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## BOARD OF BEHAVIORAL HEALTH RULES

AS OF JUNE 30, 2021

This version of the Administrative Rules of Montana is provided as a tool for board members and department staff. In case of inconsistencies, the rule text in the Montana Administrative Register is the official rule text and will prevail.

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DEPARTMENT OF LABOR AND INDUSTRY

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## Subchapter 1

## Organizational Rules

24.219.101 BOARD ORGANIZATION (1) The Board of Behavioral Health adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 2-4-201, MCA; IMP, 2-4-201, MCA; NEW, 1984 MAR p. 440, Eff. 3/16/84; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2016 MAR p. 221, Eff. 2/6/16.)

## Subchapter 2

## Procedural Rules

24.219.201 PROCEDURAL RULES (1) The Board of Behavioral Health adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 37-22-201, MCA; IMP, 2-4-201, MCA; NEW, 1984 MAR p. 440, Eff. 3/16/84; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2019 MAR p. 339, Eff. 3/30/19.)

Rules 24.219.202 and 24.219.203 reserved

24.219.204 PUBLIC PARTICIPATION (1) The Board of Behavioral Health adopts and incorporates by this reference, the public participation rules of the Department of Commerce as listed in ARM Title 8, chapter 2, except that the board does not adopt ARM 8.2.202(1)(b), which allows for public participation in the granting or denying of a license for which a hearing is required. The public is allowed to observe, but not participate in the licensing decisions and other contested cases as allowed by law. (History: 2-3-103, MCA; IMP, 2-3-103, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16.)

## Subchapter 3

## Definitions

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) "LBSW candidate" means an individual as defined in 37-22-102, MCA;
- (c) "LCPC candidate" means an individual as defined in 37-23-102, MCA;
- (d) "LCSW candidate" means an individual as defined in 37-22-102, MCA;
- (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) "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.

(9) "Direct client contact" means physical presence, telephonic presence, or interactive video link presence of the client, client family member, or client representative.

(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.

(11) "Dual relationship" means a situation in which a licensee is in a professional role with a person and:

(a) at the same time is in another role with the same person;

(b) at the same time is in a relationship with a person closely associated with or related to the person with whom the licensee has the professional relationship; or

(c) promises to enter into another relationship in the future with the person or a person closely associated with or related to the person.

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

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

(b) 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.

(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.

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

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

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

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

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

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

(22) "Psychosocial methods" means those professional techniques which are identified as clinical in nature and:

(a) enhance the problem solving and coping capacity of people;

(b) link people with systems that provide them with resources, services, and opportunities;

(c) promote effective and humane operation of these systems; and

(d) contribute to the development and improvement of social policy.

(23) "Psychotherapy and counseling" means the therapeutic process of:

(a) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; or

(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.

(24) "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.

(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.

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

(28) "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.

(29) "Supervisor" means a person who meets the criteria set forth in ARM 24.219.421. (History: 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; NEW, 1984 MAR p. 440, Eff. 3/16/84; AMD, 1991 MAR p. 1931, Eff. 10/18/91; AMD, 1993 MAR p. 3015, Eff. 12/24/93; AMD, 2001 MAR p. 558, Eff. 4/6/01; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; AMD, 2011 MAR p. 2038, Eff. 9/23/11; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

## Subchapter 4

## General Provisions

24.219.401 FEE SCHEDULE

(1) Application fee	
(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	
(a) LCSW, LMSW, LBSW, LCPC, LMFT	149
(b) LAC	128
(c) CBHPSS	93
(3) Renewal fee for inactive status	
(a) LCSW, LMSW, LBSW, LCPC, LMFT	75
(b) LAC	64
(c) CBHPSS	47
(4) Candidate annual registration fee (LCSW, LMSW, LBSW, LCPC, LMFT, and LAC candidates)	85
(5) Additional standardized fees are specified in ARM 24.101.403. (History: 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; <u>IMP</u> , 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; <u>NEW</u> , 1984 MAR p. 440, Eff. 3/16/84; <u>AMD</u> , 1985 MAR p. 108, Eff. 2/1/85; <u>AMD</u> , 1985 MAR p. 1239, Eff. 8/30/85; <u>AMD</u> , 1987 MAR p. 479, Eff. 5/1/87; <u>AMD</u> , 1988 MAR p. 169, Eff. 1/29/88; <u>AMD</u> , 1989 MAR p. 755, Eff. 6/16/89; <u>AMD</u> , 1990 MAR p. 1171, Eff. 6/15/90; <u>AMD</u> , 1994 MAR p. 298, Eff. 2/11/94; <u>AMD</u> , 2003 MAR p. 559, Eff. 3/28/03; <u>TRANS</u> , from Commerce, 2004 MAR p. 1477; <u>AMD</u> , 2006 MAR p. 1583, Eff. 7/1/06; <u>AMD</u> , 2009 MAR p. 2158, Eff. 11/13/09; <u>AMD</u> , 2012 MAR p. 2467, Eff. 12/7/12; <u>AMD</u> , 2016 MAR p. 221, Eff. 2/6/16; <u>AMD</u> , 2019 MAR p. 339, Eff. 3/30/19; <u>AMD</u> , 2020 MAR p. 1517, Eff. 8/8/20.)	

Rules 24.219.402 through 24.219.404 reserved

24.219.405 FEE SCHEDULE FOR PROFESSIONAL COUNSELORS

(REPEALED) (History: 37-1-134, 37-22-201, MCA; IMP, 37-1-134, 37-1-141, 37-23-206, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1987 MAR p. 479, Eff. 5/1/87; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1989 MAR p. 755, Eff. 6/16/89; AMD, 1990 MAR p. 1171, Eff. 6/15/90; AMD, 1994 MAR p. 298, Eff. 2/11/94; AMD, 2003 MAR p. 559, Eff. 3/28/03; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2009 MAR p. 2158, Eff. 11/13/09; AMD, 2012 MAR p. 2467, Eff. 12/7/12; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 339, Eff. 3/30/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.406 through 24.219.408 reserved

24.219.409 FEE SCHEDULE FOR MARRIAGE AND FAMILY THERAPISTS (REPEALED) (History: 37-1-134, 37-37-201, MCA; IMP, 37-1-134, 37-1-141, 37-37-201, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; AMD, 2012 MAR p. 2467, Eff. 12/7/12; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 339, Eff. 3/30/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rule 24.219.410 reserved

24.219.411 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

24.219.412 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

Rules 24.219.413 and 24.219.414 reserved

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, CBHPSS, and candidates.

(2) Relevant military training or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(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, CBHPSS, or candidates. Satisfactory evidence includes:

- (a) a copy of the applicant's military discharge document (DD 214 or other discharge documentation);
- (b) a document that clearly shows all relevant training, certification, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 2471, Eff. 10/10/14; AMD, 2019 MAR p. 339, Eff. 3/30/19; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.416 through 24.219.420 reserved

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.

(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.

- (5) LAC candidate supervisors must be:
  - (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
  - (b) trained in a related field. If trained in a related field:
    - (i) 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;
    - (ii) the supervisor must have training equivalent to that described in ARM 24.219.5006(2)(b); and
    - (iii) the board will evaluate each individual on a case-by-case basis.
- (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.
- (7) 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. (History: 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; NEW, 2011 MAR p. 2038, Eff. 9/23/11; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)



24.219.422 GENERAL SUPERVISION AND RECORDKEEPING REQUIREMENTS – LCSW, LMSW, LBSW, LCPC, LMFT, LAC, 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, 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) 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 ARM 24.219.423 for a minimum of seven years after the date the supervisor ceased to supervise the candidate or CBHPSS.

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

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

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

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

(b) that the supervision requirements of this rule and ARM 24.219.423, and ARM 24.219.504, 24.219.604, 24.219.704, or 24.219.5008 are being met. (History: 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; NEW, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

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) When there is a change in supervisor, the following individuals must notify the board no later than 20 business days following the change using forms provided by the department:

(a) the candidate or CBHPSS;

(b) the new supervisor; and/or

(c) the individual ceasing to supervise a candidate.

