

Title 26: Professions and Occupations

Chapter 110: Mental Health Professions

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SUBCHAPTER 01: GENERAL PROVISIONS

§ 6201. Definitions

As used in this chapter:

- (1) “Board” means the Board of Allied Mental Health created under this chapter.
- (2) “Client” means client or patient.
- (3) “Credential” means a professional license, certification, or registration under this chapter.
- (4) “Credentialed” means licensed, certified, or registered under this chapter.
- (5) “Mental health profession” means a profession regulated under this chapter.
- (6) “Mental health professional” means a person credentialed under this chapter.
- (7) “Multiple relationship” means a situation in which a mental health professional is in a professional role with a person while simultaneously being in another role with that same person or someone closely associated with or related to that person.
- (8) “Psychotherapy” means the provision of treatment, diagnosis, evaluation, or counseling services to individuals or groups for the purpose of alleviating mental health disorders. The practice of psychotherapy includes:
 - (A) the application of therapeutic techniques to formulate a diagnostic impression and an assessment to understand unconscious or conscious motivation, resolve emotional, relationship, or attitudinal conflicts, or modify behavior that interferes with effective emotional, social, or mental functioning; and
 - (B) the use of a specialized systematic procedure of psychotherapeutic interaction between the client and the mental health professional that takes place on a regular basis over a period of time, or, in the case of evaluation and brief psychotherapies, in a single or limited number of interventions.

§ 6202. Board of Allied Mental Health

- (a) **Board expanded.** The Board of Allied Mental Health Practitioners is expanded to include additional advisor professions regulated by OPR.
- (b) **Board composition.** The Board consists of 13 members appointed by the Governor under 3 V.S.A. §§ 129b and 2004, including:
 - (1) 3 licensed independent clinical social workers;
 - (2) 3 licensed clinical mental health counselors;
 - (3) 1 licensed alcohol and drug counselor II;
 - (4) 1 *licensed professional counselor*;
 - (5) 1 applied behavior analyst;
 - (6) 1 clinical mental health counseling or independent clinical social work trainee;
 - (7) 1 licensed marriage and family therapist, certified music therapist, certified art therapist, or psychoanalyst; and

Commented [EN1]: Note: proposed new credential. seat will not exist if proposed credential is not adopted.

(8) 2 public members with no financial interest in a mental health profession, either personally or through an immediate family member, other than as a consumer or potential consumer of professional services.

(c) **Experience required.** Professional members must have at least 3 years of licensed or certified experience in the profession they represent, except that prior credentialing is not required for trainees, or for professional counselors, music therapists, or art therapists appointed before July 1, 2032.

§ 6203. Powers and duties of the Board.

The Board has the powers and must fulfill the duties enumerated in 3 V.S.A. § 129.

§ 6204. Requirement to be credentialed

(a) A person must not:

- (1) implicitly or explicitly represent themselves as holding a mental health credential under this chapter they do not hold; or
- (2) practice or purport or offer to practice the following unless duly licensed:
 - (A) alcohol and drug counseling;
 - (B) applied behavior analysis;
 - (C) clinical mental health counseling;
 - (D) marriage and family therapy;
 - (E) professional counseling; and
 - (F) master's or independent clinical social work.

Commented [EN2]: Note: proposed credential

(b) Violation of this section is unauthorized practice under 3 V.S.A. § 127.

