

SENATE BILL No. 166

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-23.6.

Synopsis: Behavioral health and human services professionals. Specifies that statutes concerning behavioral health and human services professionals may not be construed to limit social work or clinical social work services performed by an employee or staff member of a community mental health center. Removes board approval to take a licensure examination as a requirement for a temporary permit to profess to be a clinical social worker, marriage and family therapist, mental health counselor, licensed addiction counselor, or licensed clinical addiction counselor.

Effective: July 1, 2024.

Alting, Crider, Becker

January 8, 2024, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

SENATE BILL No. 166

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-23.6-4-2, AS AMENDED BY P.L.211-2019,
2 SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 2. (a) This article may not be construed to limit
4 the social work or clinical social work services performed by a person
5 who does not use a title specified in this article and who is one (1) of
6 the following:
7 (1) A licensed health care professional acting within the scope of
8 the person's license.
9 (2) A student, an intern, or a trainee pursuing a course of study in
10 medicine, psychology, or a course of study to gain licensure under
11 this article in an accredited eligible postsecondary educational
12 institution or training institution accredited by the Council on
13 Social Work Education, or a graduate accumulating experience
14 required for licensure if:
15 (A) the services are performed under qualified supervision and
16 constitute a part of the person's supervised course of study or
17 other level of supervision; and



- 1 (B) the student or graduate uses a title that contains the term
2 "intern", "student", or "trainee".
- 3 (3) Not a resident of Indiana if the person performed social work
4 in Indiana for not more than five (5) days in any one (1) month or
5 more than fifteen (15) days in any one (1) calendar year and the
6 person is authorized to perform such services under the laws of
7 the state or country in which the person resides.
- 8 (4) A rabbi, priest, Christian Science practitioner, minister, or
9 other member of the clergy.
- 10 (5) An employee or a volunteer for an organization performing
11 charitable, religious, or educational functions, providing pastoral
12 counseling, or other assistance.
- 13 (6) A person who provides school counseling.
- 14 (7) A governmental employee (as defined in IC 25-23.6-1-3.9).
- 15 (8) An individual providing services under a contract with the
16 department of child services who:
- 17 (A) is employed by an organization that is nationally
18 accredited and in good standing by the Joint Commission,
19 Council on Accreditation, or the Commission on Accreditation
20 of Rehabilitation Facilities;
- 21 (B) is directly supervised by a licensed individual who is:
- 22 (i) licensed under IC 25-23.6-2, as a social worker, clinical
23 social worker, mental health counselor, mental health
24 counselor associate, marriage and family therapist, or
25 marriage and family therapist associate, and acting within
26 the scope of the individual's license;
- 27 (ii) licensed as a psychologist under IC 25-33 and acting
28 within the scope of the individual's license; or
- 29 (iii) licensed as a physician under IC 25-22.5 who is actively
30 engaged in the practice of psychiatry and acting within the
31 scope of the individual's license; and
- 32 (C) meets any additional requirements established by the
33 department of child services.
- 34 (9) An individual providing services under a contract with the
35 department of child services who:
- 36 (A) has completed a bachelor's degree in social work from:
- 37 (i) an eligible postsecondary educational institution that is
38 accredited or approved for candidacy by the Council on
39 Social Work Education or approved by the behavioral health
40 and human services licensing board; or
- 41 (ii) a foreign school that has a program of study that is
42 approved by the Foreign Equivalency Determination Service



1 of the Council on Social Work Education; and
 2 (B) is employed in a position for which the department of child
 3 services has specified that the job may be filled by individuals
 4 who have completed a bachelor-level degree in social work or
 5 other human services fields but do not need to be licensed.

6 **(10) An employee or staff member of a community mental**
 7 **health center.**

8 (b) Nothing in this section prohibits a person referred to in
 9 subsection (a) from qualifying for licensure under this article.

10 SECTION 2. IC 25-23.6-5-11, AS AMENDED BY P.L.195-2018,
 11 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2024]: Sec. 11. (a) The board may issue a temporary permit
 13 to an individual to profess to be a clinical social worker if the
 14 individual pays a fee and the individual:

- 15 (1) has a valid license or certificate to practice from another state
 16 and the individual has passed an examination substantially
 17 equivalent to the level for which licensure is being requested;
 18 (2) is practicing in a state that does not license or certify social
 19 workers or clinical social workers, but is certified by a national
 20 association approved by the board and the individual has applied
 21 for a license from the board; or
 22 (3) ~~has been approved by the board to take the examination and~~
 23 ~~has graduated from a school or program approved by the board~~
 24 ~~and the individual has completed any experience requirement.~~

25 (b) A temporary permit expires the earlier of:

- 26 (1) the date the individual holding the permit is issued a license
 27 under this article;
 28 (2) the date the board disapproves the individual's license
 29 application; or
 30 (3) one hundred eighty (180) days after the initial permit is issued.

