

1 SENATE BILL NO. 297

2 INTRODUCED BY J. BLACK

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR REGULATION AND LICENSURE OF MARRIAGE
5 AND FAMILY THERAPISTS; RENAMING AND EXPANDING THE PURPOSE OF THE BOARD OF SOCIAL
6 WORK EXAMINERS AND PROFESSIONAL COUNSELORS; PROVIDING DEFINITIONS; PROVIDING
7 LICENSURE REQUIREMENTS AND PRIVILEGES FOR MARRIAGE AND FAMILY THERAPISTS;
8 DESCRIBING VIOLATIONS AND PROVIDING PENALTIES; PROVIDING CERTAIN EXEMPTIONS FROM
9 LICENSURE AS MARRIAGE AND FAMILY THERAPISTS; AND AMENDING SECTIONS 2-15-1744, 37-22-102,
10 AND 37-23-102, MCA."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13
14 **Section 1.** Section 2-15-1744, MCA, is amended to read:
15 **"2-15-1744. Board of social work examiners, marriage and family therapists, and professional**
16 **counselors.** (1) (a) The governor shall appoint a board of social work examiners, marriage and family therapists,
17 and professional counselors consisting of ~~seven~~ nine members.
18 (b) Three members must be licensed social workers, ~~and~~ three must be licensed professional
19 counselors, and two must be licensed marriage and family therapists.
20 (c) One member must be appointed from and represent the general public and may not be engaged
21 in social work.
22 (d) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.
23 (e) The board is designated as a quasi-judicial board. Members are appointed, serve, and are subject
24 to removal in accordance with 2-15-124.
25 (2) Notwithstanding the qualifications for appointment contained in subsection (1), a person may be
26 appointed to the board without being licensed;
27 (a) as a professional counselor if he the person is issued a license under Title 37, chapter 23, within
28 30 days after his appointment being appointed; or
29 (b) for the initial board appointment of a marriage and family therapist, if the person has been issued
30 a license for marriage and family therapy by another state or the person meets the qualifications for licensure

1 under [sections 2 through 8] and is issued a license within 90 days of being appointed. An initial appointee may
2 not take action on the appointee's own license approval."

3
4 **NEW SECTION. Section 2. Purpose.** The legislature finds and declares that because the profession
5 of marriage and family therapy affects the public safety and welfare of the lives of people in this state, the
6 purpose of [sections 2 through 8] is to provide for the common good by ensuring the ethical, qualified, and
7 professional practice of marriage and family therapy. [Sections 2 through 8] and the rules adopted under [section
8 4] set standards of qualification, education, training, and experience and are intended to establish professional
9 ethics for those who seek to practice marriage and family therapy as licensed marriage and family therapists.

10
11 **NEW SECTION. Section 3. Definitions.** As used in [sections 2 through 8], the following definitions
12 apply:

13 (1) "Board" means the board of social work examiners, marriage and family therapists, and professional
14 counselors established under 2-15-1744.

15 (2) "Department" means the department of labor and industry.

16 (3) "Licensee" means a person licensed under [sections 2 through 8].

17 (4) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional
18 disorders, whether cognitive, affective, or behavioral, within the context of marriage and family systems.
19 Marriage and family therapy involves the professional application of psychotherapeutic and family system
20 theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating
21 diagnosed nervous and mental disorders.

22 (5) "Practice of marriage and family therapy" means the provision of professional marriage and family
23 therapy services to individuals, couples, and families, singly or in groups, for a fee, monetary or otherwise, either
24 directly or through public or private organizations.

25 (6) "Qualified supervisor" means a supervisor determined by the board to meet standards established
26 by the board for supervision of clinical services.

27 (7) "Recognized educational institution" means:

28 (a) an educational institution that grants a bachelor's, master's, or doctoral degree and that is
29 recognized by the board and by a regional accrediting body; or

30 (b) a postgraduate training institute accredited by the commission on accreditation for marriage and

1 family therapy education.

2

3 **NEW SECTION. Section 4. Rulemaking.** The board shall adopt rules that:

4 (1) set professional, practice, and ethical standards for social workers, professional counselors, and
5 marriage and family therapists;

6 (2) define unprofessional conduct that is not included in 37-1-316; and

7 (3) are reasonably necessary for the administration of [sections 2 through 8].

8

9 **NEW SECTION. Section 5. License requirements -- reciprocity exemption.** (1) An applicant for a
10 license shall pay an application fee set by the board, complete an application on a form provided by the
11 department, and provide documentation to the board that the applicant:

12 (a) (i) has a master's degree or a doctoral degree in marriage and family therapy from a recognized
13 educational institution; or

14 (ii) has a graduate degree in an allied field from a recognized educational institution and graduate level
15 work that the board determines to be the equivalent of a master's degree in marriage and family therapy;

16 (b) successfully passed an examination prescribed by the board;

17 (c) has worked under a qualified supervisor for at least 2 years in the practice of marriage and family
18 therapy after achieving the educational credentials listed in subsection (1); and

19 (d) is of good moral character. Being of good moral character includes in its meaning that the applicant
20 has not been convicted by a court of competent jurisdiction of a crime described by the board in rule as being
21 of a nature that renders the applicant unfit to practice marriage and family therapy.

