

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

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.101.413, 24.219.301, ) PROPOSED AMENDMENT,  
24.219.401, 24.219.415, 24.219.421, ) ADOPTION, AND REPEAL  
24.219.422, 24.219.423, 24.219.501, )  
24.219.502, 24.219.504, 24.219.505, )  
24.219.512, 24.219.604, 24.219.605, )  
24.219.704, 24.219.705, 24.219.907, )  
24.219.923, 24.219.2301, )  
24.219.5008, 24.219.5013; the )  
adoption of New Rules I through IV; )  
and the repeal of 24.219.405, )  
24.219.409, 24.219.507, 24.219.509, )  
24.219.607, 24.219.609, 24.219.708, )  
24.219.709, 24.219.807, 24.219.905, )  
24.219.921, 24.219.925, 24.219.927, )  
24.219.929, 24.219.931, 24.219.2001, )  
24.219.2201, 24.219.2305, )  
24.219.2309, 24.219.5002, )  
24.219.5012, 24.219.5015, )  
24.219.5016, 24.219.5017, )  
24.219.5018, and 24.219.5019 )  
pertaining to application and licensing )  
rules for licensed clinical social workers )  
(LCSW), licensed baccalaureate social )  
workers (LBSW), licensed master's )  
social workers (LMSW), 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 March 10, 2020, at 9:00 a.m., a public hearing will be held in the Large 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

March 3, 2020, 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 (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The 2019 Montana Legislature enacted Chapter 390, laws of 2019 (House Bill 626), an act that revised social work laws to create licensed baccalaureate social worker (LBSW), licensed master's (nonclinical) social worker (LMSW), and candidates licenses. The bill became effective on January 1, 2020. The board is amending and adopting several rules to implement House Bill 626 by establishing licensure requirements that are consistent with national standards for the new license types, including education, examination, and supervised work experience requirements.

House Bill 626 requires that LBSW and LMSW candidates apply separately from full license applicants and submit a new application for a full LBSW or LMSW license once the candidates meet the requirements to qualify for full licensure. The board is therefore amending the existing candidate license rules for licensed clinical professional counselor (LCPC), licensed clinical social worker (LCSW), licensed marriage and family therapist (LMFT), and licensed addiction counselor (LAC) to standardize to the same application process to maintain consistency, efficiency, and a uniform licensing process for all candidates under this board. The board also concluded that with these changes, applications for full licensure following a candidacy will be a more effective protection of public health and safety as the applicants will need to obtain current background checks.

Following a review of the board's rules and recommendations from staff, the board determined it is reasonably necessary to amend existing rules pertaining to renewal, registration, continuing education, unprofessional conduct, and ethics to eliminate outdated, redundant, and unnecessary provisions, and provide consistency, simplicity, better organization, and ease of use for licensees, staff, educators, program administrators, and the public. Further, the board determined it is reasonably necessary to amend the rules throughout to align with and facilitate current standardized department application, renewal, and audit procedures.

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.

Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

4. The department is proposing to amend the following rule. The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS

(1) through (5)(d) remain the same.

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(e)	Behavioral Health	Licensed Clinical Professional Counselor	Annually	December 31
		Licensed Clinical Social Worker	Annually	December 31
		<u>Licensed Master's Social Worker</u>	<u>Annually</u>	<u>December 31</u>
		<u>Licensed Baccalaureate Social Worker</u>	<u>Annually</u>	<u>December 31</u>
		Licensed Marriage and Family Therapist	Annually	December 31
		Certified Behavioral Health Peer Support Specialist	Annually	December 31
		Licensed Addiction Counselor	Annually	June 30

(f) through (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

REASON: It is reasonably necessary to amend this rule to establish renewal dates for the new LBSW and LMSW licenses created by House Bill 626. Since LCSW licensees renew on December 31 the department is utilizing the same date for the new social work licenses.

5. The board is proposing to amend the following rules. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.219.301 DEFINITIONS (1) through (3)(a) remain the same.

~~(b)~~ (b) "LBSW candidate" means an individual as defined in 37-22-102, MCA;

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

and

(c) remains the same but is renumbered (d).

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

; and

(f) "LMSW candidate" means an individual as defined in 37-22-102, MCA.

(4) through (11) remain the same.

(12) "Exploit" means to manipulate or attempt to manipulate or use a professional relationship with a client, former client, student, or supervisee for:

(a) through (14) remain the same.

(15) "Independent practice" means the practice of social work by an LCSW who assumes responsibility and accountability for the nature and quality of the

services provided to the client in exchange for direct payment or third-party reimbursement.

(15) remains the same but is renumbered (16).

(17) "LBSW" means licensed baccalaureate social worker licensed under Title 37, chapter 22, MCA.

(16) through (18) remain the same but are renumbered (18) through (20).

(21) "LMSW" means licensed master's social worker licensed under Title 37, chapter 22, MCA.

(19) through (21) remain the same but are renumbered (22) through (24).

(22) (25) "Sexual contact" includes but is not limited to electronic exploitation, sexual intercourse, either genital or anal, cunnilingus, fellatio, or the handling of the breasts, genital areas, buttocks, or thighs, whether clothed or unclothed either by the licensee or the client.

(26) "Sexual harassment" includes deliberate or repeated comments, gestures, or physical contact of a sexual nature that are unwelcome by the recipient.

(23) through (25) remain the same but are renumbered (27) through (29).

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

IMP: 37-1-131, 37-22-102, 37-22-103, 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 adding definitions at (3), (17), and (21) to utilize abbreviations for the new licenses created in House Bill 626. Additionally, the board is defining "independent practice" at (15) to align with the adoption of NEW RULE IV and implement provisions of House Bill 626 regarding LCSW independent practice.

