

BEFORE THE BOARD OF BEHAVIORAL HEALTH
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.219.301, 24.219.401,)
24.219.421, 24.219.422, 24.219.431,)
24.219.435, 24.219.501, 24.219.504,)
24.219.601, 24.219.604, 24.219.701,)
24.219.704, 24.219.907, 24.219.912,)
24.219.1001, 24.219.1002,)
24.219.1003, 24.219.1005,)
24.219.1011, 24.219.1201,)
24.219.1205, 24.219.1211,)
24.219.1213, 24.219.1217,)
24.219.2301, 24.219.5006,)
24.219.5008, and 24.219.5010, the)
adoption of NEW RULES I through III,)
and the repeal of ARM 24.219.415,)
24.219.423, 24.219.502, 24.219.505,)
24.219.508, 24.219.512, 24.219.602,)
24.219.605, 24.219.608, 24.219.612,)
24.219.702, 24.219.705, 24.219.706,)
24.219.712, 24.219.923, 24.219.1004,)
24.219.1014, 24.219.1017,)
24.219.1020, 24.219.1023,)
24.219.1026, 24.219.1029,)
24.219.1032, 24.219.1035,)
24.219.1038, 24.219.1209,)
24.219.1215, 24.219.2404,)
24.219.5005, 24.219.5007, and)
24.219.5013, and 24.219.5020)
pertaining to the board of behavioral)
health)

TO: All Concerned Persons

1. On November 30, 2023, at 8:00 a.m., a public hearing will be held via remote conferencing to consider the proposed changes to the above-stated rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/89790786628>

Meeting ID: 897 9078 6628, Passcode: 207663

-OR-

b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656

Meeting ID: 897 9078 6628, Passcode: 207663

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on November 22, 2023, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail laborlegal@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

24.219.301 DEFINITIONS ~~(1) "Advanced counseling practicum" for purpose of the practicum obtained during the post-graduate degree program in 37-23-202, MCA, means:~~

~~(a) supervision by licensed program faculty which includes:~~

~~(i) a minimum of 30 hours individual face-to-face consultation and review with supervisor; and~~

~~(ii) a minimum of 45 hours small group supervisory consultation with supervisor and peers in practicum program; and~~

~~(b) a minimum of 200 clock hours of service to clients which includes:~~

~~(i) a minimum of 80 hours offering face-to-face direct service to individual, family, and group clients; and~~

~~(ii) an additional 45 hours which may include any of the above plus audio and videotape review, two-way mirror observations, research, writing case notes, collateral contacts, and any other nonspecified activities deemed appropriate by the practicum supervisor to enhance the student's expertise in providing services to the client population.~~

~~(2) (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.~~

~~(3) (2) "Candidate" means an individual as defined in [HB 137 (2023) Section 9]:~~

~~(a) "LAC candidate" means an individual as defined in 37-35-102, MCA;~~

~~(b) "LBSW candidate" means an individual as defined in 37-22-102, MCA;~~

~~(c) "LCPC candidate" means an individual as defined in 37-23-102, MCA;~~

~~(d) "LCSW candidate" means an individual as defined in 37-22-102, MCA;~~

~~(e) "LMFT candidate" means an individual as defined in 37-37-102, MCA;~~

and

~~(f) "LMSW candidate" means an individual as defined in 37-22-102, MCA.~~

~~(4) and (5) remain the same but are renumbered (3) and (4).~~

~~(6) (5) "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 [House Bill 137 (2023), Section 2 (11)]:~~

~~(a) conducting psychosocial assessments and diagnoses for the purpose of establishing treatment goals and objectives;~~

~~(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, social functioning, or the functioning of established social units;~~

~~(c) selecting, administering, scoring, and interpreting psychosocial assessment instruments to assess personal characteristics and using nonstandardized methods and techniques for understanding human behavior in relation to coping with or adapting to changing life situations;~~

~~(d) implementing counseling treatment interventions using those cognitive, affective, behavioral sciences that are specifically implemented in the context of a therapeutic relationship; or~~

~~(e) evaluating information to identify needs or problems of an individual or social units to determine the advisability of referral to other specialists, informing the individual(s) of the judgment, and communicating as requested or considered appropriate with the referral sources.~~

(7) through (13) remain the same but are renumbered (6) through (12).

(14) "Gambling disorder" means persistent and recurrent problematic gambling behavior leading to clinically significant impairment or distress.

(15) remains the same but is renumbered (13).

(14) "LAC" means licensed addiction counselor licensed under Title 37, chapter 39, MCA.

(15) "LBSW" means licensed baccalaureate social worker licensed under Title 37, chapter 39, MCA.

(16) "LCPC" means licensed clinical professional counselor licensed under Title 37, chapter 39, MCA.

(17) "LCSW" means licensed clinical social worker licensed under Title 37, chapter 39, MCA.

(18) "LMFT" means licensed marriage and family therapist licensed under Title 37, chapter 39, MCA.

(19) "LMSW" means licensed master's social worker licensed under Title 37, chapter 39, MCA.

(22) and (23) remain the same but are renumbered (20) and (21).

(22) "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.

(25) through (27) remain the same but are renumbered (23) through (25).

(26) "Supervised work experience" means the requirements described in ARM 24.219.504, 24.219.604, 24.219.704, or 24.219.5008 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.

(29) remains the same but is renumbered (27).

AUTH: ~~37-1-131, 37-22-201, 37-35-103, 37-38-202,~~ [House Bill 137 (2023), Section 3], MCA

IMP: ~~37-1-131, 37-22-102, 37-22-103, 37-22-201, 37-22-313, 37-23-102, 37-23-202, 37-23-213, 37-35-102, 37-35-103, 37-35-202, 37-37-102, 37-37-205, 37-38-102, 37-38-202,~~ [House Bill 137 (2023), Section 5], [House Bill 137 (2023), Section 9], [House Bill 137 (2023), Section 10], [House Bill 137 (2023), Section 11], [House Bill 137 (2023), Section 12], [House Bill 137 (2023), Section 13], [House Bill 137 (2023), Section 14], MCA

REASON: The board is removing the definitions of "advanced counseling practicum" and "gambling disorder" as the terms no longer appear in statute. The board is repealing definitions that restate statute and is adding the requirement that CBHPSS be in recovery for a period of two years at the time of application after inadvertently removing it from rule in a prior rule package.

