

1 HOUSE BILL NO. 177

2 INTRODUCED BY F. GARNER, R. FITZGERALD

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSURE REQUIREMENTS FOR PROFESSIONS
5 UNDER THE BOARD OF BEHAVIORAL HEALTH; PROVIDING ALTERNATE EDUCATIONAL PATHS AS
6 DETERMINED BY THE BOARD BY RULE FOR SOCIAL WORKERS, PROFESSIONAL COUNSELORS,
7 MARRIAGE AND FAMILY THERAPISTS, AND ADDICTION COUNSELORS; PROVIDING RULEMAKING
8 AUTHORITY; AND AMENDING SECTIONS 37-22-301, 37-23-202, 37-35-202, AND 37-37-201, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 **Section 1.** Section 37-22-301, MCA, is amended to read:

13 **"37-22-301. License requirements -- rulemaking -- exemptions.** (1) An applicant to be a licensed
14 clinical social worker:

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

17 (ii) if the applicant has not completed a degree listed in subsection (1)(a)(i), must have met the
18 requirements established by the board by rule for additional postdegree social work experience equivalent to
19 the provisions of subsections (1)(a)(i) and (1)(b); and

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

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

26 (a) provide the board with three letters of reference from professionals licensed by the board or
27 academic professors who have knowledge of the applicant's professional performance;

28 (b) satisfactorily complete an examination prescribed by the board. An applicant who fails the

1 examination may reapply to take the examination and may continue as a social worker licensure candidate,
2 subject to the terms set by the board.

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

5 (3) A licensed clinical social worker:

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

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

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

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

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

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

14 (5) As a prerequisite to the issuance of a license, the board shall require the applicant to submit
15 fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of
16 investigation as provided in 37-1-307. The board may require a criminal background check of applicants and
17 determine the suitability for licensure as provided in 37-1-201 through 37-1-205 and 37-1-307.

18 (6) The board shall adopt rules to implement this section."
19

20 **Section 2.** Section 37-23-202, MCA, is amended to read:

21 **"37-23-202. Licensure requirements.** (1) An applicant for licensure must have satisfactorily:

22 (a) completed a planned graduate program of 60 semester hours, primarily counseling in nature, 6
23 semester hours of which were earned in an advanced counseling practicum that resulted in a graduate degree
24 from an institution accredited to offer a graduate program in counseling;

25 (b) completed 3,000 hours of counseling practice supervised by a licensed professional counselor or
26 licensed member of an allied mental health profession, at least half of which was postdegree. The applicant
27 ~~must~~ shall have each supervisor endorse the application for licensure, attesting to the number of hours
28 supervised.

1 (c) passed an examination prepared and administered by:

2 (i) the national board of certified counselors; or

3 (ii) the national academy of certified clinical mental health counselors; and

4 (d) completed an application.

5 (2) The board shall provide by rule for licensure of a person who possesses a graduate degree that
6 consists of a minimum of 45 semester hours primarily related to counseling and that is from an institution
7 accredited to offer a graduate program in counseling, by specifying:

8 (a) the additional graduate credit hours necessary to fulfill the requirements of subsection (1)(a) in
9 counseling courses in an approved program within a period of 5 years; or

10 (b) the number of postdegree counseling hours considered equivalent to the requirements for credit
11 hours described in subsection (1)(a).

12 (3) As a prerequisite to the issuance of a license, the board shall require the applicant to submit
13 fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of
14 investigation as provided in 37-1-307.

15 (4) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has
16 the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public
17 trust, and if the board determines that the applicant is not, the license may be denied."

18

19 **Section 3.** Section 37-35-202, MCA, is amended to read:

20 **"37-35-202. Licensure and registration requirements -- examination -- fees -- fingerprint check.**

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

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

26 (a) received a baccalaureate or advanced degree in alcohol and drug studies, psychology, sociology,
27 social work, or counseling, or a comparable degree from an accredited college or university; or

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

1 from an accredited institution; or

2 (c) if the person has not completed a degree listed in subsection (2)(a) or (2)(b), met the additional
 3 work experience requirements in an addiction treatment program set by the board by rule as equivalent and
 4 necessary to meet the provisions of subsection (2)(a) or (2)(b).

5 (3) Prior to becoming eligible to begin the examination process, each person shall complete
 6 supervised work experience in an addiction treatment program as defined by the board, in a program approved
 7 by the board, or in a similar program recognized under the laws of another state.

