HOUSE DOCKET, NO. 2910 FILED ON: 1/18/2013

HOUSE . . . . . No. 236

The Commonwealth of Massachusetts

PRESENTED BY:

Jay R. Kaufman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act for consumer protection and regulation in psychotherapy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jay R. Kaufman	*15th Middlesex*
Denise Andrews	*2nd Franklin*
Peter V. Kocot	*1st Hampshire*
Frank I. Smizik	*15th Norfolk*
F. Jay Barrows	*1st Bristol*
Thomas J. Calter	*12th Plymouth*
Thomas P. Conroy	*13th Middlesex*
Timothy J. Toomey, Jr.	*26th Middlesex*
Michael Barrett	*Third Middlesex*
Alice Hanlon Peisch	*14th Norfolk*
Denise Provost	*27th Middlesex*
Paul McMurtry	*11th Norfolk*
William N. Brownsberger	*Second Suffolk and Middlesex*
Jason M. Lewis	*31st Middlesex*
Sean Garballey	*23rd Middlesex*
Carol Nemet Curran	*8 Highland Road, Kingston, MA*
Bruce E. Tarr	*First Essex and Middlesex*
Kate Hogan	*3rd Middlesex*

Marjorie C. Decker | *25th Middlesex*

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HOUSE . . . . . No. 236

By Mr. Kaufman of Lexington, a petition (accompanied by bill, House, No. 236) of Jay R. Kaufman and others relative to consumer protection and regulation in psychotherapy. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *4123* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act for consumer protection and regulation in psychotherapy.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 88 of chapter 13 of the General Laws, as appearing in the 2008 Official edition, is hereby amended by striking the entire section and inserting in place thereof the following:

Section 88. There shall be within the division of professional licensure a board of registration of allied mental health and human services professions, in this section and sections eighty-nine and ninety, which shall consist of thirteen members, one of whom shall be elected as chairperson, to be appointed in the manner provided by section eighty-nine. Members shall be appointed for a term of three years. No member shall be appointed to more than two consecutive full terms; provided, however, that a member appointed for less than a full term may serve two full terms in addition to such part of a full term, and a former member shall again be eligible for appointment after a lapse of one or more years.

Any member of the board may be removed by the governor for neglect of duty, misconduct or malfeasance, or misfeasance in office after being given a written statement of the charges against him and sufficient opportunity to be heard thereon. No member may be removed without a public hearing with at least thirty days prior written notice of the charges and the date fixed for such hearing. All board members shall be subject to chapter 268A. No board member shall participate in any matter before the board in which a pecuniary interest, personal bias, or other similar conflict of interest is established.

19 Members shall receive no compensation but shall be entitled to reasonable travel
20 expenses. The members of the board shall be public employees for the purposes of chapter 258
21 for all acts or omissions within the scope of their duties as board members.

22 SECTION 2. Section 89 of said chapter 13 of the General Laws, as appearing in the 2008
23 Official edition, is hereby amended by striking the entire section and inserting in place thereof
24 the following:

25 Section 89. The governor shall appoint members of the board only from among the
26 candidates who meet the following qualifications:

27 (A) Ten members shall be licensed practicing mental health and human services
28 professionals, two of whom shall be marriage and family therapists, two of whom shall be
29 rehabilitation counselors, two of whom shall be clinical mental health counselors, two of whom
30 shall be educational psychologists, two of whom shall be independent psychoanalytic
31 psychotherapists or independent psychoanalysts; and each shall have been, for at least five years
32 immediately preceding appointment, actively engaged as a practitioner rendering professional
33 services in that field, or in the education and training of graduate students or interns in the field,
34 or in appropriate human developmental research, or in other areas substantially equivalent
35 thereto, and shall have spent the majority of the professional time in such activity during the two
36 years preceding the appointment in the commonwealth, and

37 (B) Three members shall be representatives of the general public who have no direct
38 affiliation with the practice of any allied mental health or human services profession.

39 The appointment of any member of the board shall automatically terminate within thirty
40 days after the date such member is no longer a resident of the commonwealth.

41 Each appointee shall, upon accepting appointment to the board, take and subscribe to the
42 oath or affirmation prescribed by law, and file the same in the office of secretary of state.

