

SENATE BILL NO. 434

INTRODUCED BY COCCHIARELLA, ARNTZEN, HAWKS, TASH, BALES, BERGREN, SCHMIDT,
MCGILLVRAY, PERRY, LAKE, VILLA

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR REGULATION AND LICENSURE OF MARRIAGE AND FAMILY THERAPISTS; RENAMING AND EXPANDING THE PURPOSE AND SIZE OF THE BOARD OF SOCIAL WORK EXAMINERS AND PROFESSIONAL COUNSELORS; 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 SECTIONS 2-15-1744, 37-22-102, 37-22-201, AND 37-23-102, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 2-15-1744, MCA, is amended to read:

"2-15-1744. Board of social work examiners, marriage and family therapists, and professional counselors. (1) (a) The governor shall appoint a board of social work examiners, marriage and family therapists, and professional counselors consisting of ~~seven~~ EIGHT members.

(b) ~~Three~~ Two THREE members must be licensed social workers, and three members must be licensed professional counselors-, one member must be a licensed marriage and family therapist, and

~~— (c) One~~ one member must be appointed from and represent the general public and may not be engaged in social work, marriage and family therapy, or professional counseling.

~~(d)~~ (c) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121.

~~(e)~~ (d) The board is designated a quasi-judicial board. Members are appointed, serve, and are subject to removal in accordance with 2-15-124.

~~(2) Notwithstanding the qualifications for appointment contained in subsection (1), a person may be appointed to the board without being licensed as a professional counselor if he is issued a license under Title 37, chapter 23, within 30 days after his appointment.~~

(2) For the initial appointments of members who are marriage and family therapists, an individual may be appointed who meets the qualifications for licensure under [sections 2 through 7] and is issued a license within

90 days of being appointed. An initial appointee may not take action on the appointee's own license approval."

NEW SECTION. Section 2. 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 2 through 7] is to provide for the common good by ensuring the ethical, qualified, and professional practice of marriage and family therapy. [Sections 2 through 7] 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.

NEW SECTION. Section 3. Definitions. As used in [sections 2 through 7], the following definitions apply:

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

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

(3) "Licensee" means a person licensed under [sections 2 through 7].

(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.

NEW SECTION. Section 4. License requirements -- reciprocity exemption -- provision for certain practitioners. (1) An applicant for a license shall pay an application fee set by the board. 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 ~~4,500~~ 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 2 through 7] and has passed an examination similar to that required by the board; or

(b) for applications received before July 1, 2009, the applicant is a clinical member of the American association for marriage and family therapists and is a current resident of this state.

~~————(3) A person engaged in the practice of marriage and family therapy in this state on July 1, 2007, shall, upon application prior to January 1, 2008, presentation of documentation of practice, and payment of an application fee set by the board, be issued a license by the board. The license must be renewed in the same manner and subject to the same conditions under which other licenses issued under this section are renewed. A person licensed pursuant to this subsection (3) is subject to the rules of the board.~~

NEW SECTION. Section 5. Trainee and clergy exemption from marriage and family therapist licensure -- temporary permit. A person is exempt from licensure as a marriage and family therapist if the person practices marriage and family therapy:

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

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

(3) 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.

NEW SECTION. Section 6. Representation to public as licensed marriage and family therapist.

(1) Upon issuance of a license in accordance with [sections 2 through 7], 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 2 through 7] 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.

NEW SECTION. Section 7. 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 2 through 7];

(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 2 through 7] or the rules adopted under [sections 2 through 7].

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

Section 8. Section 37-22-102, MCA, is amended to read:

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

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

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

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

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

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

- (a) counseling and using psychotherapy with individuals, families, or groups;
- (b) providing information and referral services;
- (c) providing, arranging, or supervising the provision of social services;
- (d) explaining and interpreting the psychosocial aspects in the situations of individuals, families, or groups;
- (e) helping communities to organize to provide or improve social and health services; and
- (f) research or teaching related to social work."

Section 9. 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 [section 7] 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. 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 2 through 7], 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 10. Section 37-23-102, MCA, is amended to read:

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

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

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

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

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

(i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; or

(ii) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health;

(b) assessment, which means selecting, administering, scoring, and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal characteristics and using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations;

(c) counseling treatment intervention, which means those cognitive, affective, behavioral, and systemic counseling strategies, techniques, and methods common to the behavioral sciences that are specifically implemented in the context of a therapeutic relationship. Other treatment interventions include developmental counseling, guidance, and consulting to facilitate normal growth and development, including educational and

career development; and

(d) referral, which means evaluating information to identify needs or problems of an individual and to determine the advisability of referral to other specialists, informing the individual of the judgment, and communicating as requested or considered appropriate with the referral sources."

NEW SECTION. **Section 11. Codification instruction.** [Sections 2 through 7] are intended to be codified as an integral part of Title 37, and the provisions of Title 37 apply to [sections 2 through 7].

NEW SECTION. **Section 12. Effective date.** [This act] is effective July 1, 2007.

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