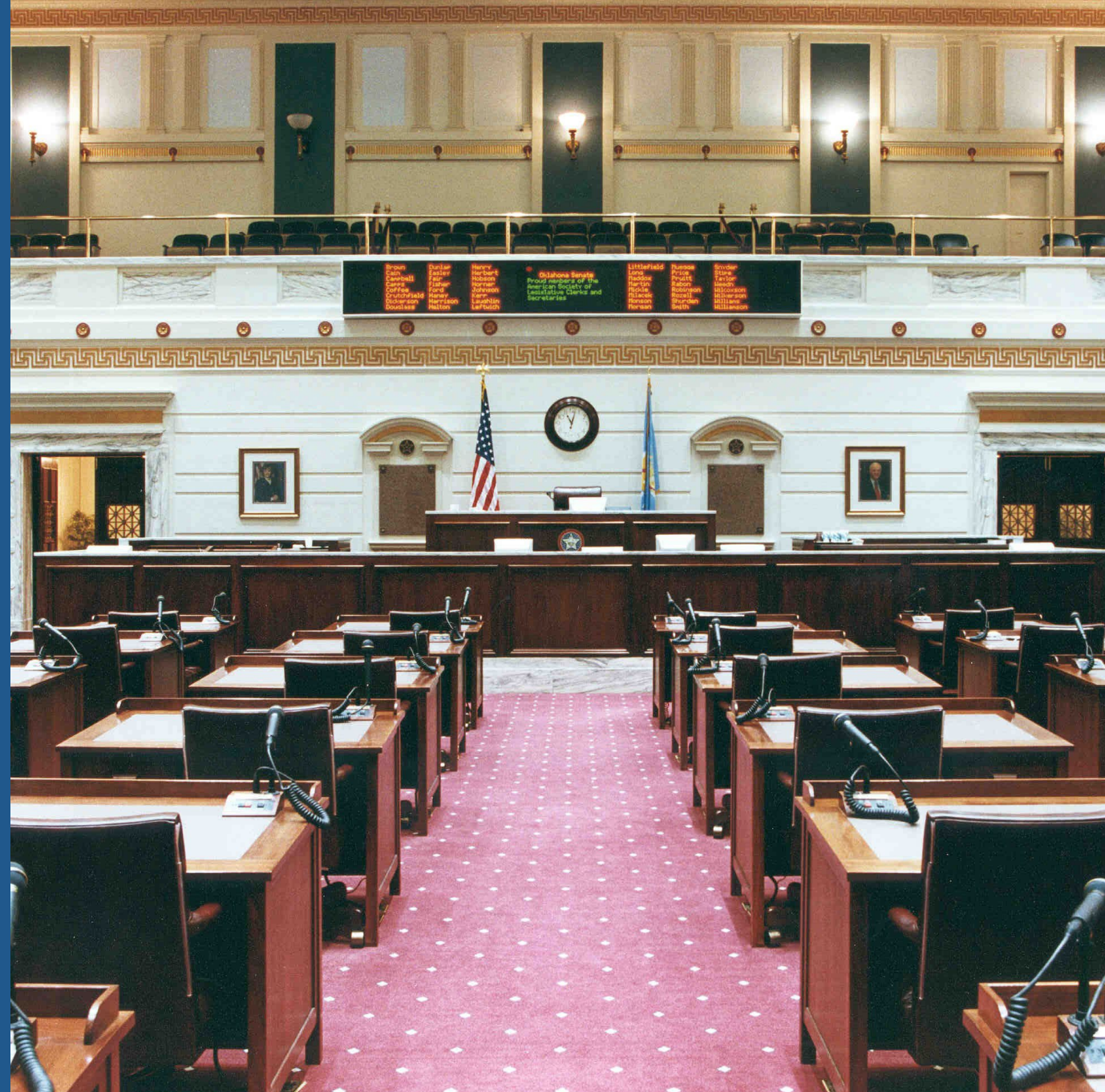


State Legislative Trends in Behavioral Health Workforce

Kelsie George, Senior Policy Specialist
National Conference of State Legislatures



Relevant Disclosures and/or Conflicts



- None

How NCSL Serves State Legislatures

The National Conference of State Legislatures (NCSL) is the **bipartisan** organization serving **legislators and legislative staff** in America's 50 states, D.C. and territories.

