



AN ACT REVISING LICENSING RECIPROCITY PROVISIONS FOR OUT-OF-STATE PRACTITIONERS LICENSED BY THE BOARD OF BEHAVIORAL HEALTH; ESTABLISHING THAT LICENSURE IN ANOTHER STATE IS SUFFICIENT TO OBTAIN MONTANA LICENSURE FOR NEW RESIDENTS IF CERTAIN CONDITIONS EXIST; AND AMENDING SECTION 37-1-304, MCA.

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

Section 1. Licensure reciprocity for out-of-state applicants. (1) An applicant for reciprocity licensure is subject to the application procedure in this chapter and must have an active license in good standing from a jurisdiction whose license qualifications, measured at the time of application to this state, are substantially equivalent to the license qualifications in this state as determined by the department.

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

Section 2. Licensure reciprocity for out-of-state applicants. (1) An applicant for reciprocity licensure is subject to the application procedure in this chapter and must have an active license in good standing from a jurisdiction whose license qualifications, measured at the time of application to this state, are substantially equivalent to the license qualifications in this state as determined by the department.

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

Section 3. Licensure reciprocity for out-of-state applicants. (1) An applicant for reciprocity

licensure is subject to the application procedure in this chapter and must have an active license in good standing from a jurisdiction whose license qualifications, measured at the time of application to this state, are substantially equivalent to the license qualifications in this state as determined by the department.

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

Section 4. Licensure reciprocity for out-of-state applicants. (1) An applicant for reciprocity licensure is subject to the application procedure in this chapter and must have an active license in good standing from a jurisdiction whose license qualifications, measured at the time of application to this state, are substantially equivalent to the license qualifications in this state as determined by the department.

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

Section 5. Certification reciprocity for out-of-state applicants. (1) An applicant for reciprocity certification is subject to the application procedure in this chapter and must have an active certification in good standing from a jurisdiction whose certification qualifications, measured at the time of application to this state, are substantially equivalent to the certification qualifications in this state as determined by the department.

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

Section 6. Section 37-1-304, MCA, is amended to read:

"37-1-304. Licensure of out-of-state applicants -- reciprocity. (1) ~~A-Except as provided in [sections 1, 2, 3, 4, and 5],~~ the board shall issue a license to practice without examination to a person licensed in another state if the board determines that:

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

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

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

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

(3) This section does not prevent a board from entering into a reciprocity agreement with the licensing authority of another state or jurisdiction. ~~The~~ Except as provided in [sections 1, 2, 3, 4, and 5], the agreement may not permit out-of-state licensees to obtain a license by reciprocity within this state if the license applicant has not met standards that are substantially equivalent to or greater than the standards required in this state as determined by the board on a case-by-case basis."

Section 7. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 37, chapter 22, part 3, and the provisions of Title 37, chapter 22, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 37, chapter 23, part 2, and the provisions of Title 37, chapter 23, apply to [section 2].

(3) [Section 3] is intended to be codified as an integral part of Title 37, chapter 35, part 2, and the provisions of Title 37, chapter 35, apply to [section 3].

(4) [Section 4] is intended to be codified as an integral part of Title 37, chapter 37, part 2, and the provisions of Title 37, chapter 37, apply to [section 4].

(5) [Section 5] is intended to be codified as an integral part of Title 37, chapter 38, part 2, and the provisions of Title 37, chapter 38, apply to [section 5].

- END -

I hereby certify that the within bill,
HB 101, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2023.

President of the Senate

Signed this _____ day
of _____, 2023.

HOUSE BILL NO. 101

INTRODUCED BY J. GILLETTE

BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE
AN ACT REVISING LICENSING RECIPROCITY PROVISIONS FOR OUT-OF-STATE PRACTITIONERS
LICENSED BY THE BOARD OF BEHAVIORAL HEALTH; ESTABLISHING THAT LICENSURE IN ANOTHER
STATE IS SUFFICIENT TO OBTAIN MONTANA LICENSURE FOR NEW RESIDENTS IF CERTAIN
CONDITIONS EXIST; AND AMENDING SECTION 37-1-304, MCA.