43 SECTION 3. Section 90 of said chapter 13 of the General Laws, as appearing in the 2008
44 Official edition, is hereby amended by striking the entire section and inserting in place thereof
45 the following:

46 Section 90. The board shall hold at least two regular meetings each year, but additional
47 meetings may be held upon the call of the chairperson, or the secretary, or upon the written
48 request of any two board members. A majority of the members of the board then appointed shall
49 constitute a quorum; provided, however, that at least one of those present shall be a member who
50 was selected from and who represents the general public.

51 The board shall administer and enforce the provisions of sections one hundred and sixty-
52 three to one hundred and seventy-two, inclusive, of chapter one hundred and twelve. Said board
53 shall promulgate regulations which set forth education requirements necessary for a person to be

54 licensed under the provisions of sections one hundred sixty-five, one hundred sixty-five A, and
55 one hundred sixty-five B of said chapter one hundred and twelve; and the board may, from time
56 to time, adopt such rules and regulations as it deems necessary to carry out the performance of its
57 duties.

58 The director of the division of professional licensure shall have authority to review and
59 approve rules and regulations proposed by the board. Such regulations will be deemed approved
60 unless disapproved within fifteen days of submission to said director; provided, however, that
61 any such disapproval shall be in writing setting forth the reasons for such disapproval.

62 Said board, or its agent, shall examine and pass on the qualifications of all applicants for
63 licenses under sections one hundred and sixty-three to one hundred and seventy-two, inclusive,
64 of chapter one hundred and twelve, and shall issue a license to each successful applicant therefor,
65 attesting to their professional qualifications to be a licensed allied mental health and human
66 services professional. After a person has applied for licensure, no member of the board may
67 supervise such applicant for a fee nor shall any member vote on any applicant previously
68 supervised by such member.

69 Said board may recommend to the governor and the general court, after a public hearing
70 which shall be advertised by publication of notices to the appropriate mental health and human
71 service professional organizations and in major media outlets throughout the commonwealth,
72 modifications and amendments to sections eighty-eight, eighty-nine and this section and sections
73 one hundred and sixty-three to one hundred and seventy-two, inclusive, of chapter one hundred
74 and twelve.

75 Said board shall cause examinations to be held not less than twice annually and shall
76 evaluate examinations to keep them free from cultural bias.

77 Said board shall annually publish a list of names and addresses of persons who are
78 licensed under sections one hundred and sixty-three to one hundred and seventy-two inclusive, of
79 chapter one hundred and twelve.

80 Fees for initial and renewal applications shall be determined annually by the secretary of
81 administration and finance under the provisions of section three B of chapter seven.

82 Said board shall establish regulations for continuing educational requirements for
83 licensees. Said regulations shall not require more than thirty contact hours per year, on average
84 through the term of the license, of approved continuing education programs as a condition for
85 continuing registration.

86 Said board shall cause public hearings to be held prior to setting specifications for any
87 continuing educational requirements.

88 The board shall establish procedures to permit consumers to file written complaints
89 against licensed individuals and investigate and take appropriate action on such complaints.

90 SECTION 4. Section 65A of chapter 112 of the General Laws, as appearing in the 2008
91 Official Edition, is hereby amended by striking out the first sentence and inserting in place
92 thereof the following sentence:—

93 Notwithstanding any general or special law to the contrary, (i) each board of registration
94 under the supervision of the division of professional licensure, (ii) each board of registration
95 under the supervision of the department of public health and (iii), in the case of violations of
96 section 65F, the division of professional licensure may, after a consent agreement between the
97 parties or after an opportunity for an adjudicatory proceeding held pursuant to chapter 30A,
98 assess and collect a civil administrative penalty not to exceed $1,000 for the first violation and a
99 civil administrative penalty not to exceed $2,500 for a second or subsequent violation upon a
100 person who, without holding the required license, certificate, registration or authority, engages in
101 the practice of a trade or profession for which a license, certificate, registration or authority is
102 required.

103 SECTION 5. Said chapter 112 as appearing in the 2008 Official Edition is hereby
104 amended by inserting after section 65E the following section:—

105 Section 65F. Persons shall not hold themselves out to the public as psychotherapists or
106 represent that the service they are offering is psychotherapy, unless (a) they are currently
107 licensed by the board of registration in medicine and practicing within the scope of such license
108 and have completed training in psychiatry, or (b) they are currently licensed by the board of
109 registration in nursing and are practicing within the scope of such license and have completed
110 training in psychiatric nursing, or (c) they are currently licensed by the board of registration of
111 psychologists, the board of registration of social workers, or the board of registration of allied
112 mental health and human services professionals and they are practicing within the scope of
113 practice of such license, or (d) they are a student, intern, or person fulfilling supervised
114 experience for licensure in the above professions under the qualified supervision of a licensee, or
115 (e) they are independent psychotherapists as defined under Section 164.

