



MONTANA
ADMINISTRATIVE
REGISTER



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

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-512.1

Summary

Revisions to definitions and examination and supervised work experience requirements

Hearing Date and Time

Thursday, July 9, 2026, 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/82985078836>

Meeting ID: 829 8507 8836; Password: 0301133214

Dial by Telephone: +1 646 558 8656

Meeting ID: 829 8507 8836; Password: 0301133214

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, July 17, 2026, 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, July 2, 2026, at 5:00 p.m.

Contact

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General Reasonable Necessity Statement

The board is undertaking revisions of its existing rules to address questions and concerns from stakeholders, board members, and staff. Staff had highlighted issues of inconsistencies between clinical license types and supervision requirements, as well as requested the board consider rule changes relating to common questions staff receives regularly. 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.
- (5) "Client" means a recipient of services performed by licensees in this chapter.

- (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.
- (7) "Contact hour" means academic coursework, approved workshop training, or an approved home study course that is completed hour-for-hour.
- (8) "Co-occurring disorder" means the existence of any addiction-related disorder and any other physical and or mental health disorder.
- (9) "Direct client contact" means physical presence, telephonic presence, or interactive video link presence of the client, client family member, or client representative.
- (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.
- (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.
- (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.
- (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.
- (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.
- (15) "LAC" means licensed addiction counselor licensed under Title 37, chapter 39, MCA.
- (16) "LBSW" means licensed baccalaureate social worker licensed under Title 37, chapter 39, MCA.
- (17) "LCPC" means licensed clinical professional counselor licensed under Title 37, chapter 39, MCA.
- (18) "LCSW" means licensed clinical social worker licensed under Title 37, chapter 39, MCA.
- (19) "LMFT" means licensed marriage and family therapist licensed under Title 37, chapter 39, MCA.
- (20) "LMSW" means licensed master's social worker licensed under Title 37, chapter 39, MCA.
- (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.
- (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.
- (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. Incarceration does not include a prerelease program. Applicants with a diagnosed chemical dependency or substance use disorder 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~~ use any substance of abuse.

- (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.
- (25) "Sexual harassment" includes deliberate or repeated comments, gestures, or physical contact of a sexual nature that are unwelcome by the recipient.
- (26) "Significant monetary value" means more than a de minimis value exceeding \$25.
- (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. Supervised work experience must have been obtained in the five years prior to application for licensure.
- (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

Since the board adopted the current definition for recovery in 2024 in (23), applicants and stakeholders have questions whether or not the board considers time in re-entry or prerelease facilities under the jurisdiction of the Department of Corrections as "incarcerated." To provide clarity for potential applicants, licensees, department staff, and the public the board is clarifying that prerelease is not considered incarceration for purposes of recovery due to the greater autonomy of prerelease residents and the ability of prerelease residents to participate in and advance their recovery. Additionally, the board is amending the definition to include all forms of substances of abuse in remission as opposed to just alcohol which is consistent with the definition of chemical dependency in the DSM.

The board is further taking the opportunity to standardize requirements for supervised work experience for all candidate license types, stating that all supervised work experience must have been obtained in the five years prior to application for licensure.

24.219.402 APPLICATION FOR LICENSURE

- (1) Each application for licensure from the board must include:
 - (a) a completed application form;
 - (b) the initial license fee;
 - (c) verification of applicable educational, examination, and experience requirements; and
 - (d) a Federal Bureau of Investigation fingerprint background check within six months of the application date.
- (2) An applicant licensed in any other jurisdiction at any time shall cause the other jurisdictions to submit a current verification of licensure directly to the board.
- (3) An applicant may voluntarily withdraw their application by written request if the application has not appeared on a board agenda. Application fees are not refundable.
- (4) LCSW, LMSW, LCPC, or LMFT applicants holding a current, active license in good standing in another state or jurisdiction with an education requirement that is not substantially equivalent to Montana's requirement must have a master's degree in the profession the applicant is applying to from an accredited institution with a minimum of 48 semester or 72 quarter credits and have completed ~~five years~~ 10,000 hours of post-degree experience in the profession, in addition to the supervised work experience. LAC applicants holding a current, active license in good standing in another state or jurisdiction with an education requirement that is not substantially equivalent to Montana's requirement must have 10,000 hours of post-degree experience in the profession, in addition to the supervised work experience.
- (5) Degree programs in the candidate stage of accreditation are accredited for purposes of a qualifying degree.
- (6) LBSW and LMSW who qualify for licensure pursuant to 37-39-308, MCA must provide evidence of social work experience:
 - (a) attested to by a licensed social worker or a direct supervisor from a former or current employer who is familiar with the applicant's work experience; and
 - (b) within the period between January 1, 2018 and January 1, 2023.

