

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

SYNOPSIS: Under existing law there is no authority for the Alabama Board of Examiners in Marriage and Family Therapy to establish a training designation of marriage and family therapy associate or marriage and family therapy intern.

This bill would authorize the board to establish a designation for marriage and family therapy associate and marriage and family therapy intern, as well as designations for supervisory roles necessary for training and oversight.

This bill would also establish applicability of certain existing duties, liabilities, and exemptions applicable to persons in training to become licensed marriage and family therapists.

A BILL  
TO BE ENTITLED  
AN ACT

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

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

14 "§34-17A-3.

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

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

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

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

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

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

16           "~~(4)~~ (6) PERSON. Any individual, firm, corporation,  
17 partnership, organization, political body, or other entity.

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

21           "~~(5)~~ (8) PRACTICE OF MARRIAGE AND FAMILY THERAPY.  
22 The process of providing professional marriage and family  
23 therapy to individuals, couples, and families, either alone or  
24 in a group. The practice of marriage and family therapy  
25 utilizes established principles that recognize the  
26 interrelated nature of the individual problems and  
27 dysfunctions in family members in order to diagnose, assess,

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

1 diagnose, treat, or advise a client with reference to problems  
2 or complaints falling outside the boundaries of marriage and  
3 family therapy services. Nothing in this chapter shall be  
4 construed to authorize persons licensed under this chapter to  
5 practice medicine.

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

11 ~~"(7)~~ (10) RECOGNIZED EDUCATIONAL INSTITUTION. Any  
12 educational institution which grants a bachelor's, master's,  
13 or doctoral degree and which is recognized by the board and by  
14 a regional educational accrediting body or a postgraduate  
15 training institute accredited by the Commission on  
16 Accreditation for Marriage and Family Therapy Education.

17 ~~"(8)~~ (11) USE A TITLE OR DESCRIPTION. To hold  
18 oneself out to the public as having a particular status by  
19 means of stating on signs, mailboxes, address plates,  
20 stationery announcements, calling cards, or other instruments  
21 of professional identification.

22 "§34-17A-5.

23 "(a) The following persons shall be exempt from this  
24 chapter:

25 "(1) A person practicing marriage and family therapy  
26 as part of his or her duties as an employee of a recognized  
27 educational institution; a federal, state, county, or

1 municipal governmental institution or agency; a public  
2 corporation authorized by Section 22-51-2, which is certified  
3 by the Alabama Department of Mental Health pursuant to a  
4 contract with the State of Alabama; or an organization that is  
5 nonprofit while performing those duties for which the employee  
6 was employed by the institution, agency, facility, or  
7 organization.

8 ~~"(2) A person who is a marriage and family therapy~~  
9 ~~intern or person preparing for the practice of marriage and~~  
10 ~~family therapy under qualified supervision in a training~~  
11 ~~institution or facility or supervisory arrangement recognized~~  
12 ~~and approved by the board, provided, that he or she is~~  
13 ~~designated by title as a "marriage and family therapy intern,"~~  
14 ~~"marriage therapy intern," "family therapy intern," or another~~  
15 ~~title clearly indicating a training status. A person who is~~  
16 ~~completing his or her two year postgraduate supervision shall~~  
17 ~~be designated as an associate before applying for his or her~~  
18 ~~license as a marriage and family therapist in training.~~

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

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

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

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

3           "(b) Nothing in this chapter shall be construed to  
4 prevent qualified members of other licensed professional  
5 groups, including, social workers, attorneys, psychiatric  
6 nurses, psychologists, physicians, or professional counselors,  
7 or members of the clergy, from providing or advertising that  
8 they provide marriage and family therapy or counseling  
9 consistent with the accepted standards of their respective  
10 professions.

11           "(c) Nothing in this chapter shall be construed to  
12 permit marriage and family therapists licensed pursuant to  
13 this chapter to administer, dispense, or prescribe drugs, or  
14 in any manner engage in the practice of medicine as defined by  
15 the laws of this state.

16           "§34-17A-10.

17           "The following education and experience requirements  
18 apply to all applicants for licensure who submit a completed  
19 application:

20           "(1) Educational requirements: A master's degree or  
21 a doctoral degree in marriage and family therapy from a  
22 recognized educational institution, or a graduate degree in an  
23 allied field from a recognized educational institution and  
24 graduate level course work in marriage and family therapy.

25           "(2) Experience requirements: Successful completion  
26 of two calendar years of work experience ~~in marriage and~~  
27 ~~family therapy under qualified supervision, as determined by~~

1 ~~the board~~ as a marriage and family therapy associate,  
2 following receipt of a qualifying degree.

3 "§34-17A-14.

4 "(a) The board may deny, revoke, or suspend a  
5 license or designation granted pursuant to this chapter or  
6 otherwise discipline a licensee on any of the following  
7 grounds:

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

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

16 "(3) Fraud or misrepresentation in obtaining a  
17 license.

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

21 "(b) Upon finding that a person governed by this  
22 chapter has practiced marriage and family therapy, advertised  
23 that he or she performs marriage and family therapy or such  
24 counseling services, or utilized a title or description  
25 denoting that he or she is a marriage and family therapist,  
26 without having first obtained a license, the board may do any  
27 of the following:

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

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

4           "(3) Petition the circuit court of the county where  
5 the act occurred to enforce the cease and desist order and  
6 collect the assessed fine.

7           "(c) No license or designation may be denied,  
8 suspended, or revoked or an individual otherwise disciplined  
9 for the reasons set forth in subsections (a) and (b) without  
10 prior notice and opportunity for hearing, except that the  
11 board may, without prior notice of hearing, suspend for up to  
12 one year the license of any person convicted of a crime as set  
13 forth in subdivision (1) of subsection (a). The burden of  
14 proof shall be on the board in any proceeding to suspend or  
15 revoke a license or designation. No license or designation may  
16 be denied, suspended, or revoked or an individual otherwise  
17 disciplined pursuant to this section except by vote of a  
18 majority of the board membership.

19           "(d) Any person may file a complaint with the board  
20 seeking denial, suspension, or revocation of a license or  
21 designation issued or to be issued by the board or seeking to  
22 otherwise discipline an individual for any violation of this  
23 chapter or the rules ~~and regulations promulgated~~ adopted by  
24 the board. Complaints shall be in a form prescribed by the  
25 board. If the board determines that a complaint alleges facts  
26 which, if true, would require disciplinary action or denial,  
27 revocation, or suspension of a license or designation, ~~it~~ the

1     board shall promptly institute a hearing. Whenever the board  
2     is of the opinion that a complaint does not state facts which  
3     warrant a hearing, the complaint may be dismissed. The board  
4     may institute a hearing for disciplinary action or for denial,  
5     suspension, or revocation of a license or designation on its  
6     own motion.

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

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

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

19            Section 2. This act shall become effective  
20    immediately following its passage and approval by the  
21    Governor, or its otherwise becoming law.