With a strong belief in the importance of the legislative institution, NCSL knows **when states are strong, our nation is strong**.



Source: NCSL

POLICY RESEARCH

NCSL provides trusted, nonpartisan policy research and analysis

CONNECTIONS

NCSL links legislators and staff with each other and with experts

TRAINING

NCSL delivers training tailored specifically for legislators and staff

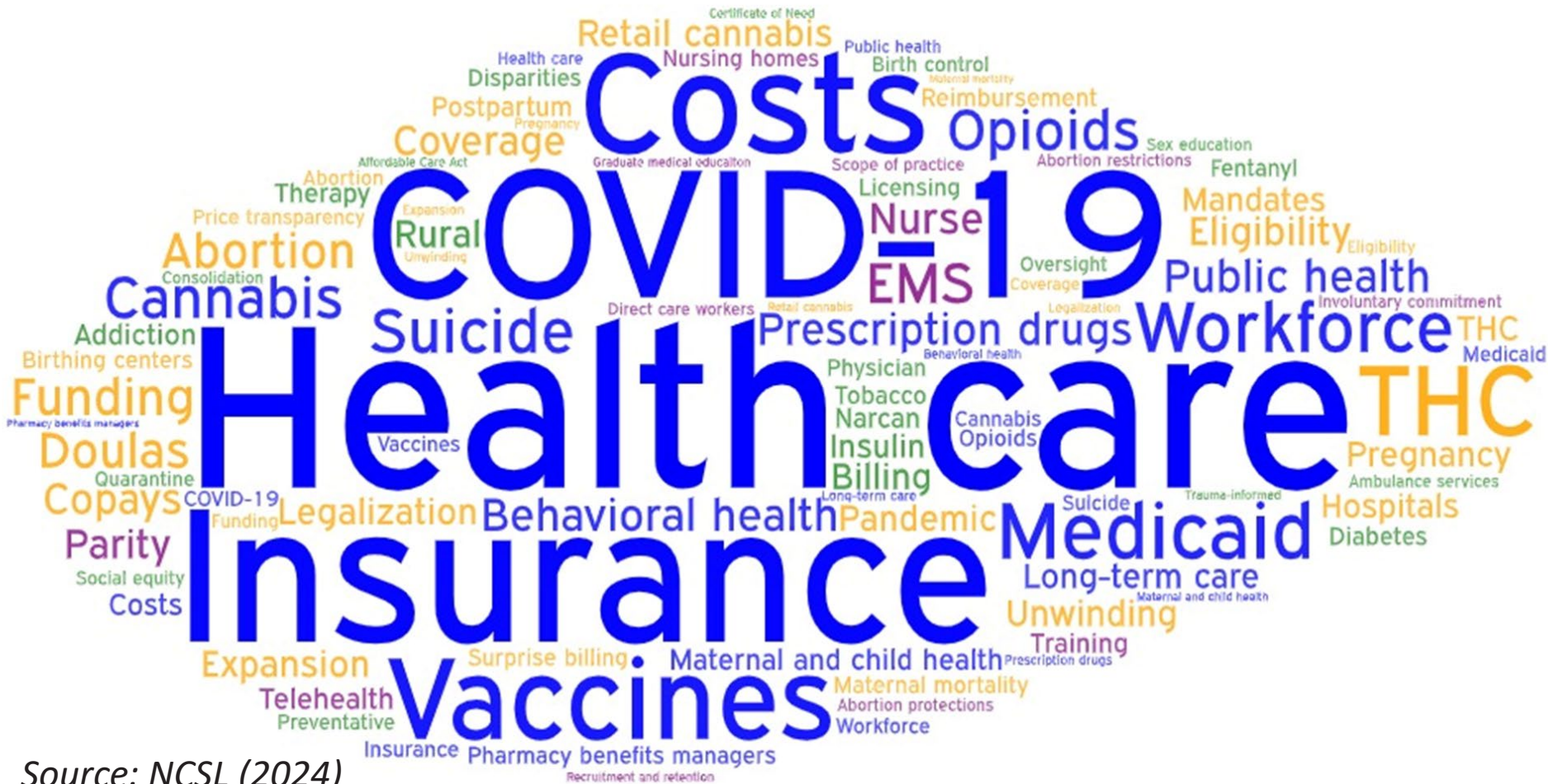
STATE VOICE IN D.C.

