

HOUSE BILL NO. 470

INTRODUCED BY L. SHELDON-GALLOWAY

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A BILL FOR AN ACT ENTITLED: "AN ACT EXPANDING THE EXEMPTION FROM LICENSURE AS A PSYCHOLOGIST TO INCLUDE PSYCHOLOGICAL TESTING, EVALUATION, AND ASSESSMENT PERFORMED BY MARRIAGE AND FAMILY THERAPISTS; CLARIFYING THAT THE QUALIFIED MEMBERS OF OTHER PROFESSIONS INCLUDE LICENSED MARRIAGE AND FAMILY THERAPISTS; EXPANDING RULEMAKING; AND AMENDING SECTIONS 37-17-104 AND 37-37-102, MCA."

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

Section 1. Section 37-17-104, MCA, is amended to read:

"37-17-104. Exemptions. (1) Except as provided in subsection (2), this chapter does not prevent:

(a) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, professional counselors licensed under Title 37, chapter 23, marriage and family therapists licensed under Title 37, chapter 37, or educators, from doing work of a psychological nature consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "psychology", "psychologist", "psychological", or "psychologic";

(b) the activities, services, and use of an official title clearly delineating the nature and level of training on the part of a person in the employ of a federal, state, county, or municipal agency or of other political subdivisions or an educational institution, business corporation, or research laboratory insofar as these activities and services are a part of the duties of the office or position within the confines of the agency or institution;

(c) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of the supervised course of study of the student, intern, or resident in psychology;

(d) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the laws of the state or country of that person's residence to perform these activities and services. However, these persons shall report to the department the nature and extent of the services in this state prior to providing those services if the services are

1 to exceed 10 days in a calendar year.

2 (e) a person authorized by the laws of the state or country of the person's former residence to perform
3 activities and services, who has recently become a resident of this state and who has submitted a completed
4 application for a license in this state, from performing the activities and services pending disposition of the
5 person's application; and

6 (f) the offering of lecture services.

7 (2) Those qualified members of other professions described in subsection (1)(a) may indicate and hold
8 themselves out as performing psychological testing, evaluation, and assessment, as described in
9 37-17-102(4)(b), provided that they are qualified to administer the test and make the evaluation or assessment.

10 (3) The board of behavioral health shall adopt rules that qualify a licensee under Title 37, chapter 22,
11 ~~or 23, or 37,~~ to perform psychological testing, evaluation, and assessment. The rules for licensed clinical social
12 workers, ~~and~~ professional counselors, and licensed marriage and family therapists must be consistent with the
13 guidelines of their respective national associations. A qualified licensee providing services under this exemption
14 shall comply with the rules no later than 1 year from the date of adoption of the rules."
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16 **Section 2.** Section 37-37-102, MCA, is amended to read:

17 **"37-37-102. Definitions.** As used in this chapter, the following definitions apply:

18 (1) "Board" means the board of behavioral health established in 2-15-1744.

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

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

21 (4) "Marriage and family therapist licensure candidate" means a person who is registered pursuant to
22 37-37-205 to engage in marriage and family therapy and earn supervised work experience necessary for
23 licensure.

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

29 (b) The term includes the performance of psychological testing, evaluation, and assessment if the
30 licensee is qualified to administer testing and make evaluations and assessments pursuant to 37-17-104.

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

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

6 (8) "Recognized educational institution" means:

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

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

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