24.219.401 FEE SCHEDULE (1) through (5) remain the same.

AUTH: ~~37-1-134, 37-22-201, 37-22-307, 37-22-308, 37-35-103, 37-35-202, 37-37-201, 37-38-202,~~ [House Bill 137 (2023), Section 4], MCA

IMP: ~~37-1-134, 37-1-141, 37-22-302, 37-22-307, 37-22-308, 37-23-206, 37-35-202, 37-37-201, 37-38-202,~~ [House Bill 137 (2023), Section 4], MCA

24.219.421 SUPERVISOR QUALIFICATIONS (1) ~~LCSW, LMSW, LBSW, LCPC, LMFT, and LAC~~ Licensure candidates and CBHPSS 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) ~~LCSW, LCPC, or LMFT candidate~~ Except as provided below, all supervisors must:

(a) have an active license in good standing in the jurisdiction in which the supervision is occurring ~~as an LCSW, LCPC, LMFT, licensed psychologist, or licensed and board-certified psychiatrist;~~ and

(b) remains the same.

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

~~(3)~~(4) LMSW candidate supervisors must be licensed as an LCSW or LMSW.:

~~(a) have an active license in good standing in the jurisdiction in which the supervision is occurring as an LCSW or LMSW; 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.~~

~~(4)(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.~~

~~(a) If the supervisor is an LCSW or LMSW the supervisor must also meet one of the below criteria:~~

~~(i) have been licensed in that discipline 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.~~

~~(b) 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.~~

~~(5) (6) LAC candidate supervisors must be:~~

~~(a) remains the same.~~

~~(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); and~~

~~(iii) the board will evaluate each individual on a case-by-case basis.~~

~~(6) (7) CBHPSS supervisors must:~~

~~(a) have an active license in good standing in the jurisdiction in which the supervision is occurring as an LCSW, LCPC, LMFT, LAC, physician, psychologist, or an advanced practice registered nurse with a clinical specialty in psychiatric mental health nursing; and a mental health professional as defined by [HB 137 (2023), Section 2].~~

~~(b) meet one of the below criteria:~~

~~(i) have been licensed in their respective discipline 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.~~

~~(7) remains the same but is renumbered (8).~~

AUTH: 37-1-131, 37-22-201, 37-35-103, [House Bill 137 (2023), Section 4], MCA,

IMP: 37-1-131, 37-22-102, 37-22-301, 37-22-307, 37-22-308, 37-23-102, 37-23-202, 37-35-102, 37-35-103, 37-35-202, 37-37-102, 37-37-201, 37-38-202, [House Bill 137 (2023), Sections 5 and 9 through 14], MCA

REASON: The board is amending this rule by combining repetitive subsections and removing the requirement that non-LAC supervisors of addiction counselor

candidates be approved by the board prior to beginning supervision to allow for quicker entry into practice. In the event staff is unable to decide if a proposed supervisor is qualified, the board will still review the request.

24.219.422 GENERAL SUPERVISION AND RECORDKEEPING REQUIREMENTS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, AND CANDIDATES AND CBHPSS (1) remains the same.

(2) Candidates must maintain the following records for a minimum of seven years from the date of licensure ~~as an LCSW, LMSW, LBSW, LCPC, LMFT, or LAC~~ or seven years from the expiration of their candidate license if they do not obtain a Montana LCSW, LMSW, LBSW, LCPC, LMFT, or LAC license:

(a) through (4) remain the same.

(5) Supervisors of candidates and CBHPSS must:

(a) and (b) remain the same.

(c) maintain records showing licensees have met the supervision requirements in this rule ~~and ARM 24.219.423~~ for a minimum of seven years after the date the supervisor ceased to supervise the candidate or CBHPSS.

(6) remains the same.

(7) The ~~board~~ department may request records from candidates and CBHPSS at any time.

(8) The ~~board~~ department may annually randomly audit a board-determined percentage of candidates and CBHPSS who have renewed their licenses to evaluate:

(a) remains the same.

(b) that the supervision requirements of this rule ~~and ARM 24.219.423~~, and ARM 24.219.504, 24.219.604, 24.219.704, or 24.219.5008 are being met.

(9) A candidate or CBHPSS 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;

(b) the new supervisor; and/or

(c) the individual ceasing to supervise a candidate.

(11) The supervisor, candidate, or CBHPSS 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 and supervisors are responsible for ensuring compliance with the statutes, rules, and standards pertaining to the practice at all times.

AUTH: 37-1-131, 37-22-201, 37-35-103, 37-35-202, [House Bill 137 (2023), Section 4], MCA,

IMP: ~~37-1-131, 37-22-301, 37-22-307, 37-22-308, 37-23-202, 37-35-103, 37-35-202, 37-37-201, 37-38-202, [House Bill 137 (2023), Sections 5, 9 through 14],~~ MCA

24.219.431 ANNUAL CANDIDATE REGISTRATION – LCSW, LMSW, LBSW, LCPC, LMFT, AND LAC CANDIDATES (1) LCSW, LCPC, and LMFT candidates shall:

(a) register annually ~~by no later than December 31;~~ and
(b) only be allowed to register annually five times unless approved by the board 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, ~~and~~ LBSW, ~~and~~ LAC candidates shall:

(a) register annually ~~by no later than December 31;~~ and
(b) only be allowed to register annually three times unless approved by the board 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) LAC candidates shall:

(a) register annually ~~by no later than June 30;~~ and
(b) only be allowed to register annually three times unless approved by the board 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.

(4) remains the same but is renumbered (3).

AUTH: ~~37-1-131, 37-22-201, 37-35-103, 37-35-202, [House Bill 137 (2023), Section 4],~~ MCA,

IMP: ~~37-1-131, 37-22-313, 37-23-213, 37-35-202, 37-37-205, [House Bill 137 (2023), Section 9],~~ MCA

REASON: The board is removing the requirement that the board review every request to extend a candidacy to allow for renewals in between board meetings, as the board has approved nearly every request that has come before it. Staff will bring extension requests to the board if staff is unable to determine whether a request should be granted. Further, the board is combining similar provisions within the rule to eliminate redundancy.

24.219.435 CONTINUING EDUCATION REQUIREMENTS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, and CBHPSS (1) and (2) remain the same.

(3) Licensees holding more than one type of license must ~~obtain the requisite 20 hours of CE for each license~~ 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 three years thereafter; and

(b) through (8) remain the same.

~~(9) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.~~

(10) remains the same but is renumbered (9).

~~(11)~~ (10) A licensee may request an exemption from CE requirements due to hardship. Requests will be considered by the ~~board~~ department.

