



Date: December 23, 2019

To: All Licensees, Applicants, and Public Individuals Interested in Board of Behavioral Health Licensing Regulations

From: Lucy Richards, Executive Officer

RE: Changes to the Board Administrative Rules which Take Effect on 12/28/19

On 12/28/19 changes that the Board of Behavioral Health proposed to its administrative rules in October 2019 will take effect following the completion of the public comment process, board response to comments, and publication of the notice of adoption.

Even though the updated rules are effective on 12/28/19 the updated rule language will not appear on the official Secretary of State's website until February or March 2020 due to that agency's procedures. I have developed this FAQ so licensees, applicants, and the public have a reference they can use in the interim which highlights changes in requirements. **If you have questions on the new rules or anything else pertaining to the Board of Behavioral Health you should e-mail them to dlibsdbbh@mt.gov.**

Generally speaking, these amendments are for the rules that pertain to licensing requirements, candidate supervision, and recordkeeping for LCPC, LCSW, LMFT, LAC, CBHPSS, and LCPC, LCSW, LMFT, and LAC candidates.

General Summary: What Has Changed?

- Many of the amendments are to eliminate outdated and redundant language and reformat the existing requirements so the language flows and the licensing requirements are more easily understood by licensees, applicants, staff, and the public. In those cases the board was not changing the requirements themselves.
- Definitions applying to all license types have been consolidated into ARM 24.219.301. New definitions that have been added include "face-to-face" and "supervised work experience."
- Background checks which are required as part of the application process for all license types must have been completed within six months of the application date.
- All rules pertaining to supervisor qualifications for all license types have been consolidated (see Response 17).
- Going forward candidates and supervisors are both required to maintain records of supervised work experience. In the past only candidates were required to keep records. (see Response 17 for rule language).
- Going forward CBHPSS and supervisors are both required to maintain records of supervised work experience as described in New Rule I. In the past only CBHPSS were required to keep records. (see Response 17 for rule language).
- If there is a change in supervisor then going forward the CBHPSS, candidate, new supervisor, and/or person ceasing to supervise (if applicable) must all must notify the department staff of the change no later than 20 business days following the change in supervision (see Response 17 for rule language).
- Candidates will no longer submit all their supervision logs to the board. Instead, the candidate and supervisor will submit the one-page form, called *Evaluation of Supervised Experience form*, where each

party attests the experience requirements have been met. To ensure candidates are obtaining necessary supervision the board now can conduct a random compliance audit if supervision records annually for all actively licensed candidates.

- The International Certification and Reciprocity Consortium (IC&RC) Alcohol and Drug Counselor (ADC) Advanced Alcohol and Drug Counselor (AADC) exams are now an approved exam for LAC and LAC candidate applicants if those individuals have taken that exam in another jurisdiction prior to applying for licensure in Montana. The NCC AP level 1, NCC AP level 2, Northwest certification II, and Southwest certification II are all also still approved. Additionally, at a policy level the board has approved the NCC AP Master Addiction Counselor (MAC) exam.
- LCPC and LCPC candidate applicants are no longer required to submit letters of reference.
- LMFT and LMFT candidate applicants who have not graduated from CACREP or COAMFTE accredited programs are now required to have a master's consisting of 60 semester hours or 90 quarter hours with the specifics described in ARM 24.219.701 and 24.219.705. This replaces the lesser requirement of 48 semester credits and is in line with national standards.
- Under the previous rules LAC and LAC candidate applicants need 15 clock hours in ethics for addiction counselors and 10 clock hours in multicultural competency as part of the required 330 hours of addiction specific training required for licensure. Under the new rules applicants only need 10 hours in ethics and 20 hours in multicultural competency. The total is still 330 hours (see Response 15).

FAQ

Question 1:

When do the new rules take effect?

Response 1:

December 28, 2019

Question 2:

Where can I go to see a copy of the updated rule language?

Response 2:

The official rule language can normally be found on the Secretary of State's (SOS) website. However, the SOS only posts updates to the online rules on a quarterly basis. This new language will likely not be posted until February or March 2020. In the meantime you can reference the board's proposal notice, adoption notice, this FAQ, or e-mail department staff at dlibsdbbh@mt.gov if you have a specific question about these rules and/or any licensing requirements in general.