NCSL represents and advocates on behalf of states on Capitol Hill

MEETINGS

NCSL meetings facilitate information exchange and policy discussions

Health Trends

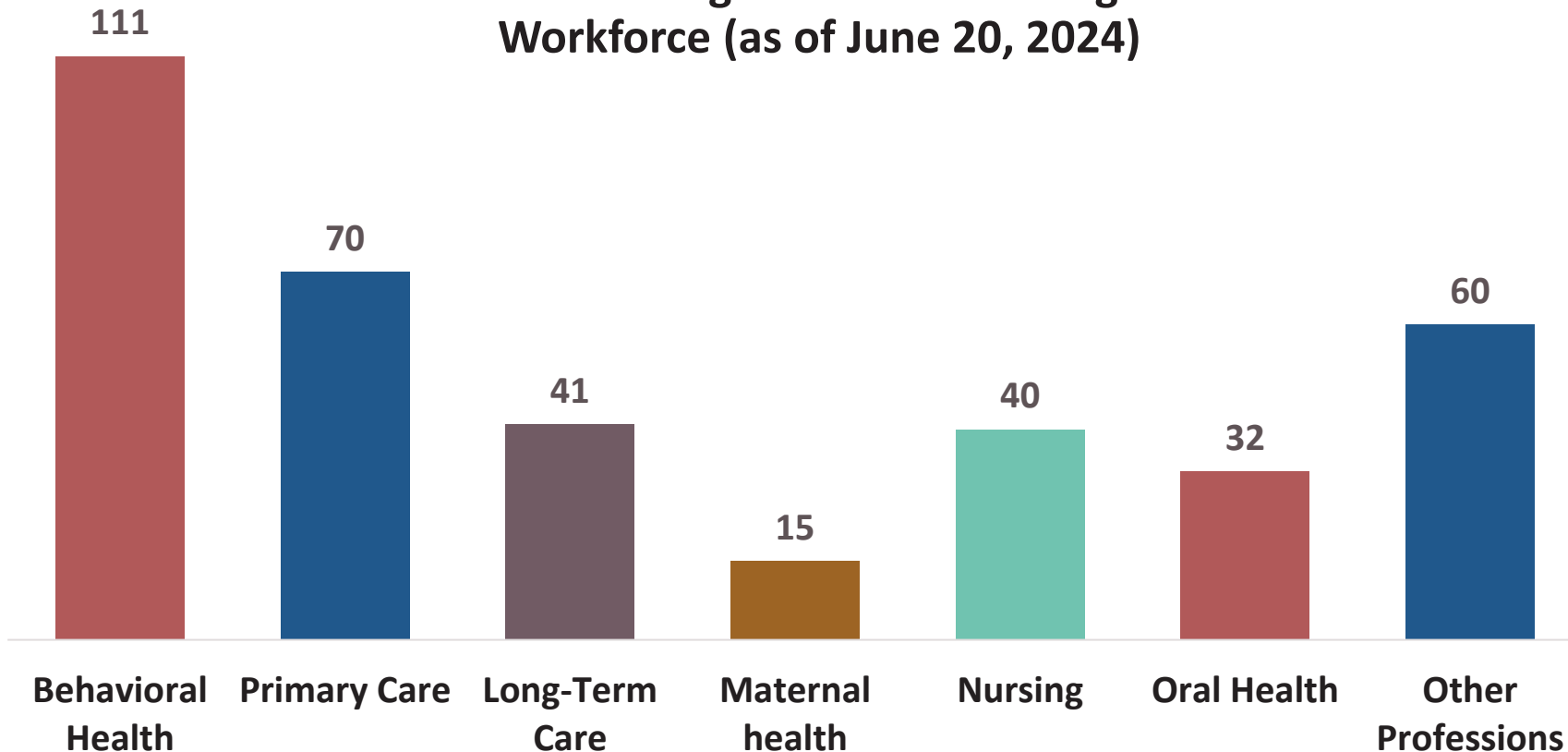


See NCSL's Forecast '24 Report: [Health Workforce Reform, Stat: Demand for Care Outpacing Supply of Workers](#) (Nov. 2023)