AUTH: 37-1-131, 37-1-319, ~~37-22-201, 37-35-103, 37-38-202~~, [HB 137 (2023) Section 3], MCA

IMP: 37-1-131, 37-1-306, 37-1-319, 37-1-321, ~~37-22-201, 37-35-103, 37-38-202~~, [HB 137 (2023) Section 3], MCA

REASON: The board is striking (9) and adopting NEW RULE III to align with standard department policy on administrative suspensions. Further, the board is removing the requirement that the board consider every hardship exemption in favor of allowing staff to process exemptions. The board will still review exemption requests that staff is unable to determine whether a hardship exists. Finally, the board is updating the continuing education requirement for suicide education after determining it was not necessary for every renewal cycle.

24.219.501 LCSW, LMSW, AND LBSW LICENSE EDUCATION

~~REQUIREMENTS—ORIGINAL APPLICANTS~~ (1) Applicants for LCSW, LMSW, and LBSW licensure ~~not currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department. Completed applications include appropriate fees and required documentation~~ must have a degree from a program accredited by the Council on Social Work Education.

~~(2) Applicants for LCSW licensure must meet the following requirements:~~

~~(a) have a degree that meets the requirements in 37-22-301, MCA, which include:~~

~~(i) a program accredited by the Council on Social Work Education (CSWE);~~
or

~~(ii) a program currently in CSWE candidacy status;~~

~~(b) have completed supervised post-degree work that meets the requirements in 37-22-301, MCA, and ARM 24.219.504;~~

~~(c) have passed an examination as described in ARM 24.219.502 within four years of the date of application;~~

~~(d) have completed a Federal Bureau of Investigation fingerprint background check per 37-22-301, MCA, within six months of the application date; and~~

~~(e) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.~~

~~(3) Applicants for LMSW licensure must meet the following requirements:~~

~~(a) have a degree that meets the requirements in 37-22-308, MCA;~~

~~(b) have completed supervised post-degree work that meets the requirements in 37-22-308, MCA, and ARM 24.219.504;~~

- ~~(c) have passed an examination as described in ARM 24.219.502 within four years of the date of application;~~
- ~~(d) have completed a Federal Bureau of Investigation fingerprint background check per 37-22-308, MCA, within six months of the application date; and~~
- ~~(e) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.~~
- ~~(4) Applicants for LBSW licensure must meet the following requirements:~~
 - ~~(a) have a degree that meets the requirements in 37-22-307, MCA;~~
 - ~~(b) have completed supervised post-degree work that meets the requirements in 37-22-307, MCA, and ARM 24.219.504;~~
 - ~~(c) have passed an examination as described in ARM 24.219.502 within four years of the date of application;~~
 - ~~(d) have completed a Federal Bureau of Investigation fingerprint background check per 37-22-308, MCA, within six months of the application date; and~~
 - ~~(e) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.~~
- ~~(5) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees.~~

AUTH: ~~37-1-131, 37-22-201, 37-22-307, 37-22-308, [HB 137 (2023) Section 3], MCA~~

IMP: ~~37-1-131, 37-22-301, 37-22-307, 37-22-308, [HB 137 (2023) Section 10], MCA~~

REASON: The board is combining application rules into NEW RULE I to allow for ease of understanding. The accreditation standard for a social work degree remains in this rule as specific to this profession. Other requirements have been transferred to NEW RULE I.

24.219.504 LCSW, LMSW, AND LBSW SUPERVISED WORK

EXPERIENCE REQUIREMENTS (1) ~~Applicants applying under ARM 24.219.501 for an LCSW license must meet the supervised work experience requirements in 37-22-301, MCA, and as defined in ARM 24.219.301. LCSW supervised work experience hours obtained post-degree must include 3000 total hours. As a part of the total supervised work experience requirements, at least 100 hours must include individual or group supervision by a qualified supervisor under ARM 24.219.421.~~

~~(a) and (b) remain the same.~~

~~(2) Applicants applying under ARM 24.219.501 for an LMSW or LBSW license must meet the supervised work experience requirements as described in ARM 24.219.301 and this rule. LBSW applicants must complete a minimum of 500 total hours of supervised work experience over a period of no less than 18 months.~~

~~(a) Applicants must complete a minimum of 2000 total hours of supervised work experience over a period of no less than 18 months.~~

~~(b) Of those 2000 500 hours:~~

~~(i) (a) at least 400 50 hours must include individual or group supervision by a qualified supervisor under ARM 24.219.421; and~~

(ii) (b) of the ~~400~~ 50 hours in (i) (a), at least ~~25~~ 10 hours must be with the client populations that will be served by the ~~LMSW~~ or LBSW candidate (see (5) for examples of client populations).

(3) LMSW applicants must complete a minimum of 1500 total hours of 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 must be with the client populations that will be served by the LMSW candidate (see (5) for examples of client populations).

~~(3) (4) Supervisors must provide at least two hours of supervision for LCSW, LMSW, and LBSW candidates for every 160 hours of social work as defined in 37-22-102, MCA.~~

~~(4) When an LCSW, LMSW, or LBSW candidate who applied under ARM 24.219.505 completes all the supervised work experience requirements in this rule, the candidate will qualify for the appropriate examination per ARM 24.219.502.~~

(5) and (6) remain the same.

AUTH: 37-1-131, ~~37-22-201~~, [HB 137 (2023) Section 3], MCA

IMP: 37-1-131, ~~37-22-301, 37-22-307, 37-22-308, 37-22-313~~, [House Bill 137, Sections 9 and 10], MCA

REASON: The board is removing redundant wording and provisions. The board is also lowering the number of supervised hours necessary for LMSWs and LBSWs after hearing concerns from stakeholders about difficulty in obtaining the requisite number of hours to become licensed.

24.219.601 LCPC LICENSE EDUCATION REQUIREMENTS — ORIGINAL APPLICANTS ~~(1) Applicants for LCPC licensure not currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department. Completed applications include appropriate fees and required documentation.~~

~~(2) (1) Applicants for a Montana single-state professional counseling license must have a degree that is primarily counseling in nature from:~~

~~(a) remains the same.~~

~~(b) an accredited institution and a program that is at least 60 semester credits or 90 quarter credits and includes the CACREP core competencies, and CACREP professional practice standards for fieldwork and academic quality.~~

~~(3) (2) In addition to the degree requirements in ~~(2)~~(1):~~

~~(a) and (b) remain the same.~~

~~(4) In addition to the degree requirements in (2) and (3), applicants must:~~

~~(a) have completed a supervised work experience that meets the requirements in 37-23-202, MCA, and ARM 24.219.604;~~

~~(b) have passed an examination as described in ARM 24.219.602 within four years of the date of the application;~~

~~(c) have completed a Federal Bureau of Investigation fingerprint background check per 37-23-202, MCA, within six months of the application date; and~~

~~(d) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.~~

~~(5) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees.~~

(3) Applicants for licensure through the Interstate Counseling Compact with Montana as home state must meet licensure requirements per [House Bill 777 (2023) Section 1].

