

HOUSE BILL NO. 230

INTRODUCED BY G. PIERSON JR

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT LICENSED THERAPISTS MAY USE PSYCHOTHERAPEUTIC TECHNIQUES TO TREAT CHRONIC PAIN; AND AMENDING SECTIONS 37-17-102, 37-22-102, 37-23-102, AND 37-37-102, MCA."

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

**Section 1.** Section 37-17-102, MCA, is amended to read:

**"37-17-102. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by the regional accrediting association for institutions of higher learning, such as the northwest commission on colleges and universities.

(2) "Board" means the board of psychologists provided for in 2-15-1741.

(3) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(4) (a) "Practice of psychology" means the observation, description, interpretation, and modification of human behavior by the application of psychological principles, methods, and procedures for the purpose of eliminating symptomatic, maladaptive, or undesired behavior and improving interpersonal relations, work and life adjustment, personal effectiveness, and mental health.

(b) The practice of psychology includes but is not limited to:

(i) psychological testing and evaluation or assessment of personal characteristics such as intelligence, personality, abilities, interests, aptitudes, and neuropsychological functioning;

(ii) counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy;

(iii) diagnosis and treatment of mental and emotional disorders or disabilities, chemical dependency, substance abuse, and the psychological aspects of physical illness, accident, injury, or disability;

(iv) the use of psychotherapeutic techniques to treat the perception of chronic pain; and

(v) psychoeducational evaluation, therapy, remediation, and consultation.

(5) A person represents to the public that the person is a "psychologist" when the person uses a title or

1 description of services incorporating the words "psychologist", "psychological", "psychologic", or "psychology"  
2 and offers to render or renders psychological services described in subsection (4) to individuals, groups,  
3 corporations, or the public, whether or not the person does so for compensation or fee."

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5 **Section 2.** Section 37-22-102, MCA, is amended to read:

6 **"37-22-102. Definitions.** As used in this chapter, the following definitions apply:

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

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

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

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

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

18 (a) counseling and using psychotherapy with individuals, families, or groups;

19 (b) using psychotherapeutic techniques to treat an individual's perception of chronic pain;

20 ~~(b)~~(c) providing information and referral services;

21 ~~(e)~~(d) providing, arranging, or supervising the provision of social services;

22 ~~(d)~~(e) explaining and interpreting the psychosocial aspects in the situations of individuals, families, or  
23 groups;

24 ~~(e)~~(f) helping communities to organize to provide or improve social and health services;

25 ~~(f)~~(g) research or teaching related to social work; and

26 ~~(g)~~(h) administering, evaluating, and assessing tests if the licensee is qualified to administer the test and  
27 make the evaluation and assessment.

28 (6) "Social worker licensure candidate" means a person who is registered pursuant to 37-22-313 to  
29 engage in social work and earn supervised work experience necessary for licensure."

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1           **Section 3.** Section 37-23-102, MCA, is amended to read:

2           **"37-23-102. Definitions.** As used in this chapter, the following definitions apply:

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

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

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

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

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

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

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

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

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

24           (4) "Professional counselor licensure candidate" means a person who is registered pursuant to  
25 37-23-213 to engage in professional counseling and earn supervised work experience necessary for licensure."

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27           **Section 4.** Section 37-37-102, MCA, is amended to read:

28           **"37-37-102. Definitions.** As used in this chapter, the following definitions apply:

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

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

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

2 (4) "Marriage and family therapist licensure candidate" means a person who is registered pursuant to  
3 37-37-205 to engage in marriage and family therapy and earn supervised work experience necessary for  
4 licensure.

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

10 (b) The term includes:

11 (i) the performance of psychological testing, evaluation, and assessment if the licensee is qualified to  
12 administer testing and make evaluations and assessments pursuant to 37-17-104; and

13 (ii) the use of psychotherapeutic techniques to treat the perception of chronic pain.

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

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

19 (8) "Recognized educational institution" means:

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

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

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