116 Any person who violates this section shall be punished by a fine of not more than $1,000
117 for the first offense and by a fine of not more than $2,500 for a second or subsequent offense.

118 SECTION 6. Said chapter 112 as appearing in the 2008 Official Edition is hereby
119 amended by replacing Sections 163 and 164 with the following:

120 Section 163. As used in sections one hundred and sixty-three to one hundred and seventy-
121 two, inclusive, the following words shall, unless the context clearly requires otherwise, have the
122 following meanings:—

123 “Advertise”, includes, but is not limited to, distributing or causing to be distributed any
124 card, sign or device to any person; or the causing, permitting or allowing of any sign or marking
125 on or in any building or structure, or in any newspaper or magazine or in any directory, or on
126 radio, television or other electronic medium, or by the use of any other means designed to secure
127 public attention.

128 “Allied mental health and human services professional”, an educational psychologist, a
129 marriage and family therapist, a mental health counselor, an independent psychoanalytic
130 psychotherapist, an independent psychoanalyst, or a rehabilitation counselor.

131 “Approved Continuing Education”, continuing education such as research and training
132 programs, college and university courses, in-service training programs, seminars and conferences
133 designed to maintain and enhance the skills of allied mental health and human services
134 professionals and which are recognized by the board.

135 “Board”, the Massachusetts board of registration of allied mental health and human
136 services professions.

137 “Educational psychologist”, a person so licensed under section one hundred and sixty-
138 five.

139 “Independent psychoanalyst”, a person so licensed under section one hundred and sixty-
140 five B.

141 “Independent psychoanalytic psychotherapist”, a person so licensed under section one
142 hundred and sixty-five A.

143 “Marriage and family therapist”, a person so licensed under section one hundred and
144 sixty-five.

145 “Mental health counselor”, a person so licensed under section one hundred and sixty-five.

146 “Practice of educational psychology”, the rendering of professional services to
147 individuals, groups, organizations, or the public for compensation, monetary or otherwise. Such
148 professional services shall include, but not be limited to: applying psychological principles,
149 methods and procedures in the delivery of services to individuals, groups, families, educational
150 institutions and staff and community agencies for the purpose of promoting mental health and
151 facilitating learning. Such services may be preventative, developmental or remedial and include
152 psychological and psychoeducational assessment, therapeutic intervention, program planning and
153 evaluation, research, teaching in the field of educational psychology, consultation and referral to
154 other psychiatric, psychological, medical and educational resources when necessary.

155 “Practice of marriage and family therapy”, the rendering of professional services to
156 individuals, family groups, couples, or organizations, either public or private for compensation,

157 monetary or otherwise. Said professional services shall include, but not be limited to, applying
158 principles, methods and therapeutic techniques for the purpose of resolving emotional conflicts,
159 modifying perceptions and behavior, enhancing communications and understanding among all
160 family members and the prevention of family and individual crisis. Individual marriage and
161 family therapists may also engage in psychotherapy of a nonmedical nature with appropriate
162 referrals to psychiatric resources and research and teaching in the overall field of human
163 development and interpersonal relationships.

164 "Practice of mental health counseling", the rendering of professional services to
165 individuals, families, or groups for compensation, monetary or otherwise. These professional
166 services include: applying the principles, methods and theories of counseling, human
167 development, learning theory, group and family dynamics, the etiology of mental illness and
168 dysfunctional behavior and psychotherapeutic techniques to define goals and develop treatment
169 plans aimed toward the prevention, treatment and resolution of mental and emotional
170 dysfunction and intra or interpersonal disorders in all persons irrespective of diagnosis. The
171 practice of mental health counseling shall include, but not be limited to, diagnosis and treatment,
172 counseling and psychotherapy, of a nonmedical nature of mental and emotional disorders and the
173 psychoeducational techniques aimed at prevention of such disorders and consultations to
174 individuals, couples, families, groups, organizations and communities. Practice of mental health
175 counseling in independent practice with individuals diagnosed with psychosis may be undertaken
176 by a licensed mental health counselor: (a) who is licensed under section 165 on or after March 1,
177 1992; or (b) who was licensed prior to March 1, 1992 and who meets the certification criteria for
178 independent practice with individuals diagnosed with psychosis as established by the board of
179 registration of allied mental health and human services professions.