The board determined it is reasonably necessary to amend certain definitions at (12) and (25) to align with the consolidation and update of the unprofessional conduct rules in this notice. The amended definitions will help ensure consistency regarding unprofessional conduct and ethics across license types and enable the board to better address issues regarding licensee and applicant conduct. The board is relocating the definition for "sexual harassment" at (26) as a more logical and reasonable location than within the unprofessional conduct and ethics rules.

24.219.401 FEE SCHEDULE FOR SOCIAL WORKERS

(1) Application fee	\$200
(a) LCSW, LMSW, LBSW, LCPC, LMFT	\$200
(b) LAC	250
(c) CBHPSS	125
(d) LCSW, LMSW, LBSW, LCPC, LMFT candidates	200
(e) LAC candidate	250
(2) Renewal fee for active status (based on annual renewal)	175
(a) LCSW, LMSW, LBSW, LCPC, LMFT	149
(b) LAC	128
(c) CBHPSS	93
(3) Renewal fee for inactive status (inactive to active)	175
(a) LCSW, LMSW, LBSW, LCPC, LMFT	75

(b) LAC	64
(c) CBHPSS	47
<u>(4) Candidate annual registration fee (LCSW, LMSW, LBSW, LCPC, LMFT, and LAC candidates)</u>	<u>85</u>
<del>(4) Social worker licensure candidate application fee</del>	<del>200</del>
<del>(5) Social worker licensure candidate annual registration fee</del>	<del>100</del>
<del>(6) Inactive license fee (based on annual renewal)</del>	<del>88</del>
(7) remains the same but is renumbered (5).	

AUTH: 37-1-134, 37-22-201, 37-22-307, 37-22-308, 37-35-103, 37-35-202, 37-37-201, 37-38-202, MCA

IMP: 37-1-134, 37-1-141, 37-22-302, 37-22-307, 37-22-308, 37-23-206, 37-35-202, 37-37-201, 37-38-202, MCA

REASON: The board is amending this rule and repealing ARM 24.219.405, 24.219.409, 24.219.905, and 24.219.5002 to consolidate all fees into one rule for simplicity, better organization, and ease of use.

The board determined it is reasonably necessary to amend this rule to comply with the provisions of 37-1-134, MCA, and ensure that the board's fees related to its program area will provide the amount of money usually needed for the operation of the board for services. The board is also required to comply with 17-2-302 and 17-2-303, MCA, by not allowing the board's cash balance to exceed twice the annual appropriation amount. Therefore, the board is proposing these amendments to reduce renewal fees for all license types by 15%. This reduction will allow the board to gradually reduce its cash balance and stay in compliance with statutory requirements while ensuring adequate revenue to support board activities through the next biennium. The board is also amending this rule to add application, renewal, and registration fees for the new LBSW, LMSW, and candidate licenses to adequately fund the costs of implementing House Bill 626. The board estimates the fee reductions and new fees will affect approximately 4,438 licensees and applicants and result in a \$60,000 reduction in annual revenue.

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 an LCSW, LMSW, LBSW, LCPC, LMFT, LAC, and CBHPSS, and candidates.

(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 an LCSW, LMSW, LBSW, LCPC, LMFT, LAC, or CBHPSS, or candidates. Satisfactory evidence includes:

(a) through (4) remain the same.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

24.219.421 SUPERVISOR QUALIFICATIONS (1) LCSW, LMSW, LBSW, 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;~~

~~(2) LCSW, LCPC, or LMFT candidate supervisors must:~~

~~(a) have an active license in good standing in the jurisdiction in which the supervision is occurring as an LCSW, LCPC, LMFT, licensed psychologist, or licensed and board-certified psychiatrist; 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.~~

~~(3) LMSW candidate supervisors must:~~

~~(a) have an active license in good standing in the jurisdiction in which the supervision is occurring as an LCSW or LMSW; 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.~~

~~(4) LBSW candidate supervisors must have an active license in good standing in the jurisdiction in which the supervision is occurring as an LCSW, LMSW, or LBSW.~~

~~(a) If the supervisor is an LCSW or LMSW the supervisor must also meet one of the below criteria:~~

~~(i) have been licensed in that discipline 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.~~

(b) If the supervisor is an LBSW the supervisor must have been licensed for at least three years as an LBSW. An LBSW may not take supervision courses to qualify to supervise LBSW candidates.

~~(b) an LAC candidate supervisor must be:~~

(5) LAC candidate supervisors must be:

(i) (a) licensed as an LAC and have an active license in good standing in the jurisdiction in which the supervision is occurring with a minimum of three years post-licensure experience in a qualified treatment setting as defined in ARM 24.219.5010;  
or

(ii) remains the same but is renumbered (b).

(A) through (C) remain the same but are renumbered (i) through (iii).

~~(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.~~

(6) CBHPSS supervisors must:

(a) have an active license in good standing in the jurisdiction in which the supervision is occurring as an LCSW, LCPC, LMFT, LAC, physician, psychologist, or an advanced practice registered nurse with a clinical specialty in psychiatric mental health nursing; and

(b) meet one of the below criteria:

(i) have been licensed in their respective discipline 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.

(4) remains the same but is renumbered (7).

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

IMP: 37-1-131, 37-22-102, 37-22-301, 37-22-307, 37-22-308, 37-23-102, 37-23-202, 37-35-102, 37-35-103, 37-35-202, 37-37-102, 37-37-201, 37-38-202, MCA

REASON: The board is establishing the supervisor qualifications for LBSW and LMSW candidates in (3) and (4) to implement House Bill 626. The board determined it is reasonably necessary to require in (4)(b) that to supervise an LBSW candidate, an LBSW must have been licensed for at least three years and may not take board-approved supervision training courses in place of the experience. The board concluded that education obtained at a bachelor's level, even with an additional 20 hours of supervisor training, would not be sufficient to safely and adequately supervise an LBSW candidate.

Additionally, the board is striking specific references to being licensed under Title 37, MCA, since the requirement is that the supervisor have an "active license in good standing in the jurisdiction in which supervision is occurring." Qualifying supervision could potentially be earned in other jurisdictions by applicants applying for a candidate license in Montana.