(3) The supervisor, candidate, or CBHPSS may be subject to disciplinary action for failure to report change in supervisor. (History: 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; NEW, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.424 through 24.219.429 reserved

24.219.430 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. (History: 37-1-131, 37-1-319, MCA; IMP, 37-1-319, MCA; NEW, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.431 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. (History: 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; NEW, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.432 through 24.219.434 reserved

24.219.435 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.

(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. (History: 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; NEW, 2020 MAR p. 1517, Eff. 8/8/20.)

## Subchapter 5

## Application Procedures for Social Workers

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) 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 ARM 24.219.502 within four years of the date of application;

(d) have completed a Federal Bureau of Investigation fingerprint background check per 37-22-301, 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) 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.

(5) 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. (History: 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; NEW, 1984 MAR p. 440, Eff. 3/16/84; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1994 MAR p. 26, Eff. 12/24/93; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; AMD, 2011 MAR p. 2038, Eff. 9/23/11; AMD, 2014 MAR p. 2471, Eff. 10/10/14; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

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

- (a) Association of Social Work Boards (ASWB) clinical examination; or
- (b) other licensing examinations approved by the board.

(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.

(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) 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.

(5) 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. (History: 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; NEW, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

Rule 24.219.503 reserved

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. As a part of the total supervised work experience requirements, 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.

(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.

(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) When an LCSW, LMSW, or LBSW candidate who applied under ARM 24.219.505 completes all the supervised work experience requirements in this rule, the candidate will qualify for the appropriate examination per ARM 24.219.502.

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

(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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-301, 37-22-307, 37-22-308, 37-22-313, MCA; NEW, 1984 MAR p. 440, Eff. 3/16/84; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1993 MAR p. 1325, Eff. 6/25/93; AMD, 1994 MAR p. 26, Eff. 12/24/93; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.505 LCSW, LMSW, AND LBSW CANDIDATE LICENSE REQUIREMENTS (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.

(3) In addition to the appropriate education requirements in (2), applicants for LCSW, LMSW, and LBSW candidate licensure 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 37-22-313, MCA, within six months of the application date;

(c) provide reference letters that meet the requirements in 37-22-301, 37-22-307, or 37-22-308, MCA; 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. (History: 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; NEW, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.506 SOCIAL WORKER LICENSURE CANDIDATE REQUIREMENTS (REPEALED) (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-313, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.507 SOCIAL WORKER LICENSURE CANDIDATE ANNUAL REGISTRATION REQUIREMENTS (REPEALED) (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-313, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.508 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. (History: 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; NEW, 2020 MAR p. 1517, Eff. 8/8/20.)



24.219.509 INACTIVE STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS (REPEALED) (History: 37-1-319, 37-22-201, MCA; IMP, 37-1-319, MCA; NEW, 1994 MAR p. 298, Eff. 2/11/94; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.510 and 24.219.511 reserved

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) 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 ARM 24.219.502 or a similar examination per 37-22-301, MCA;

(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) 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-1-304, 37-22-301, 37-22-307, 37-22-308, MCA; NEW, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2014 MAR p. 2471, Eff. 10/10/14; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.513 and 24.219.514 reserved

24.219.515 RENEWALS (REPEALED) (History: 37-1-141, 37-22-201, MCA; IMP, 37-1-141, MCA; NEW, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2016 MAR p. 221, Eff. 2/6/16.)

## Subchapter 6

## Application Procedures for Professional Counselors

24.219.601 LCPC LICENSE REQUIREMENTS – ORIGINAL APPLICANTS

(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 ARM 24.219.602 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-23-202, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; AMD, 2011 MAR p. 2038, Eff. 9/23/11; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.602 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-23-202, MCA; NEW, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.603 LCPC EDUCATION REQUIREMENTS (REPEALED) (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-23-202, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.604 LCPC SUPERVISED WORK EXPERIENCE REQUIREMENTS

(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.

(b) Any hours obtained post-degree must include 1000 hours direct client contact under face-to-face supervision in a clinical setting as defined in ARM 24.219.301. No more than 250 of those 1000 hours may be in a group or co-facilitative 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-23-202, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1989 MAR p. 319, Eff. 2/24/89; AMD, 1993 MAR p. 1325, Eff. 6/25/93; AMD, 1994 MAR p. 26, Eff. 12/24/93; AMD, 1997 MAR p. 986, Eff. 6/3/97; AMD, 2001 MAR p. 558, Eff. 4/6/01; AMD, 2003 MAR p. 14, Eff. 10/18/02; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.605 LCPC CANDIDATE LICENSE REQUIREMENTS

(1) Applicants for LCPC candidate licenses 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; 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-23-213, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.606 PROFESSIONAL COUNSELOR LICENSURE CANDIDATE

REQUIREMENTS (1) A professional counselor licensure candidate must provide an update to the board within ten business days:

(a) if there is a substantial change in the candidate's training and supervision plan; and

(b) prior to commencing supervised work experience under a new supervisor.

(2) An updated training and supervision plan or change in supervisor does not require additional board approval unless there is reason to believe the update does not conform to the board's training and supervision requirements.

(3) The licensure candidate and supervisors are responsible for ensuring that the licensure candidate and supervisors comply with the requirements of ARM 24.219.604 and the statutes, rules, and standards pertaining to the practice of professional counseling at all times.

(4) The licensure candidate must maintain the record of supervision, which must be maintained according to the requirements of ARM 24.219.604 and may be requested by the board at any time. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-23-213, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16.)

24.219.607 PROFESSIONAL COUNSELOR LICENSURE CANDIDATE ANNUAL REGISTRATION REQUIREMENTS (REPEALED) (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-23-213, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.608 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-23-202, MCA; NEW, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.609 INACTIVE STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS (REPEALED) (History: 37-1-319, 37-22-201, MCA; IMP, 37-1-319, MCA; NEW, 1994 MAR p. 298, Eff. 2/11/94; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.610 and 24.219.611 reserved

24.219.612 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 ARM 24.219.602;

(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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-1-304, 37-23-202, MCA; NEW, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2014 MAR p. 2471, Eff. 10/10/14; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19.)

Rules 24.219.613 and 24.219.614 reserved

24.219.615 RENEWALS (REPEALED) (History: 37-1-134, 37-1-141, MCA; IMP, 37-1-141, MCA; NEW, 1987 MAR p. 479, Eff. 5/1/87; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2016 MAR p. 221, Eff. 2/6/16.)

## Subchapter 7

## Application Procedures for Marriage and Family Therapists

24.219.701 LMFT LICENSE REQUIREMENTS – ORIGINAL APPLICANTS

(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 ARM 24.219.702 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-37-201, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.702 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-37-201, MCA; NEW, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.703 LMFT EDUCATION REQUIREMENTS (REPEALED) (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-37-201, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16; REP, 2019 MAR p. 2371, Eff. 12/28/19.)



24.219.704 LMFT SUPERVISED WORK EXPERIENCE REQUIREMENTS

(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:

(a) 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;

(b) group supervision consisting of no more than six candidates; and

(c) a minimum of 1000 post-degree hours of client contact accumulated within the last five years with a minimum of 50 percent of those hours providing services to couples and families. 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 150 hours are in individual supervision, and of which a minimum of 80 hours is earned with each supervisor; and

(ii) at least 100 hours of supervision 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) When an LMFT candidate completes the requirements of (1) and (2) of this rule, the candidate will qualify for examination per ARM 24.219.702. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-37-201, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.705 LMFT CANDIDATE LICENSE REQUIREMENTS (1) Applicants for LMFT candidate licenses 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 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-37-205, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.706 MARRIAGE AND FAMILY THERAPIST LICENSURE

CANDIDATE REQUIREMENTS (1) A professional counselor licensure candidate must provide an update to the board within ten business days:

(a) if there is a substantial change in the candidate's training and supervision plan; and

(b) prior to commencing supervised work experience under a new supervisor.

(2) An updated training and supervision plan or change in supervisor does not require additional board approval unless there is reason to believe the update does not conform to the board's training and supervision requirements.

