



MONTANA
ADMINISTRATIVE
REGISTER



**BOARD OF BEHAVIORAL HEALTH
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-197.1

Summary

Implementing House Bill (HB) 76 pertaining to licensure of certified family peer support specialists

Hearing Date and Time

Thursday, October 30, 2025, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/87051803468>

Meeting ID: 870 5180 3468; Password: 3055660579

Dial by Telephone: +1 646 558 8656

Meeting ID: 870 5180 3468; Password: 3055660579

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, November 7, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, October 23, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Legislature passed HB 76, creating the licensing of certified family peer support specialists. The board is proposing to adopt NEW RULE 1, identifying the competencies necessary for a training course, and updating existing rules to include certified family peer support specialists. In reviewing HB 76 and existing rules governing the practice of peer support, the board is proposing to include certified family peer support specialists in existing rules including behavioral health peer support specialists as the administration and regulation of the practices are similar.

More specific reasonable necessity statements follow each rule.

Rulemaking Actions

AMEND

The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.219.301 DEFINITIONS

- (1) "Behavioral health disorder" means a wide range of mental health conditions or disorders that affect mood, thinking, and behavior that impair the individual's ability to build or maintain satisfactory interpersonal relationships and to manage daily functioning.

- (2) "Candidate" means an individual as defined in 37-39-307, MCA.
- (3) "CBHPSS" means a certified behavioral health peer support specialist.
- (4) "CFPSS" means a certified family peer support specialist.
- ~~(4)~~(5) "Client" means a recipient of services performed by licensees in this chapter.
- ~~(5)~~(6) "Clinical setting" for purposes of LCPC experience requirements means any public and/or private agency whose primary functions are to provide services as defined in 37-39-102(11), MCA.
- ~~(6)~~(7) "Contact hour" means academic coursework, approved workshop training, or an approved home study course that is completed hour-for-hour.
- ~~(7)~~(8) "Co-occurring disorder" means the existence of any addiction-related disorder and any other physical and or mental health disorder.
- ~~(8)~~(9) "Direct client contact" means physical presence, telephonic presence, or interactive video link presence of the client, client family member, or client representative.
- ~~(9)~~(10) "Direct observation of service delivery" means participation in the service delivery, observation through a two-way mirror, observation of a video or audiotape of the service delivery, or observation through an interactive video link of the service delivery.
- ~~(10)~~(11) "Dual relationship" means a situation in which a licensee is in a professional role with a person and:
- (a) at the same time is in another role with the same person;
 - (b) at the same time is in a relationship with a person closely associated with or related to the person with whom the licensee has the professional relationship; or
 - (c) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.
- ~~(11)~~(12) "Exploit" means to manipulate or attempt to manipulate or use a professional relationship with a client, former client, student, employee, supervisor, supervisee, or research participant for:
- (a) the licensee's emotional, financial, romantic, sexual, or personal advantage; or
 - (b) the advancement of the licensee's personal, religious, political, or business interests.
- ~~(12)~~(13) "Face-to-face" means supervision of a candidate by the supervisor which is either:

- (a) in-person; or
 - (b) electronically. The transmission must:
 - (i) be two-way;
 - (ii) be interactive;
 - (iii) be real-time;
 - (iv) be simultaneous; and
 - (v) provide for both audio and visual interaction.
- ~~(13)~~(14) "Independent practice" means the practice of social work by an LCSW who assumes responsibility and accountability for the nature and quality of the services provided to the client in exchange for direct payment or third-party reimbursement.
- ~~(14)~~(15) "LAC" means licensed addiction counselor licensed under Title 37, chapter 39, MCA.
- ~~(15)~~(16) "LBSW" means licensed baccalaureate social worker licensed under Title 37, chapter 39, MCA.
- ~~(16)~~(17) "LCPC" means licensed clinical professional counselor licensed under Title 37, chapter 39, MCA.
- ~~(17)~~(18) "LCSW" means licensed clinical social worker licensed under Title 37, chapter 39, MCA.
- ~~(18)~~(19) "LMFT" means licensed marriage and family therapist licensed under Title 37, chapter 39, MCA.
- ~~(19)~~(20) "LMSW" means licensed master's social worker licensed under Title 37, chapter 39, MCA.
- ~~(20)~~(21) "Psychosocial methods" means those professional techniques which are identified as clinical in nature and:
- (a) enhance the problem solving and coping capacity of people;
 - (b) link people with systems that provide them with resources, services, and opportunities;
 - (c) promote effective and humane operation of these systems; and
 - (d) contribute to the development and improvement of social policy.
- ~~(21)~~(22) "Psychotherapy and counseling" means the therapeutic process of:
- (a) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; or