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 clarifying that the five years in (4) is specifically 10,000 hours. Two thousand hours is the standard number of full-time working hours in a year. Specifying the number of hours gives clarity to both applicants and department staff who are reviewing applications based on experience in lieu of education.

Additionally, the board has determined it is also appropriate to allow LACs licensed in another state with at least 10,000 hours of work experience to qualify for a license under a combination of education and experience, just as it does for LCSW, LMSW, LCPC, and LMFT applicants.

24.219.403 EXAMINATIONS

- (1) The following examinations are approved for licensure.
 - (a) LCSW: Association of Social Work Boards (ASWB) clinical examination;
 - (b) LMSW: ASWB master's examination;
 - (c) LBSW: ASWB bachelor's examination;
 - (d) LCPC:
 - (i) National Board for Certified Counselors (NBCC) National Counselor examination (NCE); or
 - (ii) NBCC National Clinical Mental Health Counseling examination (NCMHCE);
 - (e) LMFT: the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination in marriage and family therapy;
 - (f) LAC:
 - (i) Level 1 or Level 2 National Certification Commission for Addiction Professionals (NCC AP);
 - (ii) Northwest Certification II or III;
 - (iii) Southwest Certification II; or

- (iv) International Certification and Reciprocity Consortium (IC&RC) Alcohol and Drug Counselor (ADC) examination or Advanced Alcohol and Drug Counselor (AADC) examination.
- (2) Individuals who have not already passed an approved examination can be approved by department staff to register for one of the approved examinations:
 - (a) upon submission of a complete application; or
 - (b) once a candidate license is issued and the licensee requests to be approved to take the ~~exam~~ examination, in accordance with any standards and requirements of the examination entity.
- (3) Applicants or candidates may not take an examination more than three times unless approved to retake the examination. Applicants or candidates requesting to retake the examination must submit a request including but not limited to a specific study plan.

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, MCA

Reasonable Necessity Statement

In 2024, the board amended its candidate exam approval rules to allow staff to approve licensees to register to take licensing exams at any point in their candidacy. Prior to then, candidates were only approved to register after completing all their supervised work experience hours. The change removed barriers and increased overall staff efficiency. However, each exam entity who develops its exams has its own policies and standards regarding when a person can sit for an exam based on how the exam is developed and administered. The board is clarifying that, while the board will approve a candidate to sit for an exam at any time, the exam entity still sets the standard and timelines for its specific exam.

24.219.421 SUPERVISOR QUALIFICATIONS

- (1) Licensure candidates, 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, as of [effective date of this rule] all new 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)~~(b) have been licensed in their respective disciplines for at least three years, excluding any period of licensure as a candidate; ~~or~~ and

~~(ii)~~(c) 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. This training course may not have been taken during the supervisor's graduate program or while licensed as a candidate and obtaining supervised work experience.

~~(3)~~ Supervisors who supervised in Montana prior to [effective date of this rule] may continue to supervise without meeting the requirements of (2)(c).

~~(3)~~~~(4)~~ LCSW, LCPC, and LMFT candidates must be supervised by an LCSW, LCPC, LMFT, licensed psychologist, or licensed and board-certified psychiatrist.

