



January 20, 1999

SENATE BILL No. 124

DIGEST OF SB 124 (Updated January 14, 1999 9:20 am - DI 88)

Citations Affected: IC 25-23.6.

Synopsis: Grandfathering of employees. Provides that an individual who is employed by certain state government agencies in certain job classifications as of July 1, 1999, is exempted from having to obtain a license as a social worker, clinical social worker, or mental health counselor for as long as the individual remains in the same job classification the individual held on July 1, 1999.

Effective: July 1, 1999.

Miller, Craycraft

January 6, 1999, read first time and referred to Committee on Health and Provider Services.
January 19, 1999, amended, reported favorably — Do Pass.

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SB 124—LS 6390/DI 88+



January 20, 1999

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

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SENATE BILL No. 124

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-23.6-1-3.9 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS[EFFECTIVE
3 JULY 1, 1999]: **Sec. 3.9. "Governmental employee" means an**
4 **individual employed by the office of the secretary of family and**
5 **social services, the division of family and children, the division of**
6 **mental health, the division of disability, aging, and rehabilitative**
7 **services, the department of correction, or the state department of**
8 **health as of July 1, 1999, in one (1) of the following classifications:**
9 (1) 2AA3 Behavioral clinician 3.
10 (2) 2AA4 Behavioral clinician 4.
11 (3) 2AA5 Clinical associate 5.
12 (4) 2FL1 Mental health administrator 1.
13 (5) 2FL2 Mental health administrator 2.
14 (6) 2FL3 Mental health administrator 3.
15 (7) 2AN3 Substance abuse counselor 3.
16 (8) 2AN4 Substance abuse counselor 4.
17 (9) 2AN5 Substance abuse counselor 5.

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- (10) 2AH2 Social services specialist 2.
- (11) 2AH3 Social services specialist 3.
- (12) 2AH4 Social services specialist 4.
- (13) 2AI1 Psychiatric services director 1.
- (14) 2AE2 Psychiatric social services specialist 2.
- (15) 2AE3 Psychiatric social services specialist 3.

SECTION 2. IC 25-23.6-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article may not be construed to limit the social work or clinical social work services performed by a person who does not use a title specified in this article and who is one (1) of the following:

- (1) A licensed or certified health care professional acting within the scope of the person's license or certificate.
 - (2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited institution of higher education or training institution accredited by the Council on Social Work Education, or a graduate accumulating experience required for licensure if:
 - (A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and
 - (B) the student or graduate uses a title that contains the term "intern", "student", or "trainee".
 - (3) Not a resident of Indiana if the person performed social work in Indiana for not more than five (5) days in any one (1) month or more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.
 - (4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.
 - (5) An employee or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling, or other assistance.
 - (6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and who provides counseling in the areas of alcohol or drug abuse addictions.
 - (7) **A governmental employee who remains in the same job classification as the governmental employee held on July 1, 1999.**
- (b) Nothing in this section prohibits a person referred to in

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1 subsection (a) from qualifying for licensure under this article.

2 SECTION 3. IC 25-23.6-4.5-2 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article may
4 not be construed to limit the mental health counseling services
5 performed by a person who does not use a title specified in this article
6 and who is one (1) of the following:

7 (1) A licensed or certified health care professional acting within
8 the scope of the person's license or certificate.

9 (2) A student, an intern, or a trainee pursuing a course of study in
10 medicine, psychology, or a course of study to gain licensure under
11 this article in an accredited institution of higher education or
12 training institution, or is a graduate accumulating experience
13 required for licensure if:

14 (A) the services are performed under qualified supervision and
15 constitute a part of the person's supervised course of study or
16 other level of supervision; and

17 (B) the student or graduate uses a title that contains the term
18 "intern" or "trainee".

19 (3) Not a resident of Indiana if the person performed the services
20 in Indiana for not more than five (5) days in any one (1) month or
21 fifteen (15) days within any one (1) calendar year and the person
22 is authorized to perform such services under the laws of the state
23 or country in which the person resides.

24 (4) A rabbi, priest, Christian Science practitioner, minister, or
25 other member of the clergy.

26 (5) An employee or a volunteer for a nonprofit corporation or an
27 organization performing charitable, religious, or educational
28 functions, providing pastoral counseling, or providing other
29 assistance.

30 (6) A person who provides school counseling or a person who is
31 certified by a state or national organization that is recognized by
32 the Indiana division of mental health and who provides
33 counseling in the areas of alcohol or drug abuse addictions.

