

Amendment to HB 143

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

2
3 AN ACT relative to an electronic prescription drug program and establishing licensure and
4 requirements for licensed social workers, licensed social work associates, and social
5 work conditional licenses.
6

7 Amend the bill by replacing all after section 5 with the following:

8
9 6 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 work 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 7 New Sections; Mental Health Practice; Licensed Social Worker; Licensed Social Work
18 Associate; Conditional Licenses. Amend RSA 330-A by inserting after section 18-a the following new
19 sections:

20 330-A:18-b Licensed Social Workers: Initial License.

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

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

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

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

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

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

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

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

Amendment to HB 143
- Page 2 -

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

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

11 (c) The performance of counseling, including:

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

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

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

16 III. During the first 2 years of licensure, a licensed social worker may engage in practice
17 only under clinical supervision of a licensed clinical social worker, a licensed mental health
18 counselor, a master licensed drug and alcohol counselor, a psychiatric APRN, or a licensed mental
19 health provider approved by the board. The supervising clinician shall sign off on any clinical
20 diagnostic assessment and treatment plan established by a licensed social worker.

21 330-A:18-c Licensed Social Work Associate: Initial License.

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

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

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

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

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

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

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

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

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

Amendment to HB 143
- Page 3 -

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

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

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

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

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

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

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

(c) The performance of counseling, including:

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

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

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

III. A licensed social work associate may engage in practice only under clinical supervision of a licensed clinical social worker, a licensed mental health counselor, a master licensed drug and alcohol counselor, a psychiatric APRN, or a licensed mental health provider approved by the board. The supervising clinician shall sign off on any clinical diagnostic assessment and treatment plan established by a licensed social work associate.

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

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

(a) Clinical Social Worker:

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

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

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

Amendment to HB 143
- Page 4 -

(b) School Social Worker:

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

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

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

(c) Licensed Social Worker:

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

(2) Obtain a board approved supervisory agreement consistent with RSA 330-A:18-b, III, with documented intent to pursue licensure as a licensed social worker under this chapter.

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

(d) Licensed Social Work Associate:

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

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

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

(4) Obtain a board approved supervisory agreement consistent with RSA 330-A:18-c, III, with documented intent to pursue licensure as a licensed social work associate under this chapter.

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

(e) Clinical Mental Health Counselor:

(1) Hold a master's or doctoral degree in clinical mental health counseling from a CACREP accredited institution or its equivalent which has received regional accreditation from the Association of Secondary Schools and Colleges.

(2) Obtain a board approved supervisory agreement with documented intent to pursue licensure as a clinical mental health counselor under this chapter.

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

(f) Marriage and Family Therapist:

(1) Hold a master's or doctoral degree in family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education or has a master's degree or doctorate degree with a concentration in the field of marriage and family therapy from a regionally accredited institution or has a clinical membership in the American Association for Marriage and Family Therapy.

Amendment to HB 143
- Page 5 -

1 (2) Obtain a board approved supervisory agreement with documented intent to
2 pursue licensure as a marriage and family therapist under this chapter.

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

4 II. Conditional licenses issued under this section shall be valid for a period not to exceed 2
5 years from the date of issuance. Applicants in good standing with the board may apply for a one-
6 time renewal of a conditional license.

7 8 Mental Health Practice; Unlawful Practice. Amend RSA 330-A:23, I-II to read as follows:

8 I. Except as provided in RSA 330-A:34, it shall be unlawful for any person to be engaged in
9 mental health practice unless that person is licensed by the board, working as a candidate under the
10 direct supervision of a person licensed by the board, ***conditionally licensed by the board***, or
11 engaged in the practice of other mental health services as an alternative provider as defined in RSA
12 330-A:2, I. The license or the registration of such person shall be current and valid. It shall be
13 unlawful for any person to practice as or to refer to oneself as a pastoral psychotherapist, a clinical
14 social worker, ***a school social worker, a licensed social worker, a licensed social work***
15 ***associate***, a clinical mental health counselor, or a marriage and family therapist, or use the word
16 "psychotherapist," or any variation thereof, in such person's title unless that person is licensed by
17 the board or working as a candidate under the direct supervision of a person licensed ***or***
18 ***conditionally licensed*** by the board. Psychiatrists licensed under RSA 329 and psychiatric nurse
19 practitioners licensed under RSA 326-B:18 may refer to themselves as psychotherapists.

20 II. Except as otherwise provided in this chapter, any person who violates paragraph I or
21 paragraph III of this section or who violates any of the other provisions of this chapter relating to
22 pastoral psychotherapy, clinical social work, ***licensed social work***, clinical mental health
23 counseling, or marriage and family therapy, or, having had his or her license suspended or revoked,
24 shall continue to represent himself or herself as a licensed pastoral psychotherapist, clinical social
25 worker, ***school social worker, licensed social worker, licensed social work associate***, clinical
26 mental health counselor, or marriage and family therapist, or as a psychotherapist, shall be guilty of
27 a class A misdemeanor if a natural person, and a felony if any other person, and each violation shall
28 be deemed a separate offense.

29 9 New Section; Managed Care Law; Credentialing Verification Procedures. Amend RSA 420-J
30 by inserting after section 4 the following new section:

31 420-J:4-a Facility Credentialing.

32 I. Health carriers shall credential qualified entities administering community mental health
33 programs as defined under RSA 135-C:7, entities administering community substance use disorder
34 treatment programs as defined under RSA 172:2-c, and community health centers as facilities when
35 paneling and enrolling participating providers, consistent with health carriers' facility credentialing
36 standards and practices, unless the entity requests professional level credentialing. Health carriers
37 shall not be required to credential entities who do not meet the health carriers' facility credentialing

Amendment to HB 143

- Page 6 -

1 eligibility standards. If an entity disagrees with the outcome of a health carrier's application of its
2 facility credentialing standards and practices, the entity may request a formal hearing and review of
3 the carrier's decision by the NewHampshire insurance department pursuant to RSA 400-A:17 and/or
4 file a complaint with the New Hampshire insurance department's health care provider complaint
5 process.

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

8 10 Effective Date.

9 I. Sections 1-5 of this act shall take effect January 1, 2022.

10 II. Sections 6-8 of this act shall take effect 60 days after its passage.

11 III. The remainder of this act shall take effect 30 days after its passage.

Amendment to HB 143
- Page 7 -

2021-1589s

AMENDED ANALYSIS

This bill requires electronic prescribing for controlled drugs under certain circumstances. The bill also establishes under the board of mental health practice licenses and requirements for licensure and conditional licensure for licensed social workers and licensed social work associates.