



January 26, 2017

The Honorable Rusty Crowe
Chair
Tennessee Senate Health and Welfare Committee
8 Legislative Plaza
Nashville, TN 37243

Re: Senate Bill 1

Dear Chair Crowe:

I am writing on behalf of the American Association for Marriage and Family Therapy (AAMFT), the national association representing the professional interests of more than 62,000 licensed marriage and family therapists (LMFTs) throughout the United States. As representatives of nearly 700 Tennessee LMFTs and therapists-in-training, both the AAMFT and its state division, the Tennessee Association for Marriage and Family Therapy (TNAMFT), oppose Senate Bill 1.

Senate Bill 1 would prohibit the Board of Licensed Professional Counselors, Licensed Marital and Family Therapists and Licensed Pastoral Counselors (Board) from promulgating any rule that incorporates by reference any national association's code of ethics. This bill would negate a longstanding Board rule, Rule 0450-02-.13, that requires marital and family therapists licensed in Tennessee to comply with the code of ethics adopted by AAMFT, except to the extent the code conflicts with state law or the Board's rules. We believe that this legislation is unnecessary and will significantly weaken protections for Tennessee residents.

The AAMFT Code of Ethics is the only nationally recognized code of ethics for the MFT profession. First adopted in 1962, this code has been revised on several occasions by expert panels of MFTs, with assistance from many other LMFTs and state licensure board members. Many states recognize the AAMFT Code of Ethics as the ethical code for MFTs licensed in those states. The regulations for LMFTs in the State of Tennessee, along with 22 other states and the District of Columbia, state that the AAMFT Code of Ethics governs the conduct of LMFTs in those states. In many of the remaining states, the MFT state licensure boards have copied much of the language and structure from the AAMFT Code of Ethics into regulations governing LMFTs in those states.

Senate Bill 1 is unnecessary. Under the current Board rule, Rule 0450-02-.13(2), all LMFTs are required to comply with the current AAMFT Code of Ethics "except to the extent that it conflicts with the laws of the state of Tennessee or the rules of the Board." This rule also states that if the code "conflicts with state law or rules, the state law or rules govern the matter." Therefore, this Board rule referencing the AAMFT Code of Ethics does not in any way supersede the Tennessee Constitution, any state law, or any other Board rule that might conflict in any way with this Code. In addition, the Board has the power to amend the Board's rules if the Board believes that any changes made by AAMFT to the current AAMFT Code of Ethics, or any future versions of this Code, should not be binding on licensees.

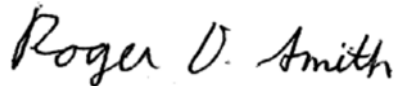
If enacted into law, Senate Bill 1 would make Tennessee the only state to ban recognition of a national code of ethics pertaining to MFTs. In all other states, licensure boards regulating LMFTs are not prohibited from incorporating by reference a national association's code of ethics. Even in the states where the state licensure boards do not reference the AAMFT Code of Ethics in the rules, these state boards are not prohibited from referencing the AAMFT Code of Ethics.

In addition, Senate Bill 1 significantly weakens the protections for the public. Senate Bill 1 bars the Board from referencing the AAMFT Code of Ethics, effectively negating Rule 0450-02-.13. However, this legislation does not require the development of an alternative ethical standard prior to the legislation's effective date. If the Board is unable to develop an alternative ethical code, then conduct that is unethical under the AAMFT Code of Ethics and would subject an LMFT to disciplinary action by the Board under this Rule, such as sexual intimacy with current clients, would be legal for a Tennessee licensee. The public would be better protected by the adoption of a vetted and tested code developed by experts within that profession.

This legislation is unnecessary and is harmful to clients. On behalf of our members and our members' clients in Tennessee, AAMFT urges members of the Committee to oppose this legislation.

Thank you for providing AAMFT with an opportunity to comment on this matter.

Sincerely,

A handwritten signature in black ink that reads "Roger D. Smith". The signature is written in a cursive, slightly slanted style.

Roger D. Smith
Director of Government and Corporate Affairs and General Counsel
American Association for Marriage and Family Therapy