

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

In the matter of the amendment of ARM ) NOTICE OF PUBLIC HEARING ON  
24.219.301, 24.219.415, 24.219.421, ) PROPOSED AMENDMENT,  
24.219.501, 24.219.504, 24.219.505, ) ADOPTION, AND REPEAL  
24.219.512, 24.219.601, 24.219.604, )  
24.219.605, 24.219.612, 24.219.701, )  
24.219.704, 24.219.705, 24.219.712, )  
24.219.907, 24.219.912, 24.219.923, )  
24.219.5005, 24.219.5006, )  
24.219.5007, 24.219.5008, )  
24.219.5010, and 24.219.5013, the )  
adoption of NEW RULES I through VII, )  
and the repeal of 24.219.506, )  
24.219.603, 24.219.703, 24.219.707, )  
24.219.901, 24.219.902, 24.219.903, )  
24.219.916, 24.219.5001, 24.219.5003, )  
24.219.5004, 24.219.5009, )  
24.219.5011, and 24.219.5014, )  
pertaining to application and licensing )  
rules for licensed clinical social workers )  
(LCSW), licensed clinical professional )  
counselors (LCPC), licensed marriage )  
and family therapists, (LMFT), licensed )  
addiction counselors (LAC), and )  
certified behavioral health peer support )  
specialists (CBHPSS) )

TO: All Concerned Persons

1. On November 13, 2019, at 9:00 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment, adoption, and repeal of the above-stated rules.

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 Behavioral Health no later than 5:00 p.m., on November 6, 2019, to advise us of the nature of the accommodation that you need. Please contact Lucy Richards, Board of Behavioral Health, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or [dlibsdbbh@mt.gov](mailto:dlibsdbbh@mt.gov) (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: Following a review of its rules and recommendations from board staff, the board determined it is reasonably necessary to amend these rules to eliminate outdated, redundant, and unnecessary provisions, and provide consistency, simplicity, better organization, and ease of use for licensees, educators, program administrators, and the public. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

The board determined it is reasonably necessary to amend the rules throughout to align with and facilitate current standardized department application and renewal procedures. As part of this effort, the board is amending several licensure rules to require that background checks are completed within six months of the application date. This change will help ensure that timely information is being reported and aligns with standardized department procedures regarding fingerprint background checks.

Additionally, the board is updating the authority and implementation citations throughout to accurately reflect all statutes implemented through the rules and provide the complete and current sources of the board's rulemaking authority.

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

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) "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) "Candidate":

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

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

and

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

(d) "LMFT candidate" means an individual as defined in 37-37-102, MCA.

(4) "CBHPSS" means a certified behavioral health peer support specialist.

(5) "Client" means a recipient of services performed by licensees in this chapter.

(6) "Clinical setting" for purposes of LCPC experience requirements means any public and/or private agency whose primary functions are:

(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) "Contact hour" means academic coursework, approved workshop training, or an approved home study course that is completed hour-for-hour.

(8) "Co-occurring disorder" means the existence of any addiction-related disorder and any other physical and or mental health disorder.

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

~~(2)~~ (10) "Direct observation" of service delivery" means participation in the service delivery, observation through a two-way mirror, observation of a video or audiotape of the service delivery, or observation through an interactive video link of the service delivery.

(3) remains the same but is renumbered (11).

~~(4)~~ (12) "Exploitation" "Exploit" means to manipulate or attempt to manipulate or use the manipulation or use, or the attempted manipulation, or the attempted use of a professional relationship with a client, student, or supervisee for:

(a) the licensee's emotional, financial, romantic, sexual, or personal advantage; or

(b) for the advancement of the licensee's personal, religious, political, or business interests.

(13) "Face-to-face" means supervision of a candidate by the supervisor which is either:

(a) in-person; or

(b) electronically. The transmission must:

(i) be two-way;

(ii) be interactive;

(iii) be real-time;

(iv) be simultaneous; and

(v) provide for both audio and visual interaction.

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

~~(5)~~ (15) "LAC" means licensed addiction counselor licensed under Title 37, chapter 35, MCA.

~~(6)~~ (16) "LCPC" means licensed clinical professional counselor licensed under Title 37, chapter 23, MCA.

~~(7)~~ (17) "LCSW" means licensed clinical social worker licensed under Title 37, chapter 22, MCA.

~~(8)~~ (18) "LMFT" means licensed marriage and family therapist licensed under Title 37, chapter 37, MCA.

(9) and (10) remain the same but are renumbered (19) and (20).

(21) "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.

(11) remains the same but is renumbered (22).

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

(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.

~~(12)~~ (25) "Supervisor," when used to refer to a person who supervises the work of an applicant for licensure, means a person who meets the criteria set forth in ARM 24.219.421.

~~(13) "Training and supervision plan" means a plan, in a form approved by the board, that describes the type, structure, and amount of supervised work experience that a licensure candidate must have in order to satisfy the experience requirements for the type of license the licensure candidate is seeking.~~

AUTH: 37-1-131, 37-22-201, 37-35-103, 37-38-202, MCA

IMP: 37-1-131, 37-22-102, 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, MCA

REASON: The board is amending this rule to consolidate all definitions applicable to ARM Title 24, chapter 219 into this rule. Definitions previously in ARM 24.219.603, 24.219.604, 24.219.901, and 24.219.5001 are being relocated to this rule for simplicity and better organization, and to eliminate duplicative definitions.

After staff reported many applicant questions regarding the licensing process, the board is defining "candidate" at (3) to clarify that a candidate license is a

separate license from a full license. The board is also adding definitions for candidate license acronyms for clarity.

The board is defining "face-to-face" at (13) to clarify acceptable candidate supervision methods that include both in-person and electronic means.

The board is adding (21) to define "recovery" as used in 37-38-202, MCA, following a staff recommendation to address questions and parallel the statute.

It is reasonably necessary to add (24) to define "supervised work experience" to address numerous questions regarding whether an applicant's proposed work experience qualifies for licensure. The board is utilizing this commonly used term when updating applicable rules elsewhere in this notice.

The board is striking the definition of "training and supervision plan" as the specific term is no longer used in this chapter related to licensing procedures.

24.219.415 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training or education toward the requirements for licensure as ~~a clinical professional counselor, clinical social worker, and marriage and family therapist~~ an LCSW, LCPC, LMFT, LAC, and CBHPSS.

(2) remains the same.

(3) An applicant must submit satisfactory evidence of receiving military training or education that is equivalent to relevant licensure requirements for a ~~clinical professional counselor, clinical social worker, or marriage and family therapist~~ an LCSW, LCPC, LMFT, LAC, or CBHPSS. Satisfactory evidence includes:

(a) through (4) remain the same.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: It is reasonably necessary to consolidate military training and experience for all license types into this rule for simplicity and ease of use. The board is also repealing ARM 24.219.903 and 24.219.5003 as no longer necessary.

24.219.421 SUPERVISOR QUALIFICATIONS (1) LCSW, 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. Supervisors must:

(a) have an active license in good standing in the jurisdiction in which the supervision is occurring; and

(b) meet one of the below criteria:

(i) have been licensed in their respective disciplines for at least three years, excluding any period of licensure as a candidate; or

(ii) have taken board-approved training consisting of a minimum of one semester credit graduate education focused on supervision or 20 hours of board-approved training in supervision.

(2) In addition to the requirements in (1):

(a) an LCSW, LCPC, or LMFT candidate supervisor must be licensed as an LCSW, LCPC, LMFT, licensed psychologist, or licensed and board-certified psychiatrist;

(b) an LAC candidate supervisor must be:

(i) licensed as an LAC with a minimum of three years post-licensure experience in a qualified treatment setting as defined in ARM 24.219.5010; or

(ii) trained in a related field. If trained in a related field:

(A) 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;

(B) the supervisor must have training equivalent to that described in ARM 24.219.5006(2)(b); and

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

(3) In addition to the requirements in (1), a CBHPSS supervisor must be licensed under Title 37, MCA, as an LCSW, LCPC, LMFT, LAC, physician, psychologist, or an advanced practice registered nurse with a clinical specialty in psychiatric mental health nursing.

(4) A supervisor shall not:

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

(b) have a conflict of interest such as, but limited to, being in a cohabitation or financially dependent relationship.

~~(1) A person supervising the experience of an applicant for licensure shall meet the minimum qualifications set forth in this rule.~~

~~(2) The supervisor must be a LCSW, LCPC, LMFT, licensed psychologist, or licensed and board-certified psychiatrist.~~

~~(3) The supervisor must hold an active and current license in good standing, which was issued by the licensing board or other officially recognized licensing body of the state where supervision occurs.~~

~~(4) The supervisor must have three years of post-licensure experience or board-approved training in clinical supervision.~~

~~(5) Board-approved training in supervision shall consist of a minimum of one semester credit of post-licensure board-approved graduate education or 20 clock hours of board-approved training in clinical supervision.~~

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

IMP: 37-1-131, 37-22-101, 37-22-102, 37-22-301, 37-23-101, 37-23-102, 37-23-202, 37-35-102, 37-35-103, 37-35-202, 37-37-101, 37-37-102, 37-37-201, 37-38-202, MCA

REASON: The board is amending this rule to consolidate supervisor qualifications for all license types for simplicity and ease of use. The board is also repealing ARM 24.219.916 and 24.219.5009 as no longer necessary.

Following numerous questions to staff from applicants and prospective supervisors, the board is defining criteria for "related field" in (2)(b)(ii). The amendment will clearly set forth the criteria the board utilizes to ensure LAC candidates are supervised by qualified individuals.

24.219.501 LCSW LICENSE REQUIREMENTS – ORIGINAL APPLICANTS APPLICATION PROCEDURES (1) Applicants for LCSW 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) Applicants must meet the following requirements:

(a) have a degree that meets the requirements in 37-22-301, MCA;

(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 [NEW RULE III] 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;

(e) provide reference letters that meet the requirements in 37-22-301, MCA; 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) Any person seeking licensure as a clinical social worker must apply on the board's official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.~~

~~(2) The 3000 hours of experience required by 37-22-301(2), MCA, shall have been completed in their entirety at the time of submission of the application.~~

~~(3) Completed applications must be accompanied by:~~

~~(a) application fee;~~

~~(b) verification of the applicant's doctorate or masters degree in social work provided directly from the school to the board office; and~~

~~(c) three reference letters as required by 37-22-301(2), MCA, including one from the applicant's supervisor, which shall include:~~

~~(i) inclusive dates and total hours of supervision in increments no less than 15 minutes;~~

~~(ii) names of applicant and supervisor (include type of license and number) and signature of both;~~

~~(iii) content summary (excluding confidential information);~~

~~(iv) recommendation to approve for licensure or not;~~

~~(v) number of supervised hours satisfactorily completed; and~~

~~(vi) supervisor must attest to the above under penalty of law. Falsification or misrepresentation of any of the above may be considered misrepresentations and a violation of professional ethics, which may result in discipline of the supervisor's license.~~

~~(4) The applicant shall be notified in writing of the results of the evaluation of the application for examination.~~

~~(5) The license will be effective as of the date all requirements, including payment of the original license fee, are met. An applicant shall not work as a~~

licensed social worker until the effective date of the license.