(3) The licensure candidate and supervisors are responsible for ensuring that the licensure candidate and supervisors comply with the requirements of ARM 24.219.704 and the statutes, rules, and standards pertaining to the practice of marriage and family therapy at all times.

(4) The licensure candidate must maintain the record of supervision, which must be maintained according to the requirements of ARM 24.219.704 and may be requested by the board at any time. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-37-205, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16.)

24.219.707 TEMPORARY PRACTICE PERMIT (REPEALED) (History: 37-1-131, 37-1-319, 37-22-201, MCA; IMP, 37-1-131, 37-1-305, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; AMD, 2016 MAR p. 221, Eff. 2/6/16; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.708 MARRIAGE AND FAMILY THERAPIST LICENSURE

CANDIDATE ANNUAL REGISTRATION REQUIREMENTS (REPEALED) (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-37-205, MCA; NEW, 2016 MAR p. 221, Eff. 2/6/16; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.709 APPLICATION TO CONVERT AN ACTIVE STATUS LICENSE TO AN INACTIVE STATUS LICENSE AND CONVERSION FROM INACTIVE TO ACTIVE STATUS (REPEALED) (History: 37-1-131, 37-1-319, 37-22-201, MCA; IMP, 37-1-131, 37-1-319, 37-37-101, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.710 and 24.219.711 reserved

24.219.712 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. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-1-304, 37-37-201, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; AMD, 2016 MAR p. 221, Eff. 2/6/16; AMD, 2019 MAR p. 2371, Eff. 12/28/19.)

Rules 24.219.713 and 24.219.714 reserved

24.219.715 RENEWALS (REPEALED) (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-1-141, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; REP, 2016 MAR p. 221, Eff. 2/6/16.)

## Subchapter 8

## Rules of Ethics

24.219.801 CODE OF ETHICS - LICENSED CLINICAL SOCIAL WORKERS (REPEALED) (History: 37-22-201, 37-23-103, MCA; IMP, 37-22-101, 37-22-201, 37-23-101, 37-23-103, MCA; NEW, 2003 MAR p. 2294, Eff. 10/17/03; TRANS, from Commerce, 2004 MAR p. 1477; REP, 2016 MAR p. 221, Eff. 2/6/16.)

Rules 24.219.802 and 24.219.803 reserved

24.219.804 CODE OF ETHICS - LICENSED PROFESSIONAL COUNSELORS (REPEALED) (History: 37-22-201, 37-23-103, MCA; IMP, 37-22-101, 37-22-201, 37-23-101, 37-23-103, MCA; NEW, 2003 MAR p. 2294, Eff. 10/17/03; TRANS, from Commerce, 2004 MAR p. 1477; REP, 2016 MAR p. 221, Eff. 2/6/16.)

Rules 24.219.805 and 24.219.806 reserved

24.219.807 CODE OF ETHICS (REPEALED) (History: 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; NEW, 2011 MAR p. 2158, Eff. 10/14/11; AMD, 2016 MAR p. 221, Eff. 2/6/16; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

## Subchapter 9

Certified Behavioral Health  
Peer Support Specialists

24.219.901 DEFINITIONS (REPEALED) (History: 37-1-131, 37-38-102, 37-38-202, MCA; IMP, 37-1-131, 37-38-102, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.902 SUPERVISOR QUALIFICATIONS (REPEALED) (History: 37-1-131, 37-38-202, MCA; IMP, 37-1-131, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.903 MILITARY TRAINING OR EXPERIENCE (REPEALED) (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

Rule 24.219.904 reserved

24.219.905 FEE SCHEDULE FOR BEHAVIORAL HEALTH PEER SUPPORT SPECIALISTS (REPEALED) (History: 37-38-202, MCA; IMP, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rule 24.219.906 reserved

24.219.907 CBHPSS LICENSE REQUIREMENTS – ORIGINAL APPLICANTS (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. (History: 37-1-131, 37-38-202, MCA; IMP, 37-1-131, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.908 through 24.219.911 reserved

24.219.912 CBHPSS TRAINING COURSE AND EXAMINATIONS

(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) boundaries and ethics;

(c) confidentiality;

(d) scope of practice;

(e) communication skills;

(f) self-care;

(g) suicide awareness;

(h) stages of change;

(i) trauma-informed care;

(j) cultural awareness;

(k) pathways of recovery;

(l) recovery story;

(m) clinical supervision;

(n) accessing community resources;

(o) emotional intelligence;

(p) supporting others in recovery;

(q) one-on-one session skills;

(r) support group facilitation; and

(s) recovery planning. (History: 37-1-131, 37-38-202, MCA; IMP, 37-1-131, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; AMD, 2019 MAR p. 2371, Eff. 12/28/19.)

Rules 24.219.913 through 24.219.915 reserved

24.219.916 CBHPSS POST-CERTIFICATION CLINICAL SUPERVISION REQUIREMENTS (REPEALED) (History: 37-1-131, 37-38-202, MCA; IMP, 37-1-131, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

Rules 24.219.917 through 24.219.920 reserved

24.219.921 APPLICATION TO CONVERT AN ACTIVE STATUS CERTIFICATE TO AN INACTIVE STATUS CERTIFICATE AND CONVERSION FROM INACTIVE TO ACTIVE STATUS (REPEALED) (History: 37-1-319, MCA; IMP, 37-1-302, 37-1-319, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rule 24.219.922 reserved



24.219.923 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. (History: 37-1-131, 37-38-202, MCA; IMP, 37-1-131, 37-1-304, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

Rule 24.219.924 reserved

24.219.925 CODE OF ETHICS (REPEALED) (History: 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; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rule 24.219.926 reserved

24.219.927 CONTINUING EDUCATION HOURS AND CREDITS (REPEALED) (History: 37-1-319, 37-38-202, MCA; IMP, 37-1-306, 37-1-319, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rule 24.219.928 reserved

24.219.929 CONTINUING EDUCATION STANDARDS (REPEALED) (History: 37-1-319, 37-38-202, MCA; IMP, 37-1-306, 37-1-319, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rule 24.219.930 reserved

24.219.931 REPORTING REQUIREMENTS (REPEALED) (History: 37-1-131, 37-1-319, 37-38-202, MCA; IMP, 37-1-131, 37-1-306, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rule 24.219.932 reserved

24.219.933 CONTINUING EDUCATION NONCOMPLIANCE (REPEALED) (History: 37-1-131, 37-1-136, 37-1-319, 37-38-202, MCA; IMP, 37-1-131, 37-1-136, 37-1-306, 37-1-321, 37-38-202, MCA; NEW, 2018 MAR p. 444, Eff. 2/24/18; REP, 2019 MAR p. 339, Eff. 3/30/19.)

## Subchapter 10

## Psychological Evaluations

24.219.1001 GENERAL USE OF ASSESSMENT AND TESTING

INSTRUMENTS (1) The primary purpose of educational and psychological assessment is to provide measures that are objective and interpretable in either comparative or absolute terms. Counselors and social workers shall interpret the statements in this rule as applying to the whole range of appraisal techniques, including test and nontest data.

(2) Counselors and social workers shall promote the welfare and best interests of the client in the development, publication, and utilization of educational and psychological assessment results and interpretations, and take reasonable steps to prevent others from misusing the information these techniques provide. They shall respect the clients' rights to know the results of the interpretations made and the basis for their conclusions and recommendations. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

24.219.1002 LICENSEES AUTHORIZED TO PERFORM PSYCHOLOGICAL

ASSESSMENTS (1) Psychological assessments may be performed by the following individuals:

(a) a licensed clinical professional counselor or licensed clinical social worker who satisfies the requirements in ARM 24.219.1003(1), (3), (4), or (5);

(b) a licensed clinical professional counselor or a licensed clinical social worker who satisfies the requirements in ARM 24.219.1003(1) and who is acting under the supervision of another licensee of the board specified in (1)(a);

(c) a psychologist licensed under Title 37, chapter 17, MCA; or

(d) a licensed clinical professional counselor or a licensed clinical social worker who satisfies the requirements in ARM 24.219.1003(1) and who is acting under the supervision of a licensed psychologist. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2015 MAR p. 2276, Eff. 12/25/15.)

