

Substitute Bill No. 7132

January Session, 2019



## AN ACT CONCERNING LICENSURE OF PROFESSIONAL COUNSELOR ASSOCIATES AND MARITAL AND FAMILY THERAPIST ASSOCIATES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Section 20-195aa of the general statutes is repealed and
- 2 the following is substituted in lieu thereof (*Effective October 1, 2019*):
- 3 As used in this section and sections 20-195bb to 20-195ee, inclusive,
- 4 <u>as amended by this act, and section 5 of this act:</u>
- 5 (1) "Licensed professional counselor" or "professional counselor"
- 6 means a person who has been licensed as a professional counselor
- 7 pursuant to this chapter;
- 8 (2) "Licensed professional counselor associate" or "professional
- 9 counselor associate" means a person who has been licensed as a
- 10 professional counselor associate pursuant to this chapter;
- 11 [(2)] (3) "Commissioner" means the Commissioner of Public Health;
- 12 [(3)] (4) "Department" means the Department of Public Health;
- [(4)] (5) "Professional counseling" means the application, by persons
- 14 trained in counseling, of established principles of psycho-social
- 15 development and behavioral science to the evaluation, assessment,

- 16 analysis, diagnosis and treatment of emotional, behavioral or
- 17 interpersonal dysfunction or difficulties that interfere with mental
- 18 health and human development. "Professional counseling" includes,
- 19 but is not limited to, individual, group, marriage and family
- 20 counseling, functional assessments for persons adjusting to a
- 21 disability, appraisal, crisis intervention and consultation with
- 22 individuals or groups;
- [(5)] (6) "Under professional supervision" means the practice of
- 24 professional counseling under the supervision of a licensed
- 25 professional counselor, a physician licensed pursuant to chapter 370,
- 26 who is certified in psychiatry by the American Board of Psychiatry and
- 27 Neurology, an advanced practice registered nurse licensed pursuant to
- 28 chapter 378, who is certified as a psychiatric and mental health clinical
- 29 nurse specialist or nurse practitioner by the American Nurses
- 30 Credentialing Center, a psychologist licensed pursuant to chapter 383,
- 31 a marital and family therapist licensed pursuant to chapter 383a or a
- 32 licensed clinical social worker licensed pursuant to chapter 383b;
- 33 [(6)] (7) "Direct professional supervision" means face-to-face
- 34 consultation between one supervisor, who is a professional described
- 35 in subdivision [(5)] (6) of this section, and one person receiving
- 36 supervision that consists of not less than a monthly review with a
- 37 written evaluation and assessment by the supervisor of such person's
- 38 practice of professional counseling; and
- 39 [(7)] (8) "Related mental health field" means social work, marriage
- and family therapy or psychology.
- Sec. 2. Section 20-195bb of the general statutes is repealed and the
- following is substituted in lieu thereof (*Effective October 1, 2019*):
- 43 (a) Except as provided in subsection (c) of this section, no person
- 44 may practice professional counseling unless licensed pursuant to
- 45 section 20-195cc, as amended by this act.
- 46 (b) No person may use the title "licensed professional counselor",

- "licensed professional counselor associate" or "professional counselor"
  or make use of any title, words, letters or abbreviations that may
  reasonably be confused with licensure as a professional counselor or
  professional counselor associate unless licensed pursuant to section 20 195cc, as amended by this act.
  - (c) No license as a professional counselor shall be required of the following: (1) A person who furnishes uncompensated assistance in an emergency; (2) a clergyman, priest, minister, rabbi or practitioner of any religious denomination accredited by the religious body to which the person belongs and settled in the work of the ministry, provided the activities that would otherwise require a license as a professional counselor are within the scope of ministerial duties; (3) a sexual assault counselor, as defined in section 52-146k; (4) a person participating in uncompensated group or individual counseling; (5) a person with a master's degree in a health-related or human services-related field employed by a hospital, as defined in subsection (b) of section 19a-490, performing services in accordance with section 20-195aa, as amended by this act, under the supervision of [a person licensed by the state in one of the professions identified in clauses (i) to (vii), inclusive, of subparagraph (C) of subdivision (1) of subsection (a) of section 20-195dd] a physician licensed pursuant to chapter 370, who is certified in psychiatry by the American Board of Psychiatry and Neurology, an advanced practice registered nurse licensed pursuant to chapter 378, who is certified as a psychiatric and mental health clinical nurse specialist or nurse practitioner by the American Nurses Credentialing Center, a psychologist licensed pursuant to chapter 383, a marital and family therapist licensed pursuant to chapter 383a or a licensed clinical social worker licensed pursuant to chapter 383b; (6) a person licensed or certified by any agency of this state and performing services within the scope of practice for which licensed or certified; (7) a student, intern or trainee pursuing a course of study in counseling in a regionally accredited institution of higher education, provided the activities that would otherwise require a license as a professional counselor are performed under supervision and constitute a part of a