~~(6) Applicants shall be allowed a maximum of three attempts to successfully pass the examination.~~

~~(7) After the third attempt, if the applicant has not achieved a passing score, the applicant must request in writing to the board to retake the examination. The board may require the applicant to complete a preapproved remediation plan prior to additional exam administrations.~~

~~(8) If the applicant fails to satisfy the requirements for licensure within one year of the date the application is determined by the department to be complete, the application will expire, the application fee will be forfeited, and a new completed application and application fee will be required.~~

~~(9) If an applicant has previously held a license to practice as a social worker in this state, and the previous license was terminated as a result of the applicant's failure to renew the license, the applicant shall complete ten hours of board-approved continuing education credits for each year that the applicant's license was terminated. The applicant shall submit proof of completion of these hours at the time of application.~~

~~(10) The Association of Social Work Boards' (ASWB) generalist examination is not an approved examination for the purpose of obtaining licensure as a clinical social worker.~~

~~(11) All applicants must submit the fingerprint and background check required by the board.~~

AUTH: 37-1-131, ~~37-1-319~~, 37-22-201, MCA

IMP: 37-1-131, ~~37-1-306~~, 37-22-301, MCA

REASON: The board is amending this rule and ARM 24.219.505 and 24.219.512 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to original applicants for LCSW licensure, while requirements for candidates and out-of-state applicants will be in ARM 24.219.505 and 24.219.512.

The board is relocating specific LCSW examination provisions to NEW RULE III. For consistency with other board license types, the board is amending (2)(c) to require exam passage within four years of application. The board concluded more recent test results will help ensure competency as original applicants have no practice experience.

As part of the ongoing effort to standardize administrative procedures provided to all boards, the department raised concerns regarding records retention and potential burden for the department to maintain terminated license records indefinitely. At the same time, staff questioned whether terminated licensees had to make new application. To address these issues and eliminate potential confusion, the board determined it is reasonably necessary to eliminate (9). Per statute and standardized department application procedures, terminated licensees who are not actively licensed and practicing in any jurisdiction must reapply with a new application and meet all current licensure requirements at the time of application.

#### 24.219.504 LCSW SUPERVISED WORK EXPERIENCE REQUIREMENTS



(1) Applicants applying under ARM 24.219.501 must meet the supervised work experience requirements in 37-22-301, MCA, and as defined in ARM 24.219.301.

(2) As a part of the requirements in (1), at least 100 hours must include supervision by a qualified supervisor under ARM 24.219.421.

(a) Of those 100 hours, at least 50 hours must be individual and supervised face-to-face by an LCSW; and

(b) Of the 50 hours in (a), at least ten hours must include direct observation of service delivery as defined in ARM 24.219.301.

(3) Supervisors must provide at least two hours of supervision for every 160 hours of social work as defined in 37-22-102, MCA.

(4) Candidates must clearly indicate they are social worker licensure candidates in all professional and private communications.

(5) When an LCSW candidate who applied under ARM 24.219.505 completes the requirements of (1) through (3), the candidate will qualify for the examination per [NEW RULE III]. Upon proof of passage of the exam, a candidate will be issued an LCSW license without further application.

(6) A supervisor must have experience and expertise with the candidate's client population (e.g., child, adolescent, adult, chemically dependent) and methods of practice (i.e., individual, group, family, crisis, or brief interventions).

~~(1) For the purpose of meeting the 3000-hour requirement of 37-22-301(2)(b), MCA, an applicant or licensure candidate shall provide verification of the following:~~

~~(a) 3000 supervised hours spent providing psychotherapy or clinical social work services to individuals, families, and groups, of which at least 50 percent shall include the application of psychosocial methods in direct client contact;~~

~~(b) supervision, on a form approved by the board, which shall include at least 100 documented hours of individual or group supervision by a qualified supervisor. At least 50 percent of the 100 hours shall be individual and face-to-face by a licensed social worker, and at least ten hours of which includes direct observation of the service delivery. Each supervisory session shall be documented with a record of supervision. The applicant or licensure candidate must maintain the record of supervision, which may be requested by the board and must include:~~

~~(i) date and length of supervision in increments not less than 15 minutes;~~

~~(ii) names of applicant or licensure candidate, supervisor (including type of license and number), and signatures of both;~~

~~(iii) content summary (excluding confidential information);~~

~~(iv) evidence of the applicant's or licensure candidate's 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;~~

~~(v) content demonstrating the applicant's or licensure candidate's developing competence in the areas identified in (1)(b)(iv); and~~

~~(vi) attestation of the record of supervision by the supervisor. Falsification or misrepresentation of the record of supervision shall be considered unprofessional~~

conduct and may result in discipline of the supervisor's license.

~~(c) supervision which has been conducted on a regular basis. No more than 160 hours of social work experience shall transpire without providing at least two hours of supervision. Less frequent supervision may take place under unusual circumstances only with prior approval by the board.~~

~~(d) supervisor's experience and expertise with the applicant's or licensure candidate's client population (i.e., child, adolescent, adult, chemically dependent) and methods of practice (i.e., individual, group, family, crisis or brief interventions).~~

~~(e) supervisor's relationship with the applicant or licensure candidate which shall not constitute a conflict of interest, such as (but not limited to) being in a cohabitation or financially dependent relationship with the applicant or licensure candidate, or being the applicant's or licensure candidate's parent, child, spouse, or sibling.~~

~~(f) a supervision agreement in writing and in a format approved by the board. The agreement shall include, but not be limited to:~~

~~(i) the applicant's or licensure candidate's and supervisor's names, signatures, and dates;~~

~~(ii) terms of the agreement including the duties of the applicant or candidate and supervisor, the obligations of the applicant or candidate and supervisor under this rule, frequency and method of supervision, duration and termination provisions; and~~

~~(iii) a statement of compliance with applicable patient privacy laws and the supervisor's qualifications.~~

~~(2) All reports and/or assessment interpretations and results sent to other public or private agencies that affect the current social status of a client must be reviewed by and contain the approval and signature of the supervisor. These reports shall identify the supervisee's "in-training" nonlicensed status or identify that the supervisee is a social worker licensure candidate.~~

~~(3) All therapeutic interventions and the assessment results and interpretations used in the planning and/or implementation of those therapeutic interventions shall be reviewed and preapproved by the supervisor on a continual and ongoing basis.~~

~~(4) All professional communications, both private and public, including advertisements, shall clearly indicate the supervisee's "in-training" and nonlicensed status or indicate that the supervisee is a social worker licensure candidate.~~

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

IMP: 37-1-131, 37-22-301, 37-22-313, MCA

REASON: The board determined it is reasonably necessary to amend this rule to clearly set forth only the experience requirements necessary to obtain full LCSW licensure. The board is consolidating record requirements for all license types in NEW RULE I to simplify and standardize the rules.

24.219.505 SOCIAL WORKER LICENSURE CANDIDATE APPLICATION PROCEDURES LCSW CANDIDATE LICENSE REQUIREMENTS (1) Applicants for LCSW candidate licenses apply using the same application as LCSW applicants.

- (2) Applicants for LCSW candidate licensure must:  
(a) have a degree that meets the requirements in 37-22-301, MCA;  
(b) have a supervisor that meets the requirements in ARM 24.219.421;  
(c) have completed a Federal Bureau of Investigation fingerprint background check per 37-22-313, MCA, within six months of the application date;  
(d) provide reference letters that meet the requirements in 37-22-301, MCA;  
and  
(e) 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) A person seeking licensure as a social worker licensure candidate must apply on the board's official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.~~

~~(2) A completed social worker licensure candidate application must include:~~  
~~(a) application fee;~~  
~~(b) official transcripts provided directly from the institution documenting the applicant's completion of a doctorate or master's degree in social work from a program accredited by the council on social work education (CSWE) or a program approved by the board as required by 37-22-301(2)(a), MCA; and~~

~~(c) the licensure candidate's proposed training and supervision plan.~~  
~~(3) A training and supervision plan is subject to board approval, must be in a form approved by the board, and must include:~~  
~~(a) identification of the candidate and qualified supervisors;~~  
~~(b) the supervisors' license types, license numbers, and amount of post-licensure experience or training in clinical supervision;~~  
~~(c) verification that any and all licenses held by the supervisors in all jurisdictions are unrestricted with no pending discipline;~~  
~~(d) a proposed record of supervision in a form approved by the board that will address and document the licensure candidate's experience for the purpose of meeting the requirements of 37-22-301(2)(b), MCA, and satisfy the requirements of ARM 24.219.504(1); and~~

~~(e) a signed supervision agreement between the candidate and supervisors addressing the duties of the candidate and supervisors, the obligations of the candidate and supervisor under ARM 24.219.504, confidentiality, frequency and method of supervision, and duration and termination of the supervision agreement.~~

~~(4) All licensure candidate applicants must submit the fingerprint and background check required by the board.~~

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

**REASON:** The board is amending this rule and ARM 24.219.501 and 24.219.512 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to applicants for LCSW candidates, while

requirements for original and out-of-state LCSW applicants will be in ARM 24.219.501 and 24.219.512.

