

# CHAPTER 1

## GENERAL PROVISIONS

**Section 1. Rules of the Mental Health Professions Licensing Board, hereinafter referred to as the Board.**

**Section 2. Statutory Authority.** The Mental Health Professions Licensing Board was created by W.S. 33-38-101 through 33-38-113, herein after referred to as the Act.

**Section 3. Severability.** If any provisions of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

**Section 4. Purpose of These Rules.** The purpose of these rules shall be to develop procedures and establish requirements for:

- (a) Election of officers, establishment of Board organization, and codification of rules and procedures for Board meetings and subcommittee meetings;
- (b) Standards and qualifications requisite in the issuance of licenses and certifications in the disciplines identified;
- (c) Evaluation of qualifications of individuals applying for licensure and certification;
- (d) Issuance and renewal of licenses and certifications to persons qualified in these disciplines in the State of Wyoming;
- (e) Setting fees necessary for the administration of this act;
- (f) Establishing criteria for actions against licensees and certificate holders, including but not limited to:
  - (i) Investigation and conduct of hearings on complaints of violations of this act;
  - (ii) Proceedings to enjoin, restrain or bring suit against persons violating this act;
  - (iii) Revocation, suspension, denial, restriction, or refusal for renewal of licenses and certifications; and,
- (g) Codification of a canon of ethics.

**Section 5. Terms Defined by Statute.** Terms defined in W.S. 33-38-101 through 33-38-113 shall have the same meanings when used in these regulations unless the context or subject matter clearly requires a different interpretation.

**Section 6. Terms Defined Herein.** As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.

(a) **Administrative Supervision-** Employment by a business, agency, organization, firm, etc. to work for wages or salary. The employer must have the authority to hire, discipline and dismiss the provisional licensee and certificate holder. An independent contract for services does not meet the criteria of administrative supervision.

(b) **Case Management-** Non-clinical services that are provided to; assist the client in gaining access to needed medical, social, educational and other services; assist the client in making arrangements necessary to move from a residential, hospital, or institutional placement to the family or surrogate family home in the community; and foster a client's rehabilitation from a diagnosed mental disorder by organizing needed services and supports into an integrated system of care until the client is able to assume this responsibility. Provision of these services is not restricted to persons who are licensed or certified under the Act. Case management services include linkage, monitoring/follow-up, referral, advocacy, and crisis intervention.

(i) **Linkage-** Working with clients and/or service providers to secure access to services. Activities include making telephone calls to agencies to arrange for appointments or services following the initial referral process, and preparing clients for these appointments.

(ii) **Monitoring/follow-up-** Contacting the client or others to ensure that a client is following a prescribed service plan and monitoring the progress and impact of that plan.

(iii) **Referral-** Arranging initial appointments with service providers or informing clients of services available, addresses and telephone numbers of agencies providing services.

(iv) **Advocacy-** Advocacy on behalf of a specific client for the purpose of accessing needed services.

(v) **Crisis Intervention-** Intervention and stabilization provided in situations requiring immediate attention/resolution for a specific client. The case manager may provide the initial intervention in a crisis situation and would assist the client in gaining access to other needed clinical crisis intervention.

(c) **Certified Addictions Practitioner (CAP)-** A person certified under the Act to practice addictions therapy for which they are qualified by virtue of training and experience, under administrative supervision and under the supervision of a designated qualified clinical supervisor licensed in the state of Wyoming.

(d) Certified Addictions Practitioner Assistant (CAPA)- A person certified under the Act to assist a licensed mental health professional in those methods and techniques of addictions assessment and treatment for which they are qualified by virtue of training and experience under administrative supervision and under the supervision of a designated qualified clinical supervisor licensed in the state of Wyoming.

(i) Therapeutic interventions are limited to education and skill development activities.

(ii) The practice of a CAPA does not include assigning diagnosis, making treatment recommendation, or acting as a primary treatment provider,

(e) Certified Mental Health Worker (CMHW)- A person certified under the Act to perform mental health procedures for which they are qualified by virtue of training and experience and that are consistent with their level of competence and expertise, under administrative supervision and under the supervision of a designated qualified clinical supervisor licensed in the state of Wyoming.

(f) Certified Social Worker (CSW)- A person certified under the Act to practice clinical social work for which they are qualified by virtue of training and experience, under administrative supervision and under the supervision of a designated qualified clinical supervisor licensed in the state of Wyoming.

(g) Client- An individual or entity for which a professional service is provided by a licensee or certificate holder who is acting in his/her professional capacity and who is performing any professional service governed by the Act or these Rules and Regulations.

(h) Clinical Crisis Intervention- A specific clinical service designed to assess a person's mental status, suicide/homicide potential, diagnosis and/or need for therapeutic services.