- (b) 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.

~~(22)~~(23) "Recovery" from a behavioral health disorder in subchapter 9 of these rules means a process of change through which individuals improve their health and wellness, live a self-directed life, and strive to reach their full potential. Applicants must attest that recovery does not include any period of incarceration, or hospitalization or any inpatient admission related to a behavioral health disorder that exceeds 72 hours, within the two years immediately preceding application. Applicants with a diagnosed chemical dependency must be two years into sustained remission as defined in the Diagnostic and Statistical Manual of Mental Disorders, meaning the applicant has not had any symptoms except a strong desire or urge to drink alcohol.

~~(23)~~(24) "Sexual contact" includes but is not limited to electronic exploitation, sexual intercourse, either genital or anal, cunnilingus, fellatio, or the handling of the breasts, genital areas, buttocks, or thighs, whether clothed or unclothed either by the licensee or the client.

~~(24)~~(25) "Sexual harassment" includes deliberate or repeated comments, gestures, or physical contact of a sexual nature that are unwelcome by the recipient.

~~(25)~~(26) "Significant monetary value" means more than a de minimis value exceeding \$25.

~~(26)~~(27) "Supervised work experience" means the requirements where a candidate gains minimal competencies in the areas of an identified theory base, application of a differential diagnosis, establishing and monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of imminent danger, and implementing a professional and ethical relationship with clients and colleagues.

~~(27)~~(28) "Supervisor" means a person who meets the criteria set forth in ARM 24.219.421.

Authorizing statute(s): 37-1-131, 37-39-103, MCA

Implementing statute(s): 37-1-131, 37-39-202, 37-39-307, 37-39-308, 37-39-309, 37-39-310, 37-39-311, 37-39-312, MCA

Reasonable Necessity Statement

The board is amending this rule after the passage of HB 76 (2025). The board is including a definition for “certified family peer support specialist” as the new license type for reference throughout the administrative rules.

24.219.401 FEE SCHEDULE

- (1) Application fee
 - (a) LCSW, LMSW, LBSW, LCPC, LMFT \$200.
 - (b) LAC \$250.
 - (c) CBHPSS, CFPSS \$125.
 - (d) LCSW, LMSW, LBSW, LCPC, LMFT candidates \$200.
 - (e) LAC candidate \$250.
- (2) Renewal fee for active status
 - (a) LCSW, LMSW, LBSW, LCPC, LMFT \$149.
 - (b) LAC \$128.
 - (c) CBHPSS, CFPSS \$93.
- (3) Renewal fee for inactive status
 - (a) LCSW, LMSW, LBSW, LCPC, LMFT \$75.
 - (b) LAC \$64.
 - (c) CBHPSS, CFPSS \$47.
- (4) Candidate annual registration fee (LCSW, LMSW, LBSW, LCPC, LMFT, and LAC candidates) \$85.
- (5) Additional standardized fees are specified in ARM 24.101.403.