180 "Practice of psychoanalysis", the rendering of professional services to individuals,
181 families, groups of individuals, organizations or members of the public, for compensation,
182 monetary or otherwise. These professional services shall include, but not be limited to, applying
183 the principles, methods, and theories of psychoanalysis to the prevention, observation,
184 identification, evaluation, interpretation, or resolution of mental, emotional, family, or social
185 dysfunction in all persons, irrespective of diagnosis. Psychoanalytic principles and methods
186 address dynamic conscious and unconscious mental processes to facilitate modifications in
187 character, behavior, and affect that lead to more constructive or satisfactory functioning through
188 the use of verbal and non-verbal, cognitive and emotional communication, including an in depth
189 exploration of the unconscious aspects of the client's relationship with the analyst, the
190 unconscious meaning of communications, and the way current problems relate to early conflicts
191 and feelings. The practice of psychoanalysis shall include, but not be limited to, the use of
192 psychotherapy and counseling to diagnose and treat dysfunctions and disorders.

193 "Practice of psychoanalytic psychotherapy", the rendering of professional services to
194 individuals, families, groups of individuals, organizations or members of the public, for
195 compensation, monetary or otherwise. These professional services shall include, but not be

196 limited to, applying psychoanalytic principles and theories and psychotherapeutic techniques to
197 the prevention, observation, identification, evaluation, interpretation, or resolution of mental,
198 emotional, family, or social dysfunction in all persons, irrespective of diagnosis. Psychoanalytic
199 psychotherapy addresses conscious and unconscious mental processes to facilitate modifications
200 in behavior, work and life adaptation, and mental health through the use of verbal and non-verbal
201 communication, including an emphasis on the way current problems relate to early experience.
202 The practice of psychoanalytic psychotherapy shall include, but not be limited to, the use of
203 psychotherapy and counseling to diagnose and treat dysfunctions and disorders.

204 "Practice of rehabilitation counseling", the rendering of professional services for
205 compensation, monetary or otherwise. These professional services include the application of
206 principles, methods and techniques of the rehabilitation counseling profession such as client
207 assessment, job analysis, vocational assessment, counseling and job development for the purpose
208 of maximizing or restoring the capacities of physically or mentally handicapped individuals for
209 self-sufficiency and independent living including vocational and social functioning and creating
210 those conditions favorable to this goal. The practice of rehabilitation counseling shall include,
211 but not be limited to: assisting individuals in the coordination of appropriate services; counseling
212 with individuals, families or groups; serving an advocacy role with communities or groups
213 toward the provision or implementation of rehabilitation services; research and teaching in the
214 field of rehabilitation counselor education.

215 "Psychoanalyst", an individual who is licensed as an independent psychoanalyst or is a
216 recognized mental health professional who has received a post-master's certificate or doctoral
217 degree in psychoanalysis from a recognized psychoanalytic training institution.

218 "Psychoanalytic Psychotherapist", an individual who is licensed as an independent
219 psychoanalytic psychotherapist or is a recognized mental health professional engaged in the
220 practice of psychoanalytic psychotherapy.

221 "Recognized educational institution", any degree-granting educational institution which
222 is recognized by the board and by a nationally or regionally recognized educational or
223 professional accrediting organization; provided, however, that such organization is also approved
224 by the United States Department of Education. In its discretion, the board may recognize
225 additional educational institutions.

226 "Recognized psychoanalytic training institution", any psychoanalytic training institution
227 which grants a post-master's certificate or doctoral degree in psychoanalysis and is accredited by
228 a nationally recognized psychoanalytic accrediting organization.

229 "Recognized mental health professional", a licensed alcohol and drug counselor, a
230 licensed allied mental health and human services professional, a licensed physician who has
231 completed training in psychiatry, a licensed psychiatric nurse mental health clinical specialist, a
232 licensed psychologist, or a licensed social worker.

233 “Rehabilitation counselor”, a person so licensed under section one hundred and sixty-
234 five.