Question 3:

I am interested in applying for a license. What are the licensing requirements and how have they changed?

Response 3:

Each license type under this board has a licensing requirements and application checklist that summarizes the licensing requirements and lists that specific documents that applicants need to submit as part of the application. Those checklists have been updated. Click on the below links to access a particular checklist.

The revision date in the document footer of the checklist should be 12/28/19. If you see a different date you should delete your cookies and cached browsing history, close out of your browser, and try again.

- [Licensed Clinical Professional Counselor Application Checklist](#)
- [Licensed Clinical Professional Counselor Candidate Application Checklist](#)
- [Licensed Clinical Social Worker Application Checklist](#)
- [Licensed Clinical Social Worker Candidate Application Checklist](#)
- [Licensed Addiction Counselor Application Checklist](#)
- [Licensed Addiction Counselor Candidate Application Checklist](#)
- [Licensed Marriage and Family Therapist and Candidate Application Checklist](#)
- [Certified Behavioral Health Peer Support Specialist Application Checklist](#)

Question 4:

Have the applications been updated as necessary to reflect the rule changes?

Response 4:

Yes. The applications and supplementary forms have been updated to reflect any relevant changes. If you want to apply for a license we recommend you use the [online application](#) as that is the most efficient way to apply for a license.

Question 5:

I see the board has added a definitions for "supervised work experience." Have the requirements for an LCPC/LCSW/LMFT/LAC supervised work experience changed?

Response 5:

No, the requirements are still the same. The board has just added a definition for reference purposes. The definition cites the specific supervised work experience rules which apply to each license type.

- ARM 24.219.301(24): *"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.*

Question 6:

I am licensed as an LCPC/LCSW/LMFT/LAC candidate. Do I need submit all my supervised experience logs to department staff in order to qualify to register for the national exam and/or become licensed as a "full" LCPC/LCSW/LMFT/LAC?

Response 6:

No. To prove that you have completed supervised experience under a particular supervisor you and the supervisor for those hours will only need to submit a simple, department form where you attest to having met the board's requirements. However, in order to ensure compliance the board has specified in New Rule I (ARM 24.219.422 that candidates must maintain all supervised experience records for seven years from the date they obtain LCPC/LCSW/LMFT/LAC licensure or seven years from the expiration off the candidate license if they do not obtain licensure in Montana. To ensure candidates are obtaining necessary supervision the board

now can conduct a random compliance audit if supervision records annually for all actively licensed candidates.

Question 7:

I am a CBHPSS. Do I have to maintain records of supervision?

Response 7:

Yes. Both you and your supervisor(s) must maintain records as described in New Rule I (ARM 24.219.422) for a minimum of seven years from the date the supervisor(s) ceased to supervise you. To ensure CBHPSS are obtaining necessary supervision the board now can conduct a random compliance audit of supervision records annually for all actively licensed candidates.

Question 8:

I am licensed as an LCPC/LCSW/LMFT/LAC candidate and need to track my hours to show I am complying with the supervised work experience requirements in order to eventually qualify for full licensure. Does the board have a form for me to use?

Response 8:

No. There is no board form for tracking hours. In the past there was an optional form posted to the board's website but that has been removed since it is the licensees' responsibility to maintain records that comply with the recordkeeping requirements (see Response 17). The board and department do not dictate format. The candidate and supervisor(s) should review the board's rules and determine the method they want to use to maintain records that comply with the board's requirements.

Question 9:

I supervise a candidate/CBHPSS. In the past I was not required to maintain supervision records, only the candidate/CBHPSS was required to maintain supervision records. Why do I have to maintain them now?

Response 9:

To ensure both sides of the supervision relationship are represented in the records, the board is now requiring that supervisors, as well as candidates and CBHPSS, to maintain supervision records. This change will help ensure a more complete documentation of the supervision, should discrepancies arise. If you did not maintain records prior to 12/28/19 you do not need to go back and reconstruct records. However, going forward from the effective date of these rules on 12/28/19 you, the supervisor, will need to maintain a record of supervision that complies with board rule (see Response 17).