24.219.512 LICENSURE OF OUT-OF-STATE LCSW LICENSE REQUIREMENTS – OUT-OF-STATE APPLICANTS (1) Applicants for LCSW licensure who are 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:

(a) hold a current, active license in good standing in another state or jurisdiction. At the time of application, the standards of that state or jurisdiction must be substantially equivalent to Montana standards;

(b) have passed an examination as described in [NEW RULE III] or a similar examination per 37-22-301, MCA;

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

(d) provide reference letters that meet the requirements in 37-22-301, MCA; and

(e) 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) A license to practice as a social worker in Montana may be issued to the holder of an out-of-state social worker license at the discretion of the board, provided the applicant completes and files with the board an application for licensure and the required application fee. The applicant must meet the following requirements:~~

~~(a) The applicant holds a valid and unrestricted license to practice as a social worker in another state or jurisdiction, which was issued under standards equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s).~~

~~(b) The applicant holds a Masters Degree in Social Work (MSW) or an equivalent Council on Social Work Education (CSWE)-approved degree, and shall supply a copy of the certified transcript sent directly from a college, university, or institution accredited by the CSWE.~~

~~(c) The applicant shall supply proof of successful completion of the Association of Social Work Boards' (ASWB) clinical examination or another board-approved licensing examination. The ASWB generalist examination is not an approved examination for purposes of obtaining licensure as a clinical social worker. Applicant scores on the examination must be forwarded directly to the board.~~

~~(d) The applicant shall submit proof of completion of 3000 hours of supervised social work experience as defined in 37-22-301, MCA. The applicant may verify the experience hours by affidavit, and need not supply a supervisor's signature upon reasonable explanation of why the supervisor's signature is unavailable to the applicant.~~

~~(e) The applicant shall submit proof of continuous practice as a social worker~~

in another jurisdiction for the two years immediately preceding the date of application in Montana.

~~(f) The applicant shall submit three reference letters as provided in 37-22-301, MCA.~~

~~(g) The applicant shall answer questions about the applicant's character and fitness to practice on a form prescribed by the board, and the applicant shall provide all information required by the board in response to these questions.~~

~~(2) All applicants must submit the fingerprint and background check required by the board.~~

~~(3) The board may verify qualifications for licensure by reference to information supplied in an applicant's official record with the national registry of the ASWB. The applicant must request that this information be provided to the board in the manner required by the ASWB and the board. The applicant shall be solely responsible for paying any fee associated with this service.~~

~~(4) An applicant for licensure by endorsement in Montana may be granted a temporary permit to practice clinical social work, provided the applicant has submitted a completed application as described in this subchapter and that the initial screening by board staff shows that the current license is in good standing and not on probation or subject to ongoing disciplinary action. The temporary permit will remain valid until a license is granted or until notice of proposal to deny license is served, whichever occurs first. In the event that neither contingency has occurred within one year of issuance of the temporary permit to the endorsement applicant, the temporary permit shall expire and may not be renewed.~~

AUTH: 37-1-131, ~~37-1-319~~, 37-22-201, MCA

IMP: 37-1-131, 37-1-304, ~~37-1-305~~, 37-22-301, MCA

REASON: The board is amending this rule and ARM 24.219.501 and 24.219.505 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to out-of-state LCSW applicants for licensure, while requirements for original LCSW applicants and candidates will be in ARM 24.219.501 and 24.219.505.

The board determined it is reasonably necessary to amend this rule to align the standards for out-of-state applicants with the proper statutory authority. Following a review and recommendations by board staff, the board is amending this rule to facilitate licensure of those licensed in states or jurisdictions with requirements substantially equivalent to Montana's.

24.219.601 LCPC LICENSE REQUIREMENTS – ORIGINAL APPLICANTS APPLICATION PROCEDURE (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) Applicants must meet the following requirements:

(a) have a degree from an accredited institution that meets the requirements in 37-23-202(1)(a) or (2), MCA. If the degree program is not CACREP-accredited,

the program must include completion of Council for Accreditation of Counseling and Related Educational Programs (CACREP) core competencies:

(i) The degree can only have a maximum of 12 post-baccalaureate graduate semester (18 quarter) credits or up to 20 semester (30 quarter) credits of a completed graduate counseling degree transferred from other institutions or programs;

(ii) Credits earned during the degree program that were obtained more than six years prior to the date of graduation do not count toward the education requirements in this rule and 37-23-202(1) or (2), MCA;

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

(c) have passed an examination as described in [NEW RULE V] within four years of the date of the application;

(d) have completed a Federal Bureau of Investigation fingerprint background check per 37-23-202, 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) 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) Any person seeking licensure as a professional counselor must apply on the board's official forms, which may be obtained through the board office. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.~~

~~(2) Completed applications must include:~~

~~(a) application fee;~~

~~(b) all verifications, transcripts, etc., as requested on the application; and~~

~~(c) three nomination letters as required by 37-23-202(1)(d), MCA.~~

~~(3) The applicant shall be notified in writing of the results of the evaluation of the application.~~

~~(4) The license will be effective as of the date all requirements, including payment of the original license fee, are met. An applicant shall not work as a licensed professional counselor until the effective date of the license.~~

~~(5) Applicants shall be allowed a maximum of three attempts to successfully pass the examination.~~

~~(6) After the third attempt, if the applicant has not achieved a passing score, the applicant must request in writing to the board to retake the examination. The board may require the applicant to complete a preapproved remediation plan prior to additional exam administrations.~~

~~(7) If the applicant achieved a passing score on the National Counselor Examination for Licensure and Certification (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE) administered by the National Board of Counselor Certification (NBCC) as part of the applicant's graduate program, the passing examination score will be accepted for licensure. Examination results are valid within four years of the date the applicant took the examination that resulted in the passing score.~~

~~(8) If the applicant fails to satisfy the requirements for licensure within one~~

~~year of the date the application is determined by the department to be complete, the application will expire, the application fee will be forfeited, and a new completed application and application fee will be required.~~

~~(9) If an applicant has previously held a license to practice as a professional counselor in this state, and the previous license was terminated as a result of the applicant's failure to renew the license, the applicant shall complete ten hours of board-approved continuing education credits for each year that the applicant's license was terminated. The applicant shall submit proof of completion of these hours at the time of application.~~

~~(10) All applicants must submit the fingerprint and background check required by the board.~~

AUTH: 37-1-131, ~~37-1-319~~, 37-22-201, MCA

IMP: 37-1-131, ~~37-1-306~~, 37-23-202, MCA

REASON: The board is amending this rule and ARM 24.219.605 and 24.219.612 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to original applicants for LCPC licensure, while requirements for candidates and out-of-state applicants will be in ARM 24.219.605 and 24.219.612.

The board is relocating specific LCPC examination provisions to NEW RULE V. For consistency with other board license types, the board is amending (2)(c) to require exam passage within four years of application. The board concluded more recent test results will help ensure competency as original applicants have no practice experience.

As part of the ongoing effort to standardize administrative procedures provided to all boards, the department raised concerns regarding records retention and potential burden for the department to maintain terminated license records indefinitely. At the same time, staff questioned whether terminated licensees had to make new application. To address these issues and eliminate potential confusion, the board determined it is reasonably necessary to eliminate (9). Per statute and standardized department application procedures, terminated licensees who are not actively licensed and practicing in any jurisdiction must reapply with a new application and meet all current licensure requirements at the time of application.

#### 24.219.604 LCPC SUPERVISED WORK EXPERIENCE REQUIREMENTS

~~(1) For the purpose of meeting the 3000-hour requirement of 37-23-202(1)(b), MCA, an applicant must provide verification of 3000 hours of counseling practice supervised by a qualified supervisor. "3000 hours" is defined as clock hours of experience working in a counseling setting. The hours shall have been completed in their entirety at the time of submission of the application.~~

~~(a) 1500 of these hours may be obtained prior to completion of the academic degree. This can include hours earned in practicums, internships and work sites approved by the program faculty.~~

~~(i) Exclusive of the advanced practicum requirement, the degree candidate shall receive one hour of face-to-face supervision and/or consultation for every 15 hours of work from a licensed mental health professional, a licensed member of the~~

faculty staff or an on-site counseling professional deemed appropriate by the faculty staff.

~~(ii) Appropriate sites for this predegree counseling experience is left to the discretion of the counseling faculty of the institution offering the degree.~~

~~(iii) All treatment interventions and assessment results and interpretations shall be reviewed and approved by the supervisor or appropriate faculty prior to their use or implementation.~~

~~(b) At least 1500 hours must be obtained post-degree and after all of the academic requirements have been completed, which shall include at least:~~

~~(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) Up to 1500 of the 3000 hours required in 37-23-202(1)(b), MCA, may be obtained pre-degree under the academic requirements of the degree program. In order to qualify as experience under this rule the hours must be approved by the graduate program.~~

~~(i) (b) Any hours obtained post-degree must include 1000 hours direct client contact under face-to-face client contact supervision in a clinical setting as defined in ARM 24.219.301. No more than 250 client contact hours of which of those 1000 hours may be in a group or co-facilitative counseling therapy situation.~~

~~(2) For all of the 3000 supervised work experience hours required under 37-23-202, MCA, 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.~~

~~(3) Candidates must clearly indicate they are a professional counselor licensure candidate in all professional and private communications.~~

~~(4) A candidate will be issued an LCPC license without further application upon proof of:~~

~~(a) passage of the examination in [NEW RULE V] within four years of the date of application; and~~

~~(b) completion of the requirements in (1) through (3) of this rule.~~

~~(ii) Clinical setting is defined as any public and/or private agency whose primary functions are:~~

~~(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.