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supervised course of study; (8) a person employed by an institution of higher education to provide academic counseling in conjunction with the institution's programs and services; or (9) a vocational rehabilitation counselor, job counselor, credit counselor, consumer counselor or any other counselor or psychoanalyst who does not purport to be a counselor whose primary service is the application of established principles of psycho-social development and behavioral science to the evaluation, assessment, analysis and treatment of emotional, behavioral or interpersonal dysfunction or difficulties that interfere with mental health and human development. [; or (10) a person who earned a degree in accordance with the requirements of subdivision (2) of subsection (a) of section 20-195dd, provided (A) the activities performed and services provided by such person constitute part of the supervised experience required for licensure under subdivision (3) of subsection (a) of said section, and (B) not later than two years after completion of such supervised experience, the exemption to the licensure requirement shall cease if the person did not successfully complete the licensing examination, as required under subdivision (4) of subsection (a) of said section.]

- Sec. 3. Section 20-195cc of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
- (a) The Commissioner of Public Health shall grant a license (1) as a professional counselor to any applicant who furnishes evidence satisfactory to the commissioner that such applicant has met the requirements of section 20-195dd, as amended by this act, and (2) as a professional counselor associate to any applicant who furnishes evidence satisfactory to the commissioner that such applicant has met the requirements of section 20-195dd, as amended by this act. The commissioner shall develop and provide application forms. The application fee for a professional counselor shall be three hundred fifteen dollars. The application fee for a professional counselor associate shall be two hundred twenty dollars.
- 113 (b) Licenses issued to professional counselors and professional

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counselor associates under this section may be renewed annually pursuant to section 19a-88, as amended by this act. The fee for such renewal shall be one hundred ninety-five dollars. Each licensed professional counselor and professional counselor associate applying for license renewal shall furnish evidence satisfactory to the commissioner of having participated in continuing education programs. The commissioner shall adopt regulations, in accordance with chapter 54, to (1) define basic requirements for continuing education programs that shall include (A) not less than one contact hour of training or education each registration period on the topic of cultural competency, (B) on and after January 1, 2016, not less than two contact hours of training or education during the first renewal period in which continuing education is required and not less than once every six years thereafter on the topic of mental health conditions common to veterans and family members of veterans, including (i) determining whether a patient is a veteran or family member of a veteran, (ii) screening for conditions such as post-traumatic stress disorder, risk of suicide, depression and grief, and (iii) suicide prevention training, and (C) on and after January 1, 2018, not less than three contact hours of training or education each registration period on the topic of professional ethics, (2) delineate qualifying programs, (3) establish a system of control and reporting, and (4) provide for a waiver of the continuing education requirement for good cause.

Sec. 4. Section 20-195dd of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):

[(a) (1) Except as otherwise provided in subsections (b) and (c) of this section, an applicant for a license as a professional counselor shall, prior to January 1, 2019, submit evidence satisfactory to the commissioner of having: (A) Completed sixty graduate semester hours in or related to the discipline of counseling at a regionally accredited institution of higher education, that included coursework in each of the following areas: (i) Human growth and development, (ii) social and cultural foundations, (iii) counseling theories and techniques or

