on the order.

IV. Amends the membership and duties of the ethics oversight advisory committee.

V. Amends the house membership on the health and human services oversight committee.

VI. Establishes a license and requirements for licensed social workers.

UNAPPROVED