

HOUSE BILL NO. 545

INTRODUCED BY G. PIERSON JR

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSURE REQUIREMENTS FOR PROFESSIONS UNDER THE BOARD OF BEHAVIORAL HEALTH; PROVIDING ALTERNATE EDUCATIONAL PATHS AS DETERMINED BY THE BOARD BY RULE FOR SOCIAL WORKERS, PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND ADDICTION COUNSELORS; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTIONS 37-22-301, 37-23-202, 37-35-202, AND 37-37-201, MCA."

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

Section 1. Section 37-22-301, MCA, is amended to read:

"37-22-301. License requirements -- exemptions. (1) A license applicant shall satisfactorily complete an examination prescribed by the board.

(2) Before an applicant may take the examination, the applicant shall present three letters of reference from licensed social workers, licensed clinical social workers, psychiatrists, or psychologists who have knowledge of the applicant's professional performance and shall demonstrate to the board that the applicant:

(a) (i) has a doctorate or master's degree in social work from a program accredited by the council on social work education or approved by the board; or

(ii) has met, if the applicant has not completed a degree listed in subsection (2)(a)(i), the requirements established by the board by rule for additional postdegree social work experience equivalent to the provisions of subsections (2)(a)(i) and (2)(b):

(b) has completed at least 24 months of supervised ~~post-master's~~ post-master's degree work experience in psychotherapy, which included 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact, within the past 5 years; and

(c) abides by the social work ethical standards adopted under 37-22-201.

(3) An applicant who fails the examination may reapply to take the examination.

(4) An applicant is exempt from the examination requirement if the applicant satisfies the board that 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 this chapter and that the applicant has passed an examination similar

1 to that required by the board.

2 (5) As a prerequisite to the issuance of a license, the board shall require the applicant to submit
3 fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau
4 of investigation as provided in 37-1-307.

5 (6) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the
6 opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust,
7 and if the board determines that the applicant is not, the license may be denied."

8

9 **Section 2.** Section 37-23-202, MCA, is amended to read:

10 **"37-23-202. Licensure requirements.** (1) An applicant for licensure must have satisfactorily:

11 (a) completed a planned graduate program of 60 semester hours, primarily counseling in nature, 6
12 semester hours of which were earned in an advanced counseling practicum that resulted in a graduate degree
13 from an institution accredited to offer a graduate program in counseling;

14 (b) completed 3,000 hours of counseling practice supervised by a licensed professional counselor or
15 licensed member of an allied mental health profession, at least half of which was postdegree. The applicant must
16 have each supervisor endorse the application for licensure, attesting to the number of hours supervised.

17 (c) passed an examination prepared and administered by:

18 (i) the national board of certified counselors; or

19 (ii) the national academy of certified clinical mental health counselors; and

20 (d) completed an application.

21 (2) The board shall provide by rule for licensure of a person who possesses a graduate degree that
22 consists of a minimum of 45 semester hours primarily related to counseling and that is from an institution
23 accredited to offer a graduate program in counseling, by specifying:

24 (a) the additional graduate credit hours necessary to fulfill the requirements of subsection (1)(a) in
25 counseling courses in an approved program within a period of 5 years; or

26 (b) the number of postdegree counseling hours considered equivalent to the requirements for credit
27 hours described in subsection (1)(a).

28 (3) As a prerequisite to the issuance of a license, the board shall require the applicant to submit
29 fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau
30 of investigation as provided in 37-1-307.

1 (4) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the
 2 opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust,
 3 and if the board determines that the applicant is not, the license may be denied."

4

5 **Section 3.** Section 37-35-202, MCA, is amended to read:

6 **"37-35-202. Licensure and registration requirements -- examination -- fees -- fingerprint check.**

7 (1) To be eligible for licensure as a licensed addiction counselor, the applicant shall submit an application fee in
 8 an amount established by the board by rule and a written application on a form provided by the board that
 9 demonstrates that the applicant has completed the eligibility requirements and competency standards as defined
 10 by board rule.

11 (2) A person may apply for licensure as a licensed addiction counselor if the person has:

12 (a) received a baccalaureate or advanced degree in alcohol and drug studies, psychology, sociology,
 13 social work, or counseling, or a comparable degree from an accredited college or university; ~~or~~

14 (b) received an associate of arts degree in alcohol and drug studies, addiction, or substance abuse from
 15 an accredited institution; or

16 (c) met, if the person has not completed a degree listed in subsection (2)(a) or (2)(b), the additional work
 17 experience requirements in an addiction treatment program set by the board by rule as equivalent and necessary
 18 to meet the provisions of subsections (2)(a) and (2)(b).