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helping relationships, (iv) group dynamics, (v) processing and counseling, (vi) career and lifestyle development, (vii) appraisals or tests and measurements for individuals and groups, (viii) research and evaluation, and (ix) professional orientation to counseling; (B) earned, from a regionally accredited institution of higher education a master's or doctoral degree in social work, marriage and family therapy, counseling, psychology or a related mental health field; (C) acquired three thousand hours of postgraduate-degree-supervised experience in the practice of professional counseling, performed over a period of not less than one year, that included a minimum of one hundred hours of direct supervision by (i) a physician licensed pursuant to chapter 370 who has obtained certification in psychiatry from the American Board of Psychiatry and Neurology, (ii) a psychologist licensed pursuant to chapter 383, (iii) an advanced practice registered nurse licensed pursuant to chapter 378 and certified as a clinical specialist in adult psychiatric and mental health nursing with the American Nurses Credentialing Center, (iv) a marital and family therapist licensed pursuant to chapter 383a, (v) a clinical social worker licensed pursuant to chapter 383b, (vi) a professional counselor licensed, or prior to October 1, 1998, eligible for licensure, pursuant to section 20-195cc, or (vii) a physician certified in psychiatry by the American Board of Psychiatry and Neurology, psychologist, advanced practice registered nurse certified as a clinical specialist in adult psychiatric and mental health nursing with the American Nurses Credentialing Center, marital and family therapist, clinical social worker or professional counselor licensed or certified as such or as a person entitled to perform similar services, under a different designation, in another state or jurisdiction whose requirements for practicing in such capacity are substantially similar to or higher than those of this state; and (D) passed an examination prescribed by the commissioner. Any such applicant who, on or before July 1, 2017, is a matriculating student in good standing in a graduate degree program at a regionally accredited institution of higher education in one of the fields required under subparagraph (B) of this subdivision on or before July 1, 2017, but who cannot reasonably complete the requirements set forth in this

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subdivision prior to January 1, 2019, as determined by the commissioner, may apply for a license under this subdivision on and after January 1, 2019.]

[(2)] (a) Except as otherwise provided in subsections [(b)] (c) and [(c)] (d) of this section, an applicant for a license as a professional counselor shall [, on and after January 1, 2019,] submit evidence satisfactory to the commissioner of having: [(A) (i)] (1) (A) Earned a graduate degree in clinical mental health counseling as part of a program of higher learning accredited by the Council for Accreditation of Counseling and Related Educational Programs, or a successor organization, or [(ii) (I)] (B) (i) completed at least sixty graduate semester hours in counseling or a related mental health field at a regionally accredited institution of higher education that included coursework in each of the following areas: Human growth and development; social and cultural foundations; counseling theories; counseling techniques; group counseling; career counseling; appraisals or tests and measurements to individuals and groups; research and evaluation; professional orientation to mental health counseling; addiction and substance abuse counseling; trauma and crisis counseling; and diagnosis and treatment of mental and emotional disorders, [(II)] (ii) earned from a regionally accredited institution of higher education a graduate degree in counseling or a related mental health field, [(III)] (iii) completed a one-hundred-hour practicum in counseling taught by a faculty member licensed or certified as a professional counselor or its equivalent in another state, and [(IV)] (iv) completed a six-hundred-hour clinical mental health counseling internship taught by a faculty member licensed or certified as a professional counselor or its equivalent in another state; [(B)] (2) acquired three thousand hours of postgraduate experience under professional supervision, including a minimum of one hundred hours of direct professional supervision, in the practice of professional counseling, performed over a period of not less than two years; and [(C)] (3) passed an examination prescribed by the commissioner.

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(b) An applicant for a license as a professional counselor associate shall submit to the Commissioner of Public Health evidence satisfactory to the commissioner of having (1) earned a graduate degree in clinical mental health counseling as part of a program of higher learning accredited by the Council for Accreditation of Counseling and Related Educational Programs, or a successor organization, or (2) (A) completed at least sixty graduate semester hours in counseling or a related mental health field at a regionally accredited institution of higher education that included coursework in each of the following areas: Human growth and development; social and cultural foundations; counseling theories; counseling techniques; group counseling; career counseling; appraisals or tests and measurements to individuals and groups; research and evaluation; professional orientation to mental health counseling; addiction and substance abuse counseling; trauma and crisis counseling; and diagnosis and treatment of mental and emotional disorders, (B) completed a one-hundred-hour practicum in counseling taught by a faculty member licensed or certified as a professional counselor or its equivalent in another state, (C) completed a six-hundred-hour clinical mental health counseling internship taught by a faculty member licensed or certified as a professional counselor or its equivalent in another state, and (D) earned from a regionally accredited institution of higher education a graduate degree in counseling or a related mental health field.

