

HOUSE BILL NO. 626

INTRODUCED BY E. KERR-CARPENTER, F. FLEMING, M. FUNK, S. MALEK

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING SOCIAL WORK LICENSURE LAWS TO INCLUDE TWO NEW LEVELS OF LICENSURE; PROVIDING LICENSING REQUIREMENTS AND EXEMPTIONS; REQUIRING RULEMAKING BY THE BOARD OF BEHAVIORAL HEALTH; AMENDING SECTIONS 37-22-102, 37-22-301, AND 37-22-313, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

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

NEW SECTION. **Section 1. Levels of social worker licensure.** Three levels of social worker licensure are available under this chapter:

- (1) a licensed baccalaureate social worker, who meets the requirements of [section 2];
- (2) a master's-level social worker, also known as a licensed master's social worker, who meets the requirements of [section 3]; and
- (3) a licensed clinical social worker, who meets the requirements of 37-22-301.

NEW SECTION. **Section 2. Licensed baccalaureate social worker requirements -- exemption -- rulemaking.** (1) An applicant to be a licensed baccalaureate social worker:

- (a) must have a bachelor's degree in social work from a program accredited by the council on social work education or a program approved by the board by rule; and
- (b) must have registered as a social worker licensure candidate, as provided in 37-22-313, and completed ~~3,000 or more hours~~ of supervised work experience as specified in the training and supervision plan submitted to the board and approved by the board. ~~At least 800 hours~~ SOME of the required hours must be in direct client contact.

(2) After completing the required supervised work experience as a social worker licensure candidate, the applicant shall:

- (a) provide the board with three letters of reference from ~~licensed clinical social workers, licensed clinical professional counselors,~~ PROFESSIONALS LICENSED BY THE BOARD or academic professors who have knowledge of the applicant's professional performance;

1 (b) satisfactorily complete an examination prescribed by the board by rule. An applicant who fails the
 2 examination may reapply to take the examination and may continue as a social worker licensure candidate,
 3 subject to the terms set by the board.

4 (c) submit a completed application required by the board and the application fee prescribed by the board;
 5 and

6 (d) submit fingerprints for the purpose of fingerprint checks as provided in 37-1-307. ~~If an applicant has~~
 7 ~~a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to~~
 8 ~~the board that the applicant is sufficiently rehabilitated to warrant the public trust. If the board determines the~~
 9 ~~applicant is not sufficiently rehabilitated, the board may deny the license. THE BOARD MAY REQUIRE A CRIMINAL~~
 10 ~~BACKGROUND CHECK OF APPLICANTS AND DETERMINE THE SUITABILITY FOR LICENSURE AS PROVIDED IN 37-1-201~~
 11 ~~THROUGH 37-1-205 AND 37-1-307.~~

12 (3) A licensed baccalaureate social worker:

13 (a) is subject to the social work ethical standards adopted under 37-22-201;

14 ~~(B) MAY ENGAGE IN SOCIAL WORK ACTIVITIES AS PROVIDED IN 33-22-102(5)(B) THROUGH (5)(G);~~

15 ~~(b)(C)~~ may engage in ~~independent~~ practice, as defined by the board, upon receiving a license; and

16 ~~(c)(D)~~ may use the initials "LBSW" for "licensed baccalaureate social worker".

17 (4) An applicant is exempt from the examination requirement in subsection ~~(2)(b)~~ (2)(C) if the applicant:

18 (a) proves to the board that the applicant is licensed, certified, or registered in a state or territory of the
 19 United States under laws that have substantially the same requirements as this chapter; and

20 (b) has passed an examination similar to that required by the board.

21 (5) INDIVIDUALS WHO DEMONSTRATE TO THE BOARD ON OR BEFORE MAY 1, 2021, THAT THEY MEET THE
 22 APPLICABLE WORK AND EDUCATION EXPERIENCE AS PROVIDED IN SUBSECTION (1) ARE EXEMPT FROM EXAMINATION
 23 PROCEDURES PROVIDED IN SUBSECTION (2)(B) AND MAY BE LICENSED UNDER THIS SECTION.

24 ~~(5)(6)~~ The board may require a criminal background check of applicants and shall adopt rules to
 25 implement this section.