Health Workforce Trends: State Legislation

Upcoming NCSL Resource:
Health Workforce Legislation
Database (Sept. 2024)

**Enacted State Legislation Addressing Health
Workforce (as of June 20, 2024)**



Source: NCSL (2024)

Types of interventions:

- Licensure and certification (176 bills)
- Scope of practice (71 bills)
- Recruitment and retention (74 bills)
- Education and training (40 bills)

Behavioral Health Workforce Trends

See NCSL's report: [State Strategies to Recruit and Retain the Behavioral Health Workforce](#) (May 2023)



**DATA COLLECTION
AND ANALYSIS**



**RECRUITMENT
AND RETENTION**



**LICENSURE AND
CERTIFICATION**



**SCOPE OF
PRACTICE**

Data Collection and Analysis

GEORGIA ([HB 1013](#), 2022)

- **Established Behavioral Health Care Workforce Database.**
 - Create, house and provide information to the Governor, General Assembly, state agencies and the public.
 - Seek federal or other sources of funding to create and maintain the database.
 - Create and maintain an online dashboard.
 - Establish a minimum data set survey.

ILLINOIS ([HB 4306](#), 2022)

- **Established Holistic Mental Health Care for Youth in Care Task Force.**
 - Assess the capacity of state licensed mental health professionals to provide preventative mental health to youth in care.
 - Review the current payment rates for providers serving youth in care, the process for smaller private practices and agencies to bill through managed care, and delayed payments to mental health providers.
 - Evaluate the recruitment and retention of health care providers who are persons of color to serve youth in care.

Recruitment: Career Pathways

See NCSL's report: [Leveraging Career Pathway Programs: State Strategies to Combat Health Care Workforce Shortages](#) (Sept. 2023)



COLORADO

- [HB 1274](#) (2015) established the Career Pathways for Students for Critical Occupations in Growing Industries program.
- Program focused on [behavioral health](#) occupations in 2019-2020.

INDIANA

- [SB 223](#) (2018) required data during licensure renewal processes.
- [Ivy Tech Community College](#), established a Certified Nursing Assistant bridge program.

NEBRASKA

- [Nebraska Rural Health Opportunity Programs and Kearney Health Opportunity Programs](#)
- [LB 792](#) (2022) provided ongoing annual funding through 2025.

Retention: Financial Incentives



ALABAMA

[HB 133](#) (2023)



ARIZONA

[HB 2862](#) (2022)
[HB 2691](#) (2022)



COLORADO

[HB 1005](#) (2022)



GEORGIA

[HB 287](#) (2019)



HAWAII

[SB 2298](#) (2018)



LOUISIANA

[HB 326](#) (2018)



MARYLAND

[HB 1252](#) (2021)
[SB 102](#) (2021)



MISSOURI

[HB 2331](#) (2022)



OKLAHOMA

[HB 3351](#) (2024)



SOUTH CAROLINA

[SB 314](#) (2019)

Licensure: Interstate Compact Models

See CSG's report: [Occupational Interstate Compacts in Action](#)
(July 2019)

EXPEDITED LICENSURE MODEL

- “Check the box”
 - Applicants are licensed in one state.
 - Applicants request a license from each state in which they intend to practice.
- Considerations:
 - Streamlined application process with consistent requirements.
 - A central entity maintains applicant credentials.
 - Licensees typically bear the costs of licensure in multiple states.
 - Licensees must maintain each state's renewal process and continuing education requirements.

MUTUAL RECOGNITION MODEL

- Authority to practice
 - Licensees are authorized to practice in any participating compact states.
- Considerations:
 - Licensee applies for licensure in principal state only.
 - Licensees are bound to the renewal and continuing education requirements of the state in which they reside.
 - Licensees must apply for a new license if they relocate to another state within the compact.