Question 10:

I am licensed as an LCPC/LCSW/LMFT/LAC candidate and am still earning supervised experience hour to meet full licensure requirements. One of my supervisors is no longer supervising me and/or I am getting a new supervisor. What do I need to do?

Response 10:

You are required to notify the board using a board form no later than 20 business days following the date that individual ceases to supervise you. Even if the supervisor has already notified the department, you as the

candidate licensee are also required to separately notify the department. Do not forget that as a candidate you must have a least one qualified supervisor to continue practicing under your candidate license. If you are getting a new supervisor then you must submit a training and supervision plan signed by both you and the new supervisor no later than 20 business days following the date the supervisor began supervising you. If you have completed all supervised work experience hours and are ending the relationship because you have been issued a full license then the change notification form does not need to be submitted.

The below links will take you to the referenced forms.

- [Training and Supervision Plan - Licensed Clinical Professional Counselor Candidate](#)
- [Training and Supervision Plan - Licensed Clinical Social Worker Candidate](#)
- [Training and Supervision Plan - Licensed Addiction Counselor Candidate](#)
- [Training and Supervision Plan - Licensed Marriage and Family Therapist Candidate](#)
- [Change of Supervisor Notification form](#) (submitted by the candidate)

Question 11:

I am ceasing to supervise a candidate who is still earning supervised experience hours. What do I need to do?

Response 11:

You are required to notify the board using a board form no later than 20 business days following the date you cease to supervise the candidate. Even if the candidate has already notified the department, you as the supervisor are also required to separately notify the department. If the candidate has completed all supervised work experience hours and is ending the relationship because he/she has been issued a full license then the change notification form does not need to be submitted.

- [Change of Supervisor Notification form](#) (submitted by the supervisor signing this form)

Question 12:

I am licensed as an CBHPSS and I am ending a supervisory relationship. What do I need to do?

Response 12:

You are required to notify the board using a board form no later than 20 business days following the date that individual ceases to supervise you. Even if the supervisor has already notified the department, you as the candidate licensee are also required to separately notify the department. Do not forget that as a candidate you must have a least one qualified supervisor to continue practicing under your candidate license. In order to add a new supervisor you and the new supervisor must sign and submit the appropriate *Training and Supervision Plan* form.

- [Change of Supervisor Notification form](#) (submitted by the candidate)
- [Training and Supervision Plan - Licensed Clinical Professional Counselor Candidate](#)
- [Training and Supervision Plan - Licensed Clinical Social Worker Candidate](#)
- [Training and Supervision Plan - Licensed Addiction Counselor Candidate](#)
- [Training and Supervision Plan - Licensed Marriage and Family Therapist Candidate](#)

Question 13:

I am ceasing to supervise a CBHPSS. What do I need to do?

Response 13:

You are required to notify the board using a board form no later than 20 business days following the date you cease to supervise the CBHPSS. Even if the CBHPSS has already notified the department, you as the supervisor are also required to separately notify the department.

- [Change of Supervisor Notification form](#) (submitted by the supervisor signing this form)

Question 14:

I am licensed as an LCPC/LCSW/LMFT/LAC candidate or CBHPSS or I supervise an LCPC/LCSW/LMFT/LAC candidate or CBHPSS. Is "telesupervision" okay under the board's rules?

Response 14:

For added clarity the board has defined "face-to-face" in ARM 24.219.301(13) to clarify acceptable supervision methods that include both in-person and electronic means. The term "face-to-face" is now used consistently in the supervision/supervised experience rules.

- ARM 24.219.301(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.*

Question 15:

I am applying for an LAC or LAC candidate license. I heard the 330 addiction specific hours requirements have changed?

Response 15:

Yes, the requirements have changed. You are still required to have 330 clock hours. However, under the new rule you only need 10 hours in ethics and 20 hours in multicultural competency. All the other requirements remain the same.