AUTH: 37-1-131, ~~37-22-201~~, [HB 137 (2023) Section 3], MCA

IMP: 37-1-131, ~~37-23-202~~, [HB 137 (2023) Section 11], MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. Standard application requirements have been transferred into NEW RULE I, and requirements specific to LCPCs have been retained in this rule. The board is incorporating licensure by the Interstate Counseling Compact into this rule as well.

24.219.604 LCPC SUPERVISED WORK EXPERIENCE REQUIREMENTS

~~(1) Applicants applying under ARM 24.219.601 must meet the supervised work experience requirements in 37-23-202, MCA, and as defined in ARM 24.219.301.~~

~~(a) (1) Up to 1500 of the 3000 hours required in 37-23-202(1)(b), MCA [House Bill 137 (2023) Section 11 (2)(b)], 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.~~

~~(b) remains the same but is renumbered (2).~~

~~(2) (3) For all of the 3000 supervised work experience hours required under 37-23-202, MCA [House Bill 137 (2023) Section 11 (2)(b)], supervisors must provide at least one hour of face-to-face supervision and consultation for every 20 hours of professional counseling as defined in 37-23-102, MCA [House Bill 137 (2023) Section 2 (11)].~~

AUTH: 37-1-131, ~~37-22-201~~, [House Bill 137 (2023) Section 3], MCA

IMP: 37-1-131, ~~37-23-202~~, [House Bill 137 (2023) Sections 9 and 11], MCA

REASON: The board is removing redundant wording and provisions and updating statutory references.

24.219.701 LMFT EDUCATION LICENSE REQUIREMENTS — ORIGINAL APPLICANTS ~~(1) Applicants for LMFT licensure not currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department. Completed applications include appropriate fees and required documentation.~~

~~(2) (1) Applicants must have a degree that:~~

- (a) meets the requirements in ~~37-37-201, MCA;~~
- (b) and (c) remain the same but are renumbered (a) and (b).
- (3) ~~In addition to the requirements in (2), applicants must:~~
 - (a) ~~have completed supervised work experience that meets the requirements in 37-37-201, MCA, and ARM 24.219.704;~~
 - (b) ~~have passed an examination as described in ARM 24.219.702 within four years of the date of application;~~
 - (c) ~~have completed a Federal Bureau of Investigation fingerprint background check per 37-37-201, MCA, within six months of the application date; and~~
 - (d) ~~provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.~~
- (4) ~~Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees.~~

AUTH: 37-1-131, ~~37-22-201,~~ [House Bill 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-37-201,~~ [House Bill 137 (2023) Section 13], MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. Standard application requirements have been transferred into NEW RULE I, and requirements specific to LMFTs have been retained in this rule.

24.219.704 LMFT SUPERVISED WORK EXPERIENCE REQUIREMENTS

- (1) ~~Applicants applying under ARM 24.219.701 must meet the supervised work experience requirements in 37-37-201, MCA, and as defined in ARM 24.219.301.~~
- (2) (1) ~~As a part of the requirements in (1), the Supervised work experience hours obtained post-degree must include:~~
 - (a) 100 individual hours, using a ~~5:4~~ 20:1 ratio of client contact hours to supervision hours of which at least 75 percent are in individual supervision;
 - (b) remains the same.
 - (c) a minimum of 1000 post-degree hours of client contact accumulated within the last five years with a minimum of 50 percent of those hours providing services to couples and families. There must be a ~~5:4~~ 20:1 ratio of client contact hours to supervision hours with:
 - (i) and (ii) remain the same.
 - (3) remains the same but is renumbered (2).

AUTH: 37-1-131, ~~37-22-201,~~ [House Bill 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-37-201,~~ [House Bill 137 (2023) Sections 9 and 13], MCA

REASON: The board is removing redundant wording and provisions and updating statutory references. The board is also reducing the ratio of hours practiced to supervision after discussion that the ratio for LMFTs was much higher than other professions and would be a barrier to licensure.

24.219.907 CBHPSS LICENSE REQUIREMENTS – ORIGINAL

~~APPLICANTS (1) Applicants for CBHPSS certification not currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department. Completed applications include appropriate fees and required documentation.~~

~~(2) Applicants must meet the following requirements:~~

~~(a) proof of completion of a training course with examination as described in ARM 24.219.912;~~

~~(b) have a supervisor that meets the requirements in ARM 24.219.421;~~

~~(c) attestation of having been diagnosed with and having received treatment for a behavioral health disorder as per 37-38-202, MCA;~~

~~(d) attestation to being in recovery per 37-38-202, MCA, and ARM 24.219.301;~~

~~(e) have completed a Federal Bureau of Investigation fingerprint background check per 37-38-202, MCA, within six months of the application date; and~~

~~(f) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.~~

~~(3) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees.~~

(1) CBHPSS 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.

AUTH: 37-1-131, ~~37-38-202~~, [House Bill 137 (2023) Section 3], MCA

IMP: 37-1-131, ~~37-38-202~~, [House Bill 137 (2023) Section 14], MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. Standard application requirements have been transferred into NEW RULE I, and requirements specific to CBHPSS have been retained in this rule.

24.219.912 CBHPSS TRAINING COURSE AND EXAMINATIONS

(1) remains the same.

AUTH: 37-1-131, ~~37-38-202~~, [House Bill 137 (2023) Section 3], MCA

IMP: 37-1-131, ~~37-38-202~~, [House Bill 137 (2023) Section 14], MCA

General Reason Statement for ARM 24.219.1001 through 24.219.1038: House Bill 137 added LMFTs to the list of licensees who may perform psychological testing. The board is therefore amending its testing rules to include LMFTs and to update terminology to the more general "licensees" instead of listing the professions. The board is also removing unnecessary and duplicative rules that restate the standards of practice articulated elsewhere in rule or statute.

24.219.1001 GENERAL USE OF ASSESSMENT AND TESTING

INSTRUMENTS (1) The primary purpose of educational and psychological assessment is to provide measures that are objective and interpretable in either comparative or absolute terms. ~~Counselors and social workers~~ Licensees shall interpret the statements in this rule as applying to the whole range of appraisal techniques, including test and nontest data.