8 (4) Each applicant shall successfully complete a competency examination, in writing only, as defined
 9 by rules adopted by the board. The board shall provide by rule how much experience counts for the
 10 examination.

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

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

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

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

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

21 and

22 (iv) the applicant has completed all educational or work experience requirements as prescribed in
 23 subsection (2)(a) ~~or~~ (2)(b), or (2)(c), as applicable.

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

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

28 ~~(6) The provisions of subsection (5) do not apply until the board has adopted rules implementing this~~

1 section. The rules must provide for a waiver of the provisions of subsection (5) for a person who is engaged in a
 2 supervised work experience prior to the adoption of the rules.

3 ~~(7)~~(6) (a) As a prerequisite to the issuance of a license and registration as an addiction counselor
 4 licensure candidate, the board shall require an applicant to submit fingerprints for the purpose of fingerprint
 5 checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

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

9 ~~(8)~~(7) A person holding a license to practice as a licensed addiction counselor in this state may use
 10 the title "licensed addiction counselor".

11 ~~(9)~~(8) For the purposes of this section, "comparable degree" means a degree with accredited college
 12 course work, of which 6 credit hours must be in human behavior, sociology, psychology, or a similar emphasis,
 13 3 credit hours must be in psychopathology or course work exploring patterns and courses of abnormal or
 14 deviant behavior, and 9 credit hours must be in counseling. For the 9 credit hours in counseling, 6 credit hours
 15 must be in group counseling and 3 credit hours must be in the theory of counseling. The credit hours specified
 16 in this subsection may be obtained in an associate or master's degree program if the applicant does not have a
 17 qualifying baccalaureate degree."

18

19 **Section 4.** Section 37-37-201, MCA, is amended to read:

20 **"37-37-201. License requirements -- exemptions.** (1) An applicant for a license shall pay an
 21 application fee set by the board by rule. The board may provide a separate, combined fee for persons licensed
 22 by the board holding dual licenses. An applicant for a license under this section shall also complete an
 23 application on a form provided by the department and provide documentation to the board that the applicant:

24 (a) (i) has a master's degree or a doctoral degree in marriage and family therapy from a recognized
 25 educational institution or a degree from a program accredited by the commission on accreditation for marriage
 26 and family therapy education; or

27 (ii) has a graduate degree in an allied field from a recognized educational institution and graduate level
 28 work that the board determines to be the equivalent of a master's degree in marriage and family therapy or

1 marriage and family counseling; or

2 (iii) has met additional postdegree experience requirements set by the board by rule as being
3 equivalent to the degree requirements in subsection (1)(a)(i) or (1)(a)(ii) if the applicant does not have a degree
4 as provided in subsection (1)(a)(i) or (1)(a)(ii);

5 (b) has successfully passed an examination prescribed by the board;

6 (c) has worked under the direct supervision of a qualified supervisor for at least 3,000 hours, including
7 1,000 hours of face-to-face client contact in the practice of marriage and family therapy, of which up to 500
8 hours may be accumulated while achieving the educational credentials listed in subsection (1)(a)(i) or (1)(a)(ii);
9 and

10 (d) is of good moral character. Being of good moral character includes in its meaning that the
11 applicant has not been convicted by a court of competent jurisdiction of a crime described by board rule as
12 being of a nature that renders the applicant unfit to practice marriage and family therapy.

13 (2) As a prerequisite to the issuance of a license, the board shall require the applicant to submit
14 fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of
15 investigation as provided in 37-1-307.

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

19 (4) An applicant is exempt from the examination requirement in subsection (1)(b) if the board is
20 satisfied that:

21 (a) the applicant is licensed, certified, or registered under the laws of a state or territory of the United
22 States that imposes substantially the same requirements as this chapter and has passed an examination
23 similar to that required by the board; or

24 (b) the applicant is licensed as a clinical social worker under Title 37, chapter 22, or as a clinical
25 professional counselor under Title 37, chapter 23, and has practiced marriage and family therapy within the
26 state for a period prescribed by the board.

