

THE AMERICAN ASSOCIATION FOR MARRIAGE AND FAMILY THERAPY

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M A G A Z I N E

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50 States & the District



Inside this issue: The Role of MFTs in the Custody Process



The Final Drama— Achievement of MFT Licensure in all 50 States and the District of Columbia

The opening of the old TV show, *Dragnet*, began with a voiceover that said something like, “There are a million stories in the city. This is one.” In the efforts toward the licensure of MFTs in all 50 states in the U.S. and the District of Columbia, there are also a million stories. The members who believed that those who had trained as MFTs should be licensed as such, and that the public would be served by being able to identify trained marriage and family therapists, worked diligently and effectively over the years to achieve the goal that now has been accomplished. This milestone reflects a concerted and collaborative effort of members, division leaders, and the AAMFT, through funding and staff support.

The final steps in this longstanding effort were made in West Virginia and Montana. The stories of those efforts are outlined here in some detail, although similar stories could be told for every state, and for DC.

In 1963, the California legislature enacted a law to license “marriage, family, and child counselors.” The first licenses were issued the next year. With that law began the regulation of those practitioners who are now known as “marriage and family therapists,” or more commonly, simply as “MFTs.” Through the ‘60s and into the early ‘70s, two other states also enacted similar legislation: New Jersey and Michigan, although the title and practice they regulated was simply “marriage counselors.”

In the early 1980s, the AAMFT made MFT licensure of MFTs as an independent discipline a priority. Tom Clark, AAMFT President at the time, dedicated a budget line that was within his discretion for legislative grants. Later, staff were hired to assist in divisional development and advocacy for licensure.

In 1986, when Mark Ginsberg was selected as Executive Director, licensure efforts were moved into full swing. At that time, 11 states regulated the MFT profession, and almost none of them had freedom of choice laws for MFTs that mandated insurance reimbursement for psychotherapy services provided by MFTs. The late ‘80s saw a great increase in licensure—in 1987 alone, five states enacted regulatory laws for MFTs. Many of those states

had been working on the effort for several years, and the increased support of the AAMFT helped push them over the top to victory. By the end of the 1980s, the number of states licensing MFTs had doubled.

One would think that success would breed success in such efforts. However, in politics, on a state-by-state campaign, that is not always the case. The AAMFT and its divisions won victories for licensure where the political climate was less adverse, and where the organization and political strength of the MFTs could be marshaled to overcome the opposition that existed. In other states, there was greater opposition and/or the number and strength of MFTs was such that victory was not possible. In essence, with each victory, the next one became more challenging, not less, because the effort was beginning from a position that was less advantageous and more adverse.

The final victories in West Virginia and Montana are prime illustrations of this fact, and examples of how dedication, commitment, and mutual support can overcome even adverse situations. In Montana, until only a few years ago, the AAMFT had no organized division. In West Virginia, the division’s numbers and organization made it impossible for it alone to overcome the opposition for MFT licensure there. The stories below show the kind of work done by every division over the years to achieve, protect, and advance the regulation and recognition of MFTs. The AAMFT salutes all of those who worked in these efforts, and celebrates with all members the successes of all divisions over the years, and the overall success this landmark represents for the MFT profession.

West Virginia

AAMFT resources and staff have been actively involved in assisting the West Virginia Division in advocating for an MFT licensure law. As far back as 1998, several West Virginia members, in response to an AAMFT survey, indicated an interest in pursuing MFT licensure at some point.

West Virginia’s licensing efforts were filled with challenges from opposing professional organizations (counselors, psychologists, addiction counselors and social workers), unfavorable reports, and storytelling from unknown constituents. For example, in 2006 the Legislative Auditor issued a report suggesting marriage and family therapists did not need licensing. Both the WVAMFT and the AAMFT quickly refuted the report by submitting a rebuttal. With guidance and financial assistance, combined with a new lobbyist, the Joint Committee on Government Organization rejected the Legislative Auditor’s report, thereby voting to recommend MFT licensure. In 2007, despite unanimously passing the Senate, opposition from psychologists and counselors killed the bill in the House. In November 2007, in an attempt to engage opposition and strike some form of compromise, WVAMFT and AAMFT met with the Chair

of the House Government Organization committee and representatives from the counselor licensure board, the state social worker chapter, the psychologists, the state counseling association, and a lobbyist for the addictions counselors. The intent was to discuss acceptable language of a bill. However, it quickly became evident that the opposition of psychologists, social workers and counselors had little intent on compromise. Fortunately, the Chair and his committee saw the ruse and asked all groups to submit language for consideration.

In early 2008, House Bill 4146, an MFT licensure bill, was introduced. On February 24th, it appeared the bill was gaining traction after the House Government Organization committee heard the bill and the bill passed with only one legislator voting against it. However, all hopes were dashed when WVAMFT and the AAMFT discovered the House was not voting on this bill because a counselor informed the Speaker of the House, without any supporting evidence, that hundreds of constituents in his district would be negatively impacted by MFT licensure. Unfortunately, there was no time to argue the inaccurate statements and the bill died.