(2) ~~Counselors and social workers~~ Licensees shall promote the welfare and best interests of the client in the development, publication, and utilization of educational and psychological assessment results and interpretations, and take reasonable steps to prevent others from misusing the information these techniques provide. They shall respect the clients' rights to know the results of the interpretations made and the basis for their conclusions and recommendations.

AUTH: 37-17-104, MCA

IMP: 37-17-104, MCA

24.219.1002 LICENSEES AUTHORIZED TO PERFORM PSYCHOLOGICAL

ASSESSMENTS (1) Psychological assessments may be performed by the following individuals:

(a) ~~a licensed clinical professional counselor or licensed clinical social worker~~ an LCSW, LCPC, or LMFT who satisfies the requirements in ARM 24.219.1003(1), (3), (4), or (5);

(b) ~~a licensed clinical professional counselor or a licensed clinical social worker~~ an LCSW, LCPC, or LMFT who satisfies the requirements in ARM 24.219.1003(1) and who is acting under the supervision of another licensee of the board specified in (1)(a);

(c) remains the same.

(d) ~~a licensed clinical professional counselor or a licensed clinical social worker~~ an LCSW, LCPC, or LMFT who satisfies the requirements in ARM 24.219.1003(1) and who is acting under the supervision of a licensed psychologist.

AUTH: 37-17-104, MCA

IMP: 37-17-104, MCA

24.219.1003 EDUCATIONAL REQUIREMENTS FOR PERFORMING

PSYCHOLOGICAL ASSESSMENTS WITHOUT SUPERVISION (1) Except as provided in (3), (4), and (5), ~~a licensed clinical professional counselor or licensed clinical social worker~~ an LCSW, LCPC, or LMFT may engage in psychological assessments without supervision only if the licensee has completed and can document to the board, if requested, the following information demonstrating generic and specific qualifications to perform psychological assessments:

(a) through (2) remain the same.

(3) A credentialing level designated and approved by statute for psychological assessments meets the requirements as set out in (1). ~~For example, 46-18-111, MCA, authorizes members of the Montana sex offender treatment association to perform psychosexual evaluations.~~

(4) ~~A licensed clinical professional counselor or licensed clinical social worker~~

licensee whose education was not from a regionally accredited program must obtain board approval before conducting psychological assessments. The licensee must demonstrate their education is substantially equivalent to the content set out in (1).

(5) A ~~licensed clinical professional counselor or licensed clinical social worker~~ licensee is qualified to perform psychological assessments and is not required to demonstrate that the licensee has met the qualifications set forth in (1) if the licensee performed psychological assessments prior to December 25, 2015.

AUTH: 37-17-104, MCA

IMP: 37-17-104, MCA

24.219.1005 COMPETENCE TO USE AND INTERPRET ASSESSMENT AND TESTING INSTRUMENTS (1) ~~Counselors and social workers~~ Licensees shall recognize the limits of their competence and perform only those testing and assessment services for which they have been trained. They shall be familiar with reliability, validity, related standardization, error of measurement, and proper application of any technique utilized.

(2) ~~Counselors and social workers~~ Licensees using computer-based test interpretations shall be trained in the construct being measured and the specific instrument being used, prior to using this type of computer application.

(3) ~~Counselors and social workers~~ Licensees shall take reasonable measures to ensure the proper use of psychological assessment techniques by persons under their supervision.

(4) ~~Counselors and social workers~~ Licensees are responsible for the appropriate selection, application, scoring, interpretation, and use of assessment instruments whether they score and interpret such tests themselves or use computerized or other services.

(5) ~~Counselors and social workers~~ Licensees responsible for decisions involving individuals or policies that are based on assessment results shall have a thorough understanding of educational and psychological measurement, including validation criteria, test research, and guidelines for test development and use.

(6) ~~Counselors and social workers~~ Licensees shall provide accurate information and shall not make false claims when making statements about assessment instruments or techniques.

(7) ~~Counselors and social workers~~ Licensees shall seek to identify and correct client misconceptions about assessment instruments or techniques and about the meaning of scores, charts, or graphs given to them as an assessment product. Special efforts shall be made to avoid unwarranted connotations of such terms as "IQ" and grade equivalent scores.

AUTH: 37-17-104, MCA

IMP: 37-17-104, MCA

24.219.1011 INFORMED CONSENT IN THE USE OF ASSESSMENT AND TESTING INSTRUMENTS (1) Prior to assessment, ~~counselors and social workers~~ licensees shall explain the nature and purposes of assessment and the specific use of results in language the client (or other legally authorized person on behalf of the

client) can understand, unless an explicit exception to this right has been agreed upon in advance. Regardless of whether scoring and interpretation are completed by ~~counselors and social workers licensees~~, by assistants, or by computer or other outside services, ~~counselors and social workers licensees~~ shall take reasonable steps to ensure that appropriate explanations are given to the client.

(2) The examinee's welfare, explicit understanding, and prior agreement shall determine the recipients of test results. ~~Counselors and social workers Licensees~~ shall include accurate and appropriate interpretations with any release of individual or group test results.

AUTH: 37-17-104, MCA
IMP: 37-17-104, MCA

24.219.1201 ORIENTING GUIDELINES (1) through (3) remain the same.

AUTH: 37-1-131, ~~37-22-201~~, [HB 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-22-102, 37-22-201, 37-23-102~~, [HB 137 (2023) Section 3], MCA

24.219.1205 ROLE OF THE LICENSEE (1) remains the same.

AUTH: 37-1-131, ~~37-22-201~~, [HB 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-22-102, 37-22-201, 37-23-102~~, [HB 137 (2023) Section 3], MCA

24.219.1211 LIMITS OF CONFIDENTIALITY (1) through (8) remain the same.

AUTH: 37-1-131, ~~37-22-201~~, [HB 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-22-102, 37-22-201, 37-23-102~~, [HB 137 (2023) Section 3], MCA

24.219.1213 DISCLOSURE AND INFORMED CONSENT (1) and (2) remain the same.

AUTH: 37-1-131, ~~37-22-201~~, [HB 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-22-102, 37-22-201, 37-23-102~~, [HB 137 (2023) Section 3], MCA

24.219.1217 DOCUMENTATION (1) through (10) remain the same.

AUTH: 37-1-131, ~~37-22-201~~, [HB 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-22-102, 37-22-201, 37-23-102~~, [HB 137 (2023) Section 3], MCA

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

LCPC, LMFT, AND LAC CANDIDATES (1) Any violation of this rule constitutes unprofessional conduct. 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;

(a) and (b) remain the same but are renumbered (b) and (c).

