

HOUSE No. 266

The Commonwealth of Massachusetts

PRESENTED BY:
Jay R. Kaufman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act regulating psychotherapy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas J. Calter	12th Plymouth
Carol Nemet Curran	8 Highland Drive Kingston
Willie Mae Allen	6th Suffolk
F. Jay Barrows	1st Bristol
Matthew C. Patrick	3rd Barnstable
Paul J. Donato	35th Middlesex
Robert M. Koczera	11th Bristol
Christine E. Canavan	10th Plymouth
Stephen R. Canessa	12th Bristol
Stephen L. DiNatale	3rd Worcester
Susan Williams Gifford	2nd Plymouth
John W. Scibak	2nd Hampshire
Sean Garballey	23rd Middlesex
Frank I. Smizik	15th Norfolk
Richard J. Ross	9th Norfolk
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Mark V. Falzone	9th Essex
Richard T. Moore	Worcester and Norfolk
Tom Sannicandro	7th Middlesex
Paul McMurtry	11th Norfolk
Sean Curran	9th Hampden
Jennifer M. Callahan	18th Worcester
Denise Provost	27th Middlesex
Richard T. Moore	Worcester and Norfolk
Garrett J. Bradley	3rd Plymouth
John F. Quinn	9th Bristol
Thomas P. Conroy	13th Middlesex
Bruce E. Tarr	First Essex and Middlesex
Byron Rushing	9th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 4744 OF 2007-2008.]

The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine
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AN ACT REGULATING PSYCHOTHERAPY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 65A of chapter 112 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first sentence and inserting in place thereof the following sentence:—

Notwithstanding any general or special law to the contrary, (i) each board of registration under the supervision of the division of professional licensure, (ii) each board of registration under the supervision of the department of public health and (iii), in the case of violations of section 65F, the division of professional licensure may, after a consent agreement between the parties or after an opportunity for an adjudicatory proceeding held pursuant to chapter 30A, assess and collect a civil administrative penalty not to exceed \$1,000 for the first violation and a civil administrative penalty not to exceed \$2,500 for a second or subsequent violation upon a person who, without holding the required license, certificate, registration or authority, engages in the practice of a trade or profession for which a license, certificate, registration or authority is required.

SECTION 2. Said chapter 112 is hereby amended by inserting after section 65E the following section:—

1. 65F. No person shall represent himself to the public as a psychotherapist or provide services in psychotherapy, unless he (i) is a physician with a certification in psychiatry and a license in good standing with the board of registration in medicine, a psychologist with a license in good standing with the board of registration of psychologists, a licensed independent clinical social worker or a licensed certified social worker with a license in good standing with the board of registration of social workers, a psychiatric nurse mental health clinical specialist with a license in good standing with the board of registration in nursing, a marriage and family therapist licensed under section 165, or a mental health counselor licensed under section 165 with a license in good standing with the board of registration of allied mental health and human services professionals, and (ii) is practicing within the scope and expertise of such license; or (iii) he is a student, intern or person fulfilling the required supervised experience for licensure in the above professions under the qualified supervision of a licensee and is registered with the board of registration of allied mental health and human services professionals, or (iv) he is a psychoanalyst, not otherwise covered under 65F(i) or 65F(ii), who meets the following certification standards, graduated from a psychoanalytic training program at an accredited psychoanalytic institute; has a minimum of 96 credit hours of psychoanalytic

study, whether such study takes place within or after completion of the master's degree or higher, as long as such study includes: a minimum of 60 credit hours of coursework; a minimum of 900 hours of clinical experience, a minimum of 350 of which are individual treatment; a minimum of 200 hours of clinical supervision, a minimum of 100 of which are individual supervision; successful completion of (i) a psychoanalytic research thesis or dissertation and (ii) a final comprehensive case presentation; and a minimum of 300 hours of personal analysis, and registers with the board of registration of allied mental health and human services professionals or (v) is a student fulfilling the required supervised experience of an accredited psychoanalytic institute, and is registered with the board of registration of allied mental health and human services professionals.

SECTION 3. Each student, intern or person fulfilling the required supervised experience for licensure as defined in 65F (iii) shall register with the board of registration of allied mental health and human services professionals and shall provide the following information: name, address, telephone number, educational institution, degrees held and from where they were conferred, name and address of supervisor and employer. Registration of such student, intern or person fulfilling the required supervised experience for licensure as defined in 65F (iii) shall not exceed a five-year period without approval from the board of registration of allied mental health and human services professionals. Each psychoanalyst as defined in 65F (iv) who has met the certification standards as described under 65F (iv) shall register with the board of registration of allied mental health and human services professionals and shall provide the following information: name, address, telephone number, graduate degrees held and from where they were conferred, name and address of the psychoanalytic institute from which he graduated. Each student as defined in 65F (v) fulfilling the required supervised experience of a psychoanalytic institute shall register with the board of registration of allied mental health and human services professionals and shall provide the following information: name, address, telephone number, name and address of the psychoanalytic institute, and the name and address of supervisor and employer. Registration of such student fulfilling the required supervised experience as defined in 65F (v) shall not exceed a five-year period without approval from the board of registration of allied mental health and human services professionals.