235 “Use a title or description of”, means to hold oneself out to the public as having a
236 particular status by means of statements on signs, mailboxes, address plates, stationery,
237 announcement, calling cards, web pages, or other instruments of professional identification.

238 Section 164. Except as otherwise provided in sections one hundred and sixty-three to one
239 hundred and seventy-two, inclusive, no individual who is not licensed or exempted from
240 licensure under said sections shall practice, advertise the performance of, or use a title or
241 description of:

242 (1) psychoanalytic psychotherapist, psychoanalytic therapist;

243 (2) educational psychologist, specialist, advisor or consultant;

244 (3) mental health counselor, advisor or consultant;

245 (4) marital or marriage and family therapist, advisor or consultant;

246 (5) psychoanalyst, analyst (when used in conjunction with mental health services); or

247 (6) rehabilitation counselor, specialist, advisor or consultant.

248 (7) Independent psychotherapists as defined below.

249 Except as otherwise provided in section 65F, the following shall be exempt from this
250 section:

251 (1) recognized mental health professionals;

252 (2) students in the discipline of a recognized mental health professional so long as they
253 are following the statutes and regulations of that profession.

254 (3) students, interns, or other trainees in an allied mental health and human services
255 profession receiving qualified supervision approved by the board, and whose training status is
256 designated by titles such as “mental health counseling student” or “marriage and family therapy
257 intern”.

258 Except as otherwise provided in section 65F, nothing in this section shall be construed to
259 prevent qualified members of other professions including Christian Science practitioners,
260 registered nurses, physicians, attorneys, or members of the clergy from doing the work consistent
261 with the accepted standards of their respective professions; provided, however, that no such
262 person shall use a title stating or implying that they are an allied mental health and human
263 services professional.

264 Nothing in this section shall be construed to prevent members of peer groups or self-help
265 groups from performing peer counseling or self-help activities which may be, wholly or in part,
266 included as a defined professional service in section one hundred and sixty-three; provided,
267 however, that no members of peer groups or self-help groups shall use a title stating or implying
268 that they are an allied mental health or human services professional.

269 Independent psychotherapists are exempt under this act if they are members in good
270 standing of the Massachusetts Association of Independent Psychotherapists provided that they
271 are of good moral character and have not engaged in any practice or conduct which would be
272 grounds for refusing to issue a license under section one hundred and sixty-nine; provided,
273 further, that the board shall not apply said provisions or additional requirements in an unfair and
274 arbitrary manner in order to deny an exemption or rescind a granted exemption. Within thirty
275 days from the effective date of this act the Massachusetts Association of Independent
276 Psychotherapists shall furnish to the board a list of members that qualify for this exemption. No
277 non licensed independent psychotherapists shall be exempted subsequent to the filing of this list
278 to the board. The commissioner of administration pursuant to section three B of chapter seven
279 may establish a biennial fee for the registration of individuals exempted under this provision,
280 provided that said fee shall be consistent with the fee charged other mental health providers.

281 SECTION 7. Said chapter 112 as appearing in the 2008 Official Edition is hereby
282 amended by adding Sections 165A and 165B following Sections 165, as follows:

283 Section 165A. The board may issue a license to an applicant as an independent
284 psychoanalytic psychotherapist provided that each such applicant shall provide satisfactory
285 evidence to the board that such applicant: (1) is of good moral character; (2) has not engaged or
286 is not engaging in any practice or conduct which would be grounds for refusing to issue a license
287 under section one hundred and sixty-nine; (3) has successfully completed a master's degree or
288 higher, from a recognized educational institution; (4) has successfully completed a program in
289 psychoanalytic psychotherapy which includes a minimum of 60 credit hours of training including
290 a master's degree or higher of a minimum of 60 credit hours in psychoanalysis or a relevant field
291 from a recognized psychoanalytic training institution authorized by the state in which it is
292 located to grant a master's degree or higher in psychoanalysis or a relevant field. Such degree
293 may also fulfill requirements for (3) of this Section. Within the 60 credit hours, the applicant
294 shall have completed at least 48 credits of academic work, in such courses as the board shall
295 specify, and shall have completed at least 600 clock hours (12 credits) in an internship with such
296 direct client contact and supervision as the board shall specify, so long as 50% of such
297 supervision is with a psychoanalyst; (5) has completed an additional 1500 hours of supervised
298 clinical experience. Such supervised clinical experience shall be composed of direct client
299 contact, supervision, and personal analysis as specified by the board, so long as 50% of such
300 supervision is with a psychoanalyst, and so long as the applicant completes a minimum of 150
301 hours of personal analysis with a psychoanalyst. Clinical work shall be conducted in a clinic or
302 hospital licensed or authorized by the state in which it is located or accredited by the Joint

