

1 HB216
2 216095-4
3 By Representative Jackson
4 RFD: Boards, Agencies and Commissions
5 First Read: 02-FEB-22

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2 ENROLLED, An Act,

3 Relating to the Alabama Board of Examiners in
4 Marriage and Family Therapy; to amend Sections 34-17A-3,
5 34-17A-5, 34-17A-10, and 34-17A-14, Code of Alabama 1975; to
6 authorize the board to establish marriage and family
7 associates and marriage and family interns as training
8 designations, as well as related supervisory designations for
9 oversight; and to apply certain duties, liabilities, and
10 exemptions to associates and interns, consistent with marriage
11 and family therapists.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 34-17A-3, 34-17A-5, 34-17A-10,
14 and 34-17A-14, Code of Alabama 1975, are amended to read as
15 follows:

16 "§34-17A-3.

17 "As used in this chapter, the following ~~words~~ terms
18 shall have the following meanings, respectively, unless the
19 context clearly indicates otherwise:

20 "(1) ADVERTISE. The issuing or causing to be
21 distributed any card, sign, or device to any person; or the
22 causing, permitting, or allowing any sign or marking on or in
23 any building, radio or television, transmission or broadcast,
24 or advertising by any media or other means designed to secure
25 public attention.

1 "(2) BOARD. The Alabama Board of Examiners in
2 Marriage and Family Therapy.

3 "(3) MARRIAGE AND FAMILY THERAPIST. A person to whom
4 a valid, current license has been issued pursuant to this
5 chapter.

6 "(4) MARRIAGE AND FAMILY THERAPY ASSOCIATE. An
7 individual who has graduated from a program that meets the
8 board course requirements, has completed the required
9 internship, and is continuing training in marriage and family
10 therapy under a board approved supervisory arrangement to
11 complete a minimum two-year postgraduate supervision
12 requirement prior to applying for his or her marriage and
13 family therapist license.

14 "(5) MARRIAGE AND FAMILY THERAPY INTERN. An
15 individual who is training for designation as a marriage and
16 family therapy associate in accordance with board requirements
17 and under a board approved supervisory arrangement.

18 "~~(4)~~ (6) PERSON. Any individual, firm, corporation,
19 partnership, organization, political body, or other entity.

20 "(7) PERSON IN TRAINING. A person who is preparing
21 for the practice of marriage and family therapy under
22 qualified supervision in a training institution or facility.

23 "~~(5)~~ (8) PRACTICE OF MARRIAGE AND FAMILY THERAPY.
24 The process of providing professional marriage and family
25 therapy to individuals, couples, and families, either alone or

1 in a group. The practice of marriage and family therapy
2 utilizes established principles that recognize the
3 interrelated nature of the individual problems and
4 dysfunctions in family members in order to diagnose, assess,
5 and treat mental and emotional disorders within a marriage and
6 family therapy treatment context. Marriage and family therapy
7 includes, without being limited to, individual, group, couple,
8 sexual, family, and divorce therapy and psychotherapy, whether
9 the services are offered directly to the general public or
10 through organizations, either public or private, for a fee or
11 other compensation. Marriage and family therapy is a
12 specialized mode of treatment for the purpose of resolving
13 mental and emotional disorders and modifying intrapersonal and
14 interpersonal dysfunctions. The terms "diagnose," "assess,"
15 and "treat," as used in this subdivision, when considered in
16 isolation or in conjunction with the rules of the board, shall
17 not be construed to permit the performance of any act which
18 marriage and family therapists are not educated and trained to
19 perform, including, but not limited to, administering and
20 interpreting psychological tests, intellectual,
21 neuropsychological, personality, and projective instruments,
22 admitting persons to hospitals for treatment for the foregoing
23 conditions, treating persons in hospitals without medical
24 supervision, prescribing medicinal drugs, authorizing clinical
25 laboratory procedures or radiological procedures, or use of

1 electroconvulsive therapy. In addition, this definition shall
2 not be construed to permit any person licensed pursuant to
3 this chapter to describe or label any test, report, or
4 procedure as "psychological," or as a "psychological
5 evaluation." A licensed marriage and family therapist may
6 diagnose and develop treatment plans, but shall not attempt to
7 diagnose, treat, or advise a client with reference to problems
8 or complaints falling outside the boundaries of marriage and
9 family therapy services. Nothing in this chapter shall be
10 construed to authorize persons licensed under this chapter to
11 practice medicine.

