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# American Mental Health Counselors Association

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## President Signs Landmark Bill Opening the Federal Government to Mental Health Counselors

By David Bergman posted 28 days ago

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On October 17, 2020, President Trump signed S. 785, which mandates the creation of a federal government classification for mental health counselors and pressures the Department of Veterans Affairs (VA) to increase its hiring of the profession. AMHCA is very proud of its leadership role in this tremendous success for the counseling profession. Passage of S. 785 is the most significant legislative accomplishment for mental health counselors since legislation to add the profession to the Minority Fellowship Program in 2011.

Creation of an Occupational Series for mental health counselors has been a decade's long priority for national counseling organizations. The Occupational Series is the government classification that is required for federal employment. All government employees are placed under a Series when hired by the federal government. Mental health counselors are currently hired under generic catchall Series covering many professions or those of other professions. Social workers and psychologists have long possessed their own Occupational Series. A separate Series will allow counselors to have recognition and professional identity throughout the federal system, facilitating simplified hiring, cross-agency movement, and increased pay and promotion potential.

The road to success was a long one. The issue took on significance after President Bush signed legislation recognizing mental health counselors as qualified VA mental health professionals in 2006. To properly implement the law and facilitate hiring in the VA, counseling organizations began lobbying for the Occupational Series. It took years of legislative and regulatory wrangling before Congress directed the creation of the Series in [S. 785, the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019](#).

In 2011, the effort started to gain momentum when the VA Assistant Secretary for Human Resources and Administration submitted a letter to the Office of Personnel Management (OPM), the agency responsible for federal employment, requesting the creation of separate Series for mental health counselors and marriage and family therapists. That same year, counseling and MFT organizations met with OPM to discuss the implementation process. That progress stalled in 2014 when OPM was told by the VA that the Occupational Series for counselors and MFTs was not a priority. OPM put the brakes on development until the VA prioritized the issue.

The national organizations appealed to allies in Congress to get the process back on track. Over the next six years, there were many bills, committee reports, and letters to encourage the VA and OPM to commence development. Language was included in committee reports for House and Senate

appropriations bills in 2014 and 2017 urging the creation of Series. Several bills were also introduced in 2015 through 2020 directing the VA to report on its actions to create Series for the two professions. In addition, Senators submitted several letters to the VA Secretary and OPM Director urging prompt action on the issue.

Congressional support was spearheaded by long-term champions, Senators Jerry Moran (R-KS) and Jon Tester (D-MT). Senator Moran was the original sponsor of the House bill that authorized mental health counselors to serve as VA mental health professionals. Senator Tester's history was almost as long, spearheading legislation and correspondence to keep the issue moving forward. The cause was strengthened when Senator Moran became the Chairman and Senator Tester the Ranking Member, of the Senate Veterans Affairs Committee (SVAC). They were critical to inclusion and maintenance of counselor Occupation Series language in S. 785. House Veterans Affairs Committee Chairman Mark Takano (D-CA) and Heath Subcommittee Chairwoman Julia Brownley (D-CA) were also strong supporters of the legislation who fought for comparable language in the House.

AMHCA lobbying firm, Bergman Strategies, LLC, worked closely with the lobbyist for the American Association for Marriage and Family Therapy and California Association of Marriage and Family Therapists to promote and protect the counseling and MFT language throughout the legislative process. S. 785 really started to gain steam when it passed the Senate on August 5, 2020. To supplement the effort, AMHCA and AAMFT/CAMFT collaborated with the House Veteran Affairs Committee (HVAC) to get a separate bill with only the counseling/MFT provisions introduced in the House. Representative Jahana Hayes (D-CT) took on this leadership role and introduced [H.R. 8145](#) on September 1. The bill was part of the House companion package to S. 785 and was included in a September 10 hearing and September 17 markup. However, the House ultimately decided to take up S. 785 as written and passed the bill on September 23. The bill was signed on October XX and is now law. The legislation directs the VA to work with OPM to create a counselor Occupational Series within one year from signature.

S.785 not only creates an Occupational Series for mental health counselors, but it also promotes increased hiring, training, and advancement of mental health counselors within the VA. The bill requires the Comptroller General of the United States to prepare a study on staffing levels of mental health counselors and marriage and family therapists. The study will identify "impediments to carry out the education, training, and hiring of mental health counselors and marriage and family therapists", as well as a "description of the objectives, goals, and timing of the Department with respect to increasing the representation of such counselors and therapists."

The passage of legislation to create an Occupational Series for mental health counselors is a long overdue accomplishment for the counseling profession. The Series will increase federal government recognition and hiring, and expand VA employment and training. AMHCA wants to thank Senators Tester and Moran, as well as Representatives Takano, Brownley, and Hayes for their commitment to this important legislation. The bill is the most significant new legislation for the counseling profession in almost a decade and a tremendous advancement for mental health counselors working for the federal government, and particularly the Department of Veterans Affairs.

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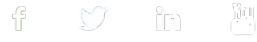
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