31 (c) The board may renew a temporary permit if the individual
 32 holding the permit was scheduled to take the next examination and the
 33 individual:

- 34 (1) did not take the examination; and
 35 (2) shows good cause for not taking the examination.

36 (d) A permit renewed under subsection (c) expires on the date the
 37 individual holding the permit receives the results from the next
 38 examination given after the permit was issued, and may not be
 39 extended if the applicant has failed the examination.

40 SECTION 3. IC 25-23.6-8-10 IS AMENDED TO READ AS
 41 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. (a) The board may
 42 issue a temporary permit to an individual to profess to be a marriage



1 and family therapist if the individual pays a fee and the individual:

2 (1) has a valid license or certificate to practice from another state
3 and the individual has applied for a license from the board;

4 (2) is practicing in a state that does not license or certify marriage
5 and family therapists, but is certified by a national association
6 approved by the board and the individual has applied for a license
7 from the board; or

8 (3) ~~has been approved by the board to take the examination and~~
9 ~~has graduated from a school or program approved by the board~~
10 ~~and the individual has completed any experience requirement.~~

11 (b) A temporary permit expires the earlier of:

12 (1) the date the individual holding the permit is issued a license
13 under this article;

14 (2) the date the board disapproves the individual's license
15 application; or

16 (3) one hundred eighty (180) days after the initial permit is issued.

17 (c) The board may renew a temporary permit if the individual
18 holding the permit was scheduled to take the next examination and the
19 individual:

20 (1) did not take the examination; and

21 (2) shows good cause for not taking the examination.

22 (d) A permit renewed under subsection (c) expires on the date the
23 individual holding the permit receives the results from the next
24 examination given after the permit was issued.

25 SECTION 4. IC 25-23.6-8.5-10 IS AMENDED TO READ AS
26 FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 10. (a) The board may
27 issue a temporary permit to an individual to profess to be a mental
28 health counselor if the individual pays a fee and the individual:

29 (1) has a valid license or certificate to practice from another state
30 and the individual has applied for a license from the board;

31 (2) is practicing in a state that does not license or certify mental
32 health counselors, but is certified by a national association
33 approved by the board and the individual has applied for a license
34 from the board; or

35 (3) ~~has been approved by the board to take the examination and~~
36 ~~has graduated from a school or program approved by the board~~
37 ~~and the individual has completed any experience requirement.~~

38 (b) A temporary permit expires the earlier of:

39 (1) the date the individual holding the permit is issued a license
40 under this article; or

41 (2) the date the board disapproves the individual's license
42 application.



1 (c) The board may renew a temporary permit if the individual
 2 holding the permit was scheduled to take the next examination and the
 3 individual:

- 4 (1) did not take the examination; and
 5 (2) shows good cause for not taking the examination.

6 (d) A permit renewed under subsection (c) expires on the date the
 7 individual holding the permit receives the results from the next
 8 examination given after the permit was issued.

9 SECTION 5. IC 25-23.6-10.5-10, AS ADDED BY P.L.122-2009,
 10 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 11 JULY 1, 2024]: Sec. 10. (a) The board may issue a temporary permit
 12 to allow an individual to profess to be a licensed addiction counselor
 13 or licensed clinical addiction counselor if the individual pays a fee
 14 established by the board and the individual:

- 15 (1) has a valid license or certificate to practice from another state
 16 and the individual has applied for a license from the board;
 17 (2) is practicing in a state that does not license addiction
 18 counselors or therapists but is certified by a national association
 19 approved by the board and the individual has applied for a license
 20 from the board; or
 21 (3) ~~has been approved by the board to take the examination and~~
 22 ~~has graduated from a school or program approved by the board~~
 23 ~~and the individual has completed any experience requirement.~~

24 (b) A temporary permit issued under this section expires the earliest
 25 of:

- 26 (1) the date the individual holding the permit is issued a license
 27 under this article;
 28 (2) the date the board disapproves the individual's license
 29 application; or
 30 (3) one hundred eighty (180) days after the initial permit is issued.

31 (c) The board may renew a temporary permit if the individual
 32 holding the permit is scheduled to take the next examination and the
 33 individual:

- 34 (1) does not take the examination; and
 35 (2) shows good cause for not taking the examination.

36 (d) A permit renewed under subsection (c) expires on the date the
 37 individual holding the permit receives the results from the next
 38 examination given after the permit was issued.