[(b)] (c) An applicant for licensure by endorsement shall present evidence satisfactory to the commissioner that the applicant is licensed or certified as a professional counselor or professional counselor associate, or as a person entitled to perform similar services under a different designation, in another state or jurisdiction whose requirements for practicing in such capacity are substantially similar to or higher than those of this state and that there are no disciplinary actions or unresolved complaints pending.

[(c)] (d) An applicant who is licensed or certified as a professional

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- 248 counselor or its equivalent in another state, territory or commonwealth 249 of the United States may substitute three years of licensed or certified 250 work experience in the practice of professional counseling in lieu of the 251 requirements of [subparagraph (C) of subdivision (1) of subsection (a) 252 of this section, or subparagraph (B) of subdivision (2) of subsection (a) 253 of this section, [as applicable,] provided the commissioner finds that 254 such experience is equal to or greater than the requirements of this 255 state.
- Sec. 5. (NEW) (*Effective October 1, 2019*) (a) An individual licensed as a professional counselor pursuant to section 20-195dd of the general statutes, as amended by this act, may practice professional counseling. The practice of professional counseling includes, but is not limited to, engaging in the independent practice of professional counseling.
  - (b) An individual licensed as a professional counselor associate pursuant to subsection (d) of section 20-195dd of the general statutes, as amended by this act, may practice professional counseling under professional supervision. Except as provided in subsection (c) of section 20-195bb of the general statutes, as amended by this act, a licensed professional counselor associate may not engage in the independent practice of professional counseling.
- Sec. 6. Section 20-195ff of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
  - The Commissioner of Public Health may adopt regulations, in accordance with the provisions of chapter 54, to further the purposes of subdivision (18) of subsection (c) of section 19a-14, as amended by this act, subsection (e) of section 19a-88, as amended by this act, subdivision (15) of section 19a-175, subsection (b) of section 20-9, sections 20-195aa to [20-195ff] 20-195ee, inclusive, as amended by this act, [and sections 20-206jj to 20-2060o, inclusive] and section 5 of this act.
- Sec. 7. Section 20-195a of the general statutes is repealed and the

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- following is substituted in lieu thereof (*Effective October 1, 2019*):
- 280 For purposes of this chapter:
- 281 (1) "Commissioner" means the Commissioner of Public Health;
- 282 (2) "Department" means the Department of Public Health;
- 283 (3) "Marital and family therapy" means the evaluation, assessment, 284 diagnosis, counseling, management and treatment of emotional
- disorders, whether cognitive, affective or behavioral, within the
- 286 context of marriage and family systems, through the professional
- 287 application of individual psychotherapeutic and family-systems
- 288 theories and techniques in the delivery of services to individuals,
- 289 couples and families; [.]
- 290 (4) "Licensed marital and family therapy associate" means a person
- 291 who has been licensed by the department as a marital and family
- 292 <u>therapy associate pursuant to this chapter and whose license permits</u>
- 293 the person to engage in the practice of marital and family therapy
- 294 under the clinical supervision of a licensed marital and family
- 295 therapist; and
- 296 (5) "Licensed marital and family therapist" means a person who has
- 297 <u>been licensed by the department as a marital and family therapist</u>
- 298 pursuant to this chapter.
- Sec. 8. Section 20-195b of the general statutes is repealed and the
- 300 following is substituted in lieu thereof (*Effective October 1, 2019*):
- 301 (a) Except as provided in section 20-195f, no person shall practice
- 302 marital and family therapy unless licensed in accordance with section
- 303 20-195c, as amended by this act.
- 304 (b) No person shall use the title "licensed marital and family
- 305 therapist" or "licensed marital and family therapist associate" unless
- 306 [he is] licensed in accordance with the provisions of section 20-195c, as