~~(c) All reports and/or assessment interpretations and results sent to other public or private agencies that affects the current social status of a client must be reviewed by and contain the approval and signature of the supervisor. These reports shall identify the supervisee's "in-training" nonlicensed status or identify that the supervisee is a professional counselor licensure candidate.~~

~~(d) All therapeutic interventions and the assessment results and interpretations used in the planning and/or implementation of those therapeutic interventions shall be reviewed and preapproved by the supervisor on a continual and ongoing basis.~~

~~(e) All professional communications, both private and public, including advertisements, shall clearly indicate the supervisee's "in-training" and nonlicensed status or indicate that the supervisee is a professional counselor licensure candidate.~~

~~(f) The applicant or licensure candidate must receive a minimum of one hour of face-to-face supervision and consultation for every 20 hours of work experience. No more than 80 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 licensure board. Any hours earned without appropriate supervision will not be counted towards licensure.~~

~~(2) Supervision guidelines are as follows:~~

~~(a) A supervisor must be a qualified supervisor.~~

~~(b) A supervision agreement shall be in writing and in a format approved by the board. The agreement shall include, but not be limited to:~~

~~(i) the applicant's or licensure candidate's and supervisor's names, signatures, and dates;~~

~~(ii) terms of the agreement including the duties of the applicant or candidate and supervisor, the obligations of the applicant or candidate and supervisor under this rule, frequency and method of supervision, duration and termination provisions; and~~

~~(iii) a statement of compliance with applicable patient privacy laws and the supervisor's qualifications.~~

~~(c) A supervisor's relationship with the applicant or licensure candidate shall not constitute a conflict of interest, such as, but not limited to, being in a cohabitation or financially dependent relationship with the applicant or licensure candidate, or being the applicant's or licensure candidate's parent, child, spouse, or sibling.~~

~~(d) A record of supervision must be maintained by the applicant or licensure candidate and may be requested by the board in its review of the application. The record of supervision must include:~~

~~(i) date and length of supervision in increments not less than 15 minutes;~~

~~(ii) names of applicant or licensure candidate, supervisor (including type of license and number), and signatures of both;~~

~~(iii) content summary (excluding confidential information);~~

~~(iv) evidence of the applicant's or licensure candidate's 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;

~~(v) content demonstrating the applicant's or licensure candidate's developing competence in the areas identified in; and~~

~~(vi) attestation of the record of supervision by the supervisor. Falsification or misrepresentation of the record of supervision shall be considered unprofessional conduct and may result in discipline of the supervisor's license.~~

~~(e) A supervisor must attest to the above under penalty of law. Falsification or misrepresentation of any of the above may be considered misrepresentation and a violation of professional ethics, which may result in discipline of the supervisor's license.~~

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

IMP: 37-1-131, 37-23-202, MCA

REASON: The board determined it is reasonably necessary to amend this rule to clearly set forth only the experience requirements necessary to obtain full LCPC licensure. The board is consolidating record requirements for all license types in NEW RULE I to simplify and standardize the rules.

#### 24.219.605 PROFESSIONAL COUNSELOR LICENSURE CANDIDATE APPLICATION PROCEDURES LCPC CANDIDATE LICENSE REQUIREMENTS

(1) Applicants for LCPC candidate licenses apply using the same application as LCPC applicants.

(2) Applicants must meet the following requirements:

(a) have a degree from an accredited institution that meets the requirements in 37-23-202(1)(a) or (2), MCA. If the degree program is not CACREP-accredited, the program must include completion of Council for Accreditation of Counseling and Related Educational Programs (CACREP) core competencies:

(i) The degree can only have a maximum of 12 post-baccalaureate graduate semester (18 quarter) credits or up to 20 semester (30 quarter) credits of a completed graduate counseling degree transferred from other institutions or programs; and

(ii) Credits earned during the degree program that were obtained more than six years prior to the date of graduation do not count toward the education requirements in this rule and 37-23-202(1) or (2), MCA;

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

(c) have completed a Federal Bureau of Investigation fingerprint background check per 37-23-213, 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.

(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) A person seeking licensure as a professional counselor licensure candidate must apply on the board's official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.~~
- ~~(2) A completed professional counselor licensure candidate application must include:~~
- ~~(a) the application fee;~~
  - ~~(b) official transcripts provided directly from the institution documenting the applicant's completion of a planned graduate program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or a program approved by the board as required by 37-23-202, MCA;~~
  - ~~(c) documentation of all supervised counseling experience completed prior to completion of the academic degree. Experience must be completed and documented pursuant to the requirements of ARM 24.219.604; and~~
  - ~~(d) the licensure candidate's proposed training and supervision plan.~~
- ~~(3) A training and supervision plan is subject to board approval, must be in a form approved by the board, and must include:~~
- ~~(a) identification of the candidate and qualified supervisors;~~
  - ~~(b) the supervisors' license types, license numbers, and amount of post-licensure experience or training in clinical supervision;~~
  - ~~(c) verification that any and all licenses held by the supervisors in all jurisdictions are unrestricted with no pending discipline;~~
  - ~~(d) a proposed record of supervision in a form approved by the board that will address and document the licensure candidate's experience for the purpose of meeting the requirements of 37-23-202(1)(b), MCA, and satisfy the requirements of ARM 24.219.604; and~~
  - ~~(e) a signed supervision agreement between the candidate and supervisors addressing the duties of the candidate and supervisors, the obligations of the candidate and supervisor under ARM 24.219.604, confidentiality, frequency and method of supervision, and duration and termination of the supervision agreement.~~
- ~~(4) All applicants must submit the fingerprint and background check required by the board.~~

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

REASON: The board is amending this rule and ARM 24.219.601 and 24.219.612 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to applicants for LCPC candidates, while requirements for original and out-of-state LCPC applicants will be in ARM 24.219.601 and 24.219.612.

24.219.612 LICENSURE OF OUT-OF-STATE LCPC LICENSE REQUIREMENTS – OUT-OF-STATE APPLICANTS (1) Applicants for LCPC licensure who are 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:

(a) hold a current, active license in good standing in another state or jurisdiction. At the time of application, the standards of that state or jurisdiction must be substantially equivalent to Montana standards;

(b) have a degree that meets the requirements in 37-23-202(1)(a) or (2), MCA;

(c) have completed supervised post-degree work that meets the requirements in 37-23-202, MCA, and ARM 24.219.604;

(d) have passed an examination as described in [NEW RULE V];

(e) have completed a Federal Bureau of Investigation fingerprint background check per 37-23-202, 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) A license to practice as a licensed professional counselor in Montana may be issued to the holder of an out-of-state licensed professional counselor or equivalent license at the discretion of the board, provided the applicant completes and files with the board an application for licensure and the required application fee. The applicant must meet the following requirements:~~

~~(a) The applicant holds a valid and unrestricted license to practice as a licensed professional counselor or equivalent in another state or jurisdiction, which was issued under standards substantially equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s).~~

~~(b) The applicant holds a graduate degree, which meets the requirements of 37-23-202, MCA, and shall supply a copy of the certified transcript sent directly from an accredited college, university, or institution, and shall complete the degree summary sheet provided by the board.~~

~~(c) The applicant shall supply proof of successful completion of the National Counselor Examination (NCE) or another board-approved licensing examination. Applicant scores on the examination must be forwarded directly to the board.~~

~~(d) The applicant shall submit proof of completion of 3000 hours of supervised counseling practice as defined in 37-23-202, MCA. The applicant may verify the experience hours by affidavit, and need not supply a supervisor's signature upon reasonable explanation of why the supervisor's signature is unavailable to the applicant.~~

~~(e) The applicant shall submit proof of continuous practice as a licensed professional counselor or equivalent in another jurisdiction for the two years immediately preceding the date of application in Montana.~~

~~(f) The applicant shall answer questions about the applicant's character and fitness to practice on a form prescribed by the board, and the applicant shall provide all information required by the board in response to these questions.~~

~~(2) All applicants must submit the fingerprint and background checks required by the board.~~

~~(3) An applicant for licensure by endorsement in Montana may be granted a temporary permit to practice professional counseling, provided the applicant has submitted a completed application as described in this subchapter and that the initial screening by board staff shows that the current license is in good standing and not on probation or subject to ongoing disciplinary action. The temporary permit will remain valid until a license is granted or until notice of proposal to deny license is served, whichever occurs first. In the event that neither contingency has occurred within one year of issuance of the temporary permit to the endorsement applicant, the temporary permit shall expire and may not be renewed.~~

AUTH: 37-1-131, ~~37-1-319~~, 37-22-201, MCA

IMP: 37-1-131, 37-1-304, ~~37-1-305~~, 37-23-202, MCA

REASON: The board is amending this rule and ARM 24.219.601 and 24.219.605 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to out-of-state LCPC applicants for licensure, while requirements for original LCPC applicants and candidates will be in ARM 24.219.601 and 24.219.605.

The board determined it is reasonably necessary to amend this rule to align the standards for out-of-state applicants with the proper statutory authority. Following a review and recommendations by board staff, the board is amending this rule to facilitate licensure of those licensed in states or jurisdictions with requirements substantially equivalent to Montana's.

24.219.701 LMFT LICENSE REQUIREMENTS – ORIGINAL APPLICANTS APPLICATION PROCEDURES (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) Applicants must have a degree that:

(a) meets the requirements in 37-37-201, MCA;

(b) is a minimum of a master's degree in marriage and family counseling from a program accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) or Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or

(c) is a minimum of a master's degree from an accredited institution consisting of a minimum of 60 semester hours or 90 quarter hours. Those hours must include a minimum of 48 semester hours or 72 quarter hours of courses in:

(i) foundations of relational/systemic practice, theories, and models;

(ii) biopsychosocial health and development across the life span;

(iii) clinical treatment with individuals, couples, and families;

(iv) ethics in marriage and family therapy;

(v) diverse, multicultural, and/or underserved communities; and

(vi) systemic/relational assessment and mental health diagnosis and treatment.

(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 [NEW RULE VI] 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.

~~(1) Any person seeking licensure as a marriage and family therapist must apply on the board's official forms, which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.~~

~~(2) Completed applications must include:~~

~~(a) application fee;~~

~~(b) verification of the applicant's education via official transcripts provided directly from the school(s) and/or educational institution(s) to the board office; and~~

~~(c) three professional or academic reference letters, including one from the applicant's supervisor which shall include:~~

~~(i) name of applicant and supervisor, including the supervisor's type of license and number and signature;~~

~~(ii) dates and total hours of supervision received and number of supervised hours of clinical contact; and~~

~~(iii) recommendation to approve for licensure or not.~~

~~(3) An applicant must achieve a passing score on the National Marriage and Family Therapy Licensing Examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB).~~

~~(4) Applicants shall be given written notice of examination eligibility or ineligibility.~~

~~(5) The license will be effective as of the date all requirements, including payment of the original license fee, are met. An applicant shall not work as a licensed marriage and family therapist until the effective date of the license.~~

~~(6) Applicants shall be allowed a maximum of three attempts to successfully pass the examination.~~

~~(7) After the third attempt, if the applicant has not achieved a passing score, the applicant must request in writing to the board to retake the examination. The board may require the applicant to complete a preapproved remediation plan prior to additional exam administrations.~~

~~(8) If the applicant achieved a passing score on the National Marriage and Family Therapy Licensing Examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) as part of the applicant's graduate program, the passing examination score will be accepted for licensure. Examination results are valid within four years of the date the applicant took the examination that resulted in the passing score.~~

~~(9) If the applicant fails to satisfy the requirements for licensure within one year of the date the application is determined by the department to be complete, the application will expire, the application fee will be forfeited, and a new completed application and application fee will be required.~~

~~(10) All applicants must submit the fingerprint and background check required by the board.~~

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

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

REASON: The board is amending this rule and ARM 24.219.705 and 24.219.712 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to original applicants for LMFT licensure, while requirements for candidates and out-of-state applicants will be in ARM 24.219.705 and 24.219.712.