24.219.422 GENERAL SUPERVISION AND RECORDKEEPING REQUIREMENTS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, AND CANDIDATES AND CBHPSS (1) remains the same.

(2) Candidates must maintain the following records for a minimum of seven years from the date of licensure as an LCSW, LMSW, LBSW, LCPC, LMFT, or LAC or seven years from the expiration of their candidate license if they do not obtain a Montana LCSW, LMSW, LBSW, LCPC, LMFT, or LAC license:

(a) through (8) remain the same.

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

IMP: 37-1-131, 37-22-301, 37-22-307, 37-22-308, 37-23-202, 37-35-103, 37-35-202, 37-37-201, 37-38-202, MCA

24.219.423 CHANGE OF SUPERVISOR (1) An LCSW, LMSW, LBSW, LCPC, LMFT, or LAC candidate or CBHPSS cannot practice without a supervisor as described in this chapter.

(2) and (3) remain the same.

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

IMP: 37-1-131, 37-22-301, 37-22-307, 37-22-308, 37-23-202, 37-35-103, 37-35-202, 37-37-201, 37-38-202, MCA

24.219.501 LCSW, LMSW, AND LBSW LICENSE REQUIREMENTS – ORIGINAL APPLICANTS (1) Applicants for LCSW, LMSW, and LBSW 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 for LCSW licensure must meet the following requirements:

(a) through (f) remain the same.

(3) Applicants for LMSW licensure must meet the following requirements:

(a) have a degree that meets the requirements in 37-22-308, MCA;

(b) have completed supervised post-degree work that meets the requirements in 37-22-308, MCA, and ARM 24.219.504;

(c) have passed an examination as described in ARM 24.219.502 within four years of the date of application;

(d) have completed a Federal Bureau of Investigation fingerprint background check per 37-22-308, MCA, within six months of the application date;

(e) provide reference letters that meet the requirements in 37-22-308, MCA;  
and

(f) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.

(4) Applicants for LBSW licensure must meet the following requirements:

(a) have a degree that meets the requirements in 37-22-307, MCA;

(b) have completed supervised post-degree work that meets the requirements in 37-22-307, MCA, and ARM 24.219.504;

(c) have passed an examination as described in ARM 24.219.502 within four years of the date of application;



(d) have completed a Federal Bureau of Investigation fingerprint background check per 37-22-308, MCA, within six months of the application date;

(e) provide reference letters that meet the requirements in 37-22-308, MCA;  
and

(f) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.

(3) remains the same but is renumbered (5).

AUTH: 37-1-131, 37-22-201, 37-22-307, 37-22-308, MCA

IMP: 37-1-131, 37-22-301, 37-22-307, 37-22-308, MCA

24.219.502 EXAMINATION – LCSW, LMSW, and LBSW (1) The following examinations are approved for licensure as an LCSW:

(a) and (b) remain the same.

(2) The following examinations are approved for licensure as an LMSW:

(a) ASWB master's examination; or

(b) other licensing examinations approved by the board.

(3) The following examinations are approved for licensure as an LBSW:

(a) ASWB bachelor's exam; or

(b) other licensing examinations approved by the board.

~~(2)~~ (4) Individuals who have not already passed an approved examination will be approved by department staff to register for the appropriate ASWB examination upon:

(a) and (b) remain the same.

(3) remains the same but is renumbered (5).

AUTH: 37-1-131, 37-22-201, 37-22-307, 37-22-308, MCA

IMP: 37-1-131, 37-22-301, 37-22-307, 37-22-308, MCA

#### 24.219.504 LCSW, LMSW, AND LBSW SUPERVISED WORK

EXPERIENCE REQUIREMENTS (1) Applicants applying under ARM 24.219.501 for an LCSW license 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 total supervised work experience requirements in ~~(1)~~, at least 100 hours must include individual or group 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) remains the same.

(2) Applicants applying under ARM 24.219.501 for an LMSW or LBSW license must meet the supervised work experience requirements as described in ARM 24.219.301 and this rule.

(a) Applicants must complete a minimum of 2000 total hours of supervised work experience over a period of no less than 18 months.

(b) Of those 2000 hours:

(i) at least 100 hours must include individual or group supervision by a qualified supervisor under ARM 24.219.421; and

(ii) of the 100 hours in (i), at least 25 hours must be with the client populations that will be served by the LMSW or LBSW candidate (see (5) for examples of client populations).

(3) Supervisors must provide at least two hours of supervision for LCSW, LMSW, and LBSW candidates 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) (4) When an LCSW, LMSW, or LBSW candidate who applied under ARM 24.219.505 completes the requirements of (1) through (3) all the supervised work experience requirements in this rule, the candidate will qualify for the appropriate examination per ARM 24.219.502. Upon proof of passage of the exam, a candidate will be issued an LCSW license without further application.~~

~~(6) remains the same but is renumbered (5).~~

(6) Supervised work experience hours earned by LMSW and LBSW applicants who are not currently actively licensed in another jurisdiction must have been earned within five years of the date of application.

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

IMP: 37-1-131, 37-22-301, 37-22-307, 37-22-308, 37-22-313, MCA

REASON: The board is amending this rule to relocate the provisions of (4) to ARM 24.219.2301 since the provisions pertain to conduct, not work experience.

24.219.505 LCSW, LMSW, AND LBSW CANDIDATE LICENSE REQUIREMENTS ~~(1) Applicants for LCSW candidate licenses apply using the same application as LCSW applicants.~~

(1) Applicants for LCSW, LMSW, and LBSW candidate 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 for LCSW, LMSW, and LBSW candidate licensure must meet the following education requirements:

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

(b) LMSW candidate applicants must have a degree that meets the requirements in 37-22-308, MCA; and

(c) LBSW candidate applicants must have a degree that meets the requirements in 37-22-307, MCA.

