

MENTAL HEALTH PROFESSIONAL LICENSING STUDY

Office of Professional Regulation

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9/16 MEETING AGENDA

TODAY'S FOCUS: PROGRAMMATIC STREAMLINING & BARRIERS TO ENTRY

TODAY'S GOAL: DISCUSS PROS/CONS OF POLICY OPTIONS

1. Welcome and goodbye
2. Looking ahead
3. Current Study Phase(s): Parts of the study are moving at different speeds
4. Act 117 Deliverables: Required recommendations vs. policy pros/cons
5. Supervised practice financial benefits restriction rule discussion
6. Supervisor assessment tool for independent practice

LOOKING AHEAD

September - Final MHLS Meeting & Report Outline

October - Report Writing & Survey Outreach

November - SOS Report Review & Board Reviews

December - Board Reviews & **REPORT DUE!**



REPORT DELIVERABLES: ACT 117 (2022) & 77 (2023)

1. **Streamlining:** The possibility of streamlining the licensure of mental health professionals in VT

- Including a review of:
 - The feasibility of creating one mental health professional license
 - A process for the certification of music and art therapists ([Act 77: p.14](#))

} Statute Change: Roster
} Statute Change: BAMHP Consolidation

2. **Supervisors:** Whether additional regulation of supervisors is necessary

- Including a review of:
 - Potential limits on areas of mental health supervision based on supervisor's expertise
 - The rate or fee a supervisor may charge for providing supervision
 - The number of supervisees assigned to one supervisor

} Admin. Rules Change:
} Professional Discretion

3. **Barriers:** The barriers for individuals who are BIPOC, refugees, new Americans, LGBTQ+, low income, with disabilities, and those with lived mental health and substance use experience

SUPERVISED PRACTICE & FINANCIAL BENEFITS

	<u>Psych.</u>	<u>LMHC</u>	<u>MFT</u>	<u>LICSW</u>
Supervised practice financial benefit restrictions	4.7(c)	3.20(c)	4.23(c)	no

Psych Admin. Rule – 4.7(c) **A licensee who personally financially gains from the practice of the supervisee is disqualified from providing clinical supervision to the trainee.** Receipt of compensation for supervision is not barred by this rule.

AMHB Admin Rule – 3.20(c)/4.23(c) A supervisor who: (1) meets the requirements to be a supervisor; and (2) is an employee of the same employer as the applicant, and (3) **does not personally financially gain from the practice of the applicant,** is not disqualified from providing clinical supervision.

- Applicants may hire a supervisor to provide supervision at a fixed price
- In this relationship, the supervisor is not financially gaining from the practice of the applicant
- Regardless of the number of hours worked or services rendered, the supervisor is paid the same amount
- Therefore, payment of a set fee to a supervisor for supervision services is permitted under the rules.

ALTERNATIVES TO THE FINANCIAL BENEFITS RESTRICTION

- **Current rules forbid supervisors from financially benefitting from supervisees' practice, meaning they may not take a share of client fees or otherwise scale compensation to supervisee caseloads**
 - Concern that fee sharing incentivizes "supervision mills"
 - Some states also consider such arrangements a form of "fee splitting," disfavored as encouraging self-serving referrals to supervisees
 - New Jersey forbids fee splitting in general but permits supervisor-supervisee arrangements fee splitting
- **Enforcement of the financial benefits restriction can cause the supervisee to lose the hours accrued under that supervisor**
 - Supervisees are reluctant to report disqualifying fee arrangements
 - Fairness concerns with supervisees bearing the consequences of enforcement
- **Some Licensees feel that practice-based compensation should be permitted**
 - Supervisors' liability and administrative costs scale with supervisee caseloads
 - Gives cash-strapped new graduates an alternative to paying for supervision out of pocket
 - Permitting supervisors to charge solely for their own time discourages supervisees from seeking extra support when needed
- **One solution could be to permit supervisor-supervisee fee splitting, while addressing related concerns more narrowly**
 - E.g., forbidding supervisors from referring clients to anyone with whom they split fees
 - E.g., requiring supervisors to limit their caseloads to volumes which allow them to meet the standards of practice

SUPERVISOR'S EVALUATION FOR INDEPENDENT PRACTICE

Supervisor Evaluation for Independent Practice

- Tool should be separate from hours log
- Tool should evaluate specific skills and require supervisor to explain specific deficiencies
- What are these skills?

Equality vs. Equity: Inclusive pathways to Licensure

- Equality vs. Equity in professional licensing
 - “sameness” vs. “fairness”
- Qualifying education, licensing exam, supervised practice evaluation
 - Competency vs. qualification vs. assessments
 - Equity in access: equal opportunity to prove proficiency
- Role of supervisor evaluation in competency assessments
 - Important for non-accredited pathways to licensure
 - Important for career laddering

THANK YOU!

Please email any questions, comments, or additional feedback to:

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