Licensure: Interstate Compacts

See NCSL's article: [Are Interstate Compacts an Answer to Health Workforce Shortages?](#) (Nov. 2023)

COMPACT	PROFESSION	PARTICIPATION
Interstate Medical Licensure Compact	Physicians	39 states, D.C. and Guam
Nurse Licensure Compact	Registered nurses and licensed practical nurses	41 states, Virgin Islands and Guam
Physical Therapy Compact	Physical therapists	36 states and D.C.
Psychology Interjurisdictional Compact (PSYPACT)	Psychologists	40 states
EMS Personnel Licensure Interstate Compact	Emergency medical technicians and paramedics	22 states
Audiologists and Speech-Language Pathologists Compact	Audiologists and speech-language pathologists	25 states
Counseling Compact	Professional counselors	29 states

Source: NCSL (2024)



Licensure: Reciprocity and Endorsement



Maryland, Virginia and Washington D.C.

Entered into an agreement to establish reciprocity through an expedited licensure process for physicians licensed in all three jurisdictions.



Hawaii

Streamlined licensure process for physicians who hold a current, active license in a jurisdiction that requires substantially equivalent to or greater than the qualifications for licensure in Hawaii.



South Dakota (SB 76, 2023)

Temporary license, certificate or registration for providers who are satisfying the requirements for licensure by endorsement as determined by the board.

Licensure: Trainees and Graduates

ARKANSAS

Ark. Code Ann. §17-27-101

License Associate Counselor or Marriage and Family Therapist

- Receive a graduate degree.
- Complete graduate semester hours.
- Pass written, oral and situational examinations.
- Submit a supervision agreement.
- Pass criminal background check.
- Be a citizen of the U.S. or have an immigration green card.

DELAWARE

Del. Code Ann. tit. 24 §3030

Licensed Associate Counselor of Mental Health

- Effective for two years.
- Meet all requirements for licensed professional counselors of mental health, except requirements for experience.
- Submit a plan for professional direct supervision.

RHODE ISLAND

R.I. Code Regs. tit. 216 §40-05-11

Clinical Mental Health Counselor Associate

- Receive a graduate degree.
- Complete an educational practicum and internship.

Supervising Behavioral Health Specialist

- Be licensed for at least 5 years.
- Complete a graduate course in supervision.
- Complete a national supervisor certification.
- Have at least 2 years of supervising experience.

Scope of Practice: Baccalaureate Behavioral Health Occupations

UTAH

- [SB 16](#) (2022) established the Office of Professional Licensure Review.
- [Proposed](#) a 1-year Behavioral Health Technician certification and bachelor's level generalist license.
- [SB 26](#) (2024) establishing the Behavioral Health Board.
 - Creates an alternative pathway to certain licensures.
 - Expands the scope of practice for social service workers and advanced substance use disorder counselors.