303 Commission or an equivalent center or institute or under the direction of an approved supervisor.
304 Private practice settings are not considered acceptable settings for this post-masters supervised
305 clinical experience. These supervised clinical experience hours may be obtained before or after
306 completing the program in psychoanalytic psychotherapy; and (6) the applicant shall
307 successfully pass a written or oral examination approved by the board to determine the
308 applicant's qualifications for licensure pursuant to this section.

309 Individuals formerly practicing legally as psychoanalytic psychotherapists in other
310 jurisdictions may be licensed in the Commonwealth if, in the opinion of the board, their
311 academic and experiential training is substantially equivalent to that required by this section and
312 the regulations of the board.

313 For a period of one year following the enactment of regulations in support of this act,
314 individuals engaged in the practice of psychoanalytic psychotherapy shall be grandfathered and
315 exempted from the foregoing items (3) through (6) provided that they are of good moral
316 character and have not been engaging in practice or conduct that would otherwise disqualify
317 them from licensure.

318 Section 165B. The board may issue a license to an applicant as an independent
319 psychoanalyst provided that each such applicant shall provide satisfactory evidence to the board
320 that such applicant: (1) is of good moral character; (2) has not engaged or is not engaging in any
321 practice or conduct which would be grounds for refusing to issue a license under section one
322 hundred and sixty-nine; (3) has successfully completed a master's degree or higher, from a
323 recognized educational institution; (4) has successfully completed a program in psychoanalysis
324 from a recognized psychoanalytic training institution that is authorized by the state in which it is
325 located to grant a master's degree or higher in psychoanalysis or a relevant field. Such program
326 in psychoanalysis shall consist of a minimum of 2250 clock hours of training, including such
327 master's degree or higher of a minimum of 60 credits in psychoanalysis or a relevant field. Such
328 hours may also fulfill requirements for (3) of this Section. Within the 2250 clock hours, the
329 applicant shall have completed at least 1100 clock hours of academic work in such courses as the
330 board shall specify, shall have completed at least 600 clock hours in an internship with such
331 direct client contact and supervision as the board shall specify, so long as 50% of such
332 supervision is with a psychoanalyst, and shall have completed supervised psychoanalytic practice
333 totaling not less than 550 hours of direct client contact and supervision as the board shall specify,
334 so long as such supervision is with a psychoanalyst. Private practice settings are not considered
335 acceptable settings for supervised psychoanalytic practice unless the applicant has obtained a
336 license as a recognized mental health professional; (5) has completed an additional 1700 hours of
337 supervised clinical experience. Such supervised clinical experience shall be composed of direct
338 client contact, supervision, and personal analysis as specified by the board, so long as 50% of
339 such supervision is with a psychoanalyst, and so long as the applicant completes a minimum of
340 350 hours of personal analysis with a psychoanalyst. Clinical work shall be conducted in a clinic
341 or hospital licensed or authorized by the state in which it is located or accredited by the Joint

342 Commission or an equivalent center or institute or under the direction of an approved supervisor.
343 Private practice settings are not considered acceptable settings for supervised clinical experience
344 unless the applicant has obtained a license as a recognized mental health professional. These
345 supervised clinical experience hours may be obtained before or after completing the program in
346 psychoanalysis; and (6) the applicant shall successfully pass a written or oral examination
347 approved by the board to determine the applicant's qualifications for licensure pursuant to this
348 section.

349 Individuals formerly practicing legally as psychoanalysts in other jurisdictions may be
350 licensed in the Commonwealth if, in the opinion of the board, their academic and experiential
351 training is substantially equivalent to that required by this section and the regulations of the
352 board.

353 For a period of one year following the enactment of regulations in support of this act,
354 individuals engaged in the practice of psychoanalysis shall be grandfathered and exempted from
355 the foregoing items (3) through (6) provided that they are of good moral character and have not
356 been engaging in practice or conduct that would otherwise disqualify them from licensure.