22 (2) An applicant is exempt from the examination requirement in subsection (1)(b) if the applicant
23 satisfies the board that the applicant:

24 (a) is licensed, certified, or registered under the laws of a state or territory of the United States that
25 imposes substantially the same requirements as [sections 2 through 8]; and

26 (b) has passed an examination similar to that required by the board.

27

28 **NEW SECTION. Section 6. Exemption from marriage and family therapist licensure -- temporary**
29 **permit.** A person is exempt from licensure as a marriage and family therapist if the person practices marriage
30 and family therapy:

1 (1) under qualified supervision in a training institution or facility or other supervisory arrangement
2 approved by the board and the person uses the title of intern; or

3 (2) under a temporary permit that the board may issue under rules adopted to allow a 1-year temporary
4 permit to an applicant for licensure pending examination for a license or processing of the application for a
5 license.

6

7 **NEW SECTION. Section 7. Representation to public as licensed marriage and family therapist.**

8 (1) Upon issuance of a license in accordance with [sections 2 through 8], a licensee may:

9 (a) advertise services as a marriage and family therapist;

10 (b) use the title of "marriage therapist", "marital therapist", or "marriage and family therapist"; and

11 (c) practice marriage and family therapy.

12 (2) Subsection (1) does not prohibit:

13 (a) individuals licensed as professional counselors, social workers, psychiatric nurses, psychologists,
14 or physicians or members of the clergy or other qualified members of professional groups defined by the board
15 from advertising or performing the practice of marriage and family therapy in a manner consistent with the
16 accepted standards of their respective professions. Only licensees under [sections 2 through 8] may use any
17 title described in subsection (1)(b).

18 (b) persons employed by or acting as a volunteer for a federal, state, county, or municipal agency or
19 an educational, research, or charitable institution from providing counseling if the practice of marriage and family
20 therapy is a part of the duties of the office or position.

21

22 **NEW SECTION. Section 8. Violations -- penalties.** (1) It is a misdemeanor for a person to knowingly:

23 (a) indicate that the person is a licensed marriage and family therapist without being licensed under
24 [sections 2 through 8];

25 (b) obtain or attempt to obtain a license by bribery or fraudulent representation; or

26 (c) make a false statement on any form used by the board to implement [sections 2 through 8] or the
27 rules adopted under [sections 2 through 8].

28 (2) A person convicted under this section shall be imprisoned in the county jail for a period not
29 exceeding 6 months or fined not more than \$500, or both. A person convicted of a second offense under this
30 section shall be punished by both a fine and imprisonment.

1

2 **Section 9.** Section 37-22-102, MCA, is amended to read:

3 **"37-22-102. Definitions.** As used in this chapter:

4 (1) "Board" means the board of social work examiners, marriage and family therapists, and professional
5 counselors established under 2-15-1744.

6 (2) "Department" means the department of labor and industry.

7 (3) "Licensee" means a person licensed under this chapter.

8 (4) "Psychotherapy" means the use of psychosocial methods within a professional relationship to assist
9 a person to achieve a better psychosocial adaptation and to modify internal and external conditions that affect
10 individuals, groups, or families in respect to behavior, emotions, and thinking concerning their interpersonal
11 processes.

12 (5) "Social work" means the professional practice directed toward helping people achieve more
13 adequate, satisfying, and productive social adjustments. The practice of social work involves special knowledge
14 of social resources, human capabilities, and the roles that individual motivation and social influences play in
15 determining behavior and involves the application of social work techniques, including:

16 (a) counseling and using psychotherapy with individuals, families, or groups;

17 (b) providing information and referral services;

18 (c) providing, arranging, or supervising the provision of social services;

19 (d) explaining and interpreting the psychosocial aspects in the situations of individuals, families, or
20 groups;

21 (e) helping communities to organize in order to provide or improve social and health services; and

22 (f) research or teaching related to social work."

23

24 **Section 10.** Section 37-23-102, MCA, is amended to read:

25 **"37-23-102. Definitions.** As used in this chapter, the following definitions apply:

26 (1) "Board" means the board of social work examiners, marriage and family therapists, and professional
27 counselors established under 2-15-1744.

28 (2) "Licensee" means a person licensed under this chapter.

29 (3) "Professional counseling" means engaging in methods and techniques that include:

30 (a) counseling, which means the therapeutic process of:

- 1 (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and
2 objectives; or
- 3 (ii) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate
4 human development and to identify and remediate mental, emotional, or behavioral disorders and associated
5 distresses that interfere with mental health;
- 6 (b) assessment, which means selecting, administering, scoring, and interpreting instruments designed
7 to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal characteristics and
8 using nonstandardized methods and techniques for understanding human behavior in relation to coping with,
9 adapting to, or changing life situations;
- 10 (c) counseling treatment intervention, which means those cognitive, affective, behavioral, and systemic
11 counseling strategies, techniques, and methods common to the behavioral sciences that are specifically
12 implemented in the context of a therapeutic relationship. Other treatment interventions include developmental
13 counseling, guidance, and consulting to facilitate normal growth and development, including educational and
14 career development; and
- 15 (d) referral, which means evaluating information to identify needs or problems of an individual and to
16 determine the advisability of referral to other specialists, informing the individual of the judgment, and
17 communicating as requested or considered appropriate with the referral sources."

18

19 **NEW SECTION. Section 11. Codification instruction.** [Sections 2 through 8] are intended to be
20 codified as an integral part of Title 37, and the provisions of Title 37 apply to [sections 2 through 8].

21 - END -