24.219.1003 EDUCATIONAL REQUIREMENTS FOR PERFORMING PSYCHOLOGICAL ASSESSMENTS WITHOUT SUPERVISION

(1) Except as provided in (3), (4), and (5), a licensed clinical professional counselor or licensed clinical social worker may engage in psychological assessments without supervision only if the licensee has completed and can document to the board, if requested, the following information demonstrating generic and specific qualifications to perform psychological assessments:

(a) academic training at the graduate or postgraduate level from a regionally accredited program that covered:

- (i) descriptive statistics;
- (ii) reliability and measurement error;
- (iii) validity and meaning of test scores;
- (iv) normative interpretation of test scores;
- (v) selection of appropriate tests;
- (vi) test administration procedures;
- (vii) ethnic, racial, cultural, gender, age, and linguistic variables; and
- (viii) testing individuals with disabilities; and

(b) a signed statement from a professional qualified to supervise psychological assessments as set forth in ARM 24.219.2002(1)(a) or (c) that the supervised licensee has met the requirements to use psychological tests as set forth in this rule.

(2) For purposes of this rule, "regionally accredited program" means a program accredited by one of the seven regional accreditation agencies recognized by the United States Department of Education.

(3) A credentialing level designated and approved by statute for psychological assessments meets the requirements as set out in (1). For example, 46-18-111, MCA, authorizes members of the Montana sex offender treatment association to perform psychosexual evaluations.

(4) A licensed clinical professional counselor or licensed clinical social worker whose education was not from a regionally accredited program must obtain board approval before conducting psychological assessments. The licensee must demonstrate their education is substantially equivalent to the content set out in (1).

(5) A licensed clinical professional counselor or licensed clinical social worker is qualified to perform psychological assessments and is not required to demonstrate that the licensee has met the qualifications set forth in (1) if the licensee performed psychological assessments prior to December 25, 2015. (History: 37-17-104, MCA; 37-17-104, MCA; NEW, 2015 MAR p. 2276, Eff. 12/25/15.)

24.219.1004 LICENSEES QUALIFIED TO SUPERVISE PSYCHOLOGICAL ASSESSMENTS (1) The only professionals qualified to supervise psychological assessment are:

(a) licensed clinical professional counselors and licensed clinical social workers who satisfy the requirements in ARM 24.219.1003; and

(b) licensed psychologists. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2015 MAR p. 2276, Eff. 12/25/15.)

24.219.1005 COMPETENCE TO USE AND INTERPRET ASSESSMENT AND TESTING INSTRUMENTS (1) Counselors and social workers shall recognize the limits of their competence and perform only those testing and assessment services for which they have been trained. They shall be familiar with reliability, validity, related standardization, error of measurement, and proper application of any technique utilized.

(2) Counselors and social workers using computer-based test interpretations shall be trained in the construct being measured and the specific instrument being used, prior to using this type of computer application.

(3) Counselors and social workers shall take reasonable measures to ensure the proper use of psychological assessment techniques by persons under their supervision.

(4) Counselors and social workers are responsible for the appropriate selection, application, scoring, interpretation, and use of assessment instruments whether they score and interpret such tests themselves or use computerized or other services.

(5) Counselors and social workers responsible for decisions involving individuals or policies that are based on assessment results shall have a thorough understanding of educational and psychological measurement, including validation criteria, test research, and guidelines for test development and use.

(6) Counselors and social workers shall provide accurate information and shall not make false claims when making statements about assessment instruments or techniques.

(7) Counselors and social workers shall seek to identify and correct client misconceptions about assessment instruments or techniques and about the meaning of scores, charts, or graphs given to them as an assessment product. Special efforts shall be made to avoid unwarranted connotations of such terms as "IQ" and grade equivalent scores. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1006 through 24.219.1010 reserved

24.219.1011 INFORMED CONSENT IN THE USE OF ASSESSMENT AND TESTING INSTRUMENTS (1) Prior to assessment, counselors and social workers shall explain the nature and purposes of assessment and the specific use of results in language the client (or other legally authorized person on behalf of the client) can understand, unless an explicit exception to this right has been agreed upon in advance. Regardless of whether scoring and interpretation are completed by counselors and social workers, by assistants, or by computer or other outside services, counselors and social workers shall take reasonable steps to ensure that appropriate explanations are given to the client.

(2) The examinee's welfare, explicit understanding, and prior agreement shall determine the recipients of test results. Counselors and social workers shall include accurate and appropriate interpretations with any release of individual or group test results. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1012 and 24.219.1013 reserved

24.219.1014 RELEASE OF INFORMATION TO COMPETENT PROFESSIONALS OF ASSESSMENT AND TESTING INSTRUMENT RESULTS

(1) Counselors and social workers shall not misuse assessment results, including test results and interpretations, and take reasonable steps to prevent this misuse of such by others.

(2) Counselors and social workers shall ordinarily release data (e.g., protocols, counseling or interview notes, or questionnaires) in which the client is identified only with the consent of the client or the client's legal representative. Such data shall usually be released only to persons recognized by counselors and social workers as competent to interpret the data. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1015 and 24.219.1016 reserved

24.219.1017 PROPER DIAGNOSIS OF MENTAL DISORDERS WITH THE USE OF ASSESSMENT AND TESTING INSTRUMENTS (1) Counselors and social workers shall take special care to provide accurate diagnosis of mental disorders. Assessment techniques (including a personal interview) used to determine client care (e.g., locus of treatment, type of treatment, or recommended follow-up) shall be carefully selected and appropriately used.

(2) Counselors and social workers shall recognize that culture affects the manner in which clients' problems are defined. Clients' socioeconomic and cultural experience shall be considered when diagnosing mental disorders. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1018 and 24.219.1019 reserved

24.219.1020 TEST SELECTION IN THE USE AND INTERPRETATION OF ASSESSMENT AND TESTING INSTRUMENTS (1) Counselors and social workers shall carefully consider the validity, reliability, psychometric limitations, and appropriateness of instruments when selecting tests for use in a given situation or with a particular client.

(2) Counselors and social workers recognize that the psychometric characteristics of a test (e.g., reliability, validity) are a function of the cultural composition of the population in which they were evaluated, validated, or normed. Licensees shall exercise due diligence in selecting tests to be used within a culturally diverse population in order to minimize the risk of inappropriate interpretation of test scores. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1021 and 24.219.1022 reserved

24.219.1023 CONDITIONS OF TEST ADMINISTRATION WHEN USING ASSESSMENT AND TESTING INSTRUMENTS (1) Counselors and social workers shall administer tests under the same conditions that were established in their standardization. When tests are not administered under standard conditions or when unusual behavior or irregularities occur during the testing session, those conditions shall be noted in interpretation and the results may be designated as invalid or of questionable validity.

(2) Counselors and social workers shall be responsible for ensuring that assessment administration programs function properly to provide clients with accurate results when computer or other electronic methods are used for test administration.

(3) Counselors and social workers shall not permit unsupervised or inadequately supervised use of tests or assessments, unless the tests or assessments are designed, intended, and validated for self-administration and/or scoring.

(4) Prior to test administration, conditions that produce most favorable test results shall be made known to the examinee. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1024 and 24.219.1025 reserved

24.219.1026 DIVERSITY WHEN USING ASSESSMENT AND TESTING INSTRUMENTS (1) Counselors and social workers shall be cautious in using assessment techniques, making evaluations, and interpreting the performance of populations not represented in the norm group on which an instrument was standardized. They shall recognize the effects of age, color, culture, disability, ethnic group, gender, race, religion, sexual orientation, and socioeconomic status on test administration and interpretation, and place test interpretation results in proper perspective with other relevant factors. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1027 and 24.219.1028 reserved

24.219.1029 TEST SCORING AND INTERPRETATION WHEN USING ASSESSMENT AND TESTING INSTRUMENTS (1) In reporting assessment results, counselors and social workers shall indicate any reservations that exist regarding validity or reliability, because of the circumstances of the assessment or the inappropriateness of the norms for the person tested.