(2) (3) Applicants In addition to the appropriate education requirements in (2), applicants for LCSW, LMSW, and LBSW candidate licensure must:

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

~~(b) and (c) remain the same but are renumbered (a) and (b).~~

~~(d) (c) provide reference letters that meet the requirements in 37-22-301, 37-22-307, or 37-22-308, MCA; and~~

~~(e) remains the same but is renumbered (d).~~

~~(3) remains the same but is renumbered (4).~~

AUTH: 37-1-131, 37-22-201, 37-22-307, 37-22-308, MCA  
IMP: 37-1-131, 37-22-307, 37-22-308, 37-22-313, MCA

24.219.512 LCSW, LMSW, AND LBSW LICENSE REQUIREMENTS – OUT-OF-STATE APPLICANTS

(1) Applicants for LCSW, LMSW, and LBSW 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) through (2)(b) remain the same.

(c) have completed a Federal Bureau of Investigation fingerprint background check per 37-22-301, 37-22-307, or 37-22-308, MCA, within six months of the application date;

(d) provide reference letters that meet the requirements in 37-22-301, 37-22-307, or 37-22-308, MCA; and

(e) and (3) remain the same.

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

IMP: 37-1-131, 37-1-304, 37-22-301, 37-22-307, 37-22-308, MCA

24.219.604 LCPC SUPERVISED WORK EXPERIENCE REQUIREMENTS

(1) and (2) remain the same.

~~(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 ARM 24.219.602 within four years of the date of application; and~~

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

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

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

REASON: The board is moving the provisions from (3) to ARM 24.219.2301 as a more appropriate location since it pertains to conduct, not work experience.

24.219.605 LCPC CANDIDATE LICENSE REQUIREMENTS (1) Applicants for LCPC candidate licenses ~~apply using the same application as LCPC applicants 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) and (3) remain the same.

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

IMP: 37-1-131, 37-23-213, MCA

24.219.704 LMFT SUPERVISED WORK EXPERIENCE REQUIREMENTS

(1) and (2) remain the same.

~~(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 ARM 24.219.702. ~~Upon proof of passage of the examination, a candidate will be issued an LMFT license without further application.~~

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

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

REASON: The board is relocating the provisions of (3) to ARM 24.219.2301 as a more appropriate location since it pertains to conduct, not work experience.

24.219.705 LMFT CANDIDATE LICENSE REQUIREMENTS (1) Applicants for LMFT candidate licenses ~~apply using the same application as LMFT applicants 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) through (4) remain the same.

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

IMP: 37-1-131, 37-37-205, MCA

24.219.907 CBHPSS LICENSE REQUIREMENTS – ORIGINAL APPLICANTS (1) through (3) remain the same.

~~(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.~~

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

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

REASON: The board is relocating the provisions of (4) and ARM 24.219.923(4) to ARM 24.219.2301 as a more appropriate location as it pertains to conduct, not application requirements.

24.219.923 CBHPSS CERTIFICATION REQUIREMENTS – OUT-OF-STATE APPLICANTS (1) through (3) remain the same.

~~(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.~~

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

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

24.219.2301 UNPROFESSIONAL CONDUCT AND CODE OF ETHICS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, CBHPSS, AND LCSW, LMSW, LBSW,

LCPC, LMFT, AND LAC CANDIDATES FOR SOCIAL WORKERS (1) remains the same.

(2) A licensee shall not:

~~(a) Misrepresent the type or status of license held by the licensee.~~

(a) commit any of the following boundary violations:

(i) provide services to a person with whom the licensee has had sexual contact at any time;

(ii) engage in or solicit sexual relations with a client or commit an act of sexual misconduct or a sexual offense if such act, offense, or solicitation is substantially related to the qualifications, functions, or duties of the licensee;

(iii) engage in sexual contact with a former client, within two years following termination of professional services. After two years, the licensee who engages in such activity following termination of professional services must demonstrate that there has been no exploitation, in light of all relevant factors, including:

(A) the amount of time that has passed since professional services terminated;

(B) the nature and duration of the professional services;

(C) the circumstances of termination;

(D) the client's personal history;

(E) the client's current mental status;

(F) the likelihood of adverse impact on the client; and

(G) any statements or actions made by the licensee during the defined professional relationship suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client;

(iv) solicit or engage in a sexual or intimate relationship with a client, a supervisee, client's family member, a client's household member, or other persons with whom a client has had a significant relationship;

(v) soliciting or engaging in sexual relations with the client of another licensee employed in the same program providing services;

(vi) condone or engage in sexual or other harassment;

(vii) engage in a dual relationship with a client or former client if the dual relationship has the potential to compromise the client's well-being, impair the licensee's objectivity and professional judgment, or creates or increases the risk of exploitation of the client. If a dual relationship arises as a result of unforeseeable and unavoidable circumstances, the licensee shall promptly take appropriate professional precautions. Appropriate professional precautions must ensure that the client's well-being is not compromised and that no exploitation occurs and should include consultation, supervision, documentation, or obtaining written informed consent of the client;

(viii) terminate a professional relationship for the purpose of beginning a personal or business relationship with a client;

(ix) participate in bartering, unless bartering is considered to be essential for the provision of services, negotiated without coercion, and entered into at the client's initiative and with the client's informed consent. Licensees who accept goods or services from clients as payment for professional services assume the full burden of demonstrating that this arrangement will not be detrimental to the client or the professional relationship;

(x) accept gifts or gratuities of significant monetary value or borrow money from a client or former client within two years after termination of services, except when this is a culturally accepted practice;

(xi) interfere with or encourage termination of any legitimate personal relationship of a client, or interfere with a therapeutic relationship of another professional;

(b) Intentionally intentionally, recklessly, or carelessly cause physical or emotional harm to a client;

(c) ~~Misrepresent~~ misrepresent or permit the misrepresentation of his or her the licensee's professional qualifications, affiliations, or purposes;

