

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

In the matter of the amendment of)	NOTICE OF AMENDMENT AND
ARM 24.101.413 renewal dates and)	ADOPTION
requirements, 24.189.601)	
psychologist application procedures,)	
24.189.604 minimum standards,)	
24.189.610 work samples -)	
examination, 24.189.630 licensure as)	
a psychologist by experience (senior),)	
and the adoption of New Rule I)	
nonroutine psychologist applications,)	
and New Rule II nonroutine behavior)	
analyst or assistant behavior analyst)	
applications)	

TO: All Concerned Persons

1. On December 22, 2017, the Department of Labor and Industry (department) and the Board of Psychologists (board) published MAR Notice No. 24-189-38 regarding the public hearing on the proposed amendment and adoption of the above-stated rules, at page 2394 of the 2017 Montana Administrative Register, Issue No. 24.

2. On January 12, 2018, a public hearing was held on the proposed amendment and adoption of the above-stated rules in Helena. Several comments were received by the January 19, 2018 deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board's responses are as follows:

COMMENT 1: Several commenters objected to the requirement that behavior analyst and assistant behavior analyst applicants need character references from licensed behavior analysts. The commenters asked the board to change this since there are very few Montana-licensed behavior analysts at this time, and the requirement has delayed licensing new behavior analysts, as well. The commenters suggested the board add transitional language to enable behavior analysts and assistant behavior analysts to be licensed in Montana without such requirement.

RESPONSE 1: While the board appreciates all comments received during the rulemaking process, the board determined that the comments do not apply to this rulemaking project in MAR Notice No. 24-189-38, and therefore the board cannot make any of the suggested changes in this final notice of adoption. The comments may apply to MAR Notice No. 24-189-39, which is still awaiting board final action. While concurrent rulemaking projects may cause some confusion, the board notes

that these two projects clearly differentiate between psychologist rule changes and behavior analyst rule changes. The board is proceeding with the changes in this project, MAR Notice No. 24-189-38, exactly as proposed.

COMMENT 2: One commenter questioned whether the person who supervises behavior analysts for the required 100 clinical hours needs to be a licensed behavior analyst.

RESPONSE 2: See RESPONSE 1.

4. The department has amended ARM 24.101.413 exactly as proposed.

5. The board has amended ARM 24.189.601, 24.189.604, 24.189.610, and 24.189.630 exactly as proposed.

6. The board has adopted NEW RULE I (24.189.613) and NEW RULE II (24.189.911) exactly as proposed.

BOARD OF PSYCHOLOGISTS
JAMES MURPHEY, Ph.D., 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 April 17, 2018.