Authorizing statute(s): 37-39-201, MCA, MCA

Implementing statute(s): 37-1-141, 37-39-201, MCA

Reasonable Necessity Statement

The board is amending this rule after the passage of HB 76 (2025). The board is statutorily required to set fees related to its program area that provides the amount of money usually needed for the operation of the board for services per 37-1-134, MCA. The legislation requires the board to certify and regulate family peer support specialists and the proposed fees will enable the board to meet this mandate. The board is setting fees for each type of certificate contemplated by the legislation to cover the board's expenses for the initial certificate processing of an estimated 100 applicants. The annual renewal fee is proposed at \$93, which will be charged beginning in fiscal year 2027. It is estimated that the new fees will affect approximately 100 individuals and result in approximately \$12,500 of board revenue for fiscal year 2026 and an approximate average of \$10,000 in annual revenue thereafter.

24.219.421 SUPERVISOR QUALIFICATIONS

- (1) Licensure candidates, ~~and CBHPSS, and CFPSS~~ must be supervised per the requirements of this rule and ARM 24.219.504, 24.219.604, 24.219.704, and 24.219.5008.
- (2) Except as provided below, all supervisors must:
 - (a) have an active license in good standing in the jurisdiction in which the supervision is occurring; and
 - (b) meet one of the below criteria:
 - (i) have been licensed in their respective disciplines for at least three years, excluding any period of licensure as a candidate; or
 - (ii) have taken board-approved training consisting of a minimum of one semester credit graduate education focused on supervision or 20 hours of board-approved training in supervision.
- (3) LCSW, LCPC, and LMFT candidates must be supervised by an LCSW, LCPC, LMFT, licensed psychologist, or licensed and board-certified psychiatrist.
- (4) LMSW candidate supervisors must be licensed as an LCSW or LMSW.
- (5) LBSW candidate supervisors must have an active license in good standing in the jurisdiction in which the supervision is occurring as an LCSW, LMSW, or LBSW. If the supervisor is an LBSW the supervisor must have been licensed for at least three years as an LBSW. An LBSW may not take supervision courses to qualify to supervise LBSW candidates.
- (6) LAC candidate supervisors must be:

- (a) licensed as an LAC and have an active license in good standing in the jurisdiction in which the supervision is occurring with a minimum of three years post-licensure experience in a qualified treatment setting as defined in ARM 24.219.5010; or
- (b) trained in a related field. If trained in a related field:
 - (i) the supervisor must have taken board-approved training consisting of a minimum of one semester credit graduate education focused on supervision or 20 hours of board-approved training in supervision; and
 - (ii) the supervisor must have training equivalent to that described in ARM 24.219.5006(2)(b).
- (7) CBHPSS and CFPSS supervisors must have an active license in good standing in the jurisdiction in which the supervision is occurring as a mental health professional as defined by 37-39-102, MCA.
- (8) A supervisor shall not:
 - (a) be the candidate's, ~~or~~ CBHPSS's, or CFPSS's parent, child, spouse, or sibling; or
 - (b) have a conflict of interest such as, but limited to, being in a cohabitation or financially dependent relationship.

Authorizing statute(s): 37-1-131, 37-39-201, MCA

Implementing statute(s): 37-1-131, 37-39-202, 37-39-307, 37-39-308, 37-39-309, 37-39-310, 37-39-311, 37-39-312, MCA

Reasonable Necessity Statement

The board is amending this rule to include family peer support specialists after the passage of HB 76 (2025.) After review of existing requirements for CBHPSS and input from stakeholders, the board determined the practice of family peer support specialists is similar enough to CBHPSS that it is appropriate to set the supervisor qualifications equivalent to the requirements for CBHPSS.

24.219.422 GENERAL SUPERVISION AND RECORDKEEPING REQUIREMENTS

- (1) A supervisor must meet the requirements of ARM 24.219.421.