The board is amending this rule to increase the degree credits required to qualify for licensure from 48 semester credits to 60 semester credits. The board determined this is reasonably necessary as the national standard is 60 credits. Additionally, the board is updating the areas of study in (2)(c) to reflect current national standards.

The board is relocating specific LMFT examination provisions to NEW RULE VI. For consistency with other board license types, the board is amending (3)(b) to require exam passage within four years of application. The board concluded more recent test results will help ensure competency as original applicants have no practice experience.

#### 24.219.704 LMFT SUPERVISED WORK EXPERIENCE REQUIREMENTS

~~(1) For the purpose of meeting the 3,000 clock-hour requirement of 37-37-201, MCA, an applicant shall provide verification of the following:~~

~~(a) up to 500 client contact hours accumulated during the attainment of the graduate degree, with:~~

~~(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) As a part of the requirements in (1), the hours obtained post-degree must include:~~

~~(i) (a) supervision of up to 100 individual hours, using a 5:1 ratio of client contact hours to supervision hours of which at least 75 percent are in individual supervision as described in (1)(d) above; and~~

~~(ii) (b) group supervision must consist consisting of no more than six candidates supervisees; and~~

~~(b) (c) at least a minimum of 1000 post-degree hours of client contact accumulated after the attainment of the graduate degree and within the last five years, with a minimum of 50 percent of those hours providing services to couples and families, and under the supervision of a qualified supervisor, using There must be a 5:1 ratio of client contact hours to supervision hours with:~~

~~(i) at least 200 hours of face-to-face supervision of which at least 75 percent~~

150 hours are in individual supervision as defined in (1)(d) above, and of which a minimum of 80 hours is earned with each supervisor; and

(ii) at least 50 percent 100 hours of supervision must involve involving raw clinical data, i.e., live observation in the therapy room or through a one-way mirror or live-feed camera, videotape, or audiotape.

(3) Candidates must clearly indicate they are a marriage and family therapist licensure candidate in all professional and private communications.

(4) When an LMFT candidate completes the requirements of (1) and (2) of this rule, the candidate will qualify for the examination per [NEW RULE VI]. Upon proof of passage of the examination, a candidate will be issued an LMFT license without further application.

~~(c) the 3,000 hours shall have been completed in their entirety at the time of submission of the application.~~

~~(2) Supervision guidelines are as follows:~~

~~(a) A supervisor must be a qualified supervisor.~~

~~(b) A supervision agreement shall be in writing and in a format approved by the board. The agreement shall include, but not be limited to:~~

~~(i) the applicant's or licensure candidate's and supervisor's names, signatures, and dates;~~

~~(ii) terms of the agreement including the duties of the applicant or candidate and supervisor, the obligations of the applicant or candidate and supervisor under this rule, frequency and method of supervision, duration and termination provisions; and~~

~~(iii) a statement of compliance with applicable patient privacy laws and the supervisor's qualifications.~~

~~(c) The supervisor's relationship with the applicant or licensure candidate shall not constitute a conflict of interest, such as, but not limited to, being in a cohabitation or financially dependent relationship with the applicant or licensure candidate, or being the applicant's or licensure candidate's parent, child, spouse, or sibling.~~

~~(d) A record of supervision must be maintained by the applicant or licensure candidate and may be requested by the board in its review of the application. The record of supervision must include:~~

~~(i) date and length of supervision in increments not less than 15 minutes;~~

~~(ii) names of applicant or licensure candidate, supervisor (including type of license and number), and signatures of both;~~

~~(iii) content summary (excluding confidential information);~~

~~(iv) evidence of the applicant's or licensure candidate's 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;~~

~~(v) content demonstrating the applicant's or licensure candidate's developing competence; and~~

~~(vi) attestation of the record of supervision by the supervisor. Falsification or misrepresentation of the record of supervision shall be considered unprofessional~~



conduct and may result in discipline of the supervisor's license.

~~(e) The supervisor must attest to the above under penalty of law. Falsification or misrepresentation of any of the above may be considered misrepresentation and a violation of professional ethics, which may result in discipline of the supervisor's license.~~

~~(3) All reports and/or assessment interpretations and results sent to other public or private agencies that affect the current status of a client must be reviewed by and contain the approval and signature of the supervisor. These reports shall identify the supervisee's nonlicensed status or identify that the supervisee is a marriage and family therapist licensure candidate.~~

~~(4) All therapeutic interventions and the assessment results and interpretations used in the planning and/or implementation of those therapeutic interventions shall be reviewed and preapproved by the supervisor on a continual and ongoing basis.~~

~~(5) All professional communications, both private and public, including advertisements, shall clearly indicate the supervisee's nonlicensed status or indicate that the supervisee is a marriage and family therapist licensure candidate.~~

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

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

REASON: The board determined it is reasonably necessary to amend this rule to clearly set forth only the experience requirements necessary to obtain full LMFT licensure. The board is consolidating record requirements for all license types in NEW RULE I to simplify and standardize the rules.

24.219.705 MARRIAGE AND FAMILY THERAPIST LICENSURE CANDIDATE APPLICATION PROCEDURES LMFT CANDIDATE LICENSE REQUIREMENTS (1) Applicants for LMFT candidate licenses apply using the same application as LMFT applicants.

(2) Applicants must have a degree that:

(a) meets the requirements in 37-37-201, MCA;

(b) is a minimum of a master's degree in marriage and family counseling from a program accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) or the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE); or

(c) is a minimum of a master's degree from an accredited institution consisting of a minimum of 60 semester hours or 90 quarter hours. Those hours must include a minimum of 48 semester hours or 72 quarter hours of courses in:

(i) foundations of relational/systemic practice, theories, and models;

(ii) biopsychosocial health and development across the life span;

(iii) clinical treatment with individuals, couples, and families;

(iv) ethics in marriage and family therapy;

(v) diverse, multicultural, and/or underserved communities; and

(vi) systemic/relational assessment and mental health diagnosis and treatment.

(3) In addition to the education requirements in (2), applicants must:

- (a) have a supervisor that meets the requirements in ARM 24.219.421;
- (b) have completed a Federal Bureau of Investigation fingerprint background check per 37-37-205, MCA, within six months of the application date; and
- (c) 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.

~~(1) A person seeking licensure as a marriage and family therapist licensure candidate must apply on the board's official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.~~

~~(2) A completed marriage and family therapist licensure candidate application must include:~~

- ~~(a) the application fee;~~
- ~~(b) official transcripts provided directly from the institution documenting the applicant's completion of a master's degree or doctoral degree in:
  - ~~(i) marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE);~~
  - ~~(ii) marriage and family counseling from a program accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP);~~
  - ~~or~~
  - ~~(iii) a closely related field, for example, marriage and family counseling with an educational program consisting of a minimum of 48 semester hours (or 72 quarter hours) that includes at least 36 hours of courses comprised of human development, family development/family dynamics, marriage and family systems/systems theory, marriage and family therapy, ethics in marriage and family therapy, and research in marriage and family therapy;~~~~
- ~~(c) documentation of all supervised marriage and family therapy experience completed prior to completion of the academic degree. Experience must be completed and documented pursuant to the requirements of ARM 24.219.704; and~~
- ~~(d) the licensure candidate's proposed training and supervision plan.~~

~~(3) A training and supervision plan is subject to board approval, must be in a form approved by the board, and must include:~~

- ~~(a) identification of the candidate and qualified supervisors;~~
- ~~(b) the supervisors' license types, license numbers, and amount of post-licensure experience or training in clinical supervision;~~
- ~~(c) verification that any and all licenses held by the supervisors in all jurisdictions are unrestricted with no pending discipline;~~
- ~~(d) a proposed record of supervision in a form approved by the board that will address and document the licensure candidate's experience for the purpose of meeting the requirements of 37-37-201(1)(c), MCA, and satisfy the requirements of ARM 24.219.704; and~~
- ~~(e) a signed supervision agreement between the candidate and supervisors addressing the duties of the candidate and supervisors, the obligations of the candidate and supervisor under ARM 24.219.704, confidentiality, frequency and~~

method of supervision, and duration and termination of the supervision agreement.  
(4) ~~All applicants must submit the fingerprint and background check required by the board.~~

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

REASON: The board is amending this rule and ARM 24.219.701 and 24.219.712 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to applicants for LMFT candidates, while requirements for original and out-of-state LMFT applicants will be in ARM 24.219.701 and 24.219.712.

The board is amending this rule to increase the degree credits required for licensure from 48 semester credits to 60 semester credits. The board determined this is reasonably necessary as the national standard is 60 credits. Additionally, the board is updating the courses in (2)(c) to reflect current national standards.

24.219.712 LICENSURE OF OUT-OF-STATE LMFT LICENSES – OUT-OF-STATE APPLICANTS (1) Applicants for licensure who are 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 documents.

(2) Applicants must:

(a) hold a current, active license in good standing in another state or jurisdiction to practice marriage and family therapy under a scope of practice recognized in Montana. At the time of application, the standards of that state or jurisdiction must be substantially equivalent to Montana standards;

(b) pass an examination as required in 37-37-201, MCA;

(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.

(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) A license to practice as a licensed marriage and family therapist in the state of Montana may be issued to the holder of an out-of-state marriage and family therapist license, provided the applicant completes, and files with the board, an application for licensure and the required application fee. The candidate must have held a valid and unrestricted license as a licensed marriage and family therapist in another state or jurisdiction, which was issued under standards equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s).~~

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

REASON: The board is amending this rule and ARM 24.219.701 and 24.219.705 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to out-of-state LMFT applicants for licensure, while requirements for original LMFT applicants and candidates will be in ARM 24.219.701 and 24.219.705.

The board determined it is reasonably necessary to amend this rule to align the standards for out-of-state applicants with the proper statutory authority. Following a review and recommendations by board staff, the board is amending this rule to facilitate licensure of those licensed in states or jurisdictions with requirements substantially equivalent to Montana's.

24.219.907 CBHPSS LICENSE REQUIREMENTS – ORIGINAL APPLICANTS APPLICATION PROCEDURES (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.

(4) Once certified, CBHPSS must clearly indicate their certification in all professional and private communications and may use the titles in 37-38-201, MCA.

