

## 1 HOUSE BILL NO. 295

2 INTRODUCED BY M. CAFERRO

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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."

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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 worker,  
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 that  
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 knowledge  
23 of social resources, human capabilities, and the roles that individual motivation and social influences play in  
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;

- 1           ~~(d)~~(e) explaining and interpreting the psychosocial aspects in the situations of individuals, families, or  
 2 groups;  
 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 test  
 6 and make the evaluation and assessment.

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

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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           An 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 social  
 14 work 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 completed supervised work experience as specified in the training and supervision plan submitted to the board  
 17 and 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,  
 19 the applicant shall:

20           (a) provide the board with three letters of reference from professionals licensed by the board or  
 21 academic 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 the  
 23 examination may reapply to take the examination and may continue as a social worker licensure candidate,  
 24 subject 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 board; and

27           (d) submit fingerprints for the purpose of fingerprint checks as provided in 37-1-307. The board may  
 28 require a criminal background check of applicants and determine the suitability for licensure as provided in 37-

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~~(5)(b)~~ through ~~(5)(g)~~ (5)(c) through  
5 (5)(h);

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:

28 (a) provide the board with three letters of reference from professionals licensed by the board or

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)~~(5)(c) through  
13 (5)(h);

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 the 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  
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 implement 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.