12 ~~"(6)~~ (9) QUALIFIED SUPERVISION. The supervision of
13 clinical services in accordance with standards established by
14 the board. The supervisor shall be recognized by the board as
15 an approved supervisor or other designation indicating an
16 approved supervisory position.

17 ~~"(7)~~ (10) RECOGNIZED EDUCATIONAL INSTITUTION. Any
18 educational institution which grants a bachelor's, master's,
19 or doctoral degree and which is recognized by the board and by
20 a regional educational accrediting body or a postgraduate
21 training institute accredited by the Commission on
22 Accreditation for Marriage and Family Therapy Education.

23 ~~"(8)~~ (11) USE A TITLE OR DESCRIPTION. To hold
24 oneself out to the public as having a particular status by
25 means of stating on signs, mailboxes, address plates,

1 stationery announcements, calling cards, or other instruments
2 of professional identification.

3 "§34-17A-5.

4 "(a) The following persons shall be exempt from this
5 chapter:

6 "(1) A person practicing marriage and family therapy
7 as part of his or her duties as an employee of a recognized
8 educational institution; a federal, state, county, or
9 municipal governmental institution or agency; a public
10 corporation authorized by Section 22-51-2, which is certified
11 by the Alabama Department of Mental Health pursuant to a
12 contract with the State of Alabama; or an organization that is
13 nonprofit while performing those duties for which the employee
14 was employed by the institution, agency, facility, or
15 organization.

16 ~~"(2) A person who is a marriage and family therapy
17 intern or person preparing for the practice of marriage and
18 family therapy under qualified supervision in a training
19 institution or facility or supervisory arrangement recognized
20 and approved by the board, provided, that he or she is
21 designated by title as a "marriage and family therapy intern,"
22 "marriage therapy intern," "family therapy intern," or another
23 title clearly indicating a training status. A person who is
24 completing his or her two year postgraduate supervision shall~~

1 ~~be designated as an associate before applying for his or her~~
2 ~~license as a marriage and family therapist in training.~~

3 "(3) A psychologist, properly licensed by the State
4 of Alabama, who is practicing within the scope of his or her
5 expertise.

6 "(4) A professional counselor, properly licensed by
7 the State of Alabama, who is practicing within the scope of
8 his or her expertise.

9 "(5) A licensed certified social worker, properly
10 licensed by the State of Alabama, who is practicing within the
11 scope of his or her expertise.

12 "(6) A minister of religion or a nurse when
13 practicing within the scope of his or her expertise.

14 "(b) Nothing in this chapter shall be construed to
15 prevent qualified members of other licensed professional
16 groups, including, social workers, attorneys, psychiatric
17 nurses, psychologists, physicians, or professional counselors,
18 or members of the clergy, from providing or advertising that
19 they provide marriage and family therapy or counseling
20 consistent with the accepted standards of their respective
21 professions.

22 "(c) Nothing in this chapter shall be construed to
23 permit marriage and family therapists licensed pursuant to
24 this chapter to administer, dispense, or prescribe drugs, or

1 in any manner engage in the practice of medicine as defined by
2 the laws of this state.

3 "§34-17A-10.

4 "The following education and experience requirements
5 apply to all applicants for licensure who submit a completed
6 application:

7 "(1) Educational requirements: A master's degree or
8 a doctoral degree in marriage and family therapy from a
9 recognized educational institution, or a graduate degree in an
10 allied field from a recognized educational institution and
11 graduate level course work in marriage and family therapy.