~~(4)~~~~(5)~~ LMSW candidate supervisors must be licensed as an LCSW or LMSW.

~~(5)~~~~(6)~~ 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)~~~~(7)~~ 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)~~~~(8)~~ 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)~~~~(9)~~ A supervisor shall not:

(a) be the candidate's, CBHPSS's, or CFPSS's parent, child, spouse, or sibling; or

(b) have a conflict of interest such as, but not 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 has been discussing its requirements for supervisors over the last several years regarding how best to ensure supervisors have the experience and training to adequately supervise candidates. The board has determined that training in how to supervise and mentor is specialized and not necessarily gained through work experience as a licensee. Experience as a practicing licensee and training in supervision are both essential qualifiers. Therefore, the board is requiring that all supervisors take a board-approved supervisor training course in addition to having been licensed for at least three years. Additionally, for those same experience requirements, the board is specifying the supervision training must occur post-degree and post-candidacy.

24.219.431 ANNUAL CANDIDATE REGISTRATION

- (1) LCSW, LMSW, LCPC, and LMFT candidates shall:
 - (a) register annually; and
 - (b) only be allowed to register annually five times unless approved to register more than five times. Candidates requesting an additional registration must submit a request including but not limited to an explanation as to why an additional registration is needed to complete the requisite supervised work experience.
- (2) ~~LMSW~~, LBSW, and LAC candidates shall:
 - (a) register annually; and
 - (b) only be allowed to register annually three times unless approved to register more than three times. Candidates requesting an additional registration must submit a request including but not limited to an explanation as to why an additional registration is needed to complete the requisite supervised work experience.
- (3) Registration procedures under this rule follow the renewal procedures described in ARM 24.101.413.

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

Implementing statute(s): 37-1-131, 37-39-307, MCA

Reasonable Necessity Statement

LMSW candidates must obtain 1500 hours of post-degree supervised work experience which is substantially higher than the 500 and 1000 hours respectively required for LBSW and LAC candidates. LCPC candidates can potentially obtain up to 1500 hours of their 3000 hours pre-degree and LMFT candidates can obtain up to 500 of their 3000 hours pre-degree. Both these license types can register up to five times. Therefore, the board has determined it is reasonable to allow LMSW to register up to five times without requesting additional registrations. This also increases efficiency by removing additional administrative work by department staff who must review and ultimately process these requests if granted.

24.219.435 CONTINUING EDUCATION REQUIREMENTS

- (1) Licensees are required to obtain 20 hours of continuing education (CE) annually, prior to renewal.
- (2) Licensees completing more than 20 hours of CE may carry forward those hours into the next year. The number of hours carried forward shall not exceed 20 hours.
- (3) Licensees holding more than one type of license must demonstrate completion of 20 hours of CE with each license.
- (4) Of the 20 hours:
 - (a) a minimum of two hours must relate to suicide prevention for a licensee's first renewal and every two years thereafter risk assessment and safety planning every odd year; and
 - (b) a maximum of ten hours may be for:
 - (i) first-time preparation of a new course, in-service training workshop, or seminar which meets the criteria in (6); or
 - (ii) preparation time by the author or authors of a paper which meets the criteria in (6) that is published for the first time in a recognized professional journal, or given for the first time at a statewide or national professional meeting.
- (5) Continuing education requirements will not apply until after the licensee's first renewal.
- (6) Licensees are responsible for selecting quality programs that focus on protecting the health, safety, and welfare of the public and contribute to licensees' professional knowledge and competence. Acceptable CE activities:

- (a) directly relate to the licensee's scope of practice as defined in board statute or rule;
 - (b) review existing concepts and techniques;
 - (c) convey information beyond the basic professional education;
 - (d) update knowledge on the practice and advances in the profession; or
 - (e) reinforce professional conduct or ethical obligations of the licensee.
- (7) The department may randomly audit up to 50 percent of renewed licensees.
- (8) Licensees must maintain documentation of completed CE for three years and provide documentation to the board upon request. Documentation must include the following information:
- (a) licensee name;
 - (b) course title and description of content;
 - (c) presenter or sponsor;
 - (d) course date(s); and
 - (e) number of CE hours earned.
- (9) Any CE hours required by disciplinary order do not apply toward the 20 hours that are required annually under this rule.
- (10) A licensee may request an exemption from CE requirements due to hardship. Requests will be considered by the department.

