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SENATE BILL NO. 425

INTRODUCED BY J. SMALL, E. KERR-CARPENTER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO ADDICTION COUNSELORS; REVISING THE LICENSING REQUIREMENTS FOR AN ADDICTION COUNSELOR; AMENDING SECTION 37-35-202, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 37-35-202, MCA, is amended to read:

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

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

(2) An applicant must meet one of the following degree requirements:

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

- (i) alcohol and drug studies;
- (ii) psychology;
- (iii) sociology;
- (iv) social work;
- (v) counseling;
- (vi) human services;
- (vii) psychiatric rehabilitation; or
- (viii) community health;

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

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1 the following areas:

2 (i) alcohol and drug studies;

3 (ii) addiction; or

4 (iii) substance abuse; or

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

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

7 university, the applicant must have the following:

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

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

10 abnormal or deviant behavior; and

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

12 three must be in the theory of counseling.

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

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

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

16 (d) a minimum of an associate degree from an accredited institution in any area of instruction and

17 a certificate from an accredited institution in one of the following areas:

18 (i) alcohol and drug studies;

19 (ii) addiction; or

20 (iii) substance abuse disorders.

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

22 supervised work experience in:

23 (a) an addiction treatment program as defined by the board;

24 (b) a program approved by the board; or

25 (c) a similar program recognized under the laws of another state.

26 (4) Each applicant for licensure as a licensed addiction counselor shall successfully pass a written

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

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1 examination.

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

6 (b) A person registered as an addiction counselor licensure candidate shall register annually until
7 the person becomes a licensed addiction counselor. The board may limit the number of years that a person
8 may act as an addiction counselor licensure candidate.

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

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

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

18 (7) A person holding a license to practice as a licensed addiction counselor in this state may use
19 the title "licensed addiction counselor".

20 (8) Individuals enrolled in a certificate program not connected to a degree program prior to January
21 31, 2023, must obtain the certificate prior to June 30, 2025, to be eligible for licensure and must meet all other
22 requirements for licensure in effect prior to [the effective date of this act]."

23
24 COORDINATION SECTION. Section 2. Coordination instruction. If both House Bill No. 137 and
25 [this act] are passed and approved and if House Bill No. 137 repeals 37-35-202, then [section 1 of this act],
26 amending 37-35-202, terminates September 30, 2023, and [section 12 of House Bill No. 137] must be amended
27 as follows:

1 "NEW SECTION. **Section 12. Addiction counseling license required -- qualifications.** (1) A
2 person may not practice addiction counseling unless licensed under Title 37, chapter 1, and [sections 1 through
3 14].

4 (2) Except as provided in subsection (3), an applicant for licensure as an addiction counselor must
5 have:

6 (a) a minimum of an associate of arts degree or a certificate from an accredited institution in one of
7 the following areas:

8 (i) alcohol and drug studies;

9 (ii) addiction; or

10 (iii) substance abuse; or

11 (b) a minimum of an associate degree from an accredited institution in any area of instruction and
12 a certificate from an accredited program in areas specified in (2)(a)(i) through (2)(a)(ii);

13 ~~(b)(c)~~ a minimum of a baccalaureate or advanced degree from an accredited college or university in
14 any area. Either as part of that degree or taken as courses outside the degree from an accredited college or
15 university, the applicant must have the following:

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

17 (ii) six semester credits in psychopathology or coursework exploring patterns and courses of
18 abnormal or deviant behavior;

19 (iii) three semester credits in group counseling; and

20 (iv) three semester credits in the theory of counseling;

21 ~~(e)(d)~~ completed supervised addiction counseling practice as defined by the board by rule; and

22 ~~(d)(e)~~ passed an approved examination. The board shall provide by rule how much experience
23 counts for the examination.

24 (3) An applicant who has not completed the education requirements of subsection (2) may be
25 licensed if the applicant meets the requirements established by the board by rule for additional work experience
26 equivalent to the provisions of subsections (2)(a) and ~~(2)(b)~~ through (2)(c).

27 (4) The supervised addiction counseling practice required under subsection ~~(2)(e)-(2)(d)~~ must be

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1 completed as provided in [section 9] and as prescribed by the board by rule.

2 (5) Individuals enrolled in a certificate program not connected to a degree program prior to January
3 31, 2023, must obtain the certificate prior to June 30, 2025, to be eligible for licensure and must meet all other
4 requirements for licensure in effect prior to [the effective date of House Bill No. 137]."

5

6 NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

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- END -