§ 6205. Exemptions from licensing

(a) **People exempted.** The requirement under 26 V.S.A. § 6204(a)(2) to be licensed does not apply to a person in the discharge of their duties as:

- (1) an educator licensed by the Agency of Education or an educator working in an alternative school program;
- (2) a person teaching in an accredited academic institution;
- (3) a student of a mental health profession;
- (4) a person credentialed under Title 26 and acting within their scope of practice;
- (5) a licensed attorney;
- (6) a duly certified police officer;
- (7) a member of clergy or other religious ministry;
- (8) a member of a self-help group such as a 12-step program, peer counseling, or domestic violence group;
- (9) a respite caregiver, foster care worker, or hospice worker;
- (10) a mediator;
- (11) an employee or contractor of the Agency of Human Services, unless the person:

- (A) holds a master’s degree; and
 - (B) has “psychotherapy” named as a duty in their job description or contract specifications;
 - (12) an official screener for purposes of arraignment or criminal diversion; or
 - (13) an employment or rehabilitation counselor.
- (b) **Credentialed professionals always covered.** This chapter applies to any mental health professional credentialed under this chapter, even if they qualify for an exemption from licensing.

§ 6206. Eligibility in general

To be eligible for a mental health credential, an applicant must:

- (a) be at least 18 years old;
- (b) submit a complete application with the Office;
- (c) pay the fee required in § 6212; and
- (d) further qualify under this chapter.

§ 6207. Credentialing by endorsement from other jurisdictions

- (a) To qualify for credentialing by endorsement, an applicant must:
 - (1) qualify under 3 V.S.A. § 136a; or
 - (2) hold a credential in that profession that is:
 - (A) in good standing; and
 - (B) from a U.S. or Canadian jurisdiction with credentialing requirements substantially equivalent to Vermont’s.
- (b) Alternatively, an applicant may qualify by a pathway described in a profession-specific subchapter below.

§ 6208. Trainee licenses

- (a) **Defined.** A trainee license authorizes a person to engage in post-degree supervised practice required for licensure in a profession. Trainee licenses are available for:
 - (1) alcohol and drug counseling;
 - (2) applied behavior analysis;
 - (3) clinical mental health counseling;
 - (4) marriage and family therapy;
 - (5) *professional counseling*; and
 - (6) independent clinical social work.
- (b) **When required.** A person must hold a trainee license in order to engage in supervised practice with a client located in Vermont.
- (c) **Qualifications.** To qualify for a trainee license, an applicant must satisfy education requirements for the license for which they are training.

Commented [EN3]: Note: proposed credential

(d) Scope of practice. A trainee’s scope of practice is the same as that of the license for which they are training. A trainee may practice only under supervision as specified by the Board in rule.

§ 6209. Supervision Requirements

- (a) **Contract required.** Before engaging in post-degree supervised practice toward licensure, a supervisor must create a written agreement with the trainee, signed by both the supervisor and trainee.
- (b) The supervision contract must specify:
 - (1) Supervision dates. Estimated start and completion dates of supervision.
 - (2) Scope of practice. A description of the supervisor's current scope of practice, education, training, experience, and areas of clinical competence, including the type or types of psychotherapy, clinical services, and client populations for which the supervisor is qualified to provide clinical supervision.
 - (3) Financial arrangement, if any.
- (c) All other supervision requirements will be established by Board by rule.

§ 6210. Renewal of credentials

To renew a credential, a mental health professional must:

- (a) pay the fee required in § 6212;
- (b) complete any continuing education required under 26 V.S.A. § 6211;
- (c) for art and music therapists, continue to hold the board certification required for initial certification; and
- (d) for trainees, demonstrate ongoing efforts toward licensure during the two-year period preceding renewal.

§ 6211. Continuing education

- (a) **Continuing education required.** To renew a credential, a mental health professional must complete 30 hours of continuing education, except that:
 - (1) master’s social workers must complete 10 hours;
 - (2) independent clinical social workers must complete 20 hours; and
 - (3) no continuing education is required for apprentice addiction professionals, alcohol and drug counselors I, art and music therapists, or registered unlicensed counselors.
- (b) **Subjects required.** Continuing education must include:
 - (1) at least 1 hour in the area of systematic oppression and anti-oppressive practice or related topic areas;
 - (2) at least 1 hour in the area of suicide prevention;
 - (3) for mental health professionals providing supervision, at least 5 hours in the area of supervision; and
 - (4) other subjects as specified by the Board in rule.

