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HOUSE BILL NO. 499

INTRODUCED BY E. KERR-CARPENTER, J. SMALL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSED SOCIAL WORKER REQUIREMENTS PERTAINING TO WORK EXPERIENCE; ALLOWING A LICENSED BACCALAUREATE SOCIAL WORKER AND A LICENSED MASTER'S SOCIAL WORKER TO BE LICENSED IN THIS STATE WITH CERTAIN REQUIREMENTS; AND AMENDING SECTIONS 37-22-307 AND 37-22-308, MCA."

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

**Section 1.** 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) except as provided in subsection (5), must have registered as a social worker licensure candidate, as provided in 37-22-313, and completed supervised work experience as specified in 37-22-313 and board rule. 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 or by meeting the requirements of subsection (5), the applicant shall:

(a) subject to subsection (6)(b)(5), 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.

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

(c) as a prerequisite to the issuance of a license, submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

**Amendment - 1st Reading-white - Requested by: Emma Kerr-Carpenter - (H) Business and Labor**

- 2023

68th Legislature 2023

Drafter: Jameson Walker, 406-444-3722

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1 The board may require a criminal background check of applicants and determine the suitability for licensure as  
2 provided in 37-1-201 through 37-1-205 and 37-1-307.

3 (3) A licensed baccalaureate social worker:

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

5 (b) may engage in social work activities as provided in 37-22-102(5)(c) through (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)(a) 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~~  
13 ~~applicable work and education experience as provided in subsection (1) are exempt from examination~~  
14 ~~procedures provided in subsection (2)(a) and may be licensed under this section. An individual who as of~~  
15 ~~January 1, 2020, has the education required in subsection (1)(a) and engaged in the practice of social work for~~  
16 ~~at least 4,000 aggregate hours during the period from January 1, 2018, to January 1, 2023, may apply for~~  
17 ~~licensure as a baccalaureate social worker without examination, without registering as a licensed social worker~~  
18 ~~candidate, and without meeting the supervised work experience requirement in subsection (1)(b). To be eligible~~  
19 ~~for licensure under this subsection, individuals must demonstrate these requirements to the board on or before~~  
20 ~~December 31, 2024.~~

21 ~~(6) (a) Individuals who demonstrate to the board on or before December 31, 2026, that they meet~~  
22 ~~the requirements provided in subsections (1)(a) and (2)(a) and that they were working as a social worker in this~~  
23 ~~state for at least 12 consecutive months or an aggregate of 24 months over a 4-year period prior to September~~  
24 ~~2020 are eligible to be licensed under this section.~~

25 ~~(b) Individuals with more than 48 months of social work experience are exempt from the~~  
26 ~~examination requirements of subsection (2)(a).~~

27 ~~(6)(7)(6)~~ The board shall adopt rules to implement this section."

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**Section 2.** 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) except as provided in subsection (5), must have registered as a social worker licensure candidate, as provided in 37-22-313, and completed supervised work experience as specified in 37-22-313 and board rule. 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 or by meeting the requirements in subsection (5), the applicant shall:

(a) subject to subsection (6)(5), 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.

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

(c) as a prerequisite to the issuance of a license, submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation 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)(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)(a) if the applicant:

(a) proves to the board that the applicant is licensed, certified, or registered in a state or territory of

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1 the United States under laws that have substantially the same requirements as this chapter; and

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

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

6 ~~(6)(5) (a) Individuals who demonstrate to the board on or before December 31, 2026, that they meet~~  
7 ~~the requirements provided in subsections (1)(a) and (2)(a) and that they were working as a social worker in this~~  
8 ~~state for at least 12 consecutive months or an aggregate of 24 months over a 4-year period prior to September~~  
9 ~~2020 are eligible to be licensed under this section.~~

10 ~~(b) — Individuals with more than 48 months of social work experience are exempt from the~~  
11 ~~examination requirements of subsection (2)(a) An individual who as of January 1, 2020, has the education~~  
12 ~~required in subsection (1)(a) and engaged in the practice of social work for at least 4,000 aggregate hours~~  
13 ~~during the period from January 1, 2018, to January 1, 2023, may apply for licensure as a master's social worker~~  
14 ~~without examination, without registering as a licensed social worker candidate, and without meeting the~~  
15 ~~supervised work experience requirement in subsection (1)(b). To be eligible for licensure under this subsection,~~  
16 ~~individuals must demonstrate these requirements to the board on or before December 31, 2024.~~

17 ~~(6)(7)(6) The board shall adopt rules to implement this section."~~

18 - END -