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1	BILL NO	
2		
3	(Primary Sponsor)	
4	A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THAT LICENSED THERAPISTS AND CLINICAL	
5	SOCIAL WORKERS MAY USE PSYCHOTHERAPEUTIC TECHNIQUES TO TREAT CHRONIC PAIN;	
6	AMENDING SECTIONS 37-22-102, 37-22-307, 37-22-308, AND 37-23-102, MCA; AND PROVIDING AN	
7	IMMEDIATE EFFECTIVE DATE."	
8		
9	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	
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11	Section 1. Section 37-22-102, MCA, is amended to read:	
12	"37-22-102. Definitions. As used in this chapter, the following definitions apply:	
13	(1) "Board" means the board of behavioral health established in 2-15-1744.	
14	(2) "Department" means the department of labor and industry.	
15	(3) "Licensee" means a person licensed under this chapter as a licensed baccalaureate social wo	rker,
16	a licensed master's social worker, or a licensed clinical social worker.	
17	(4) "Psychotherapy" means the use of psychosocial methods within a professional relationship to	
18	assist a person to achieve a better psychosocial adaptation and to modify internal and external conditions the	nat
19	affect individuals, groups, or families in respect to behavior, emotions, and thinking concerning their	
20	interpersonal processes.	
21	(5) "Social work" means the professional practice directed toward helping people achieve more	
22	adequate, satisfying, and productive social adjustments. The practice of social work involves special knowle	⊎dge
23	of social resources, human capabilities, and the roles that individual motivation and social influences play in	l
24	determining behavior and involves diagnoses and the application of social work techniques, including:	
25	(a) counseling and using psychotherapy with individuals, families, or groups;	
26	(b) using psychotherapeutic techniques to treat an individual's perception of chronic pain;	
27	(b)(c) providing information and referral services;	
28	(c)(d) providing, arranging, or supervising the provision of social services;	
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1	(d)(e) explaining and interpreting the psychosocial aspects in the situations of individuals, families,	or
2	roups;	
3	(e)(f) helping communities to organize to provide or improve social and health services;	
4	(f)(g) research or teaching related to social work; and	
5	(g)(h) administering, evaluating, and assessing tests if the licensee is qualified to administer the tes	t
6	nd make the evaluation and assessment.	
7	(6) "Social worker licensure candidate" means a person who is registered pursuant to 37-22-313 to	
8	ngage in social work and earn supervised work experience necessary for licensure."	
9		
10	Section 2. Section 37-22-307, MCA, is amended to read:	
11	"37-22-307. Licensed baccalaureate social worker requirements exemption rulemaking. (	1)
12	n applicant to be a licensed baccalaureate social worker:	
13	(a) must have a bachelor's degree in social work from a program accredited by the council on socia	d
14	ork education or a program approved by the board by rule; and	
15	(b) must have registered as a social worker licensure candidate, as provided in 37-22-313, and	
16	ompleted supervised work experience as specified in the training and supervision plan submitted to the boar	rd
17	nd approved by the board. Some of the required hours must be in direct client contact.	
18	(2) After completing the required supervised work experience as a social worker licensure candidate	e,
19	ne applicant shall:	
20	(a) provide the board with three letters of reference from professionals licensed by the board or	
21	cademic professors who have knowledge of the applicant's professional performance;	
22	(b) satisfactorily complete an examination prescribed by the board by rule. An applicant who fails th	e
23	xamination may reapply to take the examination and may continue as a social worker licensure candidate,	
24	ubject to the terms set by the board.	
25	(c) submit a completed application required by the board and the application fee prescribed by the	
26	oard; and	
27	(d) submit fingerprints for the purpose of fingerprint checks as provided in 37-1-307. The board may	Y
28	equire a criminal background check of applicants and determine the suitability for licensure as provided in 37	7-
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1	1-201 through 37-1-205 and 37-1-307.
2	(3) A licensed baccalaureate social worker:
3	(a) is subject to the social work ethical standards adopted under 37-22-201;
4	(b) may engage in social work activities as provided in 37-22-102 <del>(5)(b) through (5)(g)</del> (5)(c) through
5	<u>(5)(h);</u>
6	(c) may engage in practice, as defined by the board, upon receiving a license; and
7	(d) may use the initials "LBSW" for "licensed baccalaureate social worker".
8	(4) An applicant is exempt from the examination requirement in subsection (2)(c) if the applicant:
9	(a) proves to the board that the applicant is licensed, certified, or registered in a state or territory of
10	the United States under laws that have substantially the same requirements as this chapter; and
11	(b) has passed an examination similar to that required by the board.