(2) Counselors and social workers shall exercise caution when interpreting the results of research instruments possessing insufficient technical data to support respondent results. The specific purposes for the use of such instruments shall be stated explicitly to the examinee.



(3) Counselors and social workers who provide test scoring and test interpretation services to support the assessment process shall confirm the validity of such interpretations. They shall accurately describe the purpose, norms, validity, reliability, and applications of the procedures and any special qualifications applicable to their use. The public offering of an automated test interpretation service is considered a professional-to-professional consultation. The formal responsibility of the consultant is to the consultee, but the ultimate and overriding responsibility is to the client. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1030 and 24.219.1031 reserved

24.219.1032 TEST SECURITY WHEN USING ASSESSMENT AND TESTING INSTRUMENTS (1) Counselors and social workers shall maintain the integrity and security of tests and other assessment techniques consistent with legal and contractual obligations. Counselors and social workers shall not appropriate, reproduce, or modify published tests or parts thereof, without acknowledgment and permission from the publisher. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1033 and 24.219.1034 reserved

24.219.1035 OBSOLETE TESTS AND OUTDATED TEST RESULTS WHEN USING ASSESSMENT AND TESTING INSTRUMENTS (1) Counselors and social workers shall not use data or test results that are obsolete or outdated for the current purpose. Counselors and social workers shall make every effort to prevent the misuse of obsolete measures and test data by others. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Rules 24.219.1036 and 24.219.1037 reserved

24.219.1038 TEST CONSTRUCTION FOR ASSESSMENT AND TESTING INSTRUMENTS (1) Counselors and social workers shall use established scientific procedures, relevant standards, and current professional knowledge for test design in the development, publication, and utilization of educational and psychological assessment techniques. (History: 37-17-104, MCA; IMP, 37-17-104, MCA; NEW, 2011 MAR p. 2153, Eff. 10/14/11.)

Subchapter 11 reserved

## Subchapter 12

## Parenting Plan Evaluations

24.219.1201 ORIENTING GUIDELINES (1) The purpose of the parenting plan evaluation regulations is to protect both the public, who are the consumers of services, and the licensees, who are the providers of services. These regulations intend to ensure competency of the provider and consistency of the procedures in child custody proceedings, pursuant to Title 40, chapter 4, MCA, Termination of Marriage, Child Custody, Support.

(2) The purpose of a parenting plan evaluation is to determine, to the extent possible, what is in the best interests of the child. The "fit" between each parent and the child or children is the central issue, not the diagnosis of each parent or of each child. If a parent or child shows any relevant mental, cognitive, physical, or other disorder, the implications of that disorder for the best interest of the child must be addressed.

(3) Two different parents showing very similar personalities and parenting styles might affect two different children in essentially different ways. It cannot be assumed that qualities generally admired by the population-at-large are necessarily those that make the better parent, or are in the best interests of the child. For example, factors such as which parent has the most money, the most friends, the largest house, is the most religious, the most physically active, has the most education, is home the most, lacks a history of diagnosis or treatment, and so on, may bear on the issue at hand, but are not the determining factors in and of themselves. How each factor supports the child's needs and well-being, or detracts from the child's needs and well-being, is a primary consideration. The intention of a parenting plan evaluation is to make a parenting recommendation that will support the child's development along the healthiest lines possible. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA; NEW, 2011 MAR p. 2038, Eff. 9/23/11.)

Rules 24.219.1202 through 24.219.1204 reserved

24.219.1205 ROLE OF THE LICENSEE (1) In a parenting plan evaluation, the licensee shall maintain an unbiased, impartial role. The client is the child, and recommendations must be made which are in the best interests of the child. The licensee shall clarify with all parties, attorneys, and the court the nature of the licensee's role as an objective evaluator.

(a) The licensee shall act as an impartial evaluator of the parties, assessing relevant information, and informing and advising the court and other parties of the relevant factors pertaining to the parenting issue.

(b) The licensee shall remain impartial, regardless of whether the licensee is retained by the court or by a party to the proceeding, and regardless of whom is responsible for payment.

(c) If circumstances prevent the licensee from performing in an impartial role, the licensee shall attempt to withdraw from the case. (See ARM 24.219.1207)

(d) If the licensee is not able to withdraw, the licensee must reveal any factors that may bias the licensee's findings and/or compromise the licensee's objectivity.

(e) Communication with parents or attorneys must be conducted in such a manner as to avoid bias. The licensee must exercise discretion in informing parties or their attorneys of significant information that is gathered during the course of the evaluation. The licensee shall not communicate essential information to one party's attorney, without also communicating the information to the other party's attorney and to the guardian ad litem, if one is appointed. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA; NEW, 2011 MAR p. 2038, Eff. 9/23/11.)

Rule 24.219.1206 reserved

24.219.1207 DUAL RELATIONSHIPS (1) The licensee shall avoid dual relationships and other situations which might produce a conflict of interest when performing parenting plan evaluations.

(a) The licensee shall not conduct a parenting plan evaluation in a case in which the licensee has served or can reasonably anticipate serving in a therapeutic role for the child or the child's immediate family, or has had other significant involvement; e.g., social, personal, business, or professional, that may compromise the licensee's objectivity.

(b) The licensee may not accept any of the involved participants in the parenting plan evaluation as therapy clients, either during or after the evaluation.

(c) The licensee who is asked to testify regarding a therapy client who is involved in a parenting plan case, shall be aware of the limitations and possible biases inherent in such a role and the possible impact on the ongoing therapeutic relationship. If required to testify, the licensee may not give an expert opinion regarding parenting plan issues, and shall limit the licensee's testimony to factual issues. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA; NEW, 2011 MAR p. 2038, Eff. 9/23/11.)

Rule 24.219.1208 reserved

24.219.1209 COMPETENCY (1) Licensees performing parenting plan evaluations in Montana shall be licensed to practice in the state of Montana.

(2) Licensees performing parenting plan evaluations must comply with the board's rules regarding unprofessional conduct.

(3) Licensees may only perform parenting plan evaluations if they have acquired specialized training, education, and experience in the areas of assessment of children and adults, child and family development, child and family psychopathology, and the impact of divorce on families. They shall acquire current knowledge regarding diverse populations, especially as it relates to child-rearing issues.

(4) Licensees may only operate within their areas of competence and shall seek appropriate supervision when necessary.

(5) Licensees must understand the construction/administration/interpretation of the test procedures the licensee employs.

(6) Licensees must maintain current knowledge of scientific, professional, and legal developments within their area of claimed competence, and use that knowledge, consistent with accepted clinical and scientific standards, in selecting current data collection methods and procedures for an evaluation.

(7) Licensees shall use multiple methods of data collection in a parenting plan evaluation.

(8) Licensees shall be aware of personal and societal biases and engage in nondiscriminatory practice. The licensee shall be aware of how biases regarding age, gender, race, ethnicity, national origin, religion, sexual orientation, disability, language, culture, and socioeconomic status may interfere with an objective evaluation and recommendations, and shall strive to overcome any such biases or withdraw from the evaluation.

(9) Licensees shall understand, clarify, and utilize the concept of the "best interests of the child" guidelines, as set forth in Title 40, chapter 4, MCA.

(10) Licensees shall maintain current knowledge of legal standards regarding parenting plans, divorce, and laws regarding abuse, neglect, and family violence. Licensees shall also understand the civil rights of parties in legal proceedings in which they participate, and manage their professional conduct in a manner that does not diminish or threaten those rights.

(11) Licensees shall recognize and state any limitations of their assessments and reports.

(12) Licensees shall not render diagnoses or form an expert opinion about any party not personally evaluated, and may not make parenting plan recommendations when both parents and children have not been personally evaluated by the licensee. In situations where all parties cannot be evaluated, licensees shall limit recommendations and opinions to individuals evaluated, and shall avoid making recommendations regarding placement and visitation. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA; NEW, 2011 MAR p. 2038, Eff. 9/23/11.)