~~(1) Any person seeking certification as a CBHPSS must apply on the board's official forms, which may be obtained through the department or from the board web site. All requirements must be met at the time of application. Incomplete applications will not be considered by the board.~~

~~(2) Completed applications must include:~~

~~(a) payment of an application fee;~~

~~(b) attestation by the applicant of the applicant's diagnosed behavioral health disorder;~~

~~(c) attestation by the applicant of the applicant's behavioral health disorder recovery that 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;~~

~~(d) receipt of fingerprint and background results as reported to the board office by the Department of Justice within 90 days of making application;~~

~~(e) official transcripts or training certificates provided directly from the provider documenting completion of 40 hours of the training course in behavioral health peer support, per ARM 24.219.912; and~~

~~(f) a written agreement and supervision plan between the applicant and the qualified supervisor who will provide supervision once the certificate is issued. The agreement shall include:~~

~~(i) the name and signatures of the applicant and supervisor, including the supervisor's license type, license number, signature, and the service delivery site; and~~

~~(ii) a work plan that complies with the supervision guidelines outlined in ARM 24.219.916.~~

~~(3) Individuals who have practiced as behavioral health peer support specialists prior to October 1, 2017, shall complete all requirements of this rule.~~

~~(a) Training hours may include peer support specialist education hours completed in the past five years.~~

~~(b) On-the-job training does not qualify as approvable education hours.~~

~~(4) The certificate will be effective as of the date all requirements are met and the certificate is issued by the board office.~~

~~(5) An applicant shall not work as a CBHPSS until the effective date of the certificate.~~

~~(6) If the applicant fails to satisfy the requirements for certification within one year of the date the application is determined by the department to be incomplete, the application will expire, the application fee will be forfeited, and a new completed application and application fee will be required.~~

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

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

REASON: The board is amending this rule to address applicant questions by clearly setting forth the requirements for original CBHPSS certification.

The board is consolidating supervision requirements for all license types in NEW RULE I to simplify and standardize the rules.

#### 24.219.912 CBHPSS TRAINING COURSE AND EXAMINATIONS

EDUCATION REQUIREMENTS ~~(1) Applicants must provide documentation of completion of 40 hours of a training course in behavioral health peer support.~~

~~(2) All training programs must be approved by the board and those approved programs shall be posted on the board's web site. All education programs must provide content in the following domains:~~

(1) Board-approved training courses must include an examination that must be passed. The course must provide content including but not limited to:

(a) Substance Abuse and Mental Health Services Administration (SAMHSA) core competencies;

(b) through (s) remain the same.

~~(3) The training course in behavioral health peer support shall include successful completion of an exam. Exam scores shall be submitted with the training course.~~

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

REASON: For clarity and simplification, the board is relocating application requirements for original applicants to ARM 24.219.907 and out-of-state applicants to ARM 24.219.923, and replacing "program" with "course" to match statutory language.

24.219.923 CERTIFICATION OF CBHPSS CERTIFICATION REQUIREMENTS – OUT-OF-STATE APPLICANTS (1) Applicants for CBHPSS certification who are 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 documents.

(2) Applicants must:

(a) hold a current, active license in good standing in another state or jurisdiction for peer support under a scope of practice recognized in Montana. At the time of application, the standards of that state or jurisdiction must be substantially equivalent to Montana standards;

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

(c) 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.

(4) Once certified, CBHPSS must clearly indicate their certification in all professional and private communications and may use the titles in 37-38-201, MCA.

~~(1) Certification as a CBHPSS may be issued to the holder of an out-of-state peer support specialist license or certificate, provided the applicant meets the requirements of ARM 24.219.907. Official written verification of such licensure or certification status must be received by the board directly from the other state(s) or jurisdiction(s).~~

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

REASON: The board determined it is reasonably necessary to amend this rule to address confusion by clearly setting forth CBHPSS certification requirements for out-of-state applicants.

The board is also amending this rule to align the standards for out-of-state applicants with the proper statutory authority. Following a review and recommendations by board staff, the board is amending this rule to facilitate

certification of those licensed in states or jurisdictions with requirements substantially equivalent to Montana's.

24.219.5005 GAMBLING DISORDER EDUCATION REQUIREMENT FOR CURRENT LICENSED ADDICTION COUNSELOR LAC LICENSEES (1) LAC licensees licensed on or before August 20, 2017, whose licenses have been administratively suspended for not obtaining 15 hours of education pertaining to gambling disorder assessment and counseling by August 20, 2017, can bring their licenses into compliance if they meet the following requirements:

(a) submit proof of completion of gambling disorder assessment and counseling education that meets the boards continuing education requirements in ARM 24.219.5017 and 24.219.5018;

(b) meet any other board requirements for reactivation for an administratively suspended license; and

(c) if the license is in expired status, meet the requirements for renewing an expired license per ARM 24.101.408.

(2) Education obtained to meet this requirement can also count toward annual CE requirements described in ARM 24.219.5016.

~~(1) For individuals holding a valid Montana LAC license on or before August 20, 2017, the gambling disorder assessment and counseling education requirement in ARM 24.219.5004(3)(i) shall be satisfied as follows:~~

~~(a) Licensees shall obtain 15 hours of education regarding gambling disorder assessment and counseling. These education credits:~~

~~(i) shall count towards the licensees current continuing education renewal requirement;~~

~~(ii) may be obtained by any means delineated in ARM 24.219.5018; and~~

~~(iii) must be completed no more than three years prior to, or one year following August 20, 2016.~~

~~(b) Licensees shall submit proof of compliance with this requirement to the board office no later than August 20, 2017.~~

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

IMP: 37-1-321, ~~37-35-102~~, 37-35-103, MCA

REASON: The board determined it is reasonably necessary to amend this rule and remove obsolete requirements. Licensees who did not meet the requirement to obtain the gambling education credits by August 20, 2017, had their licenses placed on administrative suspension. The board is further amending this rule to outline the process for coming into compliance and being taken off administrative suspension for licensees still able to reactivate their licenses.

24.219.5006 LICENSED ADDICTION COUNSELOR APPLICATION PROCEDURES LAC LICENSE REQUIREMENTS – ORIGINAL APPLICANTS

(1) Applicants for LAC 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) Applicants must meet the following education requirements:

- (a) have a degree that meets the requirements in 37-35-202(2)(a) or (b), MCA. A "comparable" degree is defined in 37-35-202(9), MCA; and
- (b) 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 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.

(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 [NEW RULE VII] 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.

(1) An individual seeking licensure in Montana as a licensed addiction counselor (LAC) must submit the following:

- (a) a completed application;
- (b) official transcripts to verify graduation and completion of the requirements of 37-35-202, MCA, and ARM 24.219.5004, sent directly from the accredited college or university;
- (c) specific information regarding the licensed addiction counseling qualified treatment setting satisfying ARM 24.219.5010 where the supervised work experience will be completed;
- (d) specific information regarding the applicants supervisor and demonstrating the supervisor has met the qualifications listed in ARM 24.219.5009, including:



- ~~(i) name and qualifications of the supervisor responsible for the supervised work experience;~~
- ~~(ii) verification that any and all licenses held by the supervisor in other jurisdictions are unrestricted with no pending discipline; and~~
- ~~(iii) proof that the supervisor has at least three years of licensed addiction counseling experience post licensure in an approved addiction counseling treatment setting;~~
- ~~(e) documentation, on a form approved by the board, that the applicant has satisfied the supervised experience requirements in ARM 24.219.5008;~~
- ~~(f) the fingerprint and background check required by the board; and~~
- ~~(g) required application fee payment.~~
- ~~(2) Except as provided in (5), all supervised experience hours must be completed pursuant to ARM 24.219.5008 before an individual is eligible to take the written examination.~~
- ~~(3) The addiction counselor written examination shall cover four content areas, including, but not limited to:
  - ~~(a) pharmacology of psychoactive substances;~~
  - ~~(b) counseling practice;~~
  - ~~(c) theoretical based counseling; and~~
  - ~~(d) professional issues.~~~~
- ~~(4) Applicants must receive a passing score on the Level 1 or Level 2 written examination prescribed by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission (NCC), on the Northwest Certification II, or on the Southwest Certification II. Test results are sent to the applicants and the department. Applicants receive an "overall" score for the examination and separate scores for each of the content areas.~~
- ~~(5) If the applicant achieved a passing score on the NCC Level 1 or Level 2 examination, the Northwest Certification II examination, or the Southwest Certification II examination as part of the applicants education program, the passing examination score will be accepted for licensure.~~
- ~~(6) Examination results are valid within four years of the date the applicant took the examination that resulted in the passing score.~~
- ~~(7) Applicants shall be allowed a maximum of three attempts to successfully pass the examination.~~
- ~~(8) After the third attempt, if the applicant has not achieved a passing score, the applicant must request in writing to the board to retake the examination. The board may require the applicant to complete a preapproved remediation plan prior to additional exam administrations.~~

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 amending this rule and ARM 24.219.5007 and 24.219.5013 to separate and clearly set forth LAC licensure requirements by applicant type. Following amendment, this rule will apply solely to original applicants for LAC licensure, while requirements for candidates and out-of-state applicants will be in ARM 24.219.5007 and 24.219.5013.

Additionally, the board is reducing the education hours in (2)(b) from 15 hours of ethics to 10 while increasing the number of multicultural competency hours from 15 to 20. The board concluded this change will more accurately capture the minimum education competencies necessary to practice in Montana.

24.219.5007 LICENSURE OF OUT-OF-STATE LAC LICENSE REQUIREMENTS – OUT-OF-STATE APPLICANTS (1) Applicants for LAC licensure who are 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 documents.