(d) perform or hold the licensee out as able to perform professional services beyond the licensee's field or fields of competence as established by the licensee's education, training, and/or experience;

(e) misrepresent the type or status of license held by the licensee;

(f) fail to indicate licensure candidate status in professional communications and documentation;

(g) engage in any advertising which is in any way fraudulent, false, deceptive, or misleading;

(h) commit fraud or misrepresent services performed;

(i) divide a fee or accept or give anything of value for receiving or making a referral;

(j) exploit in any manner the professional relationships with clients or former clients, supervisees, supervisors, students, employees, or research participants;

(k) provide professional services while under the influence of alcohol or other mind-altering or mood-altering drugs which impair delivery of services;

(l) discriminate in the provision of services on the basis of race, creed, religion, color, sex, physical or mental disability, marital status, age, or national origin;

(m) falsify, misrepresent, or fail to maintain supervision records as required by ARM 24.219.422;

(n) fail to appropriately supervise a licensure candidate or a CBHPSS;

(o) recommend a client seek or discontinue prescribed medication, or fail to provide a supportive environment for a client who is receiving prescribed medication;

(p) engage in the practice when the licensee's license is inactive, has expired, is terminated, or has been suspended;

(q) violate federal or state law regulating the possession, distribution, or use of a controlled substance, as defined by Title 50, chapter 32, MCA; or

(r) be convicted of driving while under the influence of alcohol or drugs (DUI), or criminal possession of dangerous drugs at any time after issuance of a license, and within the two years preceding an application for licensure.

(3) All licensees shall:

(a) provide clients with accurate and complete information regarding the extent and nature of the services available to them, including the purpose and nature of any evaluation, treatment, or other procedures, and of the client's right to freedom of choice regarding services provided;

(b) terminate services and professional relationships with clients when such services and relationships are no longer required or where a conflict of interest exists;

(c) make every effort to keep scheduled appointments;

(d) notify clients promptly and seek the transfer, referral, or continuation of services pursuant to the client's needs and preferences if termination or interruption of services is anticipated;

(e) attempt to make appropriate referrals pursuant to the client's needs;

(f) obtain informed written consent of the client or the client's legal guardian prior to the client's involvement in any research project of the licensee that might identify the client or place them at risk;

(g) obtain informed written consent of the client or the client's legal guardian prior to taping, recording, or permitting third-party observation of the client's activities that might identify the client or place them at risk;

(h) except where required by law or court order, safeguard information provided by clients, and make reasonable efforts to limit access to client information in an agency setting to those staff whose duties require access;

(i) disclose to and obtain written acknowledgement from the client or prospective client as to the fee to be charged for professional services, and/or the basis upon which the fee will be calculated;

(j) make and maintain records of services provided to a client. At a minimum, the records shall contain:

(i) documentation verifying the identity of the client;

(ii) documentation of the assessment and/or diagnosis;

(iii) documentation of each session;

(iv) documentation of a plan, documentation of any revision of the assessment or diagnosis or of a plan;

(v) documentation of discharge summary;

(vi) any fees charged and other billing information; and

(vii) copies of all client authorization for release of information and any other legal forms pertaining to the client. These records shall be maintained by the licensee or agency employing the licensee under secure conditions and for time periods in compliance with applicable federal or state law, but in no case for fewer than seven years after the last date of service.

(4) In addition to (2) and (3), CBHPSS are subject to the following standards.

(a) CBHPSS shall:

(i) conduct themselves in a way that fosters their own recovery and take personal responsibility to seek support and manage their wellness;

(ii) as mandatory reporters, report abuse to appropriate authorities and supervisors;

(iii) disclose any pre-existing relationships, sexual or otherwise, to supervisor(s) prior to providing services to that individual; and

(iv) report risk of imminent harm to self or others to the proper authorities and to their supervisor. When reporting, the minimum amount of information necessary will be given to maintain confidentiality.

(b) CBHPSS shall not:

~~(i) engage or offer advice on the matters of diagnosis, treatment, or medications to the client; or~~

~~(ii) engage in or promote behaviors or activities that would jeopardize the CBHPSS's recovery or the recovery of those they serve.~~

~~(d) Accept as clients persons with whom he or she has engaged in sexual contact.~~

~~(e) Engage in sexual contact or a romantic relationship with current clients.~~

~~(f) Engage in sexual contact with a former client, unless the licensee who engages in such activity following termination of professional services demonstrates that there has been no exploitation, in light of all relevant factors, including:~~

~~(i) the amount of time that has passed since professional services terminated;~~

~~(ii) the nature and duration of the professional services;~~

~~(iii) the circumstances of termination;~~

~~(iv) the client's personal history;~~

~~(v) the client's current mental status;~~

~~(vi) the likelihood of adverse impact on the client; and~~

~~(vii) any statements or actions made by the licensee during the defined professional relationship suggesting or inviting the possibility of a post-termination sexual or romantic relationship with the client.~~

~~(g) Perform or hold himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.~~

~~(h) Permit a person under his or her supervision or control to perform or permit such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.~~

~~(i) Prior to the commencement of treatment, fail to disclose to the counselee, or prospective counselee, the fee to be charged for the professional services, or the basis upon which such fee will be computed.~~

~~(j) Engage in a dual relationship with a client or former client if the dual relationship has the potential to compromise the client's well being, impair the licensee's objectivity and professional judgment, or creates or increases the risk of exploitation of the client. If a dual relationship arises as a result of unforeseeable and unavoidable circumstances, the licensee shall promptly take appropriate professional precautions. Appropriate professional precautions must ensure that the client's well being is not compromised and that no exploitation occurs and should include consultation, supervision, documentation, or obtaining written informed consent of the client.~~

~~(k) Participate in bartering, unless bartering is considered to be essential for the provision of services, negotiated without coercion, and entered into at the client's initiative and with the client's informed consent. Licensees who accept goods or services from clients as payment for professional services assume the full burden of demonstrating that this arrangement will not be detrimental to the client or the professional relationship.~~

~~(l) Falsify or misrepresent a record of supervision submitted in connection with an application for licensure.~~



AUTH: 37-1-131, 37-1-136, 37-1-319, 37-22-201, 37-35-103, MCA

IMP: 37-1-131, 37-1-136, 37-1-316, 37-1-319, 37-22-201, 37-35-103, 37-38-106, MCA

REASON: The board is amending this rule to consolidate all unprofessional conduct and ethical guidelines for all licensees into one rule for consistency, better organization, and ease of use. The board is also repealing ARM 24.219.807, 24.219.925, 24.219.2305, 24.219.2309, and 24.219.5019 as no longer necessary.