- (2) Candidates must maintain the following records for a minimum of seven years from the date of licensure or seven years from the expiration of their candidate license if they do not obtain a Montana license:
 - (a) names and license numbers of candidate and supervisor;
 - (b) date and length of supervision sessions in increments not less than 15 minutes with a description of the supervised work experience as required under ARM 24.219.504, 24.219.604, 24.219.704, or 24.219.5008;
 - (c) content summary of the supervision session (excluding confidential information);
 - (d) content demonstrating the candidate's developing competence under ARM 24.219.504, 24.219.604, 24.219.704, or 24.219.5008; and
 - (e) supervisor attestation within the record that the records are accurate.
- (3) CBHPSS and CFPSS must maintain the following records seven years from the date a supervisor ceased to supervise the CBHPSS and CFPSS:
 - (a) names and license numbers of ~~candidate~~ peer support specialist and supervisor;
 - (b) date and length of supervision sessions in increments of not less than 15 minutes with a description of supervision;
 - (c) content summary of the supervision session (excluding confidential information); and
 - (d) supervisor attestation within the record that the records are accurate.
- (4) Candidates, CBHPSS, CFPSS, and supervisors must comply with applicable client privacy laws.
- (5) Supervisors must:
 - (a) review and sign all reports and/or assessment interpretations and results sent to other public or private agencies that affect the current status of a client;
 - (b) preapprove on a continual and ongoing basis all therapeutic interventions or supportive interventions and the assessment results and interpretations used in the planning and/or implementation of those therapeutic interventions; and
 - (c) maintain records showing licensees have met the supervision requirements in this rule for a minimum of seven years after the date the supervisor ceased to supervise the candidate, ~~or~~ CBHPSS, or CFPSS.
- (6) The supervisor may be subject to disciplinary action for failure to adequately supervise the candidate, ~~or~~ CBHPSS, or CFPSS under this board's statutes and rules.

- (7) The department may request records from candidates, ~~and CBHPSS, and CFPSS~~ at any time.
- (8) The department may annually randomly audit a board-determined percentage of candidates, ~~and CBHPSS, and CFPSS~~ who have renewed their licenses to evaluate:
 - (a) whether records are being maintained in compliance with this rule; and
 - (b) that the supervision requirements of this rule and ARM 24.219.504, 24.219.604, 24.219.704, or 24.219.5008 are being met.
- (9) A candidate, ~~or CBHPSS, or CFPSS~~ cannot practice without a supervisor as described in this chapter.
- (10) When there is a change in supervisor, the following individuals must notify the board no later than 20 business days following the change using forms provided by the department:
 - (a) the candidate, ~~or CBHPSS, or CFPSS~~;
 - (b) the new supervisor; and/or
 - (c) the individual ceasing to supervise a candidate.
- (11) The supervisor, candidate, ~~or CBHPSS, or CFPSS~~ may be subject to disciplinary action for failure to report a change in supervisor.
- (12) A candidate must provide an update to the department within 20 business days if there is a substantial change in the candidate's training and supervision plan. An updated training and supervision plan or a change in supervisor does not require additional approval unless there is reason to believe the update does not conform to the board's training and supervision requirements.
- (13) The candidate, ~~or CBHPSS, or CFPSS~~ and supervisors are responsible for ensuring compliance with the statutes, rules, and standards pertaining to the practice at all times.

Authorizing statute(s): 37-1-131, 37-39-201, MCA

Implementing statute(s): 37-1-131, 37-39-202, 37-39-307, 37-39-308, 37-39-309, 37-39-310, 37-39-311, 37-39-312, MCA

Reasonable Necessity Statement

The board is amending this rule to include family peer support specialists after the passage of HB 76 (2025). After review of existing requirements for CBHPSS and input from stakeholders, the board determined the practice of family peer support specialists is similar enough to CBHPSS that it is appropriate to set the general requirements and record keeping requirements equivalent to the requirements for CBHPSS. The board determined it would be easier for supervisors to have one set of requirements when supervising peer support specialists.

24.219.430 INACTIVE STATUS AND CONVERSION TO ACTIVE STATUS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, ~~AND~~ CBHPSS, AND CFPSS

- (1) Active status licensees may convert to inactive status on the renewal form or by informing the department. Inactive licensees must inform the department of any change of address while on inactive status and must pay the inactive renewal fee annually to avoid license expiration or termination.
- (2) Inactive licensees or certificate holders may not practice.
- (3) Inactive status licensees or certificate holders may convert to active status upon request and payment of the required fee.
- (4) In order to convert to active status, licensees and certificate holders:
 - (a) may not have been out of active practice for more than five years; and
 - (b) must have completed ten hours of continuing education (CE) per each year of inactive status. The CE must have been completed within the twenty-four months prior to converting to active status.