12	(5) Individuals who demonstrate to the board on or before May 1, 2021, that they meet the applicable
13	work and education experience as provided in subsection (1) are exempt from examination procedures
14	provided in subsection (2)(b) and may be licensed under this section.
15	(6) The board may require a criminal background check of applicants and shall adopt rules to
16	implement this section."
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18	Section 3. Section 37-22-308, MCA, is amended to read:
19	"37-22-308. Licensed master's social worker requirements rulemaking exemption. (1) An
20	applicant to be a licensed master's social worker:
21	(a) must have a master's degree in social work from a program accredited by the council on social
22	work education or a program approved by the board by rule; and
23	(b) must have registered as a social worker licensure candidate, as provided in 37-22-313, and
24	completed supervised work experience as specified in the training and supervision plan submitted to the board
25	and approved by the board. Some of the required hours must be in direct client contact.
26	(2) After completing the required supervised work experience as a social worker licensure candidate,
27	the applicant shall:



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1	academic professors who have knowledge of the applicant's professional performance;	
2	(b) satisfactorily complete an examination prescribed by the board by rule. An applicant who fails the	÷
3	examination may reapply to take the examination and may continue as a social worker licensure candidate,	
4	subject to the terms set by the board.	
5	(c) submit a completed application required by the board and the application fee prescribed by the	
6	board by rule; and	
7	(d) submit fingerprints for the purpose of fingerprint checks as provided in 37-1-307. The board may	
8	require a criminal background check of applicants and determine the suitability for licensure as provided in 37	-
9	1-201 through 37-1-205 and 37-1-307.	
10	(3) A licensed master's social worker:	
11	(a) is subject to the social work ethical standards adopted under 37-22-201;	
12	(b) may engage in social work activities as provided in 37-22-102(5)(b) through (5)(g)(c) through	
13	<u>'5)(h);</u>	
14	(c) may engage in practice, as defined by the board, upon receiving a license; and	
15	(d) may use the initials "LMSW" for "licensed master's social worker".	
16	(4) An applicant is exempt from the examination requirement in subsection (2)(c) if the applicant:	
17	(a) proves to the board that the applicant is licensed, certified, or registered in a state or territory of	
18	he United States under laws that have substantially the same requirements as this chapter; and	
19	(b) has passed an examination similar to that required by the board.	
20	(5) Individuals who demonstrate to the board on or before May 1, 2021, that they meet the applicable	е
21	work and education experience as provided in subsection (1) are exempt from examination procedures	
22	provided in subsection (2)(b) and may be licensed under this section.	
23	(6) The board may require a criminal background check of applicants and shall adopt rules to	
24	mplement this section."	
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26	Section 4. Section 37-23-102, MCA, is amended to read:	
27	"37-23-102. Definitions. As used in this chapter, the following definitions apply:	
28	(1) "Board" means the board of behavioral health established in 2-15-1744.	
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1 (2) "Licensee" means a person licensed under this chapter. 2 (3) "Professional counseling" means engaging in methods and techniques that include: 3 (a) counseling, which means the therapeutic process of: 4 (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and 5 objectives; or 6 (ii) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate 7 human development and to identify and remediate mental, emotional, or behavioral disorders and associated 8 distresses that interfere with mental health; 9 (b) assessment, which means selecting, administering, scoring, and interpreting instruments, 10 including psychological tests, evaluations, and assessments, designed to assess an individual's aptitudes, 11 attitudes, abilities, achievement, interests, and personal characteristics and using nonstandardized methods 12 and techniques for understanding human behavior in relation to coping with, adapting to, or changing life 13 situations; 14 (c) counseling treatment intervention, which means those cognitive, affective, behavioral, and 15 systemic counseling strategies, techniques, and methods common to the behavioral sciences that are 16 specifically implemented in the context of a therapeutic relationship, including techniques to treat the perception 17 of chronic pain. Other treatment interventions include developmental counseling, guidance, and consulting to 18 facilitate normal growth and development, including educational and career development. 19 (d) referral, which means evaluating information to identify needs or problems of an individual and to 20 determine the advisability of referral to other specialists, informing the individual of the judgment, and 21 communicating as requested or considered appropriate with the referral sources. 22 (4) "Professional counselor licensure candidate" means a person who is registered pursuant to 37-23-23 213 to engage in professional counseling and earn supervised work experience necessary for licensure." 24 NEW SECTION. Section 5. Effective date. [This act] is effective on passage and approval. 25 - END -26

