



*Montana*  
**Department of Labor and Industry**  
**Business Standards Division**

96  
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HB 73

Governor Brian Schweitzer

January 10, 2011

Honorable Elsie Arntzen, House Business and Labor Committee Chairwoman  
Honorable Members of the House Business and Labor Committee  
Montana House of Representatives  
PO Box 200400  
Helena, MT 59620-0400

Dear Chairwoman Arntzen and Members of the Committee:

I am writing on behalf of the Montana Board of Social Work Examiners and Professional Counselors (Board) in support of House Bill 73 – Recover costs and fees for unlicensed practice of a trade or profession, sponsored by Representative Galen Hollenbaugh. The Board strongly supports H.B. 73 as introduced.

The Board was created by the Legislature to protect the health, safety and welfare of the public by regulating the conduct of licensed social workers, professional counselors, and marriage and family therapists. The Legislature has also charged the Board with protecting the public from harm due to the unlicensed practice of these professions by those who do not meet the professional qualifications set in statute.

The current methods for addressing unlicensed practice include cease and desist letters, actions for injunctive relief, and referral to county attorneys. For the reasons described in the attached fact sheet, these mechanisms have not proven effective. Therefore, the Board believes this legislation is necessary to enable the Board to fully discharge its duty to protect citizens from harm to their mental health due to activities of individuals who are not qualified to practice social work, professional counseling, or marriage and family therapy.

While the Board supports H.B. 73 as drafted, the Board would strongly oppose any amendment which would carve out a safe harbor for certain forms of unlicensed practice. In particular, the Board is concerned about a draft amendment, which would permit unlicensed individuals to practice regulated professions if the individuals are using certain enumerated therapies. The Board believes such an amendment would create exceptions that would make it impossible to enforce existing prohibitions on unlicensed practice.

Respectfully yours,

Linda Crummett  
Chairwoman, Board of Social Work Examiners and Professional Counselors