Authorizing statute(s): 37-1-131, 37-1-319, MCA

Implementing statute(s): 37-1-319, MCA

Reasonable Necessity Statement

The board is amending this rule's catchphrase to include family peer support specialists after the passage of HB 76 (2025). All other licensees of the board are included in the active/inactive status rule, so with the creation of a new license type, the board is extending the same requirements to CFPSS.

24.219.907 CBHPSS and CFPSS REQUIREMENTS

- (1) CBHPSS and CFPSS must receive a minimum of one hour of face-to-face supervision and consultation for every 20 hours of work experience. No more than 40 hours of work experience may transpire without receiving the required hours of supervision and/or consultation. Less frequent supervision may take place only with prior approval of the board.

Authorizing statute(s): 37-1-131, 37-39-103, MCA

Implementing statute(s): 37-1-131, 37-39-312, MCA

Reasonable Necessity Statement

The board is amending this rule to include family peer support specialists after the passage of HB 76 (2025). After discussion and input from stakeholders, the board determined it is appropriate to set family peer support specialist requirements the same as CBHPSS for standardization purposes and to ensure proper supervision.

24.219.2301 UNPROFESSIONAL CONDUCT AND CODE OF ETHICS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, CBHPSS, CFPSS, AND LCSW, LMSW, LBSW, LCPC, LMFT, AND LAC CANDIDATES

- (1) In addition to the provisions of 37-1-316, MCA, the following are unprofessional conduct.
- (2) A licensee shall not:
 - (a) fail to respond to board inquiry or furnish information requested by the board, department investigators, or board representatives;
 - (b) commit any of the following boundary violations:
 - (i) provide services to a person with whom the licensee has had sexual contact at any time;
 - (ii) engage in or solicit sexual relations with a client or commit an act of sexual misconduct or a sexual offense if such act, offense, or solicitation is substantially related to the qualifications, functions, or duties of the licensee;
 - (iii) engage in sexual contact with a former client, within two years following termination of professional services. After two years, the licensee who engages in such activity following termination of

professional services must demonstrate that there has been no exploitation, in light of all relevant factors, including:

- (A) the amount of time that has passed since professional services terminated;
 - (B) the nature and duration of the professional services;
 - (C) the circumstances of termination;
 - (D) the client's personal history;
 - (E) the client's current mental status;
 - (F) the likelihood of adverse impact on the client; and
 - (G) any statements or actions made by the licensee during the defined professional relationship suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client;
- (iv) solicit or engage in a sexual or intimate relationship with a client, a supervisee, client's family member, a client's household member, or other persons with whom a client has had a significant relationship;
 - (v) soliciting or engaging in sexual relations with the client of another licensee employed in the same program providing services;
 - (vi) condone or engage in sexual or other harassment;
 - (vii) engage in a dual relationship with a client or former client if the dual relationship has the potential to compromise the client's well-being, impair the licensee's objectivity and professional judgment, or creates or increases the risk of exploitation of the client. If a dual relationship arises as a result of unforeseeable and unavoidable circumstances, the licensee shall promptly take appropriate professional precautions. Appropriate professional precautions must ensure that the client's well-being is not compromised and that no exploitation occurs and should include consultation, supervision, documentation, or obtaining written informed consent of the client;
 - (viii) terminate a professional relationship for the purpose of beginning a personal or business relationship with a client;
 - (ix) participate in bartering, unless bartering is considered to be essential for the provision of services, negotiated without coercion, and entered into at the client's initiative and with the client's informed consent. Licensees who accept goods or services from clients as payment for professional services assume the full burden of demonstrating that this