26
 27 NEW SECTION. Section 3. Licensed master's social worker requirements -- rulemaking --
 28 exemption. (1) An applicant to be a licensed master's social worker:

29 (a) must have a master's degree in social work from a program accredited by the council on social work
 30 education or a program approved by the board by rule; and

1 (b) must have registered as a social worker licensure candidate, as provided in 37-22-313, and
 2 completed ~~3,000 or more hours of~~ supervised work experience as specified in the training and supervision plan
 3 submitted to the board and approved by the board. ~~At least 1,500 hours~~ SOME of the required hours must be in
 4 direct client contact.

5 (2) After completing the required supervised work experience as a social worker licensure candidate,
 6 the applicant shall:

7 (a) provide the board with three letters of reference from ~~licensed clinical social workers, licensed clinical~~
 8 ~~professional counselors,~~ PROFESSIONALS LICENSED BY THE BOARD or academic professors who have knowledge
 9 of the applicant's professional performance;

10 (b) satisfactorily complete an examination prescribed by the board by rule. An applicant who fails the
 11 examination may reapply to take the examination and may continue as a social worker licensure candidate,
 12 subject to the terms set by the board.

13 (c) submit a completed application required by the board and the application fee prescribed by the board
 14 by rule; and

15 (d) submit fingerprints for the purpose of fingerprint checks as provided in 37-1-307. ~~If an applicant has~~
 16 ~~a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to~~
 17 ~~the board that the applicant is sufficiently rehabilitated to warrant the public trust. If the board determines the~~
 18 ~~applicant is not sufficiently rehabilitated, the board may deny the license.~~ THE BOARD MAY REQUIRE A CRIMINAL
 19 BACKGROUND CHECK OF APPLICANTS AND DETERMINE THE SUITABILITY FOR LICENSURE AS PROVIDED IN 37-1-201
 20 THROUGH 37-1-205 AND 37-1-307.

21 (3) A licensed master's social worker:

22 (a) is subject to the social work ethical standards adopted under 37-22-201;

23 (B) MAY ENGAGE IN SOCIAL WORK ACTIVITIES AS PROVIDED IN 33-22-102(5)(B) THROUGH (5)(G);

24 ~~(b)(C)~~ may engage in ~~independent~~ practice, as defined by the board, upon receiving a license; and

25 ~~(e)(D)~~ may use the initials "LMSW" for "licensed master's social worker".

26 (4) An applicant is exempt from the examination requirement in subsection ~~(2)(b)~~ (2)(C) if the applicant:

27 (a) proves to the board that the applicant is licensed, certified, or registered in a state or territory of the
 28 United States under laws that have substantially the same requirements as this chapter; and

29 (b) has passed an examination similar to that required by the board.

30 (5) INDIVIDUALS WHO DEMONSTRATE TO THE BOARD ON OR BEFORE MAY 1, 2021, THAT THEY MEET THE

1 APPLICABLE WORK AND EDUCATION EXPERIENCE AS PROVIDED IN SUBSECTION (1) ARE EXEMPT FROM EXAMINATION
 2 PROCEDURES PROVIDED IN SUBSECTION (2)(B) AND MAY BE LICENSED UNDER THIS SECTION.

3 ~~(5)~~(6) The board may require a criminal background check of applicants and shall adopt rules to
 4 implement this section.

5

6 **Section 4.** Section 37-22-102, MCA, is amended to read:

7 **"37-22-102. Definitions.** As used in this chapter, the following definitions apply:

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

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

10 (3) "Licensee" means a person licensed under this chapter as a licensed baccalaureate social worker,
 11 a licensed master's social worker, or a licensed clinical social worker.

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

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

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

21 (b) providing information and referral services;

22 (c) providing, arranging, or supervising the provision of social services;

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

25 (e) helping communities to organize to provide or improve social and health services;

26 (f) research or teaching related to social work; and

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

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

1

2 **Section 5.** Section 37-22-301, MCA, is amended to read:

3 **"37-22-301. License requirements -- rulemaking -- exemptions.** (1) ~~A license~~ An applicant shall
4 ~~satisfactorily complete an examination prescribed by the board.~~

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

9 (a) ~~has~~ must have a doctorate or master's degree in social work from a program accredited by the
10 council on social work education or approved by the board; and

11 (b) ~~has~~ must have registered as a social worker licensure candidate, as provided in 37-22-313, and
12 completed at least 24 months of supervised post master's degree work experience in psychotherapy, which must
13 have included 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact,
14 within the past 5 years; and,

15 (2) After completing the required supervised work experience as a social worker licensure candidate,
16 the applicant shall:

17 (a) provide the board with three letters of reference from licensed clinical social workers, licensed clinical
18 professional counselors, PROFESSIONALS LICENSED BY THE BOARD or academic professors who have knowledge
19 of the applicant's professional performance;

20 (b) satisfactorily complete an examination prescribed by the board. An applicant who fails the
21 examination may reapply to take the examination and may continue as a social worker licensure candidate,
22 subject to the terms set by the board.