~~(c) misrepresent or permit the misrepresentation of the licensee's professional qualifications, affiliations, or purposes;~~

~~(d) perform or hold the licensee out as able to perform professional services beyond the licensee's field or fields of competence as established by the licensee's education, training, and/or experience;~~

~~(e) misrepresent the type or status of license held by the licensee;~~

~~(f) fail to indicate licensure candidate status in professional communications and documentation;~~

~~(g) engage in any advertising which is in any way fraudulent, false, deceptive, or misleading;~~

~~(h) commit fraud or misrepresent services performed;~~

(i) and (j) remain the same but are renumbered (d) and (e).

~~(k) provide professional services while under the influence of alcohol or other mind-altering or mood-altering drugs which impair delivery of services;~~

~~(l) discriminate in the provision of services on the basis of race, creed, religion, color, sex, physical or mental disability, marital status, age, or national origin;~~

(f) engage in conduct in the profession or occupation found to be a violation of the Montana Human Rights Act, Title 49, MCA;

(m) through (p) remain the same but are renumbered (g) through (j).

~~(q) (k) violate federal or state law regulating the possession, distribution, or use of a controlled substance, as defined by Title 50, chapter 32, MCA; or~~

~~(r) (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) practicing independently as an LMSW or LBSW.

(3) and (4) remain the same.

AUTH: 37-1-131, 37-1-136, 37-1-139, 37-1-319, 37-22-201, 37-35-103, [HB 137 (2023) Section 3], MCA

IMP: 37-1-131, 37-1-136, 37-1-139, 37-1-316, 37-1-319, 37-22-201, 37-35-103, 37-38-106, [HB 137 (2023) Section 3], MCA

REASON: The board is repealing (2)(c) through (k) as duplicative of 37-1-316, MCA. The board is amending (2)(l) to account for the Montana Human Rights Act

as the sole remedy available for persons discriminated against, and is adding (2)(m) through (o) to address provisions elsewhere in rule that are proposed for repeal. The board is adding (2)(a) at the request of department staff for standardization amongst boards and to facilitate the prosecution of complaints.

24.219.5006 LAC LICENSE REQUIREMENTS – ORIGINAL APPLICANTS
EDUCATION REQUIREMENTS (1) ~~Applicants for LAG licensure not currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department. Completed applications include appropriate fees and required documentation.~~

~~(2) (1) Applicants must meet the following education requirements:~~

~~(a) have a degree or certificate that meets the requirements in 37-35-202, MCA; and~~

~~(b) have completed 330 a minimum of 270 contact hours of training in addiction studies completed either in whole or in part of the degree or certificate in (a) [House Bill 137 (2023) Section 12]. If not all 330 285 required hours were completed as part of the degree, then the applicant can complete those outside of the degree or certificate. The 330 270 hours must be in the following areas:~~

~~(i) (a) minimum of 60 hours in chemical dependency addiction assessment and patient placement (must include chemical dependency assessment, biopsychosocial testing, diagnosis, referrals, and patient placement);~~

~~(ii) (b) minimum of 90 hours in addiction counseling;~~

~~(iii) (c) minimum of 30 15 hours in pharmacology (must include drug classification, effects, detoxification, and withdrawal);~~

~~(iv) (d) minimum of 10 15 hours in ethics for counselors;~~

~~(v) (e) minimum of 30 hours in alcohol and drug studies;~~

~~(vi) (f) minimum of 30 hours in addiction treatment planning and documentation;~~

~~(vii) (g) minimum of 20 15 hours in multicultural competency which includes (knowledge of and sensitivity to the cultural factors and needs of diverse populations and demonstrates competency in applying culturally relevant skills);~~

~~(viii) (h) minimum of 30 15 hours in co-occurring disorders; and~~

~~(ix) (i) minimum of 30 15 hours in gambling/gaming disorder assessment and counseling.~~

~~(3) In addition to the requirements in (1) and (2), applicants must:~~

~~(a) have completed a supervised work experience that meets the requirements in ARM 24.219.5008;~~

~~(b) have passed an examination as described in ARM 24.219.5020 within four years of the date of the application;~~

~~(c) have completed a Federal Bureau of Investigation fingerprint background check per 37-35-202, MCA, within six months of the application date; and~~

~~(d) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.~~

~~(4) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees.~~

AUTH: 37-1-131, ~~37-35-103~~, ~~37-35-202~~, [HB 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-35-103~~, ~~37-35-202~~, [HB 137 (2023) Section 12], MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. Standard application requirements have been transferred into NEW RULE I, and requirements specific to LACs have been retained in this rule.

The board is updating the hours of addiction specific education after requests from stakeholders and licensees that the requirement is unduly burdensome on licensees and applicants seeking licensure. After considerable discussion, the board is lowering the number of education hours and does not believe the lowered requirement will affect licensee competence or public safety, as the changes standardize the requirements with national licensing trends and are consistent with National Addiction Studies Accreditation Commission (NASAC) standards for addiction studies which are utilized by educational institutions.

24.219.5008 LAC SUPERVISED WORK EXPERIENCE REQUIREMENTS

(1) ~~Applicants applying under ARM 24.219.5006 must meet the supervised work experience requirement which includes:~~ Supervised work experience hours obtained post-degree or certification must include:

(a) and (b) remain the same.

(2) As part of the required hours in (1) at least 500 hours must be in the following skill areas ~~under face-to-face supervision by the supervisor:~~

(a) through (3) remain the same.

(4) ~~When an LAC candidate completes the requirements of (1) and (2) of this rule, the candidate will qualify for the examination per ARM 24.219.5020.~~

Supervision must occur in a 20:1 ratio of client contact hours to supervision, and must include group supervision, individual supervision, and 10 hours of direct observation.

AUTH: 37-1-131, ~~37-35-103~~, ~~37-35-202~~, [HB 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-35-103~~, ~~37-35-202~~, [HB 137 (2023) Section 12], MCA

REASON: The board is removing redundant wording and provisions and updating statutory references. The board is adding the ratio in (4) to be consistent with the other supervision requirements under this board.

24.219.5010 QUALIFIED TREATMENT PROGRAM (1) remains the same.

(2) Qualified treatment programs for supervised work experience are:

(a) and (b) remain the same.

(c) Indian Health Service (IHS)-approved settings or IHS, Tribal and Urban (ITU) settings;

(d) through (4) remain the same.