(2) Applicants must:

(a) hold a current, active license in good standing in another state or jurisdiction to practice addiction counseling. At the time of application, the standards of that state or jurisdiction must be substantially equivalent to Montana standards;

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

(c) 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) A license to practice as a licensed addiction counselor in Montana may be issued to the holder of an out-of-state licensed addiction counselor or equivalent license at the discretion of the board, provided the applicant completes and files with the board an application for licensure and pays the required application fee. The applicant shall:~~

~~(a) hold a valid and unrestricted license to practice as a licensed addiction counselor or equivalent in another state or jurisdiction that was issued under standards substantially equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s);~~

~~(b) hold a degree, which meets the requirements of 37-35-202, MCA, and shall supply a copy of the certified transcript sent directly from an accredited college, university, or institution, and complete the degree summary sheet provided by the board;~~

~~(i) Candidates who did not obtain the addiction-specific education hours within their degree must complete an addiction-specific education summary sheet.~~

~~(c) supply proof of successful completion of the National Association of Alcoholism and Drug Abuse Counselors Certification Commission Level 1 or Level 2 examination, the Northwest Certification II examination, or the Southwest Certification II examination or another board-approved licensing examination. The applicants scores on the examination must be forwarded directly to the board;~~

~~(d) submit proof of completion of the hours of addiction counseling experience required in ARM 24.219.5008. The applicant may verify the experience hours by affidavit and need not supply a supervisors signature upon reasonable explanation of why the supervisors signature is unavailable to the applicant;~~

~~(e) submit proof of continuous practice as a licensed addiction counselor or equivalent in another jurisdiction for the two years immediately preceding the date of application in Montana; and~~

~~(f) answer questions about the applicants character and fitness to practice on a form prescribed by the board, and provide all information required by the board in response to these questions.~~

~~(2) All applicants must submit the fingerprint and background checks required by the board.~~

~~(3) An out-of-state applicant for licensure in Montana may be granted a temporary permit to practice addiction counseling, provided:~~

~~(a) the applicant has submitted a completed application as described in this subchapter; and~~

~~(b) the initial screening by board staff shows the current license is in good standing and not on probation or subject to ongoing disciplinary action.~~

~~(i) The temporary permit will remain valid until a license is granted or until notice of proposal to deny license is served, whichever occurs first.~~

~~(ii) In the event that neither contingency has occurred within one year of issuance of the temporary permit, the temporary permit shall expire and may not be renewed.~~

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 amending this rule and ARM 24.219.5006 and 24.219.5013 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to out-of-state LAC applicants for licensure, while requirements for original LAC applicants and candidates will be in ARM 24.219.5006 and 24.219.5013.

The board determined it is reasonably necessary to amend this rule to align the standards for out-of-state applicants with the proper statutory authority. Following a review and recommendations by board staff, the board is amending this rule to facilitate licensure of those licensed in states or jurisdictions with requirements substantially equivalent to Montana's.

#### 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:

~~(1) (a) A a minimum of seven months and 1000 hours of supervised work experience hours in a licensed an addiction counseling qualified treatment setting pursuant to ARM 24.219.5010 is required for licensure. program as defined in ARM 24.219.5010; and~~

~~(b) the criteria for supervised work experience in ARM 24.219.301.~~

~~(2) An LAC applicants or licensure candidates supervised experience must be documented on weekly timesheets.~~

~~(a) The weekly timesheets must document work experience in the following 11 skill areas:~~

(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:

- (i) (a) screening, minimum of 30 hours;
- (ii) (b) assessment/patient placement, minimum of 100 hours;
- (iii) (c) treatment planning, minimum of 50 hours;
- (iv) (d) referrals, minimum of 20 hours;
- (v) (e) case management, minimum of 50 hours;
- (vi) (f) individual counseling, minimum of 60 hours;
- (vii) (g) group counseling, minimum of 100 hours;
- (viii) (h) client education, minimum of 35 hours;
- (ix) (i) documentation, minimum of 35 hours;
- (x) (j) professional and ethical responsibilities, minimum of 10 hours; and
- (xi) (k) multicultural competency, minimum of 10 hours.

(3) The 1000 hours of supervised work experience must be completed in not more than two different qualified treatment programs.

(4) Candidates must clearly indicate they are an addiction counselor licensure candidate in all professional and private communications.

(5) When an LAC candidate completes the requirements of (1) and (2) of this rule, the candidate will qualify for the examination per [NEW RULE VII]. Upon proof of passage of the examination, a candidate will be issued an LAC license without further application.

~~(b) The weekly timesheets must be signed by the supervisor and submitted to the department with an application for licensure.~~

~~(c) The supervisor must observe the work of the LAC applicant or licensure candidate in each of the 11 skill areas. Observation may occur via Skype or other similar technological means.~~

~~(d) A summary sheet for each supervisor named must also be attached to the weekly timesheets to verify the LAC applicant or licensure candidate has met the required minimum hours in the 11 skill areas. This summary sheet shall summarize the weekly timesheets.~~

~~(e) LAC applicants and licensure candidates must complete the required minimum hours in the 11 skill areas as follows. The remaining hours must be under onsite clinical supervision in each of the 11 skill areas.~~

Skill Areas	Hours
screening	30
assessment/patient placement	100
treatment planning	50
referrals	20
case management	50
individual counseling	60
group counseling	100
client education	35
documentation	35

professional and ethical responsibilities	40
multicultural competency	40
TOTAL	500

~~(3) An LAC applicant or licensure candidate may select any of the 11 skill areas in order to accumulate the remaining supervised work experience hours.~~

~~(4) The supervisor's relationship with the LAC applicant or licensure candidate shall not constitute a conflict of interest, including, but not limited to being in a cohabitation or financially dependent relationship with the LAC applicant or licensure candidate, or being the applicant's or licensure candidate's parent, child, spouse, or sibling.~~

~~(5) Supervised work experience hours may be gained through paid work experience, academic internship hours, or unpaid volunteer work if the LAC applicant or licensure candidate is supervised by a qualified supervisor in a qualified treatment setting.~~

~~(6) Supervised work experience must be completed in not more than two different treatment settings.~~

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 determined it is reasonably necessary to amend this rule to address confusion by clearly setting forth the experience requirements necessary for full LAC licensure. The board is consolidating record requirements for all license types in NEW RULE I to simplify and standardize the rules.

The board is striking "licensed" from (1)(a) to remove potential confusion since the board does not license addiction counseling treatment programs. Instead the amendment specifies qualified treatment programs as referenced in 37-35-202, MCA, and defined in ARM 24.219.5010.

24.219.5010 QUALIFIED TREATMENT PROGRAM SETTING (1) Qualified treatment ~~settings~~ programs include those addiction treatment programs where ~~licensed addiction counselor (LAC) applicants or licensure candidates~~ may obtain supervised work experience based on nationally recognized patient placement criteria. Criteria for these treatment settings may include settings that provide the basis for a continuum of care for patients with addictions and settings that include any level of care as defined by American Society of Addiction Medicine (ASAM) in The ASAM Criteria: Treatment Criteria for Addictive, Substance-Related, and Co-Occurring Conditions (October 24, 2013).

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

(a) through (f) remain the same.

(3) Qualified treatment ~~settings~~ programs must have a direct referral relationship for the provision of:

- (a) through (e) remain the same.
- (4) Qualified treatment settings programs must demonstrate the individualized treatment plans including:
  - (a) through (e) remain the same.

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 amending this rule to change "setting" to "program" to match statutory language.

24.219.5013 ADDICTION COUNSELOR LICENSURE CANDIDATE APPLICATION PROCEDURES LAC CANDIDATE LICENSE REQUIREMENTS

- (1) Applicants for LAC candidate licenses apply using the same application as LAC applicants.
- (2) Applicants for LAC candidate must meet the following education requirements:
  - (a) have a degree that meets the requirements in 37-35-202(2)(a) or (b), MCA. A "comparable" degree is defined in 37-35-202(9), MCA; and
  - (b) 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 for addiction counselors;
    - (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.
- (3) In addition to the requirements in (1) and (2), applicants must:
  - (a) have completed a Federal Bureau of Investigation fingerprint background check per 37-35-202, MCA, within six months of the application date; and
  - (b) 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.

~~(1) A person seeking licensure as an addiction counselor licensure candidate must apply on the boards official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.~~

~~(2) A completed addiction counselor licensure candidate application must include:~~

~~(a) the application fee;~~

~~(b) official transcripts provided directly from the institution documenting the applicants completion of the education required by ARM 24.219.5004; and~~

~~(c) the licensure candidates proposed training and supervision plan.~~

~~(3) A training and supervision plan is subject to board approval, must be in a form approved by the board, and must include:~~

~~(a) identification of the candidate and qualified supervisors;~~

~~(b) the supervisors license types, license numbers, and amount of post-licensure experience in a qualified treatment setting;~~

~~(c) verification that any and all licenses held by the supervisors in all jurisdictions are unrestricted with no pending discipline;~~

~~(d) identification of the applicants qualified treatment setting and evidence that the qualified treatment setting satisfies the requirements of ARM 24.219.5010;~~

~~(e) a proposed record of supervision in a form approved by the board that will address and document the licensure candidates experience for the purpose of meeting the requirements of ARM 24.219.5008; and~~

~~(f) a signed supervision agreement between the candidate and supervisors addressing the duties of the candidate and supervisors, the obligations of the candidate and supervisor under ARM 24.219.5008, confidentiality, frequency and method of supervision, and duration and termination of the supervision agreement.~~

~~(4) All applicants must submit the fingerprint and background check required by the board.~~

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 amending this rule and ARM 24.219.5006 and 24.219.5007 to separate and clearly set forth licensure requirements by applicant type. Following amendment, this rule will apply solely to applicants for LAC candidates, while requirements for original and out-of-state LAC applicants will be in ARM 24.219.5006 and 24.219.5007.

Additionally, the board is reducing the education hours in (2)(b) from 15 hours of ethics to 10 while increasing the number of multicultural competency hours from 15 to 20. The board concluded this change will more accurately capture the minimum education competencies necessary to practice in Montana.

5. The proposed new rules are as follows:

NEW RULE I 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] 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.

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

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



REASON: The board is adopting this new rule to consolidate supervised work experience recordkeeping provisions for all license types for simplicity and ease of use. The board is setting a records retention period for seven years from when a supervisor/supervisee relationship ends for consistency among supervised license types and to ensure candidates maintain records a minimum of two years after the maximum length of a candidate license.

Additionally, to ensure both sides of the supervision relationship are represented in the records, the new rule will require that supervisors, as well as candidates, maintain supervision records. This change will help ensure a more complete documentation of the supervision, should discrepancies arise.

In consolidating supervision and record requirements for all license types in this new rule, the board will no longer require candidates to submit supervision logs at the end of a candidacy for licensure. Supervisors and candidates will maintain records and ultimately attest to the candidate having complied with supervision requirements. The board determined it is reasonably necessary to add a specific time for records retention and hold licensees responsible to maintain documents instead of the department maintaining logs as part of a licensing record. These changes align with and facilitate the department's standardized application and records management procedures.