(c) **Reciprocity across mental health professions.** Continuing education accepted for any mental health profession or for psychologists counts toward all mental health professions’ continuing education.

§ 6212. Fees

- (a) A person credentialed under this chapter must pay the following fees:
- (1) This section is still being developed.

§ 6213. Disclosure of information

- (a) The Board must adopt rules requiring a mental health professional to disclose to each client:
- (1) the mental health professional’s qualifications and experience;
 - (2) those actions that constitute unprofessional conduct as defined in § 6214; and
 - (3) the method for filing a complaint with the Office of Professional Regulation.
- (b) The Board may adopt rules modifying disclosure requirements in institutional settings.

§ 6214. Unprofessional conduct

It is unprofessional conduct for a mental health professional to:

- (a) commit unprofessional conduct as defined in 3 V.S.A. § 129a;
- (b) fail to use a complete title in professional activity;
- (c) harass, intimidate, or abuse a client;
- (d) engage in sexual conduct with a client or client’s immediate family member within 5 years after providing professional services to that client; or
- (e) enter into an additional relationship that:
 - (1) is with a current client, trainee, research participant, or student; and
 - (2) might impair the mental health professional’s objectivity or otherwise interfere with their professional obligations.
- (f) fail to establish a supervision contract when required in § 6209.

SUBCHAPTER 02: ALCOHOL AND DRUG COUNSELING

§ 6215. Definitions

- (a) “Alcohol and drug counseling” means the application of methods, including psychotherapy, that assist a person or group to:
- (1) develop an understanding of alcohol and drug dependency problems, addiction disorders, or process disorders; or
 - (2) define goals and plan actions reflecting the person’s or group’s interests, abilities, and needs as affected by alcohol and drug dependency problems, addiction disorders, and comorbid conditions.

- (b) “Licensed alcohol and drug counselor II” means a person licensed under 26 V.S.A. § 6216 to practice drug and alcohol counseling independently.
- (c) “Licensed alcohol and drug counselor I” means a person licensed under 26 V.S.A. § 6217 to practice alcohol and drug counseling solely under supervision and in regulated settings set forth in rule.
- (d) “Apprentice addiction professional” means a person licensed under 26 V.S.A. § 6218 to serve as a supervised apprentice at an ADAP Certified Provider solely under supervision and in regulated settings set forth in rule.
- (e) “IC&RC” means the International Certification & Reciprocity Consortium.

§ 6216. Licensed alcohol and drug counselor II qualifications

To qualify for licensure as an alcohol and drug counselor II, an applicant must:

- (a) hold a master’s degree or higher in a human-services field or in a healthcare profession regulated under Title 26 or Title 33;
- (b) complete 2,000 hours of post-degree supervised practice as set forth in rule;
- (c) complete 270 hours of relevant coursework as set forth by the Board in rule; and
- (d) pass the IC&RC Advanced Alcohol and Drug Counselor examination or another examination approved by the Board.

§ 6217. Licensed alcohol and drug counselor I qualifications

To qualify for licensure as an alcohol and drug counselor I, an applicant must:

- (a) do one of the following:
 - (1) hold a high school diploma or its equivalent and complete 6,000 hours of supervised practice;
 - (2) hold an associate’s degree and complete 5,000 hours of supervised practice; or
 - (3) hold a bachelor’s degree and complete 4,000 hours of supervised practice;
- (b) complete 270 hours of relevant coursework as set forth by the Board in rule; and
- (c) pass the IC&RC Alcohol and Drug Counselor examination or another examination approved by the Board.

§ 6218. Apprentice addiction professional qualifications

To qualify for licensure as an apprentice addiction professional, an applicant must:

- (a) hold a high school diploma or its equivalent;
- (b) complete 40 hours of relevant training as set forth by the Board in rule; and
- (c) pass an examination approved by the Board.