AUTH: 37-1-131, ~~37-35-103~~, ~~37-35-202~~, [HB 137 (2023) Section 3], MCA
IMP: 37-1-131, ~~37-35-103~~, ~~37-35-202~~, [HB 137 (2023) Section 12], MCA

REASON: The board is including ITU as that term is commonly used in addiction counseling.

4. The proposed new rules are as follows:

NEW RULE I 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 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 [HB 499/HB 137 Section 10] 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.

AUTH: 37-1-131, [House Bill 137 (2023), Section 3], MCA

IMP: 37-1-131, [House Bill 137 (2023), Section 5], [House Bill 137 (2023), Section 9], [House Bill 137 (2023), Section 10], [House Bill 137 (2023), Section 11], [House Bill 137 (2023), Section 12], [House Bill 137 (2023), Section 13], [House Bill 137 (2023), Section 14], MCA

REASON: The board is combining all application rules into a single rule for standardization purposes.

NEW RULE II 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.
- (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.

AUTH: 37-1-131, [House Bill 137 (2023), Section 3], MCA

IMP: 37-1-131, [House Bill 137 (2023), Section 5], [House Bill 137 (2023), Section 9], [House Bill 137 (2023), Section 10], [House Bill 137 (2023), Section 11], [House Bill 137 (2023), Section 12], [House Bill 137 (2023), Section 13], MCA

REASON: The board is combining all examination requirements into a single rule for standardization purposes. In addition, the board is adding the Northwest Certification III as an acceptable examination for LACs, as the examination has been approved by the board but not previously added to the rule.

NEW RULE III ADMINISTRATIVE SUSPENSION (1) The board authorizes the department to:

(a) administratively suspend licenses for deficiencies set forth in 37-1-321(1)(a) through (e), MCA; or

(b) file a complaint pertaining to the deficiencies in (1) that are based on repeated or egregious conduct, or that have co-occurring misconduct allegations that directly implicate public safety and may warrant formal disciplinary action.

(2) An administrative suspension is not a negative, adverse, or disciplinary action under Title 37, MCA, and is not reportable under federal law and regulations implementing the Healthcare Practitioner Databank or the department's licensee lookup and license verification databank.

AUTH: 37-1-131, MCA

IMP: 37-1-321, MCA

REASON: Section 37-1-321, MCA, permits the board to authorize the department to take certain non-disciplinary actions regarding licensees who are out of compliance with administrative licensure requirements such as not meeting continuing education requirements, failing to respond to continuing education audits, not paying required fees, not meeting initial licensing requirements, and noncompliance with board final orders. The board authorized the department to take these actions previously by motion. Reasonable necessity exists to adopt this rule to formally, publicly, and accessibly reiterate that authorization, so the public and licensees are aware of the authorization.

5. The rules proposed to be repealed are as follows:

24.219.415 MILITARY TRAINING OR EXPERIENCE

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: Reasonable necessity exists to repeal this rule, effective October 1, 2023 at the earliest, due to House Bill 583 (2023). That legislation amends 37-1-145, MCA, and eliminates the requirement for adoption by the board of a specific military training rule, setting forth specific obligations for the board to accept military experience for granting licensure. As such, the need for this rule is obsolete.

24.219.423 CHANGE OF SUPERVISOR

AUTH: 37-1-131, 37-22-201, 37-35-103, 37-35-202, MCA

IMP: 37-1-131, 37-22-301, 37-22-307, 37-22-308, 37-23-202, 37-35-103, 37-35-202, 37-37-201, 37-38-202, MCA

REASON: The board is combining ARM 24.219.422 and 24.219.423 for easier understanding by applicants, supervisors, and the general public. The board is further updating department duties by indicating the department may request records.

24.219.502 EXAMINATION – LCSW, LMSW, and LBSW

AUTH: 37-1-131, 37-22-201, 37-22-307, 37-22-308, MCA

IMP: 37-1-131, 37-22-301, 37-22-307, 37-22-308, MCA

REASON: The board is combining all examination requirements into a single rule for standardization purposes. The requirements for this rule have been transferred to NEW RULE II.

24.219.505 LCSW, LMSW, AND LBSW CANDIDATE LICENSE REQUIREMENTS

AUTH: 37-1-131, 37-22-201, 37-22-307, 37-22-308, MCA
IMP: 37-1-131, 37-22-307, 37-22-308, 37-22-313, MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. Requirements from this rule have been transferred to NEW RULE I. Requirements that duplicate statute have been repealed.

24.219.508 INDEPENDENT PRACTICE – LCSW, LMSW, AND LBSW

AUTH: 37-1-131, 37-22-201, 37-22-301, 37-22-307, 37-22-308, MCA
IMP: 37-1-131, 37-22-201, 37-22-301, 37-22-307, 37-22-308, MCA

REASON: The board is moving the prohibition on LBSW and LMSW to practice independently to ARM 24.219.2301.

24.219.512 LCSW, LMSW, AND LBSW LICENSE REQUIREMENTS – OUT-OF-STATE APPLICANTS

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-1-304, 37-22-301, 37-22-307, 37-22-308, MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. Requirements from this rule have been transferred to NEW RULE I.

24.219.602 EXAMINATION – LCPC

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-23-202, MCA

REASON: The board is combining all examination requirements into a single rule for standardization purposes. The requirements from this rule have been transferred to NEW RULE II.

24.219.605 LCPC CANDIDATE LICENSE REQUIREMENTS

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-23-213, MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. The requirements from this rule have been transferred to NEW RULE I.

24.219.608 ADDITIONAL EDUCATION REPORTING – LCPC

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-23-202, MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. The requirements from this rule have been transferred to NEW RULE I.

24.219.612 LCPC LICENSE REQUIREMENTS – OUT-OF-STATE APPLICANTS

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-1-304, 37-23-202, MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. The requirements from this rule have been transferred to NEW RULE I.

24.219.702 EXAMINATION – LMFT

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-37-201, MCA

REASON: The board is combining all examination rules into a single rule for standardization purposes. The requirements from this rule have been transferred to NEW RULE II.

24.219.705 LMFT CANDIDATE LICENSE REQUIREMENTS

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-37-205, MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. The requirements from this rule have been transferred to NEW RULE I.

24.219.706 MARRIAGE AND FAMILY THERAPIST LICENSURE CANDIDATE REQUIREMENTS

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-37-205, MCA

REASON: The board is repealing this rule as duplicative of ARM 24.219.422.

24.219.712 LMFT LICENSES – OUT-OF-STATE APPLICANTS

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-1-304, 37-37-201, MCA

REASON: The board is combining application rules into a single rule for standardization purposes. The requirements from this rule have been transferred to NEW RULE I.