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

Implementing statute(s): 37-1-131, 37-1-306, 37-1-319, 37-1-321, 37-39-103, MCA

Reasonable Necessity Statement

Current rule language makes it difficult for department staff to conduct effective and consistent audits for the two hours of suicide risk assessment CE. To improve internal audit efficiencies and remove licensee confusion, the board is amending this rule to specify this particular CE requirement is on an odd-year cycle for all licensees regardless of renewal date or date they were first licensed. Additionally the board is updating the language from "suicide prevention" to "suicide risk assessment and safety planning" after input from stakeholders in that field. The new language better captures the board's intent for the type of required education and offers clarity to licensees and department staff.

24.219.504 LCSW, LMSW, AND LBSW SUPERVISED WORK EXPERIENCE REQUIREMENTS

- (1) ~~LCSW supervised work experience hours obtained post-degree must include 3000 total hours. LCSW applicants licensed after [effective date of this rule] must complete a minimum of 3000 total hours of post-degree supervised work experience over a period of no less than 24 months. As a part of the total supervised work experience requirements, at~~
 - (a) At least 1500 hours of the total 3000 hours must be in direct client contact.
 - (b) At least 100 hours must include individual or group supervision by a qualified supervisor under ARM 24.219.421. Of those 100 hours:
 - ~~(a)(i)~~ Of those 100 hours, at least 50 hours must be individual supervision and supervised face-to-face by a supervisor who is an LCSW; and
 - ~~(b)(ii)~~ Of the 50 hours in (a), at least ten of the 50 hours must include direct observation of service delivery as defined in ARM 24.219.301.
- (2) LCSW candidates licensed prior to [effective date of this rule] must complete a minimum of 3000 hours post-degree supervised work experience. At least 100 hours of the total 3000 hours must include individual or group supervision by a qualified supervisor.
 - (a) 50 hours must be individual supervision and supervised face-to-face by a supervisor who is an LCSW; and
 - (b) at least ten of the 50 hours must include direct observation of service delivery.
- ~~(2)~~(3) LBSW applicants must complete a minimum of 500 total hours of post-degree supervised work experience over a period of no less than 18 months. Of those 500 hours:
 - (a) at least 50 hours must include individual or group supervision by a qualified supervisor under ARM 24.219.421; and
 - (b) of the 50 hours in (a), at least 10 hours ten of the 50 hours in (a) must be with the client populations that will be served by the LBSW candidate (see (5)(6) for examples of client populations).
- ~~(3)~~(4) LMSW applicants must complete a minimum of 1500 total hours of post-degree supervised work experience over a period of no less than 18 months. Of those 1500 hours:
 - (a) at least 75 hours must include individual or group supervision by a qualified supervisor under ARM 24.219.421; and

- (b) ~~of the 75 hours in (a);~~ at least 25 hours of the 75 hours in (a) must be with the client populations that will be served by the LMSW candidate (see ~~(5)~~(6) for examples of client populations).
- ~~(4)~~(5) Supervisors must provide at least two hours of supervision for LCSW, LMSW, and LBSW candidates for every 160 hours of social work.
- ~~(5)~~(6) A supervisor must have experience and expertise with the candidate's client population (e.g., child, adolescent, adult, chemically dependent/substance use disorder) and methods of practice (i.e., individual, group, family, crisis, or brief interventions).
- ~~(6)~~ Supervised work experience hours earned by LMSW and LBSW applicants who are not currently actively licensed in another jurisdiction must have been earned within five years of the date of application.