34 (7) **A governmental employee who remains in the same job
35 classification as the governmental employee held on July 1,
36 1999.**

37 (b) Nothing in this section prohibits a person referred to in
38 subsection (a) from qualifying for licensure under this article.

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SENATE MOTION

Mr. President: I move that Senator Craycraft be added as second author of Senate Bill 124.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 124, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Page 1, line 1, after "1." insert "IC 25-23.6-1-3.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS".

Page 1, line 1, delete the effective date "[EFFECTIVE JANUARY 1, 1999 (RETROACTIVE)]" and insert the effective date "[EFFECTIVE JULY 1, 1999]:".

Page 1, delete line 2 and insert "**Sec. 3.9.**".

Page 1, line 3, delete "(b) This SECTION applies to" and insert ""**Governmental employee**" means".

Page 1, run in lines 1 through 3.

Page 1, line 4, after "," insert "**the division of family and children, the division of mental health, the division of disability, aging, and rehabilitative services,**".

Page 1, line 5, after "health" insert "**as of July 1, 1999,**".

Page 1, delete line 10.

Page 1, line 11, delete "5" and insert "**4**".

Page 1, line 12, delete "6" and insert "**5**".

Page 1, line 13, delete "7" and insert "**6**".

Page 1, line 14, delete "8" and insert "**7**".

Page 1, line 15, delete "9" and insert "**8**".

Page 1, line 16, delete "10" and insert "**9**".

Page 1, delete lines 17 through 18.

Page 2, line 1, delete "13" and insert "**10**".

Page 2, line 2, delete "14" and insert "**11**".

Page 2, line 3, delete "15" and insert "**12**".

Page 2, line 4, delete "16" and insert "**13**".

Page 2, line 4, delete "Psychological" and insert "**Psychiatric**".

Page 2, line 5, delete "17" and insert "**14**".

Page 2, line 5, delete "Psychological" and insert "**Psychiatric**".

Page 2, line 6, delete "18" and insert "**15**".

Page 2, line 6, delete "Psychological" and insert "**Psychiatric**".

Page 2, delete lines 7 through 25, begin a new paragraph and insert:

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"SECTION 2. IC 25-23.6-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article may not be construed to limit the social work or clinical social work services performed by a person who does not use a title specified in this article and who is one (1) of the following:

(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited institution of higher education or training institution accredited by the Council on Social Work Education, or a graduate accumulating experience required for licensure if:

(A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student or graduate uses a title that contains the term "intern", "student", or "trainee".

(3) Not a resident of Indiana if the person performed social work in Indiana for not more than five (5) days in any one (1) month or more than fifteen (15) days in any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling, or other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and who provides counseling in the areas of alcohol or drug abuse addictions.

(7) A governmental employee who remains in the same job classification as the governmental employee held on July 1, 1999.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article.

SECTION 3. IC 25-23.6-4.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 2. (a) This article may not be construed to limit the mental health counseling services performed by a person who does not use a title specified in this article and who is one (1) of the following:

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(1) A licensed or certified health care professional acting within the scope of the person's license or certificate.

(2) A student, an intern, or a trainee pursuing a course of study in medicine, psychology, or a course of study to gain licensure under this article in an accredited institution of higher education or training institution, or is a graduate accumulating experience required for licensure if:

(A) the services are performed under qualified supervision and constitute a part of the person's supervised course of study or other level of supervision; and

(B) the student or graduate uses a title that contains the term "intern" or "trainee".

(3) Not a resident of Indiana if the person performed the services in Indiana for not more than five (5) days in any one (1) month or fifteen (15) days within any one (1) calendar year and the person is authorized to perform such services under the laws of the state or country in which the person resides.

(4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.

(5) An employee or a volunteer for a nonprofit corporation or an organization performing charitable, religious, or educational functions, providing pastoral counseling, or providing other assistance.

(6) A person who provides school counseling or a person who is certified by a state or national organization that is recognized by the Indiana division of mental health and who provides counseling in the areas of alcohol or drug abuse addictions.

(7) A governmental employee who remains in the same job classification as the governmental employee held on July 1, 1999.

(b) Nothing in this section prohibits a person referred to in subsection (a) from qualifying for licensure under this article."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to Senate Bill 124 as introduced.)

MILLER, Chairperson

Committee Vote: Yeas 9, Nays 0.

SB 124—LS 6390/DI 88+



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