VIRGINIA

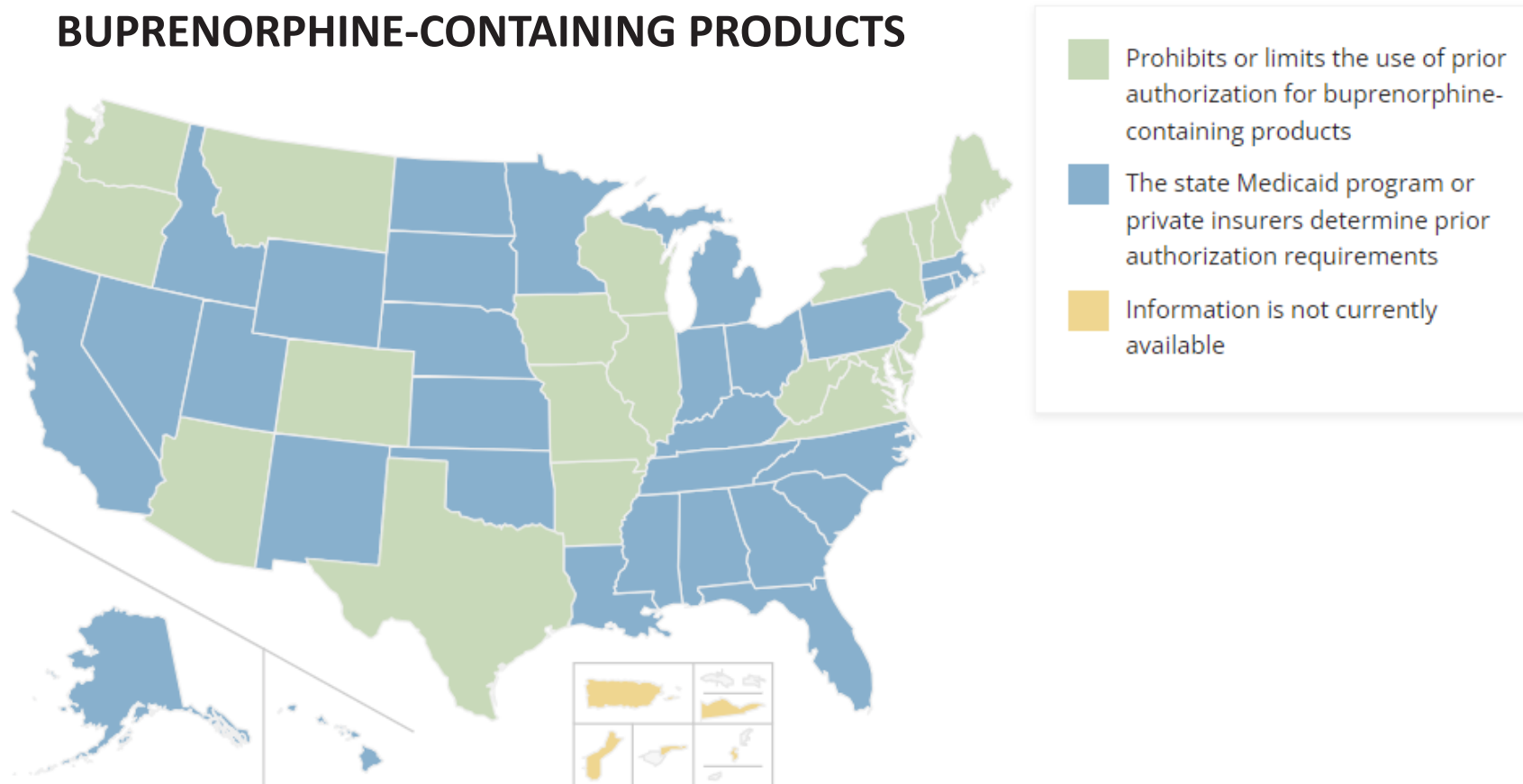
- [SB 403](#) (2024) established two new licensed occupations:
 - Behavioral health technician
 - Behavioral health technician assistant
- Requires supervision by a licensed mental health professional.

See NCSL's brief: [Psychiatric Specialists, Technicians and Aides](#) (June 2024)

Scope of Practice: Prior Authorization

See NCSL's resource: [Scope of Practice Policy Resource Center](#) and [Legislation Database](#)

PRIOR AUTHORIZATION REQUIREMENTS FOR PROVIDERS PRESCRIBING BUPRENORPHINE-CONTAINING PRODUCTS



STATE EXAMPLES:

OREGON

- An insurer may not require prior authorization during the first 60 days of treatment.
- Medicaid plans may not require prior authorization for the first 30 days of MAT.

TENNESSEE

- Requirements are up to the discretion of the state Medicaid program or private insurance company.



Scope of Practice: Licensed Professional Counselor Ability to Diagnose

See NCSL's resource: [Scope of Practice Policy Resource Center](#) and [Legislation Database](#)

STATE EXAMPLES:

MAINE

- [LPCs are prohibited](#) from diagnosing patients.