SUBCHAPTER 03: APPLIED BEHAVIOR ANALYSIS

§ 6219. Definitions

- (a) “Applied behavior analysis”:
 - (1) means using the scientific principles of behavior to:
 - (A) design, implement, and evaluate instructional and environmental modifications to produce socially significant improvements in human behavior;
 - (B) identify functional relationships between behavior and environments; and
 - (C) use contextual factors, motivating operations, antecedent stimuli, positive reinforcers, and other consequences to produce practical behavior change; and
 - (2) does not include diagnosis of disorders, psychological testing or assessment, or psychotherapy.
- (b) “Applied behavior analyst” means a person who is licensed under this chapter to practice applied behavior analysis.
- (c) “Assistant behavior analyst” means a person who is licensed under this chapter to practice applied behavior analysis under the supervision of an applied behavior analyst.
- (d) “BACB” means the Behavior Analysis Certification Board.

§ 6220. Applied behavior analyst qualifications

To qualify for licensure as an applied behavior analyst, an applicant must:

- (a) be certified as a board-certified behavior analyst by BACB; or
- (b) do all of the following:
 - (1) hold a master’s degree or higher from a program that substantially satisfies one of BACB’s educational pathways to board-certified behavior analyst certification;
 - (2) complete 1,500 hours of supervised practice, which may include pre-degree practice; and
 - (3) pass BACB’s Board-Certified Behavior Analyst Examination or another examination approved by the Board.

§ 6221. Assistant behavior analyst qualifications

To qualify for licensure as an assistant behavior analyst, an applicant must:

- (a) be certified as a board-certified assistant behavior analyst by BACB; or
- (b) do all of the following:
 - (1) hold a bachelor’s degree or higher from a program that substantially satisfies one of BACB’s educational pathways to board-certified assistant behavior analyst certification;
 - (2) complete 1,000 hours of supervised practice, which may include pre-degree practice; and

- (3) pass BACB’s Board-Certified Assistant Behavior Analyst Examination or another examination approved by the Board.

§ 6222. Referral required for applied behavior analysis

A person licensed under this subchapter must practice applied behavior analysis only upon, and within the scope of, a referral from a duly authorized health professional or school official.

§ 6223. Supervision required for assistant behavior analysts

An assistant behavior analyst must practice applied behavior analysis only under the supervision of an applied behavior analyst.

SUBCHAPTER 04: CLINICAL MENTAL HEALTH COUNSELING

§ 6224. Definitions

- (a) “Clinical mental health counseling” means providing professional counseling services, drawn from the theory and practice of psychotherapy and the discipline of clinical mental health counseling, to individuals, couples, families, groups, organizations, and communities. Clinical mental health counseling includes:
 - (1) the practice of psychotherapy;
 - (2) applying principles of psychotherapy, human development, learning theory, group dynamics, psychometric testing, and the etiology of mental illness for the purposes of treating psychopathology and promoting optimal mental health;
 - (3) diagnosing and treating mental conditions, psychiatric disabilities, and emotional disorders;
 - (4) using psychoeducational techniques aimed at the prevention of such conditions or disabilities.
- (b) “Licensed clinical mental health counselor” means a person who is licensed to practice clinical mental health counseling under this chapter.

§ 6225. Licensed clinical mental health counselor qualifications

To qualify for licensure as a clinical mental health counselor, an applicant must:

- (a) either
 - (1) hold a master’s degree or higher that is in counseling or a related field, from an accredited educational institution, after having successfully completed a course of study requiring a minimum number of graduate credit hours established by the Board by rule and a supervised practicum, internship, or field experience, as defined by the Board by rule, in a mental health counseling setting; *or*
 - (2) *complete 60 semester hours of graduate course work including the topic areas listed in 26 V.S.A. § ____ (a)(3)(A), including a supervised practicum, internship, or field experience, as defined by the Board by rule, in a mental health counseling setting;*
- (b) complete 3,000 hours of post-degree supervised practice as set forth in rule; and

Commented [EN4]: Note: This alternate pathway to LCMHC licensure would be in lieu of the proposed Licensed Professional Counselor credential in Subchapter 07 and allows for post-degree supplementation of any deficiency, including the 700-hour internship.