- arrangement will not be detrimental to the client or the professional relationship;
- (x) accept gifts or gratuities of significant monetary value or borrow money from a client or former client within two years after termination of services, except when this is a culturally accepted practice;
- (xi) interfere with or encourage termination of any legitimate personal relationship of a client, or interfere with a therapeutic relationship of another professional;
- (c) intentionally, recklessly, or carelessly cause physical or emotional harm to a client;
- (d) divide a fee or accept or give anything of value for receiving or making a referral;
- (e) exploit, as defined in ARM 24.219.301, in any manner professional relationships;
- (f) engage in conduct in the profession or occupation found to be a violation of the Montana Human Rights Act, Title 49, MCA;
- (g) falsify, misrepresent, or fail to maintain supervision records as required by ARM 24.219.422;
- (h) fail to appropriately supervise a licensure candidate, CBHPSS, CFPSS, or individual requiring supervision to perform a sexual offender evaluation under 37-1-139, MCA;
- (i) recommend a client seek or discontinue prescribed medication, or fail to provide a supportive environment for a client who is receiving prescribed medication;
- (j) engage in the practice when the licensee's license is inactive, has expired, is terminated, or has been suspended;
- (k) violate federal or state law regulating the possession, distribution, or use of a controlled substance, as defined by Title 50, chapter 32, MCA;
- (l) be convicted of driving while under the influence of alcohol or drugs (DUI), or criminal possession of dangerous drugs at any time after issuance of a license, and within the two years preceding an application for licensure;
- (m) perform or supervise psychological assessments if not qualified to do so;
- (n) perform or supervise parenting plan evaluations without specialized training, education, and experience in the areas of assessment of children and adults, child and family development, child and family psychopathology, and the impact of divorce on families; or

- (o) practice independently as an LMSW or LBSW.
- (3) All licensees shall:
 - (a) provide clients with accurate and complete information regarding the extent and nature of the services available to them, including the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided;
 - (b) terminate services and professional relationships with clients when such services and relationships are no longer required or where a conflict of interest exists;
 - (c) make every effort to keep scheduled appointments;
 - (d) notify clients promptly and seek the transfer, referral, or continuation of services pursuant to the client's needs and preferences if termination or interruption of services is anticipated;
 - (e) attempt to make appropriate referrals pursuant to the client's needs;
 - (f) obtain informed written consent of the client or the client's legal guardian prior to the client's involvement in any research project of the licensee that might identify the client or place them at risk;
 - (g) obtain informed written consent of the client or the client's legal guardian prior to taping, recording, or permitting third-party observation of the client's activities that might identify the client or place them at risk;
 - (h) except where required by law or court order, safeguard information provided by clients, and make reasonable efforts to limit access to client information in an agency setting to those staff whose duties require access;
 - (i) disclose to and obtain written acknowledgement from the client or prospective client as to the fee to be charged for professional services, and/or the basis upon which the fee will be calculated;
 - (j) make and maintain records of services provided to a client. At a minimum, the records shall contain:
 - (i) documentation verifying the identity of the client;
 - (ii) documentation of the assessment and/or diagnosis;
 - (iii) documentation of each session;
 - (iv) documentation of a plan, documentation of any revision of the assessment or diagnosis or of a plan;
 - (v) documentation of discharge summary;

- (vi) any fees charged and other billing information; and
 - (vii) copies of all client authorization for release of information and any other legal forms pertaining to the client. These records shall be maintained by the licensee or agency employing the licensee under secure conditions and for time periods in compliance with applicable federal or state law, but in no case for fewer than seven years after the last date of service.
- (4) In addition to (2) and (3), CBHPSS are subject to the following standards.
- (a) CBHPSS shall:
 - (i) conduct themselves in a way that fosters their own recovery and take personal responsibility to seek support and manage their wellness;
 - (ii) as mandatory reporters, report abuse to appropriate authorities and supervisors;
 - (iii) disclose any pre-existing relationships, sexual or otherwise, to supervisor(s) prior to providing services to that individual; and
 - (iv) report risk of imminent harm to self or others to the proper authorities and to their supervisor. When reporting, the minimum amount of information necessary will be given to maintain confidentiality.
 - (b) CBHPSS shall not:
 - (i) engage or offer advice on the matters of diagnosis, treatment, or medications to the client; or
 - (ii) engage in or promote behaviors or activities that would jeopardize the CBHPSS's recovery or the recovery of those they serve.
- (5) In addition to (2) and (3), CFPSS are subject to the following standards.
- (a) CFPSS shall:
 - (i) conduct themselves in a way that fosters their own wellness and take personal responsibility to seek support and manage their wellness;
 - (ii) as mandatory reporters, report abuse to appropriate authorities and supervisors;
 - (iii) disclose any pre-existing relationships, sexual or otherwise, to supervisor(s) prior to providing services to that individual; and
 - (iv) report risk of imminent harm to self or others to the proper authorities and to their supervisor. When reporting, the minimum amount of information necessary will be given to maintain confidentiality.