(i) Clinical Supervisor- A designated qualified clinical supervisor shall be a licensed professional counselor, licensed clinical social worker, licensed marriage and family therapist, licensed addictions therapist, licensed psychologist, licensed psychiatrist, or licensed advanced practitioner of nursing with psychiatric specialty. In addition, a licensed physician with specialty in addictionology shall qualify as a designated qualified clinical supervisor for a candidate seeking licensure as an Addictions Therapist. Precautions should be taken to avoid conflictual dual relationships in supervision.

(i) The designated qualified clinical supervisor shall have been licensed for a minimum of two (2) years prior to beginning supervision, and

(ii) The designated qualified clinical supervisor shall have had four (4) years of post graduate professional experience in their discipline prior to beginning supervision.

(iii) The Board may require an evaluation of the qualifications and roles of any

designated qualified clinical supervisor and may approve or disapprove supervision at its discretion.

(j) **Conflictual Dual Relationship-** An association which may potentially lead to conflict with the therapeutic alliance.

(i) Conflictual dual relationship includes but is not limited to:

(A) Blood and/or legal relatives;

(B) Spousal relationships or significant others, either current or former;

(C) Current or former therapists and/or clients;

(D) Any other relationship which might compromise therapist/client, supervisor and supervisee relationship, whether or not there was remuneration for services.

(ii) Designated qualified clinical supervisors clearly define and maintain ethical, professional, professional, personal and social relationships with their supervisees. If supervisors must assume other professional roles (e.g., clinical and administrative supervisor, instructor) with supervisees, they work to minimize potential conflicts and explain to supervisees the expectations and responsibilities associated with each role.

(iii) Any supervisor or supervisee claiming an exception to this section due to practice in a rural location, or accredited training institution of formal learning, or special needs of the clinical population being served shall show by preponderance of the evidence that:

(A) The client was fully informed of the dual relationship and the possibility for conflicts of interest;

(B) The client's access to quality care has not been compromised;

(C) The supervisor and supervisee have not benefited from the relationship over and above a reasonable fee for service (i.e., that the power in the therapeutic relationship has not been used to influence the therapeutic relationship for personal gain);

(D) The therapeutic and supervisory relationship has not been compromised and the best interests of the client are served by the relationship.

(k) **Individual Face-to-face Clinical Supervision-** A direct tutorial relationship between a designated qualified clinical supervisor and a supervisee. The designated qualified clinical supervisor monitors the quality of services being offered to clients, facilitates the supervisee's learning and skill development, and endeavors to enhance the professional growth of the supervisee within the discipline.

(i) The designated qualified clinical supervisor is readily available to give aid, direction, and instruction to any supervisee rendering clinical services pursuant to the Act.

(ii) A designated qualified clinical supervisor shall not serve as the designated qualified clinical supervisor for more than three (3) supervisees at any time. Exemptions to this requirement may be approved by the Board.

(l) Licensed Addictions Therapist (LAT)- A person licensed under the Act to practice addictions therapy independent of administrative or clinical supervision.

(m) Licensed Clinical Social Worker (LCSW)- A person licensed under the Act to practice clinical social work independent of administrative or clinical supervision.

(n) Licensed Marriage and Family Therapist (LMFT)- A person licensed under the Act to practice couples, marriage and family therapy independent of administrative or clinical supervision.

(o) Licensed Professional Counselor (LPC)- A person licensed under the Act to practice professional counseling independent of administrative or clinical supervision.

(p) Licensure Standards Sub-Committee- The Sub-Committee appointed or elected by the professional organization in Wyoming representing each discipline, which serves as monitor for licensure and certification standards for that discipline and as liaison between the Board and the professional organization.

(q) Provisional Addictions Therapist (PAT)- A person provisionally licensed under the Act to practice addictions therapy for which they are qualified by virtue of training and experience, under the supervision of a designated qualified clinical supervisor licensed in the state of Wyoming.

(r) Provisional Clinical Social Worker (PCSW)- A person provisionally licensed under the Act to practice clinical social work for which they are qualified by virtue of training and experience, under the supervision of a designated qualified clinical supervisor licensed in the state of Wyoming.

(s) Provisional Marriage and Family Therapist (PMFT)- A person provisionally licensed under the Act to practice couples, marriage and family therapy for which they are qualified by virtue of training and experience, under the supervision of a designated qualified clinical supervisor licensed in the state of Wyoming.

(t) Provisional Professional Counselor (PPC)- A person provisionally licensed under the Act to practice professional counseling for which they are qualified by virtue of training and experience, under the supervision of a designated qualified clinical supervisor licensed in the state of Wyoming.

(u) Supervisee- A person receiving clinical supervision.

(v) Triadic Face-to-Face Clinical Supervision- A direct tutorial relationship wherein a designated qualified clinical supervisor conducts clinical supervision with two (2) supervisees simultaneously. The supervision is provided in the same manner, content and quality as during Individual Face-to-Face Clinical Supervision.