Currently only LAC licensees have a specific time in rule (i.e., two years following end of services to a client) before which they cannot engage in sexual conduct or accept gifts or gratuities of significant monetary value or borrow money. Due to an increase in disciplinary actions against licensees who have engaged in these behaviors, the board concluded it is reasonably necessary to have this same requirement for all license types and is amending (2)(a)(iii) and (a)(x) accordingly.

Staff reviewed board rules for standardization and conformity with national standards and noted there was no recordkeeping rule for client records. The board is further amending this rule to provide recordkeeping guidance for licensees and assist the board in obtaining the necessary records when reviewing complaints.

#### 24.219.5008 LAC SUPERVISED WORK EXPERIENCE REQUIREMENTS

(1) through (3) remain the same.

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

~~(5) (4) When an LAC candidate completes the requirements of (1) and (2) of this rule, the candidate will qualify for the examination per ARM 24.219.5020. Upon proof of passage of the examination, a candidate will be issued an LAC license without further application.~~

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 relocating the provisions of (4) to ARM 24.219.2301 as a more appropriate location as it pertains to conduct, not work experience.

24.219.5013 LAC CANDIDATE LICENSE REQUIREMENTS (1) Applicants for LAC candidate licenses apply using the same application as LAC applicants 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) through (4) 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

6. The board is proposing to adopt new rules as follows:

NEW RULE I ANNUAL CANDIDATE REGISTRATION – LCSW, LMSW, LBSW, LCPC, LMFT, AND LAC CANDIDATES (1) LCSW, LCPC, and LMFT candidates shall:

(a) register annually by no later than December 31; and  
(b) only be allowed to register annually five times unless approved by the board to register more than five times. Candidates requesting an additional registration must submit a request including but not limited to an explanation as to why an additional registration is needed to complete the requisite supervised work experience.

(2) LMSW and LBSW candidates shall:

(a) register annually by no later than December 31; and  
(b) only be allowed to register annually three times unless approved by the board to register more than three times. Candidates requesting an additional registration must submit a request including but not limited to an explanation as to why an additional registration is needed to complete the requisite supervised work experience.

(3) LAC candidates shall:

(a) register annually by no later than June 30; and  
(b) only be allowed to register annually three times unless approved by the board to register more than three times. Candidates requesting an additional registration must submit a request including but not limited to an explanation as to why an additional registration is needed to complete the requisite supervised work experience.

(4) Registration procedures under this rule follow the renewal procedures described in ARM 24.101.413.

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

IMP: 37-1-131, 37-22-313, 37-23-213, 37-35-202, 37-37-205, MCA

REASON: The board is adopting this new rule to consolidate all the annual candidate registration requirements into one rule for simplicity and better organization. The board is moving the candidate provisions from ARM 24.219.507, 24.219.607, 24.219.708, and 24.219.5015 and repealing these rules as well.

In (2) the board is setting the annual registration date for the new LBSW and LMSW candidate licenses created by House Bill 626. Since LCSW candidates must register annually by December 31 the board is utilizing the same date for the new social work licenses. Because LBSW and LMSW candidates only need to obtain 2000 hours of supervised work experience the board concluded that a maximum of three annual registrations is sufficient to obtain those hours unless the board approves an additional registration(s).

To address licensee confusion regarding candidate registration procedures, the board is clarifying in (4) that candidate registration follows the standard renewal procedures under division rule.

NEW RULE II INACTIVE STATUS AND CONVERSION TO ACTIVE STATUS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, AND CBHPSS (1) Active status licensees may convert to inactive status on the renewal form or by informing

the department. Inactive licensees must inform the department of any change of address while on inactive status and must pay the inactive renewal fee annually to avoid license expiration or termination.

(2) Inactive licensees or certificate holders may not practice.

(3) Inactive status licensees or certificate holders may convert to active status upon request and payment of the required fee.

(4) In order to convert to active status, licensees and certificate holders:

(a) may not have been out of active practice for more than five years; and

(b) must have completed ten hours of continuing education (CE) per each year of inactive status. The CE must have been completed within the twenty-four months prior to converting to active status.

AUTH: 37-1-131, 37-1-319, MCA

IMP: 37-1-319, MCA

REASON: The board is incorporating into this rule all requirements for converting licenses from active to inactive status and repealing ARM 24.219.509, 24.219.609, 24.219.709, 24.219.921, and 24.219.5012 as no longer necessary. Additionally, for consistency with other license types, the board is reducing the hours for LMFTs from 20 hours of CE for each year of inactive status to ten.

NEW RULE III CONTINUING EDUCATION REQUIREMENTS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, and CBHPSS (1) Licensees are required to obtain 20 hours of continuing education (CE) annually, prior to renewal on December 31.

(2) Licensees completing more than 20 hours of CE may carry forward those hours into the next year. The number of hours carried forward shall not exceed 20 hours.

(3) Licensees holding more than one type of license must obtain the requisite 20 hours of CE for each license.