- (b) CFPSS shall not:
 - (i) engage or offer advice on the matters of diagnosis, treatment, or medications to the client; or
 - (ii) engage in or promote behaviors or activities that would jeopardize the CFPSS's wellness or the wellness of those they serve.

Authorizing statute(s): 37-1-131, 37-1-136, 37-1-139, 37-1-319, 37-39-103, MCA

Implementing statute(s): 37-1-131, 37-1-136, 37-1-139, 37-1-316, 37-1-319, 37-39-103, MCA

Reasonable Necessity Statement

The board is amending this rule to include family peer support specialists after the passage of HB 76 (2025). After review of existing requirements for CBHPSS and input from stakeholders, the board determined the practice of family peer support specialists is similar enough to CBHPSS that it is appropriate to set similar unprofessional conduct requirements for family peer support specialists.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 CFPSS TRAINING COURSES

- (1) Board-approved training courses must be at least 40 hours in duration and include an examination that must be passed. The course must provide content including but not limited to:
 - (a) navigating resources and systems of care within the state of Montana;
 - (b) professional responsibilities and standards;
 - (c) regulatory requirements including mandatory reporting, confidentiality, clinical supervision, and continuing education;
 - (d) documentation;
 - (e) self-care;
 - (f) sharing lived experiences;
 - (g) ethics and boundaries;
 - (h) situational awareness;

- (i) scope of practice;
- (j) communication skills, trauma-informed support, and facilitating support groups;
- (k) holistic family-centered support;
- (l) wellness and recovery practices including but not limited to holistic approach model;
- (m) individualized care;
- (n) one-on-one support;
- (o) strengths-based goal setting;
- (p) cultural humility and respect;
- (q) family-driven care;
- (r) empowerment;
- (r) advocacy;
- (s) addressing stigma and discrimination;
- (t) crisis intervention and safety planning; and
- (u) knowledge of suicide risk, prevention, and intervention.

Authorizing statute(s): 37-39-312, MCA

Implementing statute(s): 37-39-312, MCA

Reasonable Necessity Statement

The board is proposing this new rule after the passage of HB 76 (2025) to identify areas of training necessary for family peer support specialists. The board engaged with local stakeholders and reviewed national standards in determining areas of training necessary to work as a family peer support specialist. After review and discussion with stakeholders and reviewing existing training materials, the board determined 40 hours is an appropriate amount of time necessary to cover the required material.

Small Business Impact

The proposed rules do not significantly and directly impact small businesses. The class or group of small businesses most likely to be affected are mental health centers, individual

practitioners, or small private practices should they wish to hire certified family peer support specialists.

Although family peer support specialists have not previously been licensed and there is an impact in requiring licensure, the board's proposed fees are identical to the fees currently charged to certified behavioral health peer support specialists, and are not significant. The application process is not lengthy, is standardized with the other license types administered by the board, and there is not a less rigorous method of regulation.

The board proposes a yearly fee for certification of \$125, and expects between 50 to 100 people to become certified. That would result in a yearly cumulative effect of no more than \$12,500.

Bill Sponsor Notification

The primary bill sponsor was contacted on May 20, 2025, by electronic mail.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Annette Beaudry, LCSW, Chair, Board of Behavioral Health