



AN ACT CLARIFYING THAT LICENSED THERAPISTS AND CLINICAL SOCIAL WORKERS MAY USE PSYCHOTHERAPEUTIC TECHNIQUES TO TREAT CHRONIC PAIN; AMENDING SECTIONS 37-22-102, 37-22-307, 37-22-308, AND 37-23-102, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

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

**Section 1.** Section 37-22-102, MCA, is amended to read:

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

- (1) "Board" means the board of behavioral health established in 2-15-1744.
- (2) "Department" means the department of labor and industry.
- (3) "Licensee" means a person licensed under this chapter as a licensed baccalaureate social worker, a licensed master's social worker, or a licensed clinical social worker.
- (4) "Psychotherapy" means the use of psychosocial methods within a professional relationship to assist a person to achieve a better psychosocial adaptation and to modify internal and external conditions that affect individuals, groups, or families in respect to behavior, emotions, and thinking concerning their interpersonal processes.
- (5) "Social work" means the professional practice directed toward helping people achieve more adequate, satisfying, and productive social adjustments. The practice of social work involves special knowledge of social resources, human capabilities, and the roles that individual motivation and social influences play in determining behavior and involves diagnoses and the application of social work techniques, including:
  - (a) counseling and using psychotherapy with individuals, families, or groups;
  - (b) using psychotherapeutic techniques to treat an individual's perception of chronic pain;
  - ~~(b)~~(c) providing information and referral services;
  - ~~(c)~~(d) providing, arranging, or supervising the provision of social services;

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

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

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

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

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

**Section 2.** Section 37-22-307, MCA, is amended to read:

**"37-22-307. 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 supervised work experience as specified in the training and supervision plan submitted to the board and approved by the board. 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 professionals licensed by the board or academic professors who have knowledge of the applicant's professional performance;

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

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

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

1-201 through 37-1-205 and 37-1-307.

(3) A licensed baccalaureate social worker:

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

(b) may engage in social work activities as provided in 37-22-102~~(5)(b)~~ through ~~(5)(g)~~(5)(c) through (5)(h);

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

(d) may use the initials "LBSW" for "licensed baccalaureate social worker".

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

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

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

(5) Individuals who demonstrate to the board on or before May 1, 2021, that they meet the applicable work and education experience as provided in subsection (1) are exempt from examination procedures provided in subsection (2)(b) and may be licensed under this section.

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

**Section 3.** Section 37-22-308, MCA, is amended to read:

**"37-22-308. Licensed master's social worker requirements -- rulemaking -- exemption.** (1) An applicant to be a licensed master's social worker:

(a) must have a master'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 supervised work experience as specified in the training and supervision plan submitted to the board and approved by the board. 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 professionals licensed by the board or

academic professors who have knowledge of the applicant's professional performance;

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

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

(d) submit fingerprints for the purpose of fingerprint checks as provided in 37-1-307. The board may require a criminal background check of applicants and determine the suitability for licensure as provided in 37-1-201 through 37-1-205 and 37-1-307.

(3) A licensed master's social worker:

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

(b) may engage in social work activities as provided in 37-22-102~~(5)(b) through (5)(g)~~(5)(c) through (5)(h);

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

(d) may use the initials "LMSW" for "licensed master's social worker".

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

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

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

(5) Individuals who demonstrate to the board on or before May 1, 2021, that they meet the applicable work and education experience as provided in subsection (1) are exempt from examination procedures provided in subsection (2)(b) and may be licensed under this section.

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

**Section 4.** Section 37-23-102, MCA, is amended to read:

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

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

- (2) "Licensee" means a person licensed under this chapter.
- (3) "Professional counseling" means engaging in methods and techniques that include:
- (a) counseling, which means the therapeutic process of:
- (i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; or
- (ii) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health;
- (b) assessment, which means selecting, administering, scoring, and interpreting instruments, including psychological tests, evaluations, and assessments, designed to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal characteristics and using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations;
- (c) counseling treatment intervention, which means those cognitive, affective, behavioral, and systemic counseling strategies, techniques, and methods common to the behavioral sciences that are specifically implemented in the context of a therapeutic relationship, including techniques to treat the perception of chronic pain. Other treatment interventions include developmental counseling, guidance, and consulting to facilitate normal growth and development, including educational and career development.
- (d) referral, which means evaluating information to identify needs or problems of an individual and to determine the advisability of referral to other specialists, informing the individual of the judgment, and communicating as requested or considered appropriate with the referral sources.
- (4) "Professional counselor licensure candidate" means a person who is registered pursuant to 37-23-213 to engage in professional counseling and earn supervised work experience necessary for licensure."

**Section 5. Effective date.** [This act] is effective on passage and approval.

- END -

I hereby certify that the within bill,  
HB 295, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2021.

HOUSE BILL NO. 295

INTRODUCED BY M. CAFERRO

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