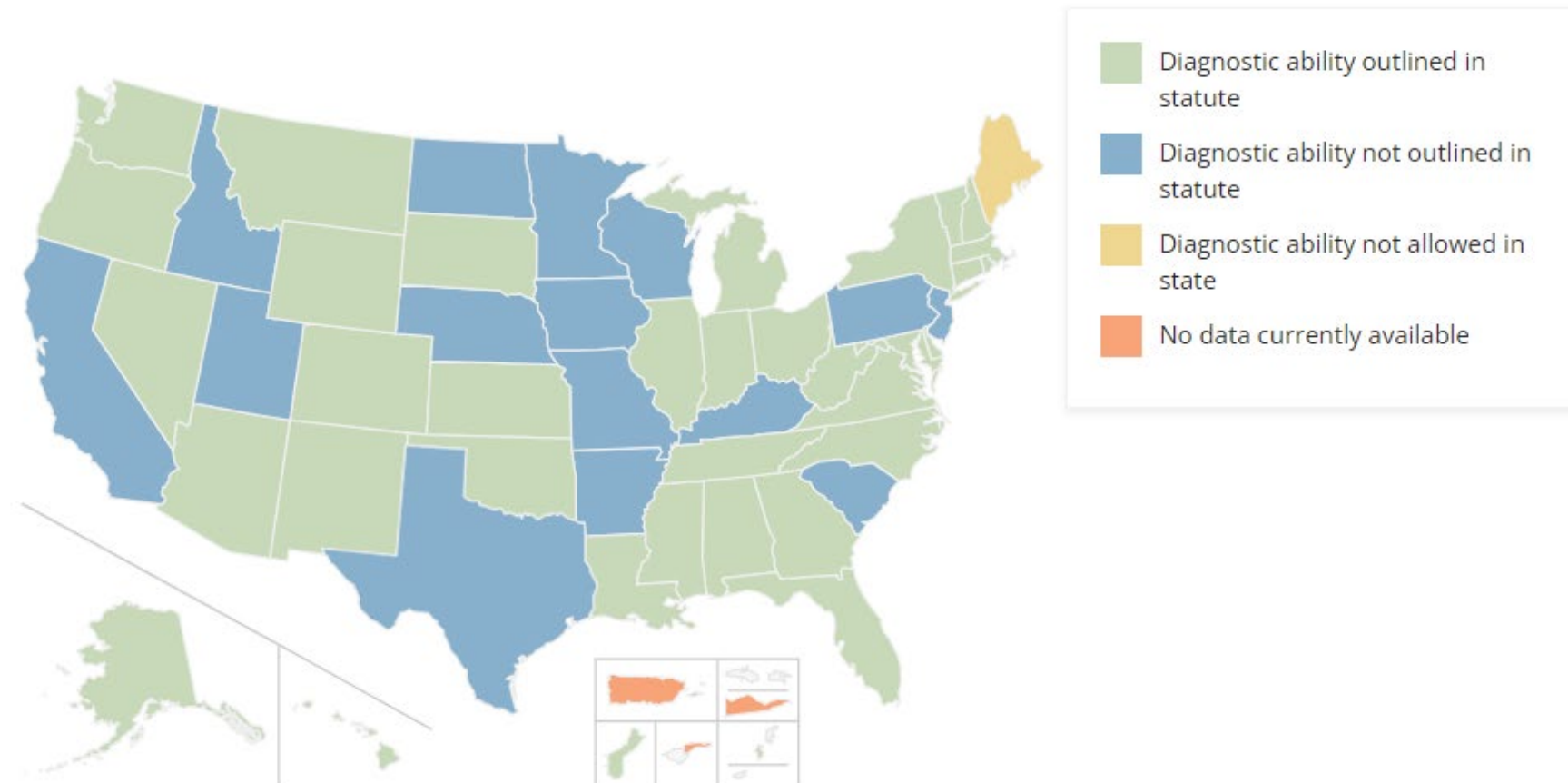
MONTANA

- [LPCs may conduct assessments and diagnoses](#) to establish treatment goals and objectives.

