

ORIGINAL HOUSE
BILL NO. HB0004

ENROLLED ACT NO. 19, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to the Mental Health Professions Practice Act; providing for criminal background checks as specified; providing standards for certification as a certified mental health worker and defining scope of practice; amending reciprocity allowances; repealing obsolete provisions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 7-19-106(a) by creating a new paragraph (xxxiv), 7-19-201(a) by creating a new paragraph (xxx), 33-38-102(a)(xii) and by creating a new paragraph (xvii), 33-38-105 by creating a new subsection (j), 33-38-106 by creating a new subsection (q) and 33-38-108(b) and by creating a new subsection (d) are amended to read:

7-19-106. Access to, and dissemination of, information.

(a) Criminal history record information shall be disseminated by criminal justice agencies in this state, whether directly or through any intermediary, only to:

(xxxiv) The mental health professions licensing board for purposes of obtaining background information on applicants for licensure or certification by the board.

7-19-201. State or national criminal history record information.

(a) The following persons shall be required to submit to fingerprinting in order to obtain state and national criminal history record information:

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(xxx) All persons applying for licensure or certification to the mental health professions licensing board under title 33, chapter 38 of the Wyoming statutes.

33-38-102. Definitions.

(a) As used in this act:

(xii) Certified mental health worker (CMHW) means a person certified under this act to perform ~~mental health procedures~~ the application of human services or psychological theory and methods to the assessment, treatment or prevention of psychosocial dysfunction, disability or impairment, including emotional or mental disorders, under the supervision of a qualified clinical supervisor licensed in the state of Wyoming. The practice of a CMHW shall not include assigning a diagnosis or acting as a primary treatment provider;

(xvii) "Human behavioral discipline" refers to a degree in addictionology, chemical dependency, substance use disorder, counseling, psychology, social work, sociology or a related field.

33-38-105. Powers and duties of the board; rules; meetings; fees.

(j) The board shall request criminal history background information as authorized under W.S. 7-19-106(a)(xxxiv) on license and certificate applicants for:

(i) All initial applicants; and

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(ii) All renewal applicants once every four (4) years.

33-38-106. Requirements for licensure and certification.

(q) Certification under this subsection shall allow practice as a certified mental health worker only under the supervision of a qualified clinical supervisor and subject to any other restrictions which may be specified by the board. The board shall grant certification as a certified mental health worker to any applicant who files an application upon a form and in the manner prescribed by the board, accompanied by the appropriate fee and who furnishes satisfactory evidence to the board of the following:

(i) The applicant has reached the age of majority;

(ii) The applicant has no felony convictions and no misdemeanor convictions that relate adversely to the practice of clinical mental health work or to the ability to practice clinical mental health work, although exceptions to this requirement may be granted by the board if consistent with the public interest;

(iii) The applicant has received a baccalaureate degree in a human behavioral discipline from an accredited program and institution of higher education, which is professional in content and which meets the academic and training content standards established by the board. The board shall use the professional training and experience standards of the appropriate professional associations as established by the rules and regulations;

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(iv) The applicant has demonstrated knowledge in the field of mental health work in general by passing a standard examination which may be written or situational, as the board prescribes. The board may develop, adopt and administer appropriate examinations. The board shall establish specific provisions for examination of applicants for certification in the specific discipline at reasonable times and places at least twice each year;

(v) Unless extended, the applicant has six (6) months from the date of employment to become certified. The board may, for good cause shown, grant an extension of this grace period.

33-38-108. Reciprocity.

(b) Any individual holding a certification in good standing to engage in the practice of social work, ~~or~~ addictions therapy or mental health work under the laws of another state having certification requirements substantially similar to those required by this act may, upon approval of the board, be issued certification to practice in this state.

(d) For good cause shown the board shall issue a license or certification to practice in this state to an individual seeking reciprocity as a social worker, addictions practitioner, addictions practitioner assistant or mental health worker who does not otherwise meet the reciprocity requirements under subsection (a) or (b) of this section.

Section 2. W.S. 33-38-106(e) through (m) is repealed.

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Section 3. This act is effective July 1, 2021.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk