

SENATE BILL NO. 320

INTRODUCED BY D. SANDS

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO THE LICENSURE OF ADDICTION COUNSELORS; PROVIDING FOR A GAMBLING ENDORSEMENT; REVISING EDUCATION REQUIREMENTS; EXPANDING RULEMAKING; AND AMENDING SECTIONS 37-35-102, 37-35-103, AND 37-35-202, MCA."

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

**Section 1.** Section 37-35-102, MCA, is amended to read:

**"37-35-102. Definitions.** As used in this chapter, the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by a regional or national accrediting association for institutions of higher learning.

(2) "Addiction" means the condition or state in which an individual is physiologically or psychologically dependent upon alcohol or other drugs. The term includes chemical dependency as defined in 53-24-103.

(3) "Addiction counselor licensure candidate" means a person who is registered pursuant to 37-35-202(5) to engage in addiction counseling and earn supervised work experience necessary for licensure.

(4) "Board" means the board of behavioral health provided for in 2-15-1744.

(5) "Licensed addiction counselor" means a person who has the knowledge and skill necessary to provide the therapeutic process of addiction and gambling dependence impulse control disorder counseling and who is licensed under the provisions of this chapter. The term includes a person who has obtained a license endorsement to provide gambling dependence impulse control disorder counseling.

**Section 2.** Section 37-35-103, MCA, is amended to read:

**"37-35-103. Board powers and duties.** (1) The board shall:

- (a) license and renew the licenses of qualified applicants;
- (b) adopt rules:
  - (i) for eligibility requirements and competency standards;
  - (ii) defining any unprofessional conduct that is not included in 37-1-316; ~~and~~
  - (iii) setting criteria for training programs, internships, and continuing education requirements to ensure

1 the quality of addiction counseling; and  
 2 (iv) establishing criteria for obtaining a license endorsement for providing gambling dependence impulse  
 3 control disorder counseling.

4 (2) The board may:

5 (a) adopt rules necessary to implement the provisions of this chapter;

6 (b) adopt rules specifying the scope of addiction counseling that are consistent with the education  
 7 required by 37-35-202; and

8 (c) establish licensure requirements and procedures that the board considers appropriate."  
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10 **Section 3.** Section 37-35-202, MCA, is amended to read:

11 **"37-35-202. Licensure and registration requirements -- examination -- fees -- fingerprint check.**

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

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

17 (a) (i) received a baccalaureate or advanced degree in alcohol and drug studies, psychology, sociology,  
 18 social work, or counseling, human services, psychiatric rehabilitation, or mental health and rehabilitation  
 19 counseling or a comparable related degree from an accredited college or university; or

20 (ii) received a baccalaureate or advanced degree from an accredited college or university and has  
 21 obtained:

22 (A) 6 credit hours in human behavior, sociology, psychology, or a similar emphasis;

23 (B) 3 credit hours in psychopathology or course work exploring patterns and courses of abnormal or  
 24 deviant behavior; and

25 (C) 9 credit hours in counseling, 6 hours of which must be in group counseling and 3 hours of which must  
 26 be in the theory of counseling; or

27 (b) received an associate of arts degree in alcohol and drug studies, addiction, or substance abuse from  
 28 an accredited institution.

29 (3) (a) Prior to becoming eligible to begin the examination process, each person shall complete  
 30 supervised work experience in an addiction treatment program as defined by the board, in a program approved

1 by the board, or in a similar program recognized under the laws of another state.

2 (b) A person who meets the requirements of subsection (2) is eligible to begin the examination process  
3 without first obtaining any addiction-specific education. The board may require the person to obtain up to 200  
4 hours of addiction-specific education while completing supervised work experience or before completing a  
5 competency examination.

6 (4) Each applicant shall successfully complete a competency examination, in writing only, as defined by  
7 rules adopted by the board.

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

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

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

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

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

18 (iv) the applicant has completed all educational requirements as prescribed in subsection (2)(a) or (2)(b).

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

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

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

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

29 (b) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the  
30 opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust

1 and if the board determines that the applicant is not, the license may be denied.

2 (8) A person holding a license to practice as a licensed addiction counselor in this state may use the title  
3 "licensed addiction counselor".

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

11 - END -