

Legislative Alert

September 15, 2009

The Honorable Anne-Marie Irwin
Chair, Executive Departments and Administration
New Hampshire House of Representatives
Legislative Office Building
Room 306
Concord, NH 03301

Dear Madame Chair and Members of the Committee:

As elected representatives of the five guilds licensed under the New Hampshire Board of Mental Health Board Practice we are in strong opposition to HB410. Attached is a position paper outlining our concerns with HB410.

We respectfully urge committee members to deem HB410 Inexpedient to Legislate. We welcome the opportunity to answer any questions you may have about our position on this bill.

Respectfully submitted,

Shawn Hassell, LMFT, President, NH Division, Association for Marriage and Family Therapy

Barbara Dupont MA, LCMHC, President, NH Mental Health Counselor Association

Rev. Dr. Alta L. Chase, D. Min., President, NH Pastoral Counselors Association

William Gunn, Ph.D., President, NH Psychological Association

Mary Banach, MSW, President, NH Chapter, National Association of Social Workers

Position Relative to HB410

The following position reflects the collective sentiment of the five mental health professions licensed by the New Hampshire Board of Mental Health Practice. We are strongly opposed to HB 410 and believe it is against the best interest of our state's citizens.

The LADC board, a specialty board, was originally created to protect the public from the unregulated practice of substance abuse treatment by individuals ranging from the very well prepared to the minimally prepared. HB410 would usurp the work of the Board of Mental Health Practice, the Board of Medicine, and the Board of Nursing. These three boards all adhere to well established national standards in their regulation of the practice of both generalists and specialists. The Board of Mental Health Practice, the Board of Medicine, and the Board of Nursing have successfully protected the public by regulating the professional treatment of all mental health disorders, including substance abuse disorders, for decades.

Proponents of HB410 cite increased access as their major rationale for the creation of the Master Licensed Alcohol and Drug Counselors (MLADC). In reality this bill will decrease access to care for many of our citizens. Instead of increasing access for individuals with co-occurring disorders (e.g. substance abuse and another mental health disorder), it potentially decreases access by creating the erroneous impression that the only people qualified to treat these co-occurring disorders are the very small group of MLADCs. Nothing could be further from the truth. The three boards that regulate the professional treatment of mental health disorders license and regulate thousands of professionals who daily treat co-occurring disorders, frequently ones including substance abuse.

HB410 endangers the very process of professional regulation in New Hampshire. Proponents of HB410 report that many LADCs are "by necessity" treating co-occurring disorders now. The only individuals who are legally qualified to treat co-occurring mental health disorders are those who are licensed by one of the three boards regulating professional mental health treatment. Others who may be treating co-occurring disorders solely with a LADC are practicing in violation of the law. This bill could license those who have been violating state law. Further, this bill would require a regulatory board, the LADC Board, to regulate a practice with a scope far beyond its resources and create the appearance of regulation without true regulation. It would also undermine and unnecessarily duplicate the role of the three Boards, which have been mandated to fulfill this function.

We applaud the position taken by the LADC Board in opposition to HB410 (please see attached). It is clear by their statement that they recognize the unintended consequences of creating the MLADC designation. We are in agreement with their position to not support the creation of the MLADC or expand the LADCs scope of practice to include treatment of other mental health disorders.

**Summary and Comparison:
NH Licensing Requirements (Title XXX, Chapter 330) administered by NH
Board of Mental Health Practice and Proposed Licensing Requirements for
MLADACS**

*Prepared by Cynthia Moniz, Ph.D., MSW in conjunction with the Clinical Committee and
Social & Legislative Action Committee (SLAC), Stephen Gorin, Ph.D., MSW, Executive
Director, New Hampshire Chapter, National Association of Social Workers, August, 2009*

EDUCATION REQUIREMENTS

**Provider Groups Licensed by the NH Board of Mental Health Practice (HYPERLINK
"<http://www.nh.gov/mhpb/index.html>" <http://www.nh.gov/mhpb/index.html>)**