NEW JERSEY

- [Diagnostic ability is not outlined in statute.](#)

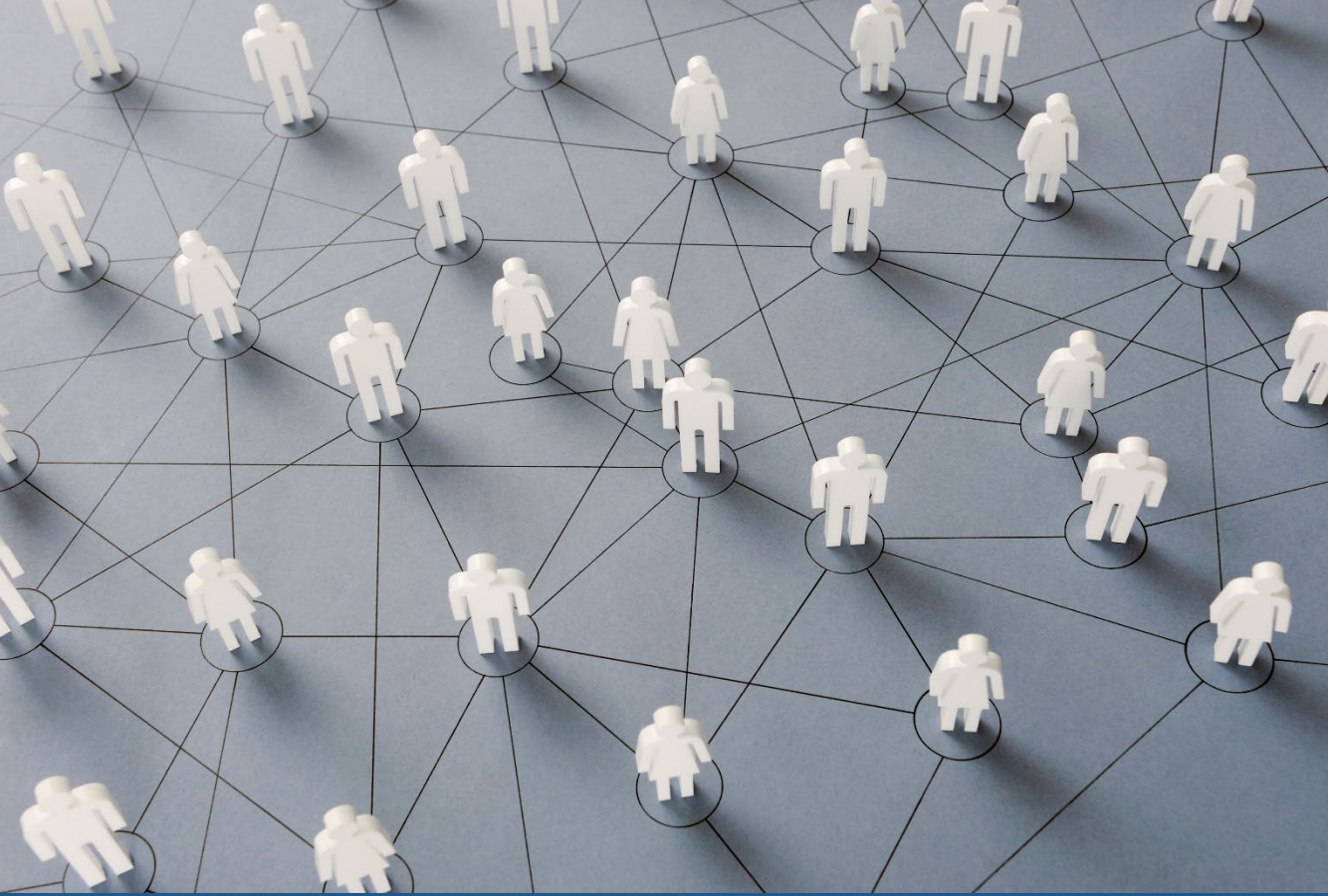
LICENSED PROFESSIONAL COUNSELOR ABILITY TO DIAGNOSE



NCSL Resources:

- [Health Workforce Resources](#)
- [Scope of Practice Legislation Database](#)
- [Allied Health Professionals: Considerations for State Legislatures](#)
- [Graduate Medical Education Funding](#)
- [NCSL Forecast '24 Special Report](#)
- [Bolstering the Health Workforce Starts with Good Data, Strong Incentives](#)
- [State Strategies to Recruit and Retain the Behavioral Health Workforce](#)





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