ARM 24.219.5006 and 24.219.5013: "... have completed 330 contact hours of training in addiction studies completed either in whole or in part of the degree in (a). If not all 330 required hours were completed as part of the degree, then the applicant can complete those hours outside of the degree in (a). The 330 hours must be in the following areas:

- (i) minimum of 60 hours in chemical dependency assessment and patient placement (must include chemical dependency assessment, biopsychosocial testing, diagnosis, referrals, and patient placement);
- (ii) minimum of 90 hours in counseling;
- (iii) minimum of 30 hours in pharmacology (must include drug classification, effects, detoxification, and withdrawal);
- (iv) minimum of 10 hours in ethics;**
- (v) minimum of 30 hours in alcohol and drug studies;
- (vi) minimum of 30 hours in treatment planning and documentation;
- (vii) minimum of 20 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) minimum of 30 hours in co-occurring disorders; and
- (ix) minimum of 30 hours in gambling/gaming disorder assessment and counseling.

Question 16:

I want to see the board's original proposal notice, responses to comments received during the public comment process, and the final adoption notice. Where can I find that information?

Response 16:

That information can be found at <http://boards.bsd.dli.mt.gov/bbh#8?2>. Responses to comments received during the rulemaking are included in the adoption notice.

Question 17:

What are these new recordkeeping requirements? What are the requirements for records and changing/adding supervisors?

Response 17:

Below is the new rule language.

NEW RULE I (ARM 24.219.422) GENERAL SUPERVISION AND RECORDKEEPING REQUIREMENTS – LCSW, LCPC, LMFT, AND CANDIDATES AND CBHPSS

- (1) A supervisor must meet the requirements of ARM 24.219.421.
- (2) Candidates must maintain the following records for a minimum of seven years from the date of licensure as an LCSW, LCPC, LMFT, or LAC or seven years from the expiration of their candidate license if they do not obtain a Montana LCSW, LCPC, LMFT, or LAC license:
 - (a) names and license numbers of candidate and supervisor;
 - (b) date and length of supervision sessions in increments not less than 15 minutes with a description of the supervised work experience as required under ARM 24.219.504, 24.219.604, 24.219.704, or 24.219.5008;
 - (c) content summary of the supervision session (excluding confidential information);
 - (d) content demonstrating the candidate's developing competence under ARM 24.219.504, 24.219.604, 24.219.704, or 24.219.5008; and
 - (e) supervisor attestation within the record that the records are accurate.
- (3) CBHPSS must maintain the following records seven years from the date a supervisor ceased to supervise the CBHPSS:
 - (a) names and license numbers of candidate and supervisor;
 - (b) date and length of supervision sessions in increments of not less than 15 minutes with a description of supervision;
 - (c) content summary of the supervision session (excluding confidential information); and
 - (d) supervisor attestation within the record that the records are accurate.
- (4) Candidates, CBHPSS, and supervisors must comply with applicable client privacy laws.
- (5) Supervisors of candidates and CBHPSS must:
 - (a) review and sign all reports and/or assessment interpretations and results sent to other public or private agencies that affect the current status of a client;
 - (b) preapprove on a continual and ongoing basis all therapeutic interventions or supportive interventions and the assessment results and interpretations used in the planning and/or implementation of those therapeutic interventions; and
 - (c) maintain records showing licensees have met the supervision requirements in this rule and [NEW RULE II (ARM 24.219.423)] for a minimum of seven years after the date the supervisor ceased to supervise the candidate or CBHPSS.

(6) The supervisor may be subject to disciplinary action for failure to adequately supervise the candidate or CBHPSS under this board's statutes and rules.

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

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

(a) whether records are being maintained in compliance with this rule; and

(b) that the supervision requirements of this rule and [NEW RULE II], and ARM 24.219.504, 24.219.604, 24.219.704, or 24.219.5008 are being met.

NEW RULE II (24.219.423) CHANGE OF SUPERVISOR

(1) An LCSW, LCPC, LMFT, or LAC candidate or CBHPSS cannot practice without a supervisor as described in this chapter.

(2) 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 or CBHPSS.

(3) The supervisor, candidate, or CBHPSS may be subject to disciplinary action for failure to report change in supervisor.