(4) Of the 20 hours:

(a) a minimum of two hours must relate to suicide prevention; and

(b) a maximum ten hours may be for:

(i) first-time preparation of a new course, in-service training workshop, or seminar which meets the criteria in (6); or

(ii) preparation time by the author or authors of a paper which meets the criteria in (6) that is published for the first time in a recognized professional journal, or given for the first time at a statewide or national professional meeting.

(5) Continuing education requirements will not apply until after the licensee's first renewal.

(6) Licensees are responsible for selecting quality programs that focus on protecting the health, safety, and welfare of the public and contribute to licensees' professional knowledge and competence. Acceptable CE activities:

(a) directly relate to the licensee's scope of practice as defined in board statute or rule;

(b) review existing concepts and techniques;

(c) convey information beyond the basic professional education;

- (d) update knowledge on the practice and advances in the profession; or
- (e) reinforce professional conduct or ethical obligations of the licensee.
- (7) The department may randomly audit up to 50 percent of renewed licensees.
- (8) Licensees must maintain documentation of completed CE for three years and provide documentation to the board upon request. Documentation must include the following information:
  - (a) licensee name;
  - (b) course title and description of content;
  - (c) presenter or sponsor;
  - (d) course date(s); and
  - (e) number of CE hours earned.
- (9) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.
- (10) Any CE hours required by disciplinary order do not apply toward the 20 hours that are required annually under this rule.
- (11) A licensee may request an exemption from CE requirements due to hardship. Requests will be considered by the board.

AUTH: 37-1-131, 37-1-319, 37-22-201, 37-35-103, 37-38-202, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, 37-1-321, 37-22-201, 37-35-103, 37-38-202, MCA

**REASON:** The board determined it is reasonably necessary to adopt this rule to help facilitate the department's standardized application, renewal, and audit procedures. The board is also streamlining the rule for better organization and ease of use for the reader by combining the continuing education (CE) requirements for all license types into one rule. The board is repealing the individual CE rules at ARM 24.219.927, 24.219.929, 24.219.931, 24.219.2001, 24.219.2201, 24.219.5016, 24.219.5017, and 24.219.5018 as no longer necessary.

As part of the standardization, the ability to carry over CE hours as described in (2) now applies to LAC, CBHPSS, LBSW, and LMSW as well as LCPC, LCSW, and LMFT licensees.

In (4)(a) the board is requiring that a minimum of two of the required 20 hours relate to suicide prevention. The board concluded it is reasonably necessary since all board licensees work with a client base that is at risk for suicide. The board believes that all licensees should have ongoing education in this area.

Under current rules first-year licensees must obtain a prorated amount of CE for that partial year they are licensed. The board concluded that because new licensees are generally current with their education, no CE will be required until after licensees renew the first time.

Finally, the board currently sets the annual CE audit percentage allowed under 37-1-306, MCA, by board motion. The board determined amending the process to allow the department to determine audit percentages using data gathered and analyzed by department staff is a more efficient and data-driven approach for determining the annual audit percentage as described in (7).

NEW RULE IV INDEPENDENT PRACTICE – LCSW, LMSW, AND LBSW

(1) LCSW are allowed to engage in independent practice as defined in ARM 24.219.301

(2) LMSW and LBSW are allowed to practice outside of an agency or other organized setting but may not engage in independent practice.

AUTH: 37-1-131, 37-22-201, 37-22-301, 37-22-307, 37-22-308, MCA

IMP: 37-1-131, 37-22-201, 37-22-301, 37-22-307, 37-22-308, MCA

REASON: House Bill 626 amended 37-22-301(3)(c), MCA, to provide that LCSW may engage in independent practice as defined by the board. LBSW and LMSW are not allowed to engage in independent practice under statute. The board is defining "independent practice" in ARM 24.219.301 and clarifying in this rule that LBSW, LMSW, and LCSW may all practice outside of an agency but only LCSW have the education and training necessary to engage in independent practice.

7. The board is proposing to repeal the following rules:

24.219.405 FEE SCHEDULE FOR PROFESSIONAL COUNSELORS

AUTH: 37-1-134, 37-22-201, MCA

IMP: 37-1-134, 37-1-141, 37-23-206, MCA

REASON: See REASON for ARM 24.219.401.

24.219.409 FEE SCHEDULE FOR MARRIAGE AND FAMILY THERAPISTS

AUTH: 37-1-134, 37-37-201, MCA

IMP: 37-1-134, 37-1-141, 37-37-201, MCA

REASON: See REASON for ARM 24.219.401.

24.219.507 SOCIAL WORKER LICENSURE CANDIDATE ANNUAL REGISTRATION REQUIREMENTS

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

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

REASON: See REASON for NEW RULE I.

24.219.509 INACTIVE STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS

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

IMP: 37-1-319, MCA

REASON: See REASON for NEW RULE II.

24.219.607 PROFESSIONAL COUNSELOR LICENSURE CANDIDATE ANNUAL REGISTRATION REQUIREMENTS

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

REASON: See REASON for NEW RULE I.

24.219.609 INACTIVE STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS

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

REASON: See REASON for NEW RULE II.

24.219.708 MARRIAGE AND FAMILY THERAPIST LICENSURE CANDIDATE ANNUAL REGISTRATION REQUIREMENTS

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

REASON: See REASON for NEW RULE I.

24.219.709 APPLICATION TO CONVERT AN ACTIVE STATUS LICENSE TO AN INACTIVE STATUS LICENSE AND CONVERSION FROM INACTIVE TO ACTIVE STATUS

AUTH: 37-1-131, 37-1-319, 37-22-201, MCA  
IMP: 37-1-131, 37-1-319, 37-37-101, MCA

REASON: See REASON for NEW RULE II.

24.219.807 CODE OF ETHICS

AUTH: 37-1-131, 37-1-136, 37-1-319, 37-22-201, MCA  
IMP: 37-1-131, 37-1-136, 37-1-316, 37-22-101, 37-22-201, 37-23-101, 37-37-101, MCA

REASON: See REASON for ARM 24.219.2301.