(c) pass:

- (1) the National Clinical Mental Health Counseling Examination; or*
- (2) the National Counselor Examination; or*
- (3) another examination approved by the Board.*

§ 6226. Temporary licensure educational supplementation

- (a) Notwithstanding the provisions of 26 V.S.A. chapter 110, 3 V.S.A. chapter 25, or any contrary rule, the Director of the Office of Professional Regulation may develop and implement temporary policies permitting supplementation of a master’s degree, pursuant to 26 V.S.A. § 6225, for licensing clinical mental health counselors.
- (b) Policies adopted pursuant to this section must be:
 - (1) developed in consultation with the Board of Allied Mental Health;
 - (2) consistent with 26 V.S.A. chapter 110; and
 - (3) made available to the public.
- (c) The Director’s powers granted pursuant to this section and any temporary policies adopted pursuant to this section shall be in effect only until either July 1, 2029, or when the Board of Allied Mental Health adopts permanent rules regarding supplementation of a master’s degree, pursuant to 26 V.S.A. § 6224, for the licensing of clinical mental health counselors under this chapter, whichever occurs first.
- (d) On or before July 1, 2029, the Board shall adopt updated rules regarding the supplementation of a master’s degree, pursuant to 26 V.S.A. § 6224, for the licensing of clinical mental health counselors under this chapter.

SUBCHAPTER 05: CREATIVE ARTS THERAPY

§ 6227. Definitions

- (a) “Art therapy” and “music therapy” mean the clinical and evidence-based use of art interventions or music interventions to accomplish personalized goals for people of all ages and ability levels within a therapeutic relationship. “Art therapy” and “music therapy” do not include psychotherapy.
- (b) “Certified art therapist” and “certified music therapist” mean a person who is certified under this chapter to practice art or music therapy.

§ 6228. Certified art therapist qualifications

To qualify for certification as an art therapist, an applicant must be a Board-Certified Registered Art Therapist (ATR-BC) by the Art Therapy Credentials Board.

§ 6229. Certified music therapist qualifications

To qualify for certification as a music therapist, an applicant must receive Music Therapy Board Certification (MT-CB) from the Certification Board for Music Therapists.

SUBCHAPTER 06: MARRIAGE AND FAMILY THERAPY

§ 6230. Definitions

- (a) “Marriage and family therapy” means practicing psychotherapy for individuals, couples, and families from the context of marital and family systems and through family systems theory and technique.
- (b) “Licensed marriage and family therapist” means a person who is licensed under this chapter to practice marriage and family therapy.

§ 6231. Licensed marriage and family therapist qualifications

To qualify for licensure as a marriage and family therapist, an applicant must:

- (a) hold a master’s degree or higher that is accredited:
 - (1) by the Commission on Accreditation for Marriage and Family Therapy Education;
 - (2) in marriage, couple, and family counseling by the Council for Accreditation of Counseling and Related Educational Programs; or
 - (3) an equivalent degree as defined by the Board in rule;
- (b) complete 3,000 hours of post-degree supervised practice as set forth in rule; and
- (c) pass:
 - (1) the marriage and family therapist examination developed by the Association of Marital & Family Therapy Regulatory Boards; or
 - (2) another examination approved by the Board.

SUBCHAPTER 07: PROFESSIONAL COUNSELING

§ 6232. Definitions

- (a) “Professional counseling” means applying scientific principles and procedures in therapeutic counseling, guidance, and human development to aid in understanding and solving a mental, emotional, social, educational, or adjustment problem. “Professional counseling” includes psychotherapy.
- (b) “Licensed professional counselor” means a person licensed under this subchapter to practice professional counseling.