27 (5) A person is exempt from licensure as a marriage and family therapist if the person practices
28 marriage and family therapy:

- 1 (a) under qualified supervision in a training institution or facility or other supervisory arrangements
 2 approved by the board and uses the title of intern;
- 3 (b) as part of the person's duties as a member of the clergy or priesthood; or
- 4 (c) while registered as a social worker licensure candidate, professional counselor licensure
 5 candidate, or marriage and family therapist licensure candidate."
 6

7 COORDINATION SECTION. SECTION 5. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 102
 8 AND [THIS ACT] ARE PASSED AND APPROVED AND IF BOTH CONTAIN A SECTION THAT AMENDS 37-23-202, THEN [SECTION
 9 2 OF THIS ACT], AMENDING 37-23-202, IS VOID.
 10

11 COORDINATION SECTION. SECTION 6. COORDINATION INSTRUCTION. IF BOTH SENATE BILL NO. 166
 12 AND [THIS ACT] ARE PASSED AND APPROVED AND IF BOTH CONTAIN A SECTION THAT AMEND 37-35-202, THEN THE
 13 SECTIONS AMENDING 37-35-202 ARE VOID, AND 37-35-202 MUST BE AMENDED AS FOLLOWS:
 14

14 **"37-35-202. Licensure and registration requirements -- examination -- fees -- fingerprint check.**

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

19 (2) ~~A person may apply for licensure as a licensed addiction counselor if the person has~~ An applicant
 20 must meet one of the following degree requirements:

21 (a) ~~received a minimum of a baccalaureate or advanced degree from an accredited college or~~
 22 university in one of the following areas: ~~in~~

23 (i) alcohol and drug studies; ~~;~~

24 (ii) psychology; ~~;~~

25 (iii) sociology; ~~;~~

26 (iv) social work; ~~or~~ ~~;~~

27 (v) counseling; ~~or a comparable degree from an accredited college or university; or~~

28 (vi) human services;

1 (vii) psychiatric rehabilitation; or

2 (viii) community health;

3 (b) received a minimum of an associate of arts degree or a certificate from an accredited institution in

4 one of the following areas:

5 (i) alcohol and drug studies; ;

6 (ii) addiction; ; or

7 (iii) substance abuse; or from an accredited institution.

8 (c) a minimum of a baccalaureate or advanced degree from an accredited college or university in any

9 area. Either as part of that degree or taken as courses outside the degree from an accredited college or

10 university, the applicant must have the following:

11 (i) six semester credits in human behavior, sociology, psychology or a similar emphasis;

12 (ii) three semester credits in psychopathology or course work exploring patterns and courses of

13 abnormal or deviant behavior; and

14 (iii) six semester credits in counseling. Three of these six credits must be in group counseling and

15 three must be in the theory of counseling.

16 (d) if the person has not completed a degree listed in subsections (2)(a) through (2)(c), met the

17 additional work experience requirements in an addiction treatment program set by the board by rule as

18 equivalent and necessary to meet the provisions of (2)(a), (2)(b), or (2)(c).

19 (3) Prior to becoming eligible to begin the examination process, each ~~person~~ applicant shall complete

20 supervised work experience in:

21 (a) an addiction treatment program as defined by the board, ~~in~~ ;

22 (b) a program approved by the board, ~~or~~ ; or

23 (c) ~~in~~ a similar program recognized under the laws of another state.

24 (4) Each applicant for licensure as a licensed addiction counselor shall successfully ~~complete a~~

25 competency examination, in writing only, as defined by rules adopted by the board pass a written examination

26 prescribed by the board. The board shall provide by rule how much experience counts for the examination.

27 (5) (a) ~~Except as provided in subsections (5)(d) and (6), an applicant who has completed the~~

28 ~~requirements of subsection (2) but has not completed the required supervised work experience may apply for~~

1 ~~registration as an addiction counselor licensure candidate~~ A person who has completed the education required
 2 for licensure but who has not completed the supervised work experience required for licensure shall register as
 3 an addiction counselor license candidate in order to engage in addiction counseling and earn supervised work
 4 experience hours in this state.

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

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

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

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

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

14 ~~(e) (b)~~ A person registered as an addiction counselor licensure candidate shall register annually until
 15 the person becomes a licensed addiction counselor. The board may limit the number of years that a person
 16 may act as an addiction counselor licensure candidate.

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

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

21 ~~(7) (6)~~ (a) As a prerequisite to the issuance of a license and registration as an addiction counselor
 22 licensure candidate, the board shall require an applicant to submit fingerprints for the purpose of fingerprint
 23 checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.
 24 The board may require a criminal background check of applicants and determine the suitability for licensure as
 25 provided in 37-1-201 through 37-1-205 and 37-1-307.

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

1 ~~(8)~~ (7) A person holding a license to practice as a licensed addiction counselor in this state may use
2 the title "licensed addiction counselor".

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

10

- END -