Psychologist	Ph.D. accredited by the APA American Psychological Association* HYPERLINK " http://www.apa.org/ed/accreditation/ " http://www.apa.org/ed/accreditation/
Pastoral Counselor	Baccalaureate degree from an accredited college, and a Master of Divinity degree, or an equivalent, from a school of theology accredited by the American Association of Theological Schools* HYPERLINK " http://www.ats.edu/Pages/default.aspx " http://www.ats.edu/Pages/default.aspx , and a Ph.D. in pastoral psychotherapy
Clinical Social Worker	Baccalaureate degree, and a (2-year) Master's in Social Work (MSW) or doctoral degree accredited by the Council on Social Work Education* HYPERLINK " http://www.cswe.org/CSWE/accreditation/ " http://www.cswe.org/CSWE/accreditation/
Clinical Mental Counselor	Master's degree (at least a 2-year program with a minimum of 60 Health hours graduate credit) or doctorate in counseling from a regionally accredited program that meets National Academy of Certified Clinical Mental Health Counselors or National Board for Certified Counselors, Inc. guidelines, or has a master's or doctorate with a concentration in counseling or psychology from a regionally accredited institution.

(The BMHP is in the process of drafting new regulations and is considering a master's or
doctorate accredited by the CHEA-recognized Council for Accreditation of Counseling and

Related Educational Programs* (CACREP) HYPERLINK "<http://www.cacrep.org/>"
<http://www.cacrep.org/>

Marriage & Family Therapist Master's degree or a Ph.D. in marriage and family therapy from a program accredited by the American Association for Marriage and Family Therapy, Commission on Accreditation for Marriage and Family Therapy Education* (AAMFT/COAMFTE)
<http://www.aamft.org/about/coamfte/AboutCOAMFTE.asp>,
Or, a master's degree or Ph.D. with a concentration in marriage and family therapy from a regionally accredited institution, or has clinical membership in the AAMFT

* These national programmatic accrediting agencies are recognized by the Council for Higher Education Accreditation (CHEA) and included in the 2008-2009 Directory of CHEA-Recognized Organizations (see Attachment A)
http://www.chea.org/pdf/2008_2009_Directory_of_CHEA_Recognized_Organizations.pdf

NH Board of Licensed Alcohol and Other Drug Use Professionals

Proposed Master LADAC (MLADAC) ***Expands scope of practice to co-occurring mental health disorders***
Master's degree (60-hour program) in clinical mental health*, clinical psychology*, substance use treatment***, social work*, human services** or equivalent from an accredited college or university, including 270 hours of alcohol and drug use education

Applicants with master's degree with less than 60 hours may complete remaining hours with master's level courses as determined by the board

* ***These disciplines (mental health, psychology, and social work) are licensed by the NH Board of Mental Health Practice. They are accredited by national programmatic (higher education) accrediting agencies. Also, the social work and psychology accrediting agencies are recognized by CHEA, and the Board is considering new rules that include the CHEA-recognized accrediting body for mental health counseling.***

** ***Human services degree programs are accredited by the Council for Standards in Human Service Education http://www.cshse.org/mbrshp_accred.html, but human services is not recognized by CHEA.***

*** ***There appears to be no national programmatic (higher education) accrediting agency for degree programs in alcohol and/or substance abuse/use.***

There are substance abuse and addictions programs offered as specializations or options in degree programs in social work, psychology, health, public health, or other interdisciplinary degrees, such as the interdisciplinary (50 credit) degree offered at Keene State College in Health Science with an option in Substance Abuse and Addictions.

In addition, specialized options or concentrations in substance abuse and addictions are not likely to include clinical training in mental health disorders.