24.219.923 CBHPSS CERTIFICATION REQUIREMENTS – OUT-OF-STATE APPLICANTS

AUTH: 37-1-131, 37-38-202, MCA

IMP: 37-1-131, 37-1-304, 37-38-202, MCA

REASON: The board is combining all application rules into a single rule for standardization purposes. The requirements from this rule have been transferred to NEW RULE I.

24.219.1004 LICENSEES QUALIFIED TO SUPERVISE PSYCHOLOGICAL ASSESSMENTS

AUTH: 37-17-104, MCA

IMP: 37-17-104, MCA

REASON: The board is repealing this rule as unnecessary duplication of ARM 24.219.1002.

24.219.1014 RELEASE OF INFORMATION TO COMPETENT PROFESSIONALS OF ASSESSMENT AND TESTING INSTRUMENT RESULTS

AUTH: 37-17-104, MCA

IMP: 37-17-104, MCA

REASON: The board is repealing this rule as it restates a basic standard of practice applicable to all licensees of the board, not just those performing psychological assessments.

24.219.1017 PROPER DIAGNOSIS OF MENTAL DISORDERS WITH THE USE OF ASSESSMENT AND TESTING INSTRUMENTS

AUTH: 37-17-104, MCA

IMP: 37-17-104, MCA

REASON: The board is repealing this rule as it restates a basic standard of practice applicable to all licensees of the board, not just those performing psychological assessments.

24.219.1020 TEST SELECTION IN THE USE AND INTERPRETATION OF ASSESSMENT AND TESTING INSTRUMENTS

AUTH: 37-17-104, MCA
IMP: 37-17-104, MCA

REASON: The board is repealing this rule as it restates basic standards of practice applicable to all licensees of the board, not just those performing psychological assessments.

24.219.1023 CONDITIONS OF TEST ADMINISTRATION WHEN USING ASSESSMENT AND TESTING INSTRUMENTS

AUTH: 37-17-104, MCA
IMP: 37-17-104, MCA

REASON: The board is repealing this rule as it restates basic standards of practice applicable to all licensees of the board, not just those performing psychological assessments.

24.219.1026 DIVERSITY WHEN USING ASSESSMENT AND TESTING INSTRUMENTS

AUTH: 37-17-104, MCA
IMP: 37-17-104, MCA

REASON: The board is repealing this rule as it restates a basic standard of practice applicable to all licensees of the board, not just those performing psychological assessments.

24.219.1029 TEST SCORING AND INTERPRETATION WHEN USING ASSESSMENT AND TESTING INSTRUMENTS

AUTH: 37-17-104, MCA
IMP: 37-17-104, MCA

REASON: The board is repealing this rule as it restates basic standards of practice applicable to all licensees of the board, not just those performing psychological assessments.

24.219.1032 TEST SECURITY WHEN USING ASSESSMENT AND TESTING INSTRUMENTS

AUTH: 37-17-104, MCA
IMP: 37-17-104, MCA

REASON: The board is repealing this rule as it restates a basic standard of practice applicable to all licensees of the board, not just those performing psychological assessments.

24.219.1035 OBSOLETE TESTS AND OUTDATED TEST RESULTS WHEN USING ASSESSMENT AND TESTING INSTRUMENTS

AUTH: 37-17-104, MCA
IMP: 37-17-104, MCA

REASON: The board is repealing this rule as it restates a basic standard of practice applicable to all licensees of the board, not just those performing psychological assessments.

24.219.1038 TEST CONSTRUCTION FOR ASSESSMENT AND TESTING INSTRUMENTS

AUTH: 37-17-104, MCA
IMP: 37-17-104, MCA

REASON: The board is repealing this rule as it restates a basic standard of practice applicable to all licensees of the board, not just those performing psychological assessments.

24.219.1209 COMPETENCY

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA

REASON: The board is repealing this rule as it restates a basic standard of practice applicable to all licensees of the board, not just those performing parenting plan evaluations.

24.219.1215 COLLECTION AND USE OF DATA

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA

REASON: The board is repealing this rule as it restates basic standards of practice applicable to all licensees of the board, not just those performing parenting plan evaluations.

24.219.2404 SCREENING PANEL

AUTH: 37-22-201, MCA
IMP: 37-1-307, MCA

REASON: The makeup of the board's screening panel and the chair's authority to appointment members is unnecessary to have in rule.

24.219.5005 GAMBLING DISORDER EDUCATION REQUIREMENT FOR CURRENT LAC LICENSEES

AUTH: 37-1-131, 37-35-103, MCA
IMP: 37-1-321, 37-35-103, MCA

REASON: The board is repealing this rule as unnecessary. When the rule was adopted in 2016, gambling education was a new requirement for existing licensees at that time. Existing licensees had until August of 2017 to receive the necessary education or risk their licenses being suspended. The board believes the need for the rule has passed, and is therefore repealing the rule.

24.219.5007 LAC LICENSE REQUIREMENTS – OUT-OF-STATE APPLICANTS

AUTH: 37-1-131, 37-35-103, 37-35-202, MCA
IMP: 37-1-131, 37-1-304, 37-35-103, 37-35-202, MCA

REASON: The board is moving all application rules into a single, streamlined rule for ease of application. The requirements contained in this rule have been transferred to NEW RULE I.

24.219.5013 LAC CANDIDATE LICENSE REQUIREMENTS

AUTH: 37-1-131, 37-35-103, 37-35-202, MCA
IMP: 37-1-131, 37-35-103, 37-35-202, MCA

REASON: The board is moving all application rules into a single rule for standardization purposes. Requirements from this rule have been transferred to NEW RULE I.

24.219.5020 EXAMINATION – LAC

AUTH: 37-1-131, 37-35-103, 37-35-202, MCA
IMP: 37-1-131, 37-35-103, 37-35-202, MCA

REASON: The board is moving all examination requirements into a single rule for standardization purposes. The requirements from this rule have been transferred to NEW RULE II.

6. 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 no later than 5:00 p.m., December 1, 2023.

7. An electronic copy of this notice of public hearing is available at dli.mt.gov/rules and sosmt.gov/ARM/register.

8. 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.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on October 4, 2023, by electronic mail.

10. Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

11. Department staff has been designated to preside over and conduct this hearing.

BOARD OF BEHAVIORAL HEALTH
LAURA DEVER, CHAIR

/s/ QUINLAN L. O'CONNOR
Quinlan L. O'Connor
Rule Reviewer

/s/ SARAH SWANSON
Sarah Swanson, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 24, 2023.