

Amendment - 1st Reading/2nd House-blue - Requested by: (S) Business, Labor, and Economic Affairs

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0137.002.003

1 HOUSE BILL NO. 137
2 INTRODUCED BY G. OBLANDER
3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LICENSING AND CERTIFICATION
5 REQUIREMENTS FOR BEHAVIORAL HEALTH PRACTITIONERS; ESTABLISHING EXPERIENCE AND
6 EDUCATION REQUIREMENTS; PROVIDING CONFIDENTIALITY; PROVIDING IMMUNITY; PROVIDING
7 RULEMAKING AUTHORITY; AMENDING SECTIONS 20-4-502, 20-9-327, 27-1-1101, 33-30-1019, 33-30-
8 1020, 37-1-401, 37-17-104, 41-3-127, 45-5-231, 45-5-501, 45-5-601, 45-5-709, 53-6-101, ~~AND 53-21-102,~~
9 AND 53-21-1202, MCA; AND REPEALING SECTIONS 37-22-101, 37-22-102, 37-22-103, 37-22-201, 37-22-
10 301, 37-22-302, 37-22-305, 37-22-307, 37-22-308, 37-22-313, 37-22-401, 37-22-411, 37-22-412, 37-23-101,
11 37-23-102, 37-23-201, 37-23-202, 37-23-203, 37-23-206, 37-23-213, 37-23-301, 37-23-311, 37-23-312, 37-35-
12 101, 37-35-102, 37-35-103, 37-35-201, 37-35-202, 37-35-204, 37-37-101, 37-37-102, 37-37-201, 37-37-202,
13 37-37-205, 37-37-301, 37-37-302, 37-38-101, 37-38-102, 37-38-106, 37-38-201, AND 37-38-202, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 NEW SECTION. Section 1. Purpose. The practices of social work, professional counseling, marriage
18 and family therapy, addiction counseling, and behavioral health peer support in the state of Montana are
19 professional behavioral health practices affecting the public health, safety, and welfare and are subject to
20 regulation and control in the public interest. It is a matter of public interest and concern that the collective
21 practices of these professions warrant and receive the confidence of the public and that only qualified persons
22 be permitted to practice in the behavioral health field from within or outside of Montana and engage with
23 behavioral health clients located within the state. [Sections 1 through 14] must be liberally construed to carry
24 out these objectives and purposes.

25
26 NEW SECTION. Section 2. Definitions. As used in [sections 1 through 14], the following definitions
27 apply:

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- 1 37-35-201. License required -- exceptions.
- 2 37-35-202. Licensure and registration requirements -- examination -- fees -- fingerprint check.
- 3 37-35-204. Penalty.
- 4 37-37-101. Purpose.
- 5 37-37-102. Definitions.
- 6 37-37-201. License requirements -- exemptions.
- 7 37-37-202. Representation to public as licensed marriage and family therapist.
- 8 37-37-205. Marriage and family therapist licensure candidate -- registration -- renewal -- standards.
- 9 37-37-301. Violations -- penalties.
- 10 37-37-302. Immunity from misconduct allegations.
- 11 37-38-101. Behavioral health peer support specialist.
- 12 37-38-102. Definitions.
- 13 37-38-106. Privileged communications -- exceptions.
- 14 37-38-201. Certification required -- exceptions.
- 15 37-38-202. Certificate requirements -- supervision -- fees.

16

17 **NEW SECTION. Section 31. Codification instruction.** [Sections 1 through 14] are intended to be
18 codified as an integral part a new chapter of Title 37, and the provisions of Title 37 apply to [sections 1 through
19 14].

20

21 **COORDINATION SECTION. Section 32. Coordination instruction.** If both Senate Bill No. 198 and
22 [this act] are passed and approved and if both contain sections that amend or repeal provisions related to
23 behavioral health peer support specialists, then Senate Bill No. 198 is void and [section 9 of this act] must be
24 amended as follows:

25 **"NEW SECTION. Section 9. Candidates for licensure or certification.** (1) A person who has
26 completed the education requirements of [section 10, 11, 12, ~~or~~13, or 14] but who has not completed the
27 supervised work experience may apply for licensure or certification as a candidate.

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- 1 (2) A candidate shall submit a training and supervision plan.
- 2 (3) On completion of the supervised work experience, the candidate may apply to take any
- 3 approved examination for the licensure or certification level the individual seeks to practice.
- 4 (4) The board shall limit the number of years a person may be licensed or certified as a candidate
- 5 under this section.
- 6 (5) On passage of an approved examination, the candidate must apply for licensure or certification
- 7 in order to continue to practice."