24.219.905 FEE SCHEDULE FOR BEHAVIORAL HEALTH PEER SUPPORT SPECIALISTS

AUTH: 37-38-202, MCA

IMP: 37-38-202, MCA

REASON: See REASON for ARM 24.219.401.

24.219.921 APPLICATION TO CONVERT AN ACTIVE STATUS  
CERTIFICATE TO AN INACTIVE STATUS CERTIFICATE AND CONVERSION  
FROM INACTIVE TO ACTIVE STATUS

AUTH: 37-1-319, MCA

IMP: 37-1-302, 37-1-319, MCA

REASON: See REASON for NEW RULE II.

24.219.925 CODE OF ETHICS

AUTH: 37-1-131, 37-1-136, 37-1-319, 37-38-106, MCA

IMP: 37-1-131, 37-1-136, 37-1-316, 37-38-106, MCA

REASON: See REASON for ARM 24.219.2301.

24.219.927 CONTINUING EDUCATION HOURS AND CREDITS

AUTH: 37-1-319, 37-38-202, MCA

IMP: 37-1-306, 37-1-319, 37-38-202, MCA

REASON: See REASON for NEW RULE III.

24.219.929 CONTINUING EDUCATION STANDARDS

AUTH: 37-1-319, 37-38-202, MCA

IMP: 37-1-306, 37-1-319, 37-38-202, MCA

REASON: See REASON for NEW RULE III.

24.219.931 REPORTING REQUIREMENTS

AUTH: 37-1-131, 37-1-319, 37-38-202, MCA

IMP: 37-1-131, 37-1-306, 37-38-202, MCA

REASON: See REASON for NEW RULE III.

24.219.2001 CONTINUING EDUCATION REQUIREMENTS

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

IMP: 37-1-131, 37-1-306, 37-1-319, 37-1-321, 37-37-101, MCA

REASON: See REASON for NEW RULE III.

24.219.2201 CONTINUING EDUCATION REQUIREMENTS

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

IMP: 37-1-131, 37-1-306, 37-1-319, 37-1-321, 37-22-201, MCA

REASON: See REASON for NEW RULE III.

24.219.2305 UNPROFESSIONAL CONDUCT FOR PROFESSIONAL COUNSELORS

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

IMP: 37-1-131, 37-1-316, 37-1-319, MCA

REASON: See REASON for ARM 24.219.2301.

24.219.2309 UNPROFESSIONAL CONDUCT FOR MARRIAGE AND FAMILY THERAPISTS

AUTH: 37-1-131, 37-1-136, 37-1-319, 37-22-201, MCA

IMP: 37-1-131, 37-1-136, 37-1-316, 37-37-101, MCA

REASON: See REASON for ARM 24.219.2301.

24.219.5002 FEE SCHEDULE

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

IMP: 37-1-141, 37-35-103, 37-35-202, MCA

REASON: See REASON for ARM 24.219.401.

24.219.5012 INACTIVE STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS

AUTH: 37-1-319, 37-35-103, MCA

IMP: 37-1-319, 37-35-103, MCA

REASON: See REASON for NEW RULE II.

24.219.5015 ADDICTION COUNSELOR LICENSURE CANDIDATE ANNUAL REGISTRATION REQUIREMENTS

AUTH: 37-35-103, MCA

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

REASON: See REASON for NEW RULE I.



24.219.5016 CONTINUING EDUCATION REQUIREMENTS

AUTH: 37-1-319, 37-35-103, MCA

IMP: 37-1-131, 37-1-306, 37-1-319, 37-35-103, MCA

REASON: See REASON for NEW RULE III.

24.219.5017 COURSE CRITERIA

AUTH: 37-35-103, MCA

IMP: 37-1-131, 37-1-306, 37-35-103, MCA

REASON: See REASON for NEW RULE III.

24.219.5018 CONTINUING EDUCATION PROCEDURES AND DOCUMENTATION

AUTH: 37-1-319, 37-35-103, MCA

IMP: 37-1-104, 37-1-131, 37-1-306, 37-1-319, 37-35-103, MCA

REASON: See REASON for NEW RULE III.

24.219.5019 UNPROFESSIONAL CONDUCT

AUTH: 37-1-319, 37-35-103, 37-35-301, MCA

IMP: 37-1-316, 37-1-319, 37-35-103, MCA

REASON: See REASON for ARM 24.219.2301.

8. 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., March 13, 2020.

9. 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.

10. 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.

11. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on August 13, 2019, by e-mail.

12. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.101.413, 24.219.301, 24.219.415, 24.219.421, 24.219.422, 24.219.423, 24.219.501, 24.219.502, 24.219.504, 24.219.505, 24.219.512, 24.219.604, 24.219.605, 24.219.704, 24.219.705, 24.219.907, 24.219.923, 24.219.2301, 24.219.5008, 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 IV 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 24.219.405, 24.219.409, 24.219.507, 24.219.509, 24.219.607, 24.219.609, 24.219.708, 24.219.709, 24.219.807, 24.219.905, 24.219.921, 24.219.925, 24.219.927, 24.219.929, 24.219.931, 24.219.2001, 24.219.2201, 24.219.2305, 24.219.2309, 24.219.5002, 24.219.5012, 24.219.5015, 24.219.5016, 24.219.5017, and 24.219.5018 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.219.401 will significantly and directly impact small businesses. The small businesses likely impacted are 1725 private practitioners of licensed clinical social work, licensed clinical professional counseling, licensed marriage and family therapy, and licensed addiction counselors with fewer than 50 employees. The probable and direct effects would be a benefit to small businesses due to the reduction in operating costs from the reduced renewal fees. The board determined that there are no adverse effects due to these proposed amendments so there is no alternative method(s) to eliminate adverse effects.

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).

13. 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/ THOMAS K. LOPACH  
Thomas K. Lopach, Interim Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 4, 2020.