It was not until late 2008, after the Chair of the House Government Organization committee created draft language, that all professional groups were able to agree upon the bill that subsequently passed. Having little trust in how the other professional groups might respond during a meeting, the AAMFT sent staff to meet with representatives from the counselor licensing board, the state social worker chapter, and the psychologists. At the meeting, all of the parties agreed on the text of the bill, except for the grandparenting clauses for MFTs. The compromises reached were generally favorable to the MFT profession and in January 2009, an AAMFT/WVAMFT compromise concerning grandparenting was accepted.

West Virginia Timeline

1998

West Virginia began planning to pursue licensure

2000 (February)

First licensure bill, House Bill 4569, was filed.

2000 (August)

First MFT Sunrise Review Application is filed with the Joint Committee on Government Organization.

2005

New licensure effort. In order for the legislature to consider an MFT licensure bill in 2007, WVAMFT submitted a sunrise review application to the legislature on November 28, 2005.

2006 (May)

The AAMFT provides a legislative grant for \$17,060.

2006

Unfavorable Legislative Audit report filed with the Joint Committee on Government Organization.

2006

AAMFT and WVAMFT refute report.

2007 (January)

Licensure bill, Senate Bill 189, was filed; bill dies in the House.

2007 (June)

The AAMFT provides a legislative grant for \$19,080.

2007 (November)

Two AAMFT staff members traveled to Charleston for a meeting with the Chair of the House Government Organization committee. The President and President-Elect represented the WVAMFT. In addition, representatives from the counselor licensure board, the state social worker chapter, the psychologists, the state counseling association, and a lobbyist for the addictions counselors attended the meeting.

2008 (January)

MFT bill introduced in the House.

2008 (February)

Bill passed the Senate but would not be heard in the House because of a counselor claiming hundreds of constituents would be negatively impacted by MFT licensure. The full House did not vote on the bill.

2008 (May)

The AAMFT provides a legislative grant for \$20,140.

2008 (August)

The counselors met with the Chair of the House Government Organization Committee and committee staff. During this meeting, the counselors apparently claimed that MFTs were not equally trained as other mental health providers.

2008 (September)

The WVAMFT lobbyist scheduled a meeting with the Chair and his staff, two AAMFT members representing the MFT profession in WV, two AAMFT staffers, and an AAMFT professor from an accredited program to speak about the academic training of MFTs. The meeting resulted in a more accurate awareness of the MFT profession by the legislator and legislative staff, and cleared up any confusion regarding the training of MFTs.

2008 (December)

Another meeting was held with the House Government Organization Committee and committee staff in order to reach an agreement among the mental health provider community on what language should be in an MFT licensure bill. Due to the importance of this meeting, the AAMFT also attended this meeting. In addition, representatives from the counselor licensing board, the state social worker chapter, and the psychologists attended. At the meeting, all of the parties agreed on the text of the bill, except for the grandparenting clauses for MFTs. The compromises reached were generally favorable to the MFT profession and in January 2009, an AAMFT/WVAMFT compromise concerning grandparenting was accepted.

2009 (February)

The licensure bill, House Bill 2532, was filed in the House. This bill was supported by the WVAMFT, the AAMFT, and the counseling profession, and agreed to by the other groups representing mental health providers. On February 19th, the bill passed a key House committee, and on February 26th, it unanimously passed the House and was sent to the Senate.

2009 (April)

The Senate committee passed an amended version of the bill and on April 9th, the bill passed the Senate and the House concurred with the changes on April 10th. The bill was sent to the Governor for his signature. April 24th, the Governor signed the bill, making West Virginia the 49th state to pass an MFT licensure law.

Montana

On July 22, 2003, AAMFT members in Montana and AAMFT staff met as a task force to determine if a divisional status and licensure were viable options. At the conclusion of the meeting, Montana determined to pursue additional status as well as licensure. The challenges to licensure were soon to become self-evident.

In 2005, the MTAMFT introduced its first licensure bill, Senate Bill 297. On January 31st of that year, a Senate committee heard testimony on this bill. Five MTAMFT members and the division's lobbyist testified in favor of this important legislation. The counselor and psychologists opposed the MFT licensure bill. Unfortunately, the committee did not take a vote on the licensure bill, and the legislation died. The AAMFT provided financial and personnel assistance to the division. The knowledge obtained by MTAMFT members of the legislative process in 2005 assisted the division in its future licensure efforts.

Because the legislature meets every other year in Montana, the division needed to wait until 2007 to file another licensure bill. In February 2007, the MTAMFT filed its second licensure bill, Senate Bill 434, in the Senate. On February 9th, a hearing was held on this important legislation and on February 16th, the committee passed this legislation.