8

9 COORDINATION SECTION. **Section 33. Coordination instruction.** If both Senate Bill No. 198 and

10 [this act] are passed and approved and if both contain sections that amend or repeal provisions related to

11 behavioral health peer support specialists, then Senate Bill No. 198 is void and [section 14 of this act] must be

12 amended as follows:

13 "NEW SECTION. **Section 14. Peer support specialist license ~~certificate~~ required --**

14 **qualifications.** (1) A person may not practice behavioral health peer support unless licensed ~~certified~~ under

15 Title 37 chapter 1, and [sections 1 through 14].

- 16 (2) An applicant for licensure ~~certification~~ as a behavioral health peer support specialist must:
- 17 (a) have a diagnosis from a mental health professional as having a behavioral health disorder;
- 18 (b) have received treatment for the diagnosed behavioral health disorder;
- 19 (c) be in recovery, as defined by board rule, from the behavioral health disorder; and
- 20 (d) have successfully completed an approved program in behavioral peer support, including an
- 21 ethics portion, as defined by board rule. The board shall:
- 22 (i) provide a list of approved programs; and
- 23 (ii) approve content that is flexible, affordable, and inclusive of faith-based, cultural, and
- 24 educational programs available from national, regional, and state agencies and organizations.

25 (3) An applicant for licensure as a credentialed behavioral health peer support specialist must

26 have completed 1,000 hours of supervised training and work experience as a peer support specialist. The

27 board shall, by rule, determine the types of training, experience, and supervision necessary.

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1 (4) The board shall credential a person who was a certified behavioral health peer support
2 specialist on [the effective date of this act] without requiring the person to meet the requirements of [this act] if
3 the person:
4 (a) was certified before October 1, 2022; or
5 (b) was certified and had completed 1,000 hours of supervised work experience on or before [the
6 effective date of this act] and is in good standing with the board."

7
8 COORDINATION SECTION. Section 34. Coordination instruction. If both House Bill No. 101 and
9 [this act] are passed and approved, then [sections 1 through 5 and 7 of House Bill No. 101] are void and
10 [section 1 of House Bill No. 101] must be replaced with the following and codified in the same new chapter as
11 [sections 1 through 14 of this act]:

12 "NEW SECTION. Section 1. Licensure and certification reciprocity for out-of-state applicants.

13 (1) An applicant for reciprocity licensure or certification is subject to the application procedure in this chapter
14 and must have an active license or certificate in good standing from a jurisdiction whose license or certification
15 qualifications, measured at the time of application to this state, are substantially equivalent to the license or
16 certification qualifications in this state as determined by the department.

17 (2) If the qualifications in subsection (1) are not substantially equivalent, the department shall refer
18 the application to the board to determine if the deficiency can be addressed by the applicant's actual
19 qualifications and work experience."

20
21 COORDINATION SECTION. Section 35. Coordination instruction. If both House Bill No. 101 and
22 [this act] are passed and approved, then [sections 2 through 5 and 7 of House Bill No. 101] are void and
23 [section 6 of House Bill No. 101], amending 37-1-304, must be amended as follows:

24 "37-1-304. Licensure of out-of-state applicants -- reciprocity. (1) A- Except as provided in
25 [sections 1 through 14 of House Bill No. 137], a board shall issue a license to practice without examination to a
26 person licensed in another state if the board determines that:

27 (a) the other state's license standards at the time of application to this state are substantially

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1 equivalent to or greater than the standards in this state; and

2 (b) there is no reason to deny the license under the laws of this state governing the profession or
3 occupation.

4 (2) The license may be issued if the applicant affirms or states in the application that the applicant has
5 requested verification from the state or states in which the person is licensed that the person is currently
6 licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or
7 impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely
8 affirmed or stated that the applicant has requested verification from another state, the board may summarily
9 suspend the license pending further action to discipline or revoke the license.

10 (3) This section does not prevent a board from entering into a reciprocity agreement with the licensing
11 authority of another state or jurisdiction. ~~The~~ Except as provided in [sections 1 through 14 of House Bill No.
12 137], the agreement may not permit out-of-state licensees to obtain a license by reciprocity within this state if
13 the license applicant has not met standards that are substantially equivalent to or greater than the standards
14 required in this state as determined by the board on a case-by-case basis."

15

16

- END -