To ensure that candidates are obtaining the necessary supervision throughout the term of their candidate license, the board is adding (8) to allow a random compliance audit of a percentage of actively licensed candidates.

NEW RULE II 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, using forms provided by the department:

(a) the candidate or CBHPSS must notify the board at least ten business days prior to the change;

(b) the new supervisor must notify the board at least ten business days prior to the change; and/or

(c) the individual ceasing to supervise a candidate or CBHPSS must notify the board of termination of supervision within ten business days following termination of supervision.

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

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

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

REASON: The board is consolidating change of supervisor requirements for all license types into this rule for simplicity, ease of use, and to require the use of department-provided forms. Current rules require only that candidates and CBHPSS licensees notify the board of supervision changes. To reduce confusion about when a supervision relationship has changed, this new rule requires that

supervisors also notify the board. This change will help standardize the notification process and facilitate department efficiencies and recordkeeping.

NEW RULE III EXAMINATION – LCSW (1) The following examinations are approved for licensure:

- (a) Association of Social Work Boards (ASWB) clinical examination; or
  - (b) other licensing examinations approved by the board.
- (2) Individuals who have not already passed an approved examination will be approved by department staff to register for the ASWB examination upon:
- (a) submission of a complete application under ARM 24.219.501 or 24.219.512 where all requirements with the exception of the examination have been met; or
  - (b) proof of completion of supervised work experience requirements as described in ARM 24.219.504.
- (3) Applicants or candidates may not take the ASWB examination more than three times unless approved by the board 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, 37-22-201, MCA  
IMP: 37-1-131, 37-22-301, MCA

REASON: The board is relocating specific LCSW examination standards and procedures in this new rule that applies to all methods of LCSW application and eliminates unnecessary duplication in multiple rules. The board is also adding the requirement to submit a study plan in (3) so applicants are aware of the minimum information required to petition to retake an exam after failing at least three times.

NEW RULE IV ADDITIONAL EDUCATION REPORTING – LCPC

(1) Applicants whose education meets the requirements of 37-23-202(2), MCA, instead of 37-23-201(1)(a), MCA, who qualify for licensure in ARM 24.219.601, 24.219.605, or 24.219.612, must submit proof of having completed the additional graduate-level hours of education within five years from the date of licensure.

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

REASON: The board is relocating this requirement from ARM 24.219.603(3) since the requirement is not related to initial application requirements. People who need to show proof of having met this requirement have already been issued a license and are not applicants.

NEW RULE V EXAMINATION – LCPC (1) The examinations administered by the entities described in 37-23-202, MCA, are approved for licensure.

(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 under ARM 24.219.601 or 24.219.612 where all requirements with the exception of the examination have been met; 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 by the board 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, 37-22-201, MCA

IMP: 37-1-131, 37-23-202, MCA

REASON: The board is relocating specific LCPC examination standards and procedures in this new rule that applies to all methods of LCPC application and eliminates unnecessary duplication in multiple rules. The board is also adding the requirement to submit a study plan in (3) so licensees are aware of the minimum information required to petition to retake an exam after failing at least three times.

NEW RULE VI EXAMINATION – LMFT (1) The following examinations are approved for licensure:

(a) the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) examination in marriage and family therapy; or

(b) other licensing examinations approved by the board.

(2) Individuals who have not already passed an approved examination will be approved by department staff to register for the AMFTRB examination upon:

(a) submission of a complete application under ARM 24.219.701 or 24.219.712 where all requirements with the exception of the examination have been met; or

(b) proof of completion of supervised work experience requirements as described in ARM 24.219.705.

(3) Applicants or candidates may not take the AMFTRB examination more than three times unless approved by the board 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, 37-22-201, MCA

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

REASON: The board is relocating specific LMFT examination standards and procedures in this new rule that applies to all methods of LMFT application and eliminates unnecessary duplication in multiple rules. The board is also adding the requirement to submit a study plan in (3) so licensees are aware of the minimum information required to petition to retake an exam after failing at least three times.

NEW RULE VII EXAMINATION – LAC (1) The following examinations are approved for licensure:

- (a) Level 1 or Level 2 National Certification Commission for Addiction Professionals (NCC AP);
- (b) Northwest Certification II;
- (c) Southwest Certification II; or
- (d) International Certification and Reciprocity Consortium (IC&RC) Alcohol and Drug Counselor (ADC) examination or Advanced Alcohol and Drug Counselor (AADC) exam.

(2) Individuals who have not already passed an approved examination can be approved by department staff to register for an examination upon:

(a) submission of a complete application under ARM 24.219.5006 or 24.219.5007 where all requirements with the exception of the examination have been met; or

(b) proof of completion of supervised work experience requirements as described in ARM 24.219.5008.

(3) An applicant or candidate may not take the examination more than three times unless approved by the board to retake the examination. Applicants requesting to retake the examination must submit a request including but not limited to a specific study plan.

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 consolidating LAC examination standards and procedures in this new rule that apply to all application methods and will eliminate unnecessary duplication in multiple rules. The board is also amending this rule for simplicity, better organization, and ease of use for the reader.

In addition to the board-approved exams in (1), the board is adding the International Certification and Reciprocity Consortium (IC&RC) Alcohol and Drug Counselor (ADC) examination and Advanced Alcohol and Drug Counselor (AADC) exam to meet licensure qualifications. These two exams are widely accepted for addiction counseling licensure across the United States.

The board is adding the requirement to submit a study plan in (3) so licensees are aware of the minimum information required when petitioning to retake an exam after failing at least three times.

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

24.219.506 SOCIAL WORKER LICENSURE CANDIDATE REQUIREMENTS

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

IMP: 37-1-131, 37-22-313, MCA

REASON: The board is repealing this rule as unnecessary as all relevant provisions are moving to NEW RULE II to consolidate changes of supervision for all candidates and CBHPSS.

24.219.603 LCPC EDUCATION REQUIREMENTS

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

REASON: The board is repealing this rule as unnecessary since all relevant provisions are in statute or moving to ARM 24.219.601 and 24.219.605.

24.219.703 LMFT EDUCATION REQUIREMENTS

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

REASON: The board is repealing this rule as unnecessary since all relevant provisions are in statute or moving to ARM 24.219.701 and 24.219.705.

24.219.707 TEMPORARY PRACTICE PERMIT

AUTH: 37-1-131, 37-1-319, 37-22-201, MCA  
IMP: 37-1-131, 37-1-305, MCA

REASON: The board is repealing this rule as an unnecessary restatement of 37-1-305, MCA.

24.219.901 DEFINITIONS

AUTH: 37-1-131, 37-38-102, 37-38-202, MCA  
IMP: 37-1-131, 37-38-102, 37-38-202, MCA

REASON: The board is repealing this rule as unnecessary since all relevant definitions are being consolidated in ARM 24.219.301.

24.219.902 SUPERVISOR QUALIFICATIONS

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

REASON: The board is repealing this rule as unnecessary since all relevant provisions are moving to ARM 24.219.421.

24.219.903 MILITARY TRAINING OR EXPERIENCE

AUTH: 37-1-145, MCA  
IMP: 37-1-145, MCA

REASON: The board is repealing this rule as unnecessary since all relevant provisions are moving to ARM 24.219.415.

24.219.916 CBHPSS POST-CERTIFICATION CLINICAL SUPERVISION REQUIREMENTS

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

REASON: The board is repealing this rule as unnecessary since all relevant provisions are moving to NEW RULES I and II.

24.219.5001 DEFINITIONS

AUTH: 37-35-103, MCA  
IMP: 37-35-102, 37-35-103, MCA

REASON: The board is repealing this rule as unnecessary since all relevant definitions are being consolidated in ARM 24.219.301.

24.219.5003 MILITARY TRAINING OR EXPERIENCE

AUTH: 37-1-145, MCA  
IMP: 37-1-145, MCA

REASON: The board is repealing this rule as unnecessary since all relevant provisions are moving to ARM 24.219.415.

24.219.5004 EDUCATION REQUIREMENT

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

REASON: The board is repealing this rule as unnecessary since all relevant provisions are in statute or moving to ARM 24.219.5006 and 24.219.5008.

24.219.5009 SUPERVISOR QUALIFICATIONS

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

REASON: The board is repealing this rule as unnecessary since all relevant provisions are moving to ARM 24.219.421.

24.219.5011 NONRESIDENT LICENSED ADDICTION COUNSELOR SERVICES

AUTH: 37-35-103, MCA  
IMP: 37-35-201, MCA

REASON: The board is repealing this rule as an unnecessary restatement of 37-35-201, MCA.

24.219.5014 ADDICTION COUNSELOR LICENSURE CANDIDATE REQUIREMENTS

AUTH: 37-35-103, MCA

IMP: 37-35-103, 37-35-202, MCA

REASON: The board is repealing this rule as unnecessary since all relevant provisions are moving to NEW RULES I and II.

7. 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 Behavioral Health, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdbbh@mt.gov](mailto:dlibsdbbh@mt.gov), and must be received no later than 5:00 p.m., November 15, 2019.

8. An electronic copy of this notice of public hearing is available at <http://boards.bsd.dli.mt.gov/bbh> (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

9. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Behavioral Health, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibsdbbh@mt.gov](mailto:dlibsdbbh@mt.gov); or made by completing a request form at any rules hearing held by the agency.

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

11. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.219.301, 24.219.415, 24.219.421, 24.219.501, 24.219.504, 24.219.505, 24.219.512, 24.219.601, 24.219.604, 24.219.605, 24.219.612, 24.219.701, 24.219.704, 24.219.705, 24.219.712, 24.219.907, 24.219.912, 24.219.923, 24.219.5005, 24.219.5006, 24.219.5007, 24.219.5008, 24.219.5010, and 24.219.5013 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULES I through VII will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.219.506, 24.219.603, 24.219.703, 24.219.707, 24.219.901, 24.219.902, 24.219.903, 24.219.916, 24.219.5001, 24.219.5003, 24.219.5004, 24.219.5009, 24.219.5011, and 24.219.5014 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Behavioral Health, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; facsimile (406) 841-2305; or to [dlibsdbbh@mt.gov](mailto:dlibsdbbh@mt.gov).

12. Lucy Richards, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF BEHAVIORAL HEALTH  
CATHY JENNI, LCPC, LMFT  
CHAIRPERSON

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

/s/ GALEN HOLLENBAUGH  
Galen Hollenbaugh, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 8, 2019.