SUPERVISED PRACTICE REQUIREMENTS

NH Board of Mental Health Practice

Psychologist	At least 2 years (3000 hours) of supervised clinical experience in area of psychology in which they plan to practice (with no less than 1,500 hours in a 1-year period and in no more than a 2-year period). The first year of clinical supervised experience shall occur as a formal internship. Supervised by a state-certified or licensed psychologist
Pastoral Counselor	At least 2 years (3000 hours) of supervised experience in pastoral psychotherapy (with no less than 1,500 hours in a 1-year period) including at least 1,375 hours of pastoral counseling and 250 hours of supervision. Supervised by state-licensed mental health professionals, at least one of whom shall be a licensed pastoral psychotherapist
Clinical Social Worker	At least 2 years (3000 hours) of paid, post-master's supervised clinical experience (with no less than 1,500 hours in a 1-year period), including at least 100 hours individual face-to-face supervision. Supervised by a state-licensed independent clinical social worker
Clinical Mental Health Counselor	At least 2 years (3000 hours) of paid, post-master's, post-doctoral, or post-CAGS supervised experience in a mental health counseling setting (with no less than 3,000 hours in a 2-year period and in no more than a 5-year period), including at least 100 hours of face-to-face supervision. Supervised by a nationally-certified or state-licensed mental health professional
Marriage & Family Therapist	At least 2 years (3000 hours) of paid, post- master's experience in marriage and family therapy (with no less than 1,500 hours in a 1-year period and in no more than a 2-year period), including at least 1,000 direct hours with clients under the supervision of an AAMFT Approved Supervisor (or approved alternate) which includes 200 hours of weekly face-to-face supervision (100 of these hours of supervision may be from the graduate program if accredited by the Commission on Accreditation for Marriage and Family Therapy Education). Remaining 2000 hours supervised by a mental health professional licensed by the BMHP

NH Board of Licensed Alcohol and Other Drug Use Professionals

**Proposed Master
LADAC
(MLADAC)**

Expands scope of practice to co-occurring mental health disorders

3,000 hours of clinically supervised post-masters degree work experience in the treatment of substance use and co-occurring disorders
Maximum of 1500 hours of clinically supervised work experience as LADAC may be counted toward the required 3000 hours, or a current license issued by the NH Board of Mental Health Practice* may be substituted for 1,500 hours of the required 3,000 hours

The proposed requirement to count a BMHP-issued license suggests that the criteria of the NH Board of Mental Health Practice supersede those of the NH Board of Licensed Alcohol and Other Drug Use Professionals. In addition, this proposal would leave some individuals under the licensing of the Board of Mental Health Practice (while others are not) for up to half of the requirement for supervised practice experience. It is not clear that the LADAC “clinically supervised work experience” is equivalent to that required by the Board of Mental Health Practice, which requires clinical supervision by an individual trained in mental health practice. This creates two classes of MLADACs – one with clinical mental health practice experience, and one without. Yet, both would be licensed to treat mental health disorders.*

EXAMINATION REQUIREMENTS

NH Board of Mental Health Practice

Psychologist	National Examination for Professional Practice in Psychology (EPPP) conducted by the Association of State and Provincial Psychology Boards (ASPPB) (satisfactorily completed). Also, an oral examination conducted by a psychologist board member and 2 additional NH licensed psychologists selected by the BMHP. http://www.asppb.net/i4a/pages/index.cfm?pageid=1
Pastoral Counselor	National Pastoral Counselor Examination conducted by the national board (satisfactorily completed) http://www.nbcpc.org/Webpage.asp?MID=54740
Clinical Social Worker	National Association of Social Work Boards (ASWB) Examination (satisfactorily completed) http://www.aswb.org/
Clinical Mental Health Counselor	National Board for Certified Counselors, Inc. clinical mental health counselor's examination (satisfactorily completed) http://www.nbcc.org/
Marriage & Family Therapist	Association for Marriage and Family Therapy Regulatory Boards national examination (satisfactorily completed) http://www.amftrb.org/exam.cfm

NH Board of Licensed Alcohol and Other Drug Use Professionals

**Proposed Master
LADAC**

Expands scope of practice to co-occurring mental health disorders

(MLADAC)

License issued by the NH Board of Mental Health Practice*,
Or, pass the examination approved by the NH Board of Licensed
Alcohol and Other Drug Use professionals to demonstrate competence to
provide co-occurring disorder counseling within the context of substance
use counseling

** This proposed requirement suggests that the criteria of the NH Board of Mental Health Practice supersede those of the NH Board of Licensed Alcohol and Other Drug Use Professionals. In addition, for assessment of clinical competence through examination, this would leave some individuals under the Board of Mental Health Practice and others not. Those under the BMHP have been held (minimally) to the rigors of a national examination on clinical mental health practice. It is not clear how an MLADC without education or practice experience in mental health treatment could be expected to satisfactorily pass an examination on mental health disorders.*

Attachment A

The following information is excerpted from the U.S. Department of Education
<http://ope.ed.gov/accreditation/Glossary.aspx> :

Accreditation: Accreditation is the recognition that an institution maintains standards requisite for its graduates to gain admission to other reputable institutions of higher learning or to achieve credentials for professional practice. The goal of accreditation is to ensure that education provided by institutions of higher education meets acceptable levels of quality.