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

Implementing statute(s): 37-1-131, 37-39-307, 37-39-308, MCA

Reasonable Necessity Statement

In 2023, the Legislature passed House Bill (HB) 137 which standardized and consolidated all the existing license types under this board into what is now Title 37, chapter 39, MCA. Until that bill was enacted, social work licensing was under the now repealed Title 37, chapter 21, MCA. That licensing statute specified that to be licensed as an LCSW a person: "...must...have completed at least 24 months of supervised post-master's degree work experience in psychotherapy, which must have included 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact...". However, those specific requirements were repealed as part of the general standardization and consolidation under HB 137 (2023).

Current 37-39-3028(2), MCA, which sets the licensing requirements for LCSW, does not require any direct client contact within the 3000 hours or a minimum period of time in which to obtain the supervised work experience. When the board adopted this rule in 2024 as part of the larger rulemaking to enact HB 137 (2023), it did not include these requirements.

Since 2024, based on input and discussion from social work stakeholders, including current licensees and educators, the board has determined it is necessary to require a minimum of 1500 hours of direct observation over a period of no less than 24 months to ensure licensees meet minimum qualification standards while protecting the public. However, the board realizes that there are currently candidates close to completing their supervised work experience under the rule adopted in 2024. The board proposes making the new requirements effective for candidates licensed after the effective date of this rule. Those licensed prior to that will not be required to obtain 1500 hours of direct client contact or obtain their 3000 hours

in no less than 24 months as the new requirements would unnecessarily burden or penalize candidates who are nearly done with their supervised work experience under the rules adopted in 2024.

The board has also removed unnecessary citations to its definitions and supervisor qualification rules.

Finally, the language in (6) has been stricken and moved into ARM 24.219.301(27) to apply to all candidate licenses.

24.219.601 LCPC EDUCATION REQUIREMENTS

- (1) Applicants for a Montana single-state professional counseling license must have a degree that is primarily counseling in nature from:
 - (a) a Council for Accreditation of Counseling and Related Educational Programs (CACREP)-clinical mental health accredited program that is at least 60 semester credits; or
 - (b) an accredited institution and a program that is at least 60 semester credits or 90 quarter credits and includes the CACREP clinical mental health core competencies, and CACREP professional practice standards for fieldwork and academic quality.
- (2) In addition to the degree requirements in (1):
 - (a) the degree can only have a maximum of 12 post-baccalaureate graduate semester (18 quarter) credits or up to 20 semester (30 quarter) credits of a completed graduate counseling degree transferred from other institutions or programs; and
 - (b) credits earned during the degree program that were obtained more than six years prior to the date of graduation do not count toward the education requirements in this rule and 37-23-202(1) or (2), MCA.
- (3) Applicants for licensure through the Interstate Counseling Compact with Montana as home state must meet licensure requirements per 37-23-104, MCA.

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

Implementing statute(s): 37-1-131, 37-39-309, MCA

Reasonable Necessity Statement

The board is amending this rule after concern from stakeholders and board members that the rule as drafted would include non-clinical mental health degree types. Specific requirements previously in statute specifically requiring a degree in clinical mental health were repealed as part of the general standardization and consolidation in this board's statutes under HB 137 (2023).

24.219.704 LMFT SUPERVISED WORK EXPERIENCE REQUIREMENTS

- (1) Up to 500 of the 3000 hours required in 37-39-311, MCA, may be obtained pre-degree under the academic requirements of the degree program. In order to qualify as experience under this rule, the hours must be approved by the graduate program.
- ~~(1)(2) Supervised~~ Any work experience hours obtained post-degree must include:
 - (a) ~~100 25~~ individual hours, using a 20:1 ratio of client contact hours to supervision hours of which at least 75 percent are in individual supervision;
 - (b) group supervision consisting of no more than six candidates; and
 - (c) ~~a minimum of at least 1000~~ post-degree hours of client contact with a minimum of 50 percent of those hours providing services to couples and families. There must be a 20:1 ratio of client contact hours to supervision hours with:
 - (i) at least ~~200 40~~ hours of face-to-face supervision of which at least ~~150 38~~ hours are in individual supervision, and of which a minimum of ~~80 20~~ hours is earned with each supervisor; and
 - (ii) at least ~~100 25~~ hours of supervision involving raw clinical data, i.e., live observation in the therapy room or through a one-way mirror or live-feed camera, videotape, or audiotape.
- ~~(2) When an LMFT candidate completes the requirements of (1) and (2) of this rule, the candidate will qualify for examination per ARM 24.219.702.~~