Rule 24.219.1210 reserved

24.219.1211 LIMITS OF CONFIDENTIALITY (1) Licensees shall inform all participants, including parents, children (when feasible), other family members, and third party contacts such as teachers, physicians, and child care providers, as to the limits of confidentiality, which can be expected with regard to any information they may provide to the licensee over the course of the evaluation.

(a) This includes the limits of confidentiality applicable to the general practice of social work or counseling, such as a duty to warn in instances of possible imminent danger to a participant or to others, or legal obligations to report suspected child or elder abuse, and also exceptions to confidentiality stemming from the specific requirements of a parenting plan evaluation, including:

(i) the potential need to disclose information provided by any participant to other participants, in order to obtain accounts of circumstances pertinent to the issues being evaluated;

(ii) the expectation of disclosure of relevant information provided by individual participants to the attorneys involved in the case, to the court, and to the guardian ad litem, if one has been appointed; and

(iii) the likely disclosure of the licensee's findings, professional opinions, and recommendations regarding the resolution of contested matters, which fall within the scope of the evaluation to parents, their attorneys, the court, and any other party, such as a guardian ad litem.

(2) Licensees shall obtain written waivers of confidentiality from the parents who are participating in the evaluation, encompassing all disclosures of information to other persons, including other participants in the evaluation, attorneys, and the court.

(3) Licensees shall take reasonable precautions in their handling of children's disclosures of abuse, neglect, or any other circumstances, when such disclosure may place the child at increased risk of physical or emotional harm. Licensees shall also recognize the right of any person accused of misconduct to respond to such allegations, while placing the highest priority on the safety and well-being of the child.

(4) Licensees shall recognize that disclosures of statements by abused spouses may pose special risks to the safety and well-being of persons who claim to be victims of domestic abuse. Prior to disclosure of such allegations to an alleged perpetrator or to other persons who may support, collude with, or otherwise increase the risk of abuse, the licensee shall inform the alleged victim that the disclosure will take place. If appropriate, information will be provided as to available community resources for protection, planning, and personal assistance, and counseling for victims of domestic abuse.

(5) Licensees shall provide judges, attorneys, and other appropriate parties with access to the results of the evaluation, but make reasonable efforts to avoid the release of notes, test booklets, structured interview protocols, and raw test data to persons untrained in their interpretation. If legally required to release such information to untrained persons, licensees shall first offer alternative steps, such as providing the information in the form of a report, or releasing the information to another licensee who is qualified in the interpretation of the data, and who will discuss or provide written interpretations of the data with the person(s) who are seeking the information.

(6) Licensees shall not agree to requests by participants in a parenting plan evaluation that information shared with the licensee be concealed.

(a) When such requests are made, the licensee shall clarify the requirements of the evaluation as regards to confidentiality, and may advise the participant to consult with the participant's attorney before proceeding with the evaluation.

(7) The licensee must ultimately respect the right of any participant to withhold information from the evaluation. Whether the refusal to provide information should itself be made known to others, it must be decided by the licensee, based on the relevance of such refusal to the issues before the court, in the particular case at hand.

(8) Licensees shall recognize the possibility that the need to disclose information obtained in the evaluation may limit the validity of data acquired during the evaluation, by inhibiting the free and complete disclosure of information by participants. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA; NEW, 2011 MAR p. 2038, Eff. 9/23/11.)

Rule 24.219.1212 reserved

24.219.1213 DISCLOSURE AND INFORMED CONSENT (1) Licensees shall obtain informed consents from parents involved in parenting plan evaluations and, to the extent feasible, inform children of significant aspects of the evaluation prior to conducting interviews, testing, or other data-gathering procedures. Disclosure of information to the parents shall include a thorough explanation of all major aspects of the evaluation, including:

(a) a general review of the purpose, nature, methods, scope, and limitations of a parenting plan evaluation, and the potential impact of the evaluation on the outcome of litigation;

(b) clarification as to who has requested the evaluation and who will receive verbal or written feedback as to the results and recommendations;

(c) the nature of data to be collected and potential uses to which that data will be put, including data from testing and structured interview protocols;

(d) the methods of assessing and collecting fees for professional services, including specification of who will be financially responsible for the evaluation, expectations as to the timing of payments, and policies related to the collection of unpaid fees; and

(e) the nature and limits of confidentiality, both as generally applicable to professional services, and as required by the nature of the evaluation. (See ARM 24.219.1211)

(2) Licensees shall inform the parents of the above elements and offer each parent the opportunity to discuss the proposed evaluation with an attorney before proceeding. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA; NEW, 2011 MAR p. 2038, Eff. 9/23/11.)

Rule 24.219.1214 reserved



24.219.1215 COLLECTION AND USE OF DATA (1) The licensee shall use generally accepted standards for the collection and use of data.

(2) In evaluating alternative hypotheses, licensees shall include data from several different sources and of several different types, such as interviews, testing, observations of interactions, questionnaires, and record reviews. The licensee shall be prepared to specify the reasons for collecting each kind of data and how it relates to the child's best interest.

(3) As data are collected, the licensee must keep comprehensive and detailed records. All raw data, including but not limited to test forms, handwritten notes, scribbles in margins, records of telephone conversations, observations of parent-child interaction, observations of parent-parent interaction, consultations with other professionals, or any audio or video tapes must be saved and made available for review, if necessary.

(4) Data that are not objective should not be treated as though they are. The licensee shall attempt to corroborate or rule out allegations that either parent has behaviors that affect the child detrimentally. If the licensee is not able to form a clear opinion based on objective data or data verified by multiple sources, the licensee should state this fact. If appropriate, the licensee may offer a method by which further data along any dimension might be gathered; for example, recommending that a child meet with a therapist over time, or that a parent undergo drug and alcohol assessment.

(5) If issues affecting what is in the child's best interest arise and cannot be investigated due to the limited scope of the evaluation as imposed by the court or an agency, the licensee shall report those issues to the parents, their attorneys, and the court. If issues arise that the licensee does not have the expertise to investigate or form an opinion on, another licensee or specialist who does have the required expertise should be brought in to address that issue. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA; NEW, 2011 MAR p. 2038, Eff. 9/23/11.)

Rule 24.219.1216 reserved

24.219.1217 DOCUMENTATION (1) When licensees complete a parenting plan evaluation, they shall produce a written report of the findings and recommendations.

(2) Licensees shall retain all items presented to them or a copy thereof, that are used for consideration in formulating a professional opinion (e.g., videos, photos, etc.) as well as a copy of the final report.

(3) Licensees shall maintain clear and complete records.

(4) Licensees shall retain all releases of information signed by the parties.

(5) Licensees shall maintain adequate documentation of their contacts with clients and of the clinically significant information derived from these contacts.

(6) Licensees shall create and maintain documentation of all data that form the basis for their conclusions in the detail and quality that would be consistent with reasonable scrutiny in an adjudicative forum.

(7) Licensees shall make clear to all parties that the report may be altered at any time by the licensee, until the final decision of the court is made.

(8) Licensees shall make a reasonable effort to ensure that the court, attorneys, parents, and guardian ad litem, if any, receive the report at the same time.

(9) Licensees shall recognize that all items in the case file, other than copies of tests, raw test data, and computer-generated interpretive reports may be brought into the courtroom.

(10) Licensees shall recognize that all parenting plan evaluations and reports are highly sensitive material and discretion is necessary. (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-131, 37-22-102, 37-22-201, 37-23-102, MCA; NEW, 2011 MAR p. 2038, Eff. 9/23/11.)

Subchapters 13 through 19 reserved

## Subchapter 20

## Continuing Education for Marriage and Family Therapists

24.219.2001 CONTINUING EDUCATION REQUIREMENTS (REPEALED)

(History: 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; NEW, 2011 MAR p. 2158, Eff. 10/14/11; AMD, 2019 MAR p. 339, Eff. 3/30/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.2002 and 24.219.2003 reserved

24.219.2004 ACCREDITATION AND STANDARDS (REPEALED) (History:

37-1-131, 37-1-319, 37-22-201, MCA; IMP, 37-1-131, 37-1-306, 37-37-101, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; REP, 2019 MAR p. 339, Eff. 3/30/19.)

