



AN ACT PROVIDING FOR REGULATION AND LICENSURE OF MARRIAGE AND FAMILY THERAPISTS; PROVIDING DEFINITIONS; PROVIDING LICENSURE REQUIREMENTS AND PRIVILEGES FOR MARRIAGE AND FAMILY THERAPISTS; PROVIDING CERTAIN EXEMPTIONS FROM LICENSURE AS MARRIAGE AND FAMILY THERAPISTS; PROVIDING PENALTIES; AMENDING SECTION 37-22-201, MCA; AND PROVIDING AN EFFECTIVE DATE.

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

**Section 1. Purpose.** The legislature finds and declares that because the profession of marriage and family therapy affects the public safety and welfare of the lives of people in this state, the purpose of [sections 1 through 5] is to provide for the common good by ensuring the ethical, qualified, and professional practice of marriage and family therapy. [Sections 1 through 5] and the rules adopted by the board under 37-22-201 set standards of qualification, education, training, and experience and are intended to establish professional ethics for those who seek to practice marriage and family therapy as licensed marriage and family therapists.

**Section 2. Definitions.** As used in [sections 1 through 5], the following definitions apply:

(1) "Board" means the board of social work examiners and professional counselors established in 2-15-1744.

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

(3) "Licensee" means a person licensed under [sections 1 through 5].

(4) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders within the context of interpersonal relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family system theories and techniques, counseling, consultation, treatment planning, and supervision in the delivery of services to individuals, couples, and families.

(5) "Practice of marriage and family therapy" means the provision of professional marriage and family

therapy services to individuals, couples, and families, singly or in groups, for a fee, monetary or otherwise, either directly or through public or private organizations.

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

(7) "Recognized educational institution" means:

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

(b) a postgraduate training institute accredited by the commission on accreditation for marriage and family therapy education.

**Section 3. License requirements -- exemptions -- temporary permit.** (1) An applicant for a license shall pay an application fee set by the board by rule. The board may provide a separate, combined fee for persons licensed by the board holding dual licenses. An applicant for a license under this section shall also complete an application on a form provided by the department and provide documentation to the board that the applicant:

(a) (i) has a master's degree or a doctoral degree in marriage and family therapy from a recognized educational institution or a degree from a program accredited by the commission on accreditation for marriage and family therapy education; or

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

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

(c) has worked under the direct supervision of a qualified supervisor for at least 3,000 hours, including 1,000 hours of face-to-face client contact in the practice of marriage and family therapy, of which up to 500 hours may be accumulated while achieving the educational credentials listed in subsection (1)(a); and

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

(2) An applicant is exempt from the examination requirement in subsection (1)(b) if the board is satisfied

that:

(a) the applicant is licensed, certified, or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as [sections 1 through 5] and has passed an examination similar to that required by the board;

(b) for applications received before July 1, 2011, the applicant is a clinical member of the American association for marriage and family therapy and is a current resident of this state; or

(c) the applicant is licensed as a clinical social worker under Title 37, chapter 22, or as a clinical professional counselor under Title 37, chapter 23, and has practiced marriage and family therapy within the state for a period prescribed by the board.

(3) A person is exempt from licensure as a marriage and family therapist if the person practices marriage and family therapy:

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

(b) as part of the person's duties as a member of the clergy or priesthood; or

(c) under a temporary permit that the board may issue under rules adopted to allow a 1-year temporary permit to an applicant for licensure pending examination for a license or processing of the application for a license. An applicant with a temporary permit under this subsection shall use the title of "licensed marriage and family therapy candidate".

**Section 4. Representation to public as licensed marriage and family therapist.** (1) Upon issuance of a license in accordance with [sections 1 through 5], a licensee may:

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

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

(c) practice marriage and family therapy.

(2) Subsection (1) does not prohibit:

(a) individuals licensed as professional counselors, social workers, psychiatric nurses, psychologists, or physicians or members of the clergy or other qualified members of professional groups, identified by board rule, from advertising or performing marriage and family therapy services in a manner consistent with the

accepted standards of their respective professions. Only licensees under [sections 1 through 5] may use any title described in subsection (1)(b).

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

**Section 5. Violations -- penalties.** (1) It is a misdemeanor for a person to knowingly:

(a) indicate that the person is a licensed marriage and family therapist without being licensed under [sections 1 through 5];

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

(c) make a false statement on any form used by the board to implement [sections 1 through 5] or the rules adopted under [sections 1 through 5].

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

**Section 6.** Section 37-22-201, MCA, is amended to read:

**"37-22-201. Duties of board.** The board:

(1) shall recommend prosecutions for violations of 37-22-411 ~~and~~, 37-23-311, and [sections 1 through 5] to the attorney general or the appropriate county attorney, or both;

(2) shall meet at least once every 3 months to perform the duties described in Title 37, chapters 1, ~~22,~~ and 23, [sections 1 through 5], and this chapter. The board may, once a year by a consensus of board members, determine that there is no necessity for a board meeting.

(3) shall adopt rules that set professional, practice, and ethical standards for social workers, marriage and family therapists, and professional counselors and other rules as may be reasonably necessary for the administration of chapter 23, [sections 1 through 5], and this chapter; and

(4) may adopt rules governing the issuance of licenses of special competence in particular areas of practice as a licensed professional counselor. The board shall establish criteria for each particular area for which a license is issued."

**Section 7. Codification instruction.** [Sections 1 through 5] are intended to be codified as an integral part of Title 37, and the provisions of Title 37 apply to [sections 1 through 5].

**Section 8. Effective date.** [This act] is effective July 1, 2009.

- END -

I hereby certify that the within bill,  
SB 0271, originated in the Senate.

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Secretary of the Senate

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009.

SENATE BILL NO. 271

INTRODUCED BY SQUIRES, ARNTZEN, GILLAN, PERRY, STAHL, VILLA, WILSON

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