§ 6233. Licensed professional counselor qualifications

To qualify for licensure as a professional counselor, an applicant must:

- (a) either:
 - (1) hold a 60-semester-hour master’s degree in mental health counseling or a related field; or
 - (2) complete 60 semester hours of graduate course work including the topic areas listed in 26 V.S.A. § ____ (a)(3)(A);
- (b) complete 2,000 hours of supervised practice as set forth in rule; and
- (c) pass:

- (1) the National Clinical Mental Health Counseling Examination; or
- (2) the National Counselor Examination; or
- (3) another examination approved by the Board.

Commented [EN5]: Note: This proposed credential would be in lieu of the alternative, supplemental path to LCMHC licensure in § 6224(a)(2).

SUBCHAPTER 08: PSYCHOANALYSIS

§ 6234. Definitions

- (a) “Psychoanalysis” means therapeutic services that are based on an understanding of the unconscious and how unconscious processes affect the human mind as a whole, including actions, thoughts, perceptions, and emotions. “Psychoanalysis” does not include psychotherapy.
- (b) “Psychoanalyst” means a person who is certified under this chapter to practice psychoanalysis.

§ 6235. Psychoanalyst qualifications

To qualify for certification as a psychoanalyst, an applicant must hold a graduate degree in psychoanalysis from a psychoanalytic institute that is freestanding, government-chartered, and accredited by a national psychoanalytic association.

SUBCHAPTER 09: SOCIAL WORK

§ 6236. Definitions

- (a) “ASWB” means the Association of Social Work Boards.
- (b) “Independent clinical social work” means:
 - (1) master’s social work;
 - (2) the professional application of social work knowledge, skills, values, theories, and methods for the treatment and prevention of psychosocial dysfunction, disability, or impairment, including emotional disorders, mental health disorders, and substance use disorders with individuals, groups, and families; and
 - (3) psychotherapy.
- (c) “Licensed independent clinical social worker” means a person who is licensed under this chapter to practice independent clinical social work.
- (d) “Master’s social work”:
 - (1) means the professional activity of helping individuals, families, groups, couples, organizations, or communities to enhance or restore their capacity for social and psychosocial functioning; and
 - (2) does not include psychotherapy.
- (e) “Licensed master’s social worker” means a person licensed under this chapter to practice master’s social work.

§ 6237. Licensed master’s social worker qualifications.

To be eligible for licensure as a master’s social worker, an applicant must:

- (a) hold an ASWB-accredited master’s degree or higher; and
- (b) pass:
 - (1) the ASWB examination; or
 - (2) another examination approved by the Board.

§ 6238. Licensed independent clinical social worker qualifications.

To be eligible for licensure as an independent clinical social worker, an applicant must:

- (a) hold an ASWB-accredited master’s degree or higher;
- (b) complete 3,000 hours of post-degree supervised practice as set forth in rule; and
- (c) either:
 - (1) pass the ASWB examination; or
 - (2) pass another examination approved by the Board; or
 - (3) if the applicant takes and does not pass the required examination, complete an additional 3,000 hours of post-degree supervised practice.

SUBCHAPTER 10: UNLICENSED COUNSELING

§ 6239. Definition

“Registered unlicensed counselor” means a person registered with the Office to engage in the unskilled practice of psychotherapy. Registration as an unlicensed counselor does not require any education, experience, examination, or other showing of competence.

§ 6240. Registered unlicensed counselor eligibility

- (a) To register as an unlicensed counselor an applicant must file an application with the Office.
- (b) A mental health professional or psychologist with a suspended or revoked license may not register as an unlicensed counselor.

SUBCHAPTER 11: COUNSELING COMPACT

[Insert 8,000 words of counseling compact]

SUBCHAPTER 12: SOCIAL WORK LICENSURE COMPACT

[Insert 10,000 words of social work compact]