Rules 24.219.2005 and 24.219.2006 reserved

24.219.2007 REPORTING REQUIREMENTS (REPEALED) (History: 37-1-

131, 37-1-319, 37-22-201, MCA; IMP, 37-1-131, 37-1-306, 37-37-101, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; REP, 2019 MAR p. 339, Eff. 3/30/19.)

Rules 24.219.2008 and 24.219.2009 reserved

24.219.2010 CONTINUING EDUCATION NONCOMPLIANCE (REPEALED)

(History: 37-1-131, 37-1-136, 37-1-319, 37-22-201, MCA; IMP, 37-1-131, 37-1-136, 37-1-306, 37-1-316, 37-37-101, MCA; NEW, 2011 MAR p. 2158, Eff. 10/14/11; REP, 2019 MAR p. 339, Eff. 3/30/19.)

## Subchapter 21

## Continuing Education for Social Workers

24.219.2101 CONTINUING EDUCATION REQUIREMENTS (1) Licensed clinical social workers must obtain 20 hours of continuing education (CE) annually.

(2) Applicants licensed before July 1 of the renewal year will be required to fulfill the 20-hour requirement. Those licensed after July 1 are required to obtain one-half of the 20-hour requirement, and those licensed after October 1 will not be required to obtain continuing education credits for renewal.

(3) A maximum of ten hours may be given for the first-time preparation of a new course, in-service training workshop, or seminar which is related to the enhancement of social work practice, values, skills and knowledge; or a maximum of ten hours credit may be given for the preparation by the author or authors of a professional social work paper published for the first time in a recognized professional journal or given for the first time at a statewide or national professional meeting.

(4) If a licensee completed more than 20 hours of CE, excess hours in an amount not to exceed 20 hours may be carried forward to the next year.

(5) 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 scope of practice of social work as defined in board statutes and rules;

(b) review existing concepts and techniques;

(c) convey information beyond the basic professional education;

(d) update knowledge on the practice and advances in social work; and/or

(e) reinforce professional conduct or ethical obligations of the licensee.

(6) The board may randomly audit up to 50 percent of renewed licensees.

(7) 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.

(8) 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.

(9) Any CE hours required by disciplinary order do not apply toward the 20 hours that are required annually under this rule.

(10) A licensee may request an exemption from CE requirements due to hardship. Requests will be considered by the board. (History: 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; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; AMD, 2019 MAR p. 339, Eff. 3/30/19.)

Rules 24.219.2102 and 24.219.2103 reserved

24.219.2104 ACCREDITATION AND STANDARDS (REPEALED) (History: 37-1-319, 37-22-201, MCA; IMP, 37-1-306, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; REP, 2019 MAR p. 339, Eff. 3/30/19.)

Rules 24.219.2105 and 24.219.2106 reserved

24.219.2107 REPORTING REQUIREMENTS (REPEALED) (History: 37-23-103, MCA; IMP, 37-23-205, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; TRANS, from Commerce, 2004 MAR p. 1477; REP, 2019 MAR p. 339, Eff. 3/30/19.)

Rules 24.219.2108 and 24.219.2109 reserved

24.219.2110 CONTINUING EDUCATION NONCOMPLIANCE (REPEALED) (History: 37-1-319, 37-22-201, MCA; IMP, 37-1-306, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; REP, 2019 MAR p. 339, Eff. 3/30/19.)

## Subchapter 22

## Continuing Education for Professional Counselors

24.219.2201 CONTINUING EDUCATION REQUIREMENTS (REPEALED)

(History: 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; NEW, 1987 MAR p. 479, Eff. 5/1/87; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1989 MAR p. 320, Eff. 2/24/89; AMD, 1989 MAR p. 755, Eff. 6/16/89; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; AMD, 2019 MAR p. 339, Eff. 3/30/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.2202 and 24.219.2203 reserved

24.219.2204 ACCREDITATION AND STANDARDS (REPEALED) (History:

37-1-319, MCA; IMP, 37-1-306, MCA; NEW, 1987 MAR p. 479, Eff. 5/1/87; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; REP, 2019 MAR p. 339, Eff. 3/30/19.)

Rules 24.219.2205 and 24.219.2206 reserved

24.219.2207 REPORTING REQUIREMENTS (REPEALED) (History: 37-1-

131, 37-23-103, MCA; IMP, 37-23-101, 37-23-103, 37-23-205, 37-23-211, MCA; NEW, 1987 MAR p. 479, Eff. 5/1/87; TRANS, from Commerce, 2004 MAR p. 1477; REP, 2019 MAR p. 339, Eff. 3/30/19.)

Rules 24.219.2208 and 24.219.2209 reserved

24.219.2210 CONTINUING EDUCATION NONCOMPLIANCE (REPEALED)

(History: 37-1-319, MCA; IMP, 37-1-306, MCA; NEW, 1987 MAR p. 479, Eff. 5/1/87; AMD, 1988 MAR p. 169, Eff. 1/29/88; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; REP, 2019 MAR p. 339, Eff. 3/30/19.)

## Subchapter 23

## Unprofessional Conduct

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 (1) Any violation of this rule constitutes unprofessional conduct.

(2) A licensee shall not:

(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, recklessly, or carelessly cause physical or emotional harm to a client;

(c) misrepresent or permit the misrepresentation of 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, as defined in ARM 24.219.301, in any manner professional relationships;

(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. (History: 37-1-131, 37-1-136, 37-1-319, 37-22-201, 37-35-103; IMP, 37-1-131, 37-1-136, 37-1-316, 37-1-319, 37-22-201, 37-35-103, 37-38-106, MCA; NEW, 1989 MAR p. 755, Eff. 6/16/89; AMD, 1994 MAR p. 298, Eff. 2/11/94; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.2302 through 24.219.2304 reserved

24.219.2305 UNPROFESSIONAL CONDUCT FOR PROFESSIONAL COUNSELORS (REPEALED) (History: 37-1-131, 37-1-319, 37-22-201, MCA; IMP, 37-1-131, 37-1-316, 37-1-319, MCA; NEW, 1986 MAR p. 662, Eff. 4/25/86; AMD, 1994 MAR p. 298, Eff. 2/11/94; AMD, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2009 MAR p. 2158, Eff. 11/13/09; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

Rules 24.219.2306 through 24.219.2308 reserved

24.219.2309 UNPROFESSIONAL CONDUCT FOR MARRIAGE AND FAMILY THERAPISTS (REPEALED) (History: 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; NEW, 2011 MAR p. 2158, Eff. 10/14/11; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

## Subchapter 24

## Complaint Procedures

24.219.2401 COMPLAINT PROCEDURE (REPEALED) (History: 37-1-131, 37-22-201, MCA; IMP, 37-1-308, 37-1-309, MCA; NEW, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2014 MAR p. 2471, Eff. 10/10/14; REP, 2016 MAR p. 221, Eff. 2/6/16.)

Rules 24.219.2402 and 24.219.2403 reserved

24.219.2404 SCREENING PANEL (1) The board screening panel shall consist of a minimum of four board members, as chosen by the chairman. The chairman may reappoint screening panel members, or replace screening panel members as necessary at the chairman's discretion. (History: 37-22-201, MCA; IMP, 37-1-307, MCA; NEW, 1997 MAR p. 986, Eff. 6/3/97; TRANS, from Commerce, 2004 MAR p. 1477; AMD, 2016 MAR p. 221, Eff. 2/6/16.)

