

BEFORE THE BOARD OF PSYCHOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
OF THE STATE OF MONTANA

In the matter of the amendment of)
ARM 24.189.401 fee schedule and) NOTICE OF PUBLIC HEARING ON
24.189.910 behavior analyst) PROPOSED AMENDMENT
experience and supervision)

TO: All Concerned Persons

1. On May 6, 2022, at 1:00 p.m., a public hearing will be held via remote conferencing to consider the proposed amendment of 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/89549850175>
Meeting ID: 895 4985 0175, Passcode: 208405
- OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656
Meeting ID: 895 4985 0175, Passcode: 208405

The hearing will begin with a brief introduction by department staff to explain the use of the videoconference and telephonic platform. All participants will be muted except when it is their time to speak.

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 Board of Psychologists (board) no later than 5:00 p.m., on April 29, 2022, to advise us of the nature of the accommodation that you need. Please contact Sharon Peterson, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; Montana Relay 711; facsimile (406) 841-2305; or e-mail dlibspsy@mt.gov (board's e-mail).

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

24.189.401 FEE SCHEDULE (1) The department will collect the following fees, none of which are refundable:

- (a) Psychologist application fee ~~\$175~~ 450
- (b) Psychologist active license renewal fee ~~600~~ 450
- (c) and (d) remain the same.
- (e) Behavior analyst application fee ~~600~~ 450
- (f) and (g) remain the same.
- (h) Behavior analyst active license renewal fee ~~600~~ 450
- (i) and (2) remain the same.

AUTH: 37-1-134, 37-17-202, 37-17-406, MCA

IMP: 37-1-134, 37-1-141, 37-17-302, 37-17-403, 37-17-406, MCA

REASON: Along with the elimination of the board's oral examination requirement a year ago, the board implemented the new psychologist by experience license on January 1, 2021, to replace the senior psychologist license. This has created a more efficient pathway for out-of-state psychologists to become licensed in Montana. These changes called for an analysis of the board's budget which showed a decrease in expenses and an increase in revenue that is projected to be sustained for at least the next five years. The board determined it is reasonably necessary to amend this rule and correct the inequitable renewal fees for psychologists and application and renewal fees for behavior analysts. The board estimates these changes will affect 331 licensees and applicants and result in a \$34,259 decrease in annual revenue.

24.189.910 BEHAVIOR ANALYST EXPERIENCE AND SUPERVISION

~~(1) Upon licensure application, behavior analyst applicants shall provide proof, together with the form prescribed by the department, reflecting 100 hours of supervised experience beyond those hours required by the BACB.~~

~~(2) Each behavior analyst applicant certified by the BACB on or before December 31, 2017, shall be granted one year in which to provide proof to the board demonstrating the applicant has met the experience requirements of this rule.~~

(3) through (13) remain the same but are renumbered (1) through (11).

AUTH: 37-17-406, MCA

IMP: 37-17-403, 37-17-405, 37-17-406, MCA

REASON: During an annual administrative rule review, the board identified the behavior analyst licensing requirement for supervised experience exceeds what is required in national standards. To streamline the licensing process and remove unnecessary licensure barriers, the board is amending this rule to strike the requirement from (1) and (2).

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile (406) 841-2305; or e-mail dlibspsy@mt.gov, and must be received no later than 5:00 p.m., May 13, 2022.

5. An electronic copy of this notice of public hearing is available at www.psy.mt.gov (department and board's website). Although the department strives to keep its websites accessible at all times, concerned persons should be aware that websites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a website do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons wishing to have their name added to the list shall make a written request that includes the name and e-mail or mailing address of the person to receive notices and specifies the intent to receive notices regarding all board administrative rulemaking proceedings or a particular subject matter. The request must indicate whether e-mail or standard mail is preferred and may be sent or delivered to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to (406) 841-2305; e-mailed to dlibspsy@mt.gov; or by completing a request form at any rules hearing held by the board.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.189.401 will significantly and directly impact small businesses and prepared a small business impact analysis regarding this amendment. The group of small businesses affected are psychologist and behavior analyst licensees in Montana. There are 331 licensees affected by this proposal. This amendment will result in an increase in the psychologist application fee of \$275, a reduction of the psychologist renewal fee by \$150, and a reduction of the behavior analyst application and renewal fee by \$150. The board conducted a budget analysis, and the result allows for the correction of inequitable psychologist and behavior analyst renewal fees, with an increase to the psychologist application fee. The board has no alternative methods that may be implemented at this time.

With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.189.910 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; facsimile (406) 841-2305; or to dlibspsy@mt.gov.

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

BOARD OF PSYCHOLOGISTS
DR. LORETTA BOLYARD, Ph.D., CHAIR

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 5, 2022.