23 (c) submit a completed application required by the board and the application fee prescribed by the board.

24 ~~(e)(3) A licensed clinical social worker:~~

25 (a) ~~abides by~~ is subject to the social work ethical standards adopted under 37-22-201;

26 (b) may engage in independent practice, as defined by the board, upon receiving a license; and

27 (c) may use the initials "LSW" or "LCSW" for "licensed social worker" or "licensed clinical social worker".

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

29 (4) An applicant is exempt from the examination requirement in subsection (2)(b) if the applicant:

30 (a) proves to ~~satisfies~~ the board that the applicant is licensed, certified, or registered ~~under the laws of~~

1 ~~in a state or territory of the United States that imposes~~ under laws that have substantially the same requirements
 2 as this chapter; and

3 ~~(b) that the applicant~~ has passed an examination similar to that required by the board.

4 (5) As a prerequisite to the issuance of a license, the board shall require the applicant to submit
 5 fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau
 6 of investigation as provided in 37-1-307. THE BOARD MAY REQUIRE A CRIMINAL BACKGROUND CHECK OF APPLICANTS
 7 AND DETERMINE THE SUITABILITY FOR LICENSURE AS PROVIDED IN 37-1-201 THROUGH 37-1-205 AND 37-1-307.

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

11 ~~(7)~~(6) The board shall adopt rules to implement this section."

12

13 **Section 6.** Section 37-22-313, MCA, is amended to read:

14 **"37-22-313. Social worker licensure candidate -- registration requirements -- renewal -- standards.**

15 (1) A person who has completed the education required for licensure under 37-22-301, [section 2], or [section
 16 3] but who has not completed the supervised work experience required for licensure shall register as a social
 17 worker licensure candidate in order to engage in social work and earn supervised work experience hours in this
 18 state.

19 (2) To register, the person shall submit:

20 (a) the application and fee required by the board;

21 (b) proof of completion of the education requirement;

22 (c) fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal
 23 bureau of investigation as provided in 37-1-307;

24 (d) proof of good moral character; and

25 (e) a training and supervision plan that meets the requirements set by the board.

26 (3) Upon satisfaction of the requirements of subsection (2) and approval by the board, a person may
 27 engage in social work under the conditions set by the board and ~~shall~~ use the title of "clinical social worker
 28 licensure candidate" that is appropriate to the applicant's proposed level of licensure.

29 (4) A person shall register annually as a social worker licensure candidate. The board may limit the
 30 number of years that a person may act as a social worker licensure candidate.

1 (5) A social worker licensure candidate shall conform to the standards of conduct applicable to all
2 licensees.

3 (6) Unprofessional conduct or failure to satisfy the training and supervision requirements and other
4 conditions set by the board may result in disciplinary action, sanctions, or other restriction of a person's
5 authorization to act as a social worker licensure candidate.

6 (7) The board may:

7 (a) deny a license or issue a probationary license to an applicant for licensure based on the applicant's
8 conduct as a social worker licensure candidate; and

9 ~~(b) if the applicant has a history of criminal convictions, review an applicant's demonstration of~~
10 ~~rehabilitation and, pursuant to 37-1-203, determine prior to deciding about licensure whether the applicant is~~
11 ~~sufficiently rehabilitated to warrant the public trust.~~

12 (B) DETERMINE THE SUITABILITY FOR LICENSURE AS PROVIDED IN 37-1-201 THROUGH 37-1-205 AND 37-1-307."

13
14 NEW SECTION. Section 7. Codification instruction. (1) [Section 1] is intended to be codified as an
15 integral part of Title 37, chapter 22, part 1, and the provisions of Title 37, chapter 22, part 1, apply to [section 1].

16 (2) [Sections 2 and 3] are intended to be codified as an integral part of Title 37, chapter 22, part 3, and
17 the provisions of Title 37, chapter 22, part 3, apply to [sections 2 and 3].

18
19 NEW SECTION. Section 8. Effective date. [This act] is effective January 1, 2020.

20 - END -