Subchapters 25 through 49 reserved

## Subchapter 50

## Licensed Addiction Counselors

24.219.5001 DEFINITIONS (REPEALED) (History: 37-35-103, MCA; IMP, 37-35-102, 37-35-103, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2014 MAR p. 118, Eff. 1/17/14; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.301, 2019 MAR p. 207, Eff. 2/23/19; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.5002 FEE SCHEDULE (REPEALED) (History: 37-35-103, 37-35-202, MCA; IMP, 37-1-141, 37-35-103, 37-35-202, MCA; NEW, 1997 MAR p. 1451, Eff. 8/19/97; AMD, 2003 MAR p. 802, Eff. 4/25/03; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2008 MAR p. 949, Eff. 5/9/08; AMD, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.401, 2019 MAR p. 207, Eff. 2/23/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.5003 MILITARY TRAINING OR EXPERIENCE (REPEALED) (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 595, Eff. 3/28/14; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.403, 2019 MAR p. 207, Eff. 2/23/19; AMD, 2019 MAR p. 339, Eff. 3/30/19; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.5004 EDUCATION REQUIREMENT (REPEALED) (History: 37-35-103, MCA; IMP, 37-35-103, 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.405, 2019 MAR p. 207, Eff. 2/23/19; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.5005 GAMBLING DISORDER EDUCATION REQUIREMENT FOR CURRENT 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 board's 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. (History: 37-1-131, 37-35-103, MCA; IMP, 37-1-321, 37-35-103, MCA; NEW, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.406, 2019 MAR p. 207, Eff. 2/23/19; AMD, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.5006 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 ARM 24.219.5020 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. (History: 37-1-131, 37-35-103, 37-35-202, MCA; IMP, 37-1-131, 37-35-103, 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.407, 2019 MAR p. 207, Eff. 2/23/19; AMD, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.5007 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. (History: 37-1-131, 37-35-103, 37-35-202, MCA; IMP, 37-1-131, 37-1-304, 37-35-103, 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, 2008 MAR p. 380; AMD and TRANS from ARM 24.154.421, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.408, 2019 MAR p. 207, Eff. 2/23/19; AMD, 2019 MAR p. 2371, Eff. 12/28/19.)

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:

(a) a minimum of seven months and 1000 hours of supervised work experience hours in an addiction counseling qualified treatment program as defined in ARM 24.219.5010; and

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

(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:

(a) screening, minimum of 30 hours;

(b) assessment/patient placement, minimum of 100 hours;

(c) treatment planning, minimum of 50 hours;

(d) referrals, minimum of 20 hours;

(e) case management, minimum of 50 hours;

(f) individual counseling, minimum of 60 hours;

(g) group counseling, minimum of 100 hours;

(h) client education, minimum of 35 hours;

(i) documentation, minimum of 35 hours;

(j) professional and ethical responsibilities, minimum of 10 hours; and

(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) 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. (History: 37-1-131, 37-35-103, 37-35-202, MCA; IMP, 37-1-131, 37-35-103, 37-35-202, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2014 MAR p. 118, Eff. 1/17/14; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.409, 2019 MAR p. 207, Eff. 2/23/19; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.5009 SUPERVISOR QUALIFICATIONS (REPEALED) (History: 37-

35-103, MCA; IMP, 37-35-103, 37-35-202, MCA; NEW, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.412, 2019 MAR p. 207, Eff. 2/23/19; REP, 2019 MAR p. 2371, Eff. 12/28/19.)



24.219.5010 QUALIFIED TREATMENT PROGRAM (1) Qualified treatment programs include those addiction treatment programs where 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 programs for supervised work experience are:

- (a) settings with a primary focus in licensed addiction counseling;
- (b) Joint Commission on Accreditation of Healthcare Organizations (JCAHO), Commission on Accreditation of Rehabilitation Facilities (CARF), or Council on Accreditation (COA) approved settings;
- (c) Indian Health Service (IHS)-approved settings;
- (d) organized licensed addiction counseling settings within branches of the armed forces of veterans' administration hospitals;
- (e) licensed mental health centers; and
- (f) organized group practice setting (two or more licensed addiction counselors in a defined, conjoint practice). The work setting must have the capacity to provide multidisciplinary supervision.

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

- (a) detoxification services;
- (b) medical services;
- (c) laboratory services;
- (d) psychiatric consultations; and
- (e) psychological consultations.

(4) Qualified treatment programs must demonstrate the individualized treatment plans including:

- (a) problem formulations;
- (b) goals;
- (c) measurable treatment objectives;
- (d) progress notes; and
- (e) regular reviews of plans at specified times by a designated treatment

team. (History: 37-1-131, 37-35-103, 37-35-202, MCA; IMP, 37-1-131, 37-35-103, 37-35-202, MCA; NEW, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.413, 2019 MAR p. 207, Eff. 2/23/19; AMD, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.5011 NONRESIDENT LICENSED ADDICTION COUNSELOR SERVICES (REPEALED) (History: 37-35-103, MCA; IMP, 37-35-201, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.420, 2019 MAR p. 207, Eff. 2/23/19; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.5012 INACTIVE STATUS AND CONVERSION FROM INACTIVE TO ACTIVE STATUS (REPEALED) (History: 37-1-319, 37-35-103, MCA; IMP, 37-1-319, 37-35-103, MCA; NEW, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.422, 2019 MAR p. 207, Eff. 2/23/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.5013 LAC CANDIDATE LICENSE REQUIREMENTS (1) Applicants for LAC candidate licenses 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 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;

(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. (History: 37-1-131, 37-35-103, 37-35-202, MCA; IMP, 37-1-131, 37-35-103, 37-35-202, MCA; NEW, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.501, 2019 MAR p. 207, Eff. 2/23/19; AMD, 2019 MAR p. 2371, Eff. 12/28/19; AMD, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.5014 ADDICTION COUNSELOR LICENSURE CANDIDATE REQUIREMENTS (REPEALED) (History: 37-35-103, MCA; IMP, 37-35-103, 37-35-202, MCA; NEW, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.504, 2019 MAR p. 207, Eff. 2/23/19; REP, 2019 MAR p. 2371, Eff. 12/28/19.)

24.219.5015 ADDICTION COUNSELOR LICENSURE CANDIDATE ANNUAL REGISTRATION REQUIREMENTS (REPEALED) (History: 37-35-103, MCA; IMP, 37-35-103, 37-35-202, MCA; NEW, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.507, 2019 MAR p. 207, Eff. 2/23/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.5016 CONTINUING EDUCATION REQUIREMENTS (REPEALED) (History: 37-1-319, 37-35-103, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, 37-35-103, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.2105, 2019 MAR p. 207, Eff. 2/23/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.5017 COURSE CRITERIA (REPEALED) (History: 37-35-103, MCA; IMP, 37-1-131, 37-1-306, 37-35-103, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2013 MAR p. 1688, Eff. 9/20/13; TRANS from ARM 24.154.2106, 2019 MAR p. 207, Eff. 2/23/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.5018 CONTINUING EDUCATION PROCEDURES AND DOCUMENTATION (REPEALED) (History: 37-1-319, 37-35-103, MCA; IMP, 37-1-104, 37-1-131, 37-1-306, 37-1-319, 37-35-103, MCA; NEW, 1998 MAR p. 1408, Eff. 5/29/98; AMD, 2000 MAR p. 2963, Eff. 10/27/00; AMD, 2006 MAR p. 1583, Eff. 7/1/06; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2013 MAR p. 1688, Eff. 9/20/13; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.2107, 2019 MAR p. 207, Eff. 2/23/19; AMD, 2019 MAR p. 339, Eff. 3/30/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.5019 UNPROFESSIONAL CONDUCT (REPEALED) (History: 37-1-319, 37-35-103, 37-35-301, MCA; IMP, 37-1-316, 37-1-319, 37-35-103, MCA; NEW, 1998 MAR p. 1914, Eff. 7/17/98; TRANS, from Commerce, 2008 MAR p. 380; AMD, 2013 p. 1688, Eff. 9/20/13; AMD, 2014 MAR p. 118, Eff. 1/17/14; AMD, 2016 MAR p. 1457, Eff. 8/20/16; TRANS from ARM 24.154.2301, 2019 MAR p. 207, Eff. 2/23/19; REP, 2020 MAR p. 1517, Eff. 8/8/20.)

24.219.5020 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. (History: 37-1-131, 37-35-103, 37-35-202, MCA; IMP, 37-1-131, 37-35-103, 37-35-202, MCA; NEW, 2019 MAR p. 2371, Eff. 12/28/19.)