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

Implementing statute(s): 37-1-131, 37-39-307, 37-39-311, MCA

Reasonable Necessity Statement

The board amended this rule in 2024 to reduce what it determined was a more burdensome 5:1 ratio. However, due to an inadvertent error the hours within the rule were not reduced to match the new ratio and remained at the level under the 5:1 ratio. This amendment corrects that error by reducing the hours by a quarter to match the 20:1 ratio.

Additionally, the board has added (1) to clarify the total hours and allowed pre-degree supervised work experience hours for additional clarity to applicants. The board is striking (2) which became obsolete in 2024 when the board adopted ARM 24.219.403 which placed all exam and approval for registration requirements for all license types in one rule.

24.219.5010 QUALIFIED TREATMENT PROGRAM

- (1) Qualified treatment programs include those addiction treatment programs where candidates may obtain supervised work experience based on nationally recognized patient placement criteria. Criteria for these treatment settings may include settings that provide the basis for a continuum of care for patients with addictions and settings that include any level of care as defined by American Society of Addiction Medicine (ASAM) in The ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions (October 24, 2013 Third Edition).
- (2) Qualified treatment programs for supervised work experience are:
 - (a) settings with a primary focus in licensed addiction counseling;
 - (b) Joint Commission on Accreditation of Healthcare Organizations (JCAHO), Commission on Accreditation of Rehabilitation Facilities (CARF), or Council on Accreditation (COA) approved settings;
 - (c) Indian Health Service (IHS)-approved settings or IHS, Tribal and Urban (ITU) settings;
 - (d) organized licensed addiction counseling settings within branches of the armed forces of veterans' administration hospitals;
 - (e) ~~licensed mental health centers~~ healthcare facilities using the DSM or ASAM in the provisions of care; and
 - (f) organized group practice setting (two or more licensed addiction counselors in a defined, conjoint practice). The work setting must have the capacity to provide multidisciplinary supervision.
- (3) Qualified treatment programs must have a direct referral relationship for the provision of:
 - (a) detoxification services;

- (b) medical services;
 - (c) laboratory services;
 - (d) psychiatric consultations; and
 - (e) psychological consultations.
- (4) Qualified treatment programs must demonstrate the individualized treatment plans including:
- (a) problem formulations;
 - (b) goals;
 - (c) measurable treatment objectives;
 - (d) progress notes; and
 - (e) regular reviews of plans at specified times by a designated treatment team.

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

Implementing statute(s): 37-1-131, 37-39-310, MCA

Reasonable Necessity Statement

The board is updating the edition of the ASAM adopted by reference to the version currently utilized by the state, including the Montana Department of Public Health and Human Services (DPHHS). Additionally, the board is amending (2)(e) to better reflect its definition of a qualified treatment program facility. A healthcare facility that utilizes the DSM or ASAM in provisions of care is a qualified treatment program regardless of whether it is a behavioral treatment center licensed under the DPHHS, though those will still be included in this definition.

Small Business Impact

The board identified the class of persons affected by these rules as licensees in private practice, and determined that these rules are largely formatting changes, with some clean up to address inconsistencies between license types and changes requested to the supervision of social workers. After discussion, the board determined the proposed changes would answer frequent questions from licensees and applicants. The board also noted that the overall changes would allow for more consistency in training and education of licensees providing services to the public. However, the board identified no significant and direct impacts to small businesses.

Bill Sponsor Notification

The bill sponsor contact requirements do not apply.

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

Laura Dever, Presiding Officer, Board of Behavioral Health