## amended by this act.

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- Sec. 9. Section 20-195c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
  - (a) Each applicant for licensure as a marital and family therapist shall present to the department satisfactory evidence that such applicant has: (1) Completed a graduate degree program specializing in marital and family therapy [from] offered by a regionally accredited college or university or an accredited postgraduate clinical training program accredited by the Commission on Accreditation for Marriage and Family Therapy Education offered by a regionally accredited institution of higher education; (2) completed a supervised practicum or internship with emphasis in marital and family therapy supervised by the program granting the requisite degree or by an accredited postgraduate clinical training program [,] accredited by the Commission on Accreditation for Marriage and Family Therapy Education and offered by a regionally accredited institution of higher education, in which the student received a minimum of five hundred direct clinical hours that included one hundred hours of clinical supervision; (3) completed twelve months of relevant postgraduate experience, including (A) a minimum of one thousand hours of direct client contact offering marital and family therapy services subsequent to being awarded a master's degree or doctorate or subsequent to the training year specified in subdivision (2) of this subsection, and (B) one hundred hours of postgraduate clinical supervision provided by a licensed marital and family therapist; and (4) passed an examination prescribed by the department. The fee shall be three hundred fifteen dollars for each initial application.
    - (b) Each applicant for licensure as a marital and family therapist associate shall present to the department (1) satisfactory evidence that such applicant has completed a graduate degree program specializing in marital and family therapy offered by a regionally accredited institution of higher education or an accredited postgraduate clinical training program accredited by the Commission on Accreditation for

- Marriage and Family Therapy Education and offered by a regionally accredited institution of higher education, and (2) verification from a supervising licensed marital and family therapist that the applicant is working toward completing the postgraduate experience required for licensure as a marital and family therapist under subdivision (3) of subsection (a) of this section. The fee shall be one hundred twenty-five dollars for each initial application.
  - [(b)] (c) The department may grant licensure without examination, subject to payment of fees with respect to the initial application, to any applicant who is currently licensed or certified as a marital or marriage and family therapist or a marital and family therapist associate in another state, territory or commonwealth of the United States, provided such state, territory or commonwealth maintains licensure or certification standards which, in the opinion of the department, are equivalent to or higher than the standards of this state. No license shall be issued under this section to any applicant against whom professional disciplinary action is pending or who is the subject of an unresolved complaint.
  - [(c) Licenses] (d) (1) A license issued to a marital and family therapist issued under this section may be renewed annually in accordance with the provisions of section 19a-88, as amended by this act. The fee for such renewal shall be three hundred twenty dollars. Each licensed marital and family therapist applying for license renewal shall furnish evidence satisfactory to the commissioner of having participated in continuing education programs. The commissioner shall adopt regulations, in accordance with chapter 54, to [(1)] (A) define basic requirements for continuing education programs, which shall include not less than one contact hour of training or education each registration period on the topic of cultural competency and, on and after January 1, 2016, not less than two contact hours of training or education during the first renewal period in which continuing education is required and not less than once every six years thereafter on the topic of mental health conditions common to veterans and

- family members of veterans, including [(A)] (i) determining whether a patient is a veteran or family member of a veteran, [(B)] (ii) screening for conditions such as post-traumatic stress disorder, risk of suicide, depression and grief, and [(C)] (iii) suicide prevention training, [(2)] (B) delineate qualifying programs, [(3)] (C) establish a system of control and reporting, and [(4)] (D) provide for waiver of the continuing education requirement for good cause.
  - (2) A license issued to a marital and family therapist associate shall expire on or before twenty-four months after the date on which such license was issued and may be renewed once for an additional twenty-four months in accordance with the provisions of section 19a-88, as amended by this act. The fee for such renewal shall be two hundred twenty dollars. Each licensed marital and family therapist associate applying for license renewal shall furnish evidence satisfactory to the commissioner of working toward completing the postgraduate experience required for licensure as a marital and family therapist under subdivision (3) of subsection (a) of this section and the potential for successful completion of such experience prior to the expiration of the twenty-four month renewal period.
  - [(d)] (e) Notwithstanding the provisions of this section, an applicant who is currently licensed or certified as a marital or marriage and family therapist in another state, territory or commonwealth of the United States that does not maintain standards for licensure or certification that are equivalent to or higher than the standards in this state may substitute three years of licensed or certified work experience in the practice of marital and family therapy, as defined in section 20-195a, as amended by this act, in lieu of the requirements of subdivisions (2) and (3) of subsection (a) of this section.
  - Sec. 10. Subdivision (1) of subsection (e) of section 19a-88 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2019*):
- 404 (e) (1) Each person holding a license or certificate issued under

