

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.189.901 and 24.189.907 ) PROPOSED AMENDMENT  
pertaining to application procedures )  
for behavior analysts and assistant )  
behavior analysts )

TO: All Concerned Persons

1. On April 6, 2018, at 11:00 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 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 Psychologists no later than 5:00 p.m., on March 30, 2018, to advise us of the nature of the accommodation that you need. Please contact L'Joy Griebenow, Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2258; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibspsy@mt.gov (board's e-mail).

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

24.189.901 BEHAVIOR ANALYST APPLICATION PROCEDURES

(1) through (2)(c) remain the same.

(d) a completed criminal background check; and

(e) proof of current certification as a behavior analyst by the BACB; and

~~(f) a minimum of three completed reference forms from individuals familiar with the quality of the applicant's education and work experience and attesting to the applicant's good moral character as follows:~~

~~(i) two from licensed behavior analysts; and~~

~~(ii) one from a licensed psychologist, physician, or certified nurse practitioner.~~

(3) and (4) remain the same.

AUTH: 37-1-131, 37-17-406, MCA

IMP: 37-1-131, 37-17-403, 37-17-406, MCA

REASON: The board determined it is reasonably necessary to amend this rule and ARM 24.189.907 to no longer require reference forms regarding good moral character. Applicants informed staff of the difficulty in finding licensed behavior analysts to provide two of the three required references, as Montana licensure is

new and surrounding states do not yet license behavior analysts. Additionally, the board concluded that adequate information to demonstrate an applicant's character is obtained through the application's disciplinary/criminal history questions and the results of each applicant's criminal background check.

24.189.907 ASSISTANT BEHAVIOR ANALYST APPLICATION PROCEDURES (1) through (2)(d) remain the same.

(e) proof of current certification as an assistant behavior analyst by the BACB; and

(f) proof of current supervision by a licensed behavior analyst; and

~~(g) a minimum of three completed reference forms from individuals familiar with the quality of the applicant's education and work experience and attesting to the applicant's good moral character as follows:~~

~~(i) two from licensed behavior analysts; and~~

~~(ii) one from a licensed psychologist, physician, or certified nurse practitioner.~~

AUTH: 37-1-131, 37-17-406, MCA

IMP: 37-1-131, 37-17-403, 37-17-405, 37-17-406, MCA

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibspsy@mt.gov](mailto:dlibspsy@mt.gov), and must be received no later than 5:00 p.m., April 13, 2018.

5. An electronic copy of this notice of public hearing is available at [www.psy.mt.gov](http://www.psy.mt.gov) (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.

6. 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 Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibspsy@mt.gov](mailto:dlibspsy@mt.gov); or made by completing a request form at any rules hearing held by the agency.

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

8. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.189.901 and 24.189.907 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2258; facsimile (406) 841-2305; or to [dlibspsy@mt.gov](mailto:dlibspsy@mt.gov).

9. L'Joy Griebenow, Executive Officer, has been designated to preside over and conduct this hearing.

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 March 6, 2018.