19 (3) Prior to becoming eligible to begin the examination process, each person shall complete supervised
 20 work experience in an addiction treatment program as defined by the board, in a program approved by the board,
 21 or in a similar program recognized under the laws of another state.

22 (4) Each applicant shall successfully complete a competency examination, in writing only, as defined by
 23 rules adopted by the board. The board shall provide by rule how much experience counts for the examination.

24 (5) (a) Except as provided in ~~subsections~~ subsection (5)(d) ~~and (6)~~, an applicant who has completed the
 25 requirements of subsection (2) but has not completed the required supervised work experience may apply for
 26 registration as an addiction counselor licensure candidate.

27 (b) An application for registration as an addiction counselor licensure candidate must be approved if it
 28 is determined that:

29 (i) a complete application approved by the board has been submitted;

30 (ii) there is no legal or disciplinary action against the applicant in this or any other state;

1 (iii) the applicant for registration as an addiction counselor licensure candidate ~~may only function~~
 2 participated in training only under the supervision of a supervisor who is trained in addiction counseling or a
 3 related field as defined by rule and who has an active license in good standing in Montana or any other state; and

4 (iv) the applicant has completed all educational or work experience requirements as prescribed in
 5 subsection (2)(a) ~~or~~, (2)(b), or (2)(c), as applicable.

6 (c) A person registered as an addiction counselor licensure candidate shall register annually until the
 7 person becomes a licensed addiction counselor. The board may limit the number of years that a person may act
 8 as an addiction counselor licensure candidate.

9 (d) A student is not required to register as an addiction counselor licensure candidate.

10 ~~(6) The provisions of subsection (5) do not apply until the board has adopted rules implementing this~~
 11 ~~section. The rules must provide for a waiver of the provisions of subsection (5) for a person who is engaged in~~
 12 ~~a supervised work experience prior to the adoption of the rules.~~

13 ~~(7)(6)~~ (a) As a prerequisite to the issuance of a license and registration as an addiction counselor
 14 licensure candidate, the board shall require an applicant to submit fingerprints for the purpose of fingerprint
 15 checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

16 (b) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the
 17 opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust
 18 and if the board determines that the applicant is not, the license may be denied.

19 ~~(8)(7)~~ A person holding a license to practice as a licensed addiction counselor in this state may use the
 20 title "licensed addiction counselor".

21 ~~(9)(8)~~ For the purposes of this section, "comparable degree" means a degree with accredited college
 22 course work, of which 6 credit hours must be in human behavior, sociology, psychology, or a similar emphasis,
 23 3 credit hours must be in psychopathology or course work exploring patterns and courses of abnormal or deviant
 24 behavior, and 9 credit hours must be in counseling. For the 9 credit hours in counseling, 6 credit hours must be
 25 in group counseling and 3 credit hours must be in the theory of counseling. The credit hours specified in this
 26 subsection may be obtained in an associate or master's degree program if the applicant does not have a
 27 qualifying baccalaureate degree."

28
 29 **Section 4.** Section 37-37-201, MCA, is amended to read:

30 **"37-37-201. License requirements -- exemptions.** (1) An applicant for a license shall pay an

1 application fee set by the board by rule. The board may provide a separate, combined fee for persons licensed
2 by the board holding dual licenses. An applicant for a license under this section shall also complete an application
3 on a form provided by the department and provide documentation to the board that the applicant:

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

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

10 (iii) has met additional postdegree experience requirements set by the board by rule as being equivalent
11 to the degree requirements in subsection (1)(a)(i) or (1)(a)(ii) if the applicant does not have a degree as provided
12 in subsection (1)(a)(i) or (1)(a)(ii);

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

14 (c) has worked under the direct supervision of a qualified supervisor for at least 3,000 hours, including
15 1,000 hours of face-to-face client contact in the practice of marriage and family therapy, of which up to 500 hours
16 may be accumulated while achieving the educational credentials listed in subsection (1)(a)(i) or (1)(a)(ii); and

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

20 (2) As a prerequisite to the issuance of a license, the board shall require the applicant to submit
21 fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau
22 of investigation as provided in 37-1-307.

23 (3) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the
24 opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust,
25 and if the board determines that the applicant is not, the license may be denied.

26 (4) An applicant is exempt from the examination requirement in subsection (1)(b) if the board is satisfied
27 that:

28 (a) the applicant is licensed, certified, or registered under the laws of a state or territory of the United
29 States that imposes substantially the same requirements as this chapter and has passed an examination similar
30 to that required by the board; or