- 405 section 19a-514, 20-65k, 20-74s, 20-185k, 20-185l, 20-195cc, as amended
- 406 by this act, or 20-206ll and chapters 370 to 373, inclusive, 375, 378 to
- 407 381a, inclusive, 383 to 383c, inclusive, 384, 384a, 384b, 384d, 385, 393a,
- 408 395, 399 or 400a and section 20-206n or 20-206o shall, annually, or, in
- 409 the case of a person holding a license as a marital and family therapist
- 410 <u>associate under section 20-195c, as amended by this act, on or before</u>
- 411 twenty-four months after the date of initial licensure, during the
- 412 month of such person's birth, apply for renewal of such license or
- 413 certificate to the Department of Public Health, giving such person's
- and name in full, such person's residence and business address and such
- other information as the department requests.
- Sec. 11. Subsection (a) of section 20-20600 of the general statutes is
- 417 repealed and the following is substituted in lieu thereof (Effective
- 418 *October* 1, 2019):
- 419 (a) The Commissioner of Public Health may adopt regulations in
- 420 accordance with the provisions of chapter 54 to carry out the
- 421 provisions of subdivision (24) of subsection (c) of section 19a-14,
- subsection (e) of section 19a-88, as amended by this act, subsection (b)
- of section 20-9, subsection [(c)] (d) of section 20-195c, as amended by
- 424 this act, [sections 20-195aa to 20-195ff, inclusive,] and sections 20-206jj
- 425 to [20-20600] 20-206nn, inclusive.
- Sec. 12. Subdivisions (6) to (19), inclusive, of subsection (c) of section
- 427 19a-14 of the general statutes are repealed and the following is
- 428 substituted in lieu thereof (*Effective October 1, 2019*):
- 429 (6) Marital and family therapist and marriage and family therapist
- 430 <u>associate</u>;
- 431 (7) Nurse-midwife;
- 432 (8) Licensed clinical social worker;
- 433 (9) Respiratory care practitioner;

- 434 (10) Asbestos contractor, asbestos consultant and asbestos training 435 provider;
- 436 (11) Massage therapist;
- 437 (12) Registered nurse's aide;
- 438 (13) Radiographer;
- 439 (14) Dental hygienist;
- 440 (15) Dietitian-Nutritionist;
- 441 (16) Asbestos abatement worker;
- 442 (17) Asbestos abatement site supervisor;
- 443 (18) Licensed or certified alcohol and drug counselor;
- 444 (19) Professional counselor <u>and professional counselor associate</u>;

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2019	20-195aa
Sec. 2	October 1, 2019	20-195bb
Sec. 3	October 1, 2019	20-195cc
Sec. 4	October 1, 2019	20-195dd
Sec. 5	October 1, 2019	New section
Sec. 6	October 1, 2019	20-195ff
Sec. 7	October 1, 2019	20-195a
Sec. 8	October 1, 2019	20-195b
Sec. 9	October 1, 2019	20-195c
Sec. 10	October 1, 2019	19a-88(e)(1)
Sec. 11	October 1, 2019	20-206oo(a)
Sec. 12	October 1, 2019	19a-14(c)(6) to (19)

## Statement of Legislative Commissioners:

In Section 4(a), "Subsections (b) and (c)" were changed to Subsections " $\underline{(c)}$  and  $\underline{(d)}$ " for accuracy, Subparas. (A)(i) to (C), inclusive, were redesignated as Subdivs. (1)(A) to (3), inclusive, for consistency with

standard drafting conventions and in Section 4(d), "<u>or a professional counselor associate or its equivalent</u>" was deleted and the closing bracket was moved from after "of this section, or" to after "subparagraph (B) of" for accuracy.

**PH** Joint Favorable Subst.