Despite the House committee hearing testimony on this legislation and passing the Senate by a vote of 38 to 12, the bill died in the House committee when the legislative session ended. This outcome was an unexpected and disappointing turn of events given the strong support for the bill. Although the bill partially failed to pass the legislature because of a partisan showdown between the legislature and the governor, a more significant factor was the opposition from other professional organizations, such as social work, psychology and counseling.

The division, with AAMFT guidance and financial assistance, began preparing in 2008 for a licensure initiative in 2009. On January 23, 2009, an MFT licensure bill, Senate Bill 271, was filed in the Senate. On January 30th, a Senate committee heard the bill with several MTAMFT members testifying in favor of the bill. The counseling and psychology profession did not oppose this legislation, but the local National Association of Social Workers chapter chose to oppose the bill. The local chapter of NASW posted on its website hard opposition to the licensure effort claiming, among other things, that MFTs would lower the high standards of mental health law in Montana.

Although the MTAMFT members did a great job in testifying in support of the bill, the division leaders and their lobbyist realized that compromises were needed to satisfy the principal objection of the social workers and move this legislation to the full Senate. After consultation with AAMFT staff, the MTAMFT board agreed to amend the bill.



On February 12th, the legislation, as amended, passed the Senate committee and was referred to the full Senate. On February 18th, this bill passed the full Senate by a vote of 27 to 23. However, despite the compromises made to accommodate concerns of the social workers, the MTAMFT discovered that the NASW chapter continued opposing the MFT licensure bill. The Web site posting claimed that the Montana licensure efforts were simply a marketing tool allowing LMFTs to infer a superior style of marriage and family therapy compared to social workers performing the same service. AAMFT staff drafted a point-by-point rebuttal of some written talking points that the social workers published concerning this legislation.

On March 13th, the House committee heard testimony on this bill from MTAMFT leaders. Social workers continued their aggressive tactics by testifying in opposition. The darkest hour for this legislation was on March 24th, when the House committee voted 9 to 9 on whether to pass this legislation. Fortunately, in Montana, a tie vote does not automatically kill a bill. Legislation can be reconsidered. Through tireless work by the MTAMFT and their lobbyist, on March 27th, three committee members switched their votes, and the bill passed the committee by a vote of 12 to 6.

The bill was sent to the full House for a vote. Due to pressure from opponents, the House agreed to an amendment concerning grandparenting. MTAMFT consulted with AAMFT and the Division was successful in ensuring that any significantly harmful language was removed from the amendment. On April 14th, the House passed the bill as amended by a vote of 58 to 42. The Senate concurred with the changes on April 17th. On April 28th, the Governor signed the bill, making Montana the 50th state to pass an MFT licensure law.

Montana Timeline

2003

Steering committee created in order to create an AAMFT Division in Montana.

2003 (July)

Steering committee meeting with a member of the AAMFT staff. Members attending were supportive of initiating a licensure effort.

2003 (August)

MFTs in Montana approved bylaws and the first officers for the division.

2005 (January)

First licensure bill, Senate Bill 297, was introduced.

2000 (August)

First MFT Sunrise Review Application is filed with the Joint Committee on Government Organization.

2004 (November)

The AAMFT provides a legislative grant for \$12,000 for a licensure initiative in 2005.

2005

Senate Bill 205, an MFT licensure bill, was introduced.

2006 (December)

The AAMFT provides a legislative grant for \$12,000 for a licensure initiative in 2007.

2007 (February)

Senate Bill 434, an MFT licensure bill, was introduced. This bill passed the Senate.

2007 (April)

Senate Bill 434 dies in the House.

2008 (December)

The AAMFT provides a legislative grant for \$12,000 for a licensure initiative in 2009. Division hires a lobbyist.

2009 (January)

Senate Bill 271, an MFT licensure bill, was introduced. A Senate committee heard testimony on this legislation from MTAMFT members and from social worker opponents.

2009 (February)

On February 12th, the Senate committee amended and passed Senate Bill 271. On February 18th, this bill passed the full Senate by a vote of 27 to 23.

2009 (March)

On March 13th, a House committee heard testimony on this bill from MTAMFT members and from social worker opponents. On March 24th, an initial House committee vote on moving Senate Bill 271 to the floor resulted in a tie vote. On March 27th, Senate Bill 271 passed this committee on a second vote by a vote of 12 to 6.

2009 (April)

On April 14th, the full House amended Senate Bill 271 and passed it out of the House by a vote of 58 to 42. The Senate concurred with the changes to the bill. On April 28th, Governor Brian Schweitzer signed Senate Bill 271 into law.

This historical moment represents the culmination of many years of hard work and the dedication of many. From licensing efforts beginning in the 1960s, to the success of West Virginia and Montana, many AAMFT members have testified, written letters, made telephone calls and met with numerous members of legislature to make a once overwhelming aspiration, reality. Despite the intense opposition from larger mental health professional groups, marriage and family therapists persevered and conquered. Congratulations to everyone dedicated to the profession of marriage and family therapy.