Programmatic accrediting agencies: Agencies that accredit specific educational programs that prepare students for entry into a profession, occupation, or vocation. These agencies are also known as specialized accreditors.

Council for Higher Education Accreditation (CHEA)

CHEA is an association of 3,000 degree-granting colleges and universities and recognizes 60 institutional and programmatic accrediting organizations. The following information is excerpted from the *2008-2009 Directory of CHEA-Recognized Organizations*:

NATIONAL FAITH-RELATED ACCREDITING ORGANIZATIONS

**Commission on Accrediting of the Association of
Theological Schools in the United States and Canada (ATS)**

Daniel O. Aleshire, Executive Director

10 Summit Park Drive

Pittsburgh, PA 15275

Phone: 412-788-6505

Fax: 412-788-6510

E-mail: ats@ats.edu

Web: www.ats.edu

*Recognized by the Council for Higher Education Accreditation,
January 2001*

CHEA Recognized Scope of Accreditation

Accredits free-standing seminaries and academic units of larger institutions in the United States and Canada, that engage in graduate professional and graduate academic theological education. (2001)

PROGRAMMATIC ACCREDITING ORGANIZATIONS

American Psychological Association (APA)

Committee on Accreditation (CoA)

Susan F. Zlotlow, Executive Director
Office of Program Consultation and Accreditation
750 First Street, NE
Washington, DC 20002
Phone: 202-336-5979
Fax: 202-336-5978
E-mail: apaaccred@apa.org
Web: www.apa.org

Recognized by the Council for Higher Education Accreditation, April 2002

CHEA Recognized Scope of Accreditation

Doctoral programs in clinical, counseling, school, and combined professional-scientific psychology; internship programs in professional psychology; and postdoctoral residency programs in professional psychology. (2002)

Council on Social Work Education (CSWE)

Commission on Accreditation

Dean Pierce, Director
1725 Duke Street, Suite 500
Alexandria, VA 22314
Phone: 703-683-8080
Fax: 703-683-8099
E-mail: dpierce@cswe.org/CSWE/
Web: www.cswe.org

Recognized by the Council for Higher Education Accreditation, April 2003

CHEA Recognized Scope of Accreditation

Baccalaureate and master's degrees in social work. (2003)

American Association for Marriage and Family Therapy

Commission on Accreditation for Marriage and Family Therapy Education (AAMFT/COAMFTE)

Jeff S. Harmon, Director of Accreditation Services
112 South Alfred Street
Alexandria, VA 22314
Phone: 703-838-9808 (main)
Phone: 703-253-0459 (direct)
Fax: 703-838-9805
Email: coamfte@aamft.org
Web: www.aamft.org

Recognized by the Council for Higher Education Accreditation,

April 2003

CHEA Recognized Scope of Accreditation

Master's, doctoral, and post-degree clinical training programs in marriage and family therapy in the United States and Canada. (2003)

Council for Accreditation of Counseling and Related Educational Programs (CACREP)

Carol L. Bobby, Executive Director

1001 North Fairfax Street, Suite 510

Alexandria, VA 22314

Phone: 703-535-5990

Fax: 703-703-739-6209

E-mail: cacrep@cacrep.org

Web: www.cacrep.org

Recognized by the Council for Higher Education Accreditation,

April 2002

CHEA Recognized Scope of Accreditation

Master's degree programs in career counseling; college counseling; community counseling; gerontological counseling; marital, couple and family counseling/therapy; mental health counseling; school counseling; student affairs; and doctoral degree programs in counselor education and supervision. (2002)