

**DRAFT ONLY
NOT APPROVED FOR
INTRODUCTION**

HOUSE BILL NO.

Mental health professions practice act-amendments.

Sponsored by: Representative(s) Wilson

A BILL

for

1 AN ACT relating to the mental health professions practice
2 act; providing for criminal background checks as specified;
3 providing standards for certification as a certified mental
4 health worker; amending reciprocity allowances; repealing
5 obsolete provisions; and providing for an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 7-19-106(a) by creating a new
10 paragraph (xxxiv), 7-19-201(a) by creating a new paragraph
11 (xxx), 33-38-102(a) by creating a new paragraph (xvii),
12 33-38-105 by creating a new subsection (j), 33-38-106 by

1 creating a new subsection (q), 33-38-108(b) and by creating
2 a new subsection (d) are amended to read:

3

4 7-19-106. Access to, and dissemination of,
5 information.

6

7 (a) Criminal history record information shall be
8 disseminated by criminal justice agencies in this state,
9 whether directly or through any intermediary, only to:

10

11 (xxxiv) The mental health professions licensing
12 board for purposes of obtaining background information on
13 applicants for licensure or certification by the board.

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15 *****

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STAFF COMMENT

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19 The Sponsor may wish to consider whether to limit the
20 authority of the board in conducting criminal history
21 background checks. For example, under W.S. 7-19-
22 106(a)(xxiii) and (xxiv) the board of medicine and the
23 board of midwifery may conduct criminal background checks
24 only if an applicant provides information that "indicates
25 the applicant has or may have been convicted of a crime,
26 and for purposes of investigation of complaints and
27 disciplinary action against licensees of the board[.]"

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29 *****

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31

1 7-19-201. State or national criminal history record
2 information.

3
4 (a) The following persons shall be required to submit
5 to fingerprinting in order to obtain state and national
6 criminal history record information:

7
8 ~~(xxx) All persons applying for licensure or~~
9 ~~certification to the mental health professions licensing~~
10 ~~board under title 33, chapter 38 of the Wyoming statutes.~~

11
12 *****
13 *****
14 STAFF COMMENT

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16 The Sponsor may wish to consider whether to limit the
17 fingerprinting authority of the board in conducting
18 criminal history background checks. For example, under W.S.
19 7-19-201(a)(xvii) and (xix) applicants for licensure or
20 certification by the board of medicine and board of
21 midwifery are only required to submit to fingerprinting if
22 an applicant provides information that "indicates the
23 applicant has or may have been convicted of a crime, and
24 for purposes of investigation of complaints and
25 disciplinary action against licensees of the board[.]"
26 Additionally, under W.S. 7-19-201(a)(xx) applicants for an
27 insurance producer license are only required to submit to
28 fingerprinting when applying for their initial license.

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30 *****
31 *****

32
33 33-38-102. Definitions.

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2 (a) As used in this act:

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4 (xvii) "Human behavioral discipline" refers to a
5 degree in addictionology, chemical dependency, substance
6 use disorder, counseling, psychology, social work,
7 sociology or a related field.

8

9 **33-38-105. Powers and duties of the board; rules;**
10 **meetings; fees.**

11

12 (j) The board shall request criminal history
13 background information on license or certificate applicants
14 as authorized under W.S. 7-19-106(a)(xxxiv).

15

16 **33-38-106. Requirements for licensure and**
17 **certification.**

18

19 (q) Certification under this subsection shall allow
20 practice as a certified mental health worker only under
21 the supervision of a qualified clinical supervisor and
22 subject to any other restrictions which may be specified by
23 the board. The board shall grant certification as a

1 certified mental health worker to any applicant who files
2 an application upon a form and in the manner prescribed by
3 the board, accompanied by the appropriate fee and who
4 furnishes satisfactory evidence to the board of the
5 following:

6
7 (i) The applicant has reached the age of
8 majority;

9
10 (ii) The applicant has no felony convictions and
11 no misdemeanor convictions that relate adversely to the
12 practice of clinical mental health work or to the ability
13 to practice clinical mental health work, although
14 exceptions to this requirement may be granted by the board
15 if consistent with the public interest;

16
17 (iii) The applicant has received a baccalaureate
18 degree in a human behavioral discipline from an accredited
19 program and institution of higher education, which is
20 professional in content and which meets the academic and
21 training content standards established by the board.
22 The board shall use the professional training and

1 experience standards of the appropriate professional
2 associations as established by the rules and regulations;

3
4 (iv) The applicant has demonstrated knowledge in
5 the field of mental health work in general by passing a
6 standard examination which may be written or situational,
7 as the board prescribes. The board may develop, adopt and
8 administer appropriate examinations. The board shall
9 establish specific provisions for examination of applicants
10 for certification in the specific discipline at reasonable
11 times and places at least twice each year;

12
13 (v) Unless extended, the applicant has six (6)
14 months from the date of employment to become certified. The
15 board may, for good cause shown, grant an extension of this
16 grace period.

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18 **33-38-108. Reciprocity.**

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20 (b) Any individual holding a certification in good
21 standing to engage in the practice of social work, ~~or~~
22 addictions therapy or mental health work under the laws of
23 another state having certification requirements

1 substantially similar to those required by this act may,
2 upon approval of the board, be issued certification to
3 practice in this state.

4
5 (d) For good cause shown the board shall issue a
6 license or certification to practice in this state to an
7 individual seeking reciprocity as a social worker,
8 addictions practitioner, addictions practitioner assistant
9 or mental health worker who does not otherwise meet the
10 reciprocity requirements under subsections (a) or (b) of
11 this section.

12
13 **Section 2.** W.S. 33-38-106(e) through (m) and (p) is
14 repealed.

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16 **Section 3.** This act is effective July 1, 2021.

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18 (END)