12 "(2) Experience requirements: Successful completion
13 of two calendar years of work experience ~~in marriage and~~
14 ~~family therapy under qualified supervision, as determined by~~
15 ~~the board~~ as a marriage and family therapy associate,
16 following receipt of a qualifying degree.

17 "§34-17A-14.

18 "(a) The board may deny, revoke, or suspend a
19 license or designation granted pursuant to this chapter or
20 otherwise discipline a licensee on any of the following
21 grounds:

22 "(1) Conviction of a crime which the board
23 determines to be of a nature as to render the person convicted
24 unfit to practice marriage and family therapy. The board shall
25 compile, maintain, and publish a list of the crimes.

1 "(2) Violation of ethical standards of a nature as
2 to render the person found by the board to be unfit to
3 practice marriage and family therapy. The board shall publish
4 and maintain the ethical standards.

5 "(3) Fraud or misrepresentation in obtaining a
6 license.

7 "(4) Other just and sufficient cause which renders a
8 person unfit to practice marriage and family therapy as
9 ~~promulgated~~ adopted by the rules of the board.

10 "(b) Upon finding that a person governed by this
11 chapter has practiced marriage and family therapy, advertised
12 that he or she performs marriage and family therapy or such
13 counseling services, or utilized a title or description
14 denoting that he or she is a marriage and family therapist,
15 without having first obtained a license, the board may do any
16 of the following:

17 "(1) Impose an administrative fine of not more than
18 one thousand dollars (\$1,000).

19 "(2) Issue a cease and desist order.

20 "(3) Petition the circuit court of the county where
21 the act occurred to enforce the cease and desist order and
22 collect the assessed fine.

23 "(c) No license or designation may be denied,
24 suspended, or revoked or an individual otherwise disciplined
25 for the reasons set forth in subsections (a) and (b) without

1 prior notice and opportunity for hearing, except that the
2 board may, without prior notice of hearing, suspend for up to
3 one year the license of any person convicted of a crime as set
4 forth in subdivision (1) of subsection (a). The burden of
5 proof shall be on the board in any proceeding to suspend or
6 revoke a license or designation. No license or designation may
7 be denied, suspended, or revoked or an individual otherwise
8 disciplined pursuant to this section except by vote of a
9 majority of the board membership.

10 "(d) Any person may file a complaint with the board
11 seeking denial, suspension, or revocation of a license or
12 designation issued or to be issued by the board or seeking to
13 otherwise discipline an individual for any violation of this
14 chapter or the rules ~~and regulations promulgated~~ adopted by
15 the board. Complaints shall be in a form prescribed by the
16 board. If the board determines that a complaint alleges facts
17 which, if true, would require disciplinary action or denial,
18 revocation, or suspension of a license or designation, ~~it~~ the
19 board shall promptly institute a hearing. Whenever the board
20 is of the opinion that a complaint does not state facts which
21 warrant a hearing, the complaint may be dismissed. The board
22 may institute a hearing for disciplinary action or for denial,
23 suspension, or revocation of a license or designation on its
24 own motion.

1 "(e) Any person may be permitted to intervene and
2 participate in board hearings on disciplinary action or
3 denial, suspension, or revocation of licenses or designations
4 upon a showing of an interest in the proceedings.

5 "(f) Any person whose license has been suspended or
6 revoked may apply to the board for vacation of the suspension
7 or reinstatement of the license or designation.

8 "(g) In addition to any other disciplinary action,
9 the board may levy and collect administrative fines for
10 violations of this chapter or the rules and regulations of the
11 board in an amount not to exceed one thousand dollars (\$1,000)
12 for each violation."

13 Section 2. This act shall become effective
14 immediately following its passage and approval by the
15 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 01-MAR-22.

Jeff Woodard
Clerk

Senate 17-MAR-22 Passed
