

BEHAVIORAL HEALTH BOARD LAWS AS OF THE 2019 LEGISLATIVE SESSION

TITLE 37, CHAPTER 37 MARRIAGE AND FAMILY THERAPISTS

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CHAPTER 37

MARRIAGE AND FAMILY THERAPISTS

Chapter Compiler's Comments

Effective Date: Section 8, Ch. 403, L. 2009, provided that this chapter is effective July 1, 2009.

Part 1

General Provisions

37-37-101. Purpose. The legislature finds and declares that because the profession of marriage and family therapy affects the public safety and welfare of the lives of people in this state, the purpose of this chapter is to provide for the common good by ensuring the ethical, qualified, and professional practice of marriage and family therapy. This chapter and the rules adopted by the board under 37-22-201 set standards of qualification, education, training, and experience and are intended to establish professional ethics for those who seek to practice marriage and family therapy as licensed marriage and family therapists.

History: En. Sec. 1, Ch. 403, L. 2009.

37-37-102. Definitions. As used in this chapter, the following definitions apply:

- (1) "Board" means the board of behavioral health established in 2-15-1744.
- (2) "Department" means the department of labor and industry.
- (3) "Licensee" means a person licensed under this chapter.
- (4) "Marriage and family therapist licensure candidate" means a person who is registered pursuant to 37-37-205 to engage in marriage and family therapy and earn supervised work experience necessary for licensure.
- (5) (a) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders within the context of interpersonal relationships, including marriage and family systems. Marriage and family therapy involves the professional application of psychotherapeutic and family system theories and techniques, counseling, consultation, treatment planning, and supervision in the delivery of services to individuals, couples, and families.

(b) The term includes the performance of psychological testing, evaluation, and assessment if the licensee is qualified to administer testing and make evaluations and assessments pursuant to 37-17-104.

(6) "Practice of marriage and family therapy" means the provision of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, for a fee, monetary or otherwise, either directly or through public or private organizations.

(7) "Qualified supervisor" means a supervisor determined by the board to meet standards established by the board for supervision of clinical services.

(8) "Recognized educational institution" means:

(a) an educational institution that grants a bachelor's, master's, or doctoral degree and that is recognized by the board and by a regional accrediting body; or

(b) a postgraduate training institute accredited by the commission on accreditation for marriage and family therapy education.

History: En. Sec. 2, Ch. 403, L. 2009; amd. Sec. 9, Ch. 130, L. 2015; amd. Sec. 10, Ch. 288, L. 2015; amd. Sec. 2, Ch. 158, L. 2017.

Compiler's Comments

2017 Amendment: Chapter 158 in definition of marriage and family therapy inserted (b) regarding psychological testing, evaluation, and assessment if the licensee is qualified; and made minor changes in style. Amendment effective October 1, 2017.

2015 Amendments — Composite Section: Chapter 130 in definition of board substituted "board of behavioral health" for "board of social work examiners and professional counselors"; inserted definition of marriage and family therapist licensure candidate; and made minor changes in style. Amendment effective October 1, 2015.

Chapter 288 in definition of board substituted "board of behavioral health" for "board of social work examiners and professional counselors". Amendment effective October 1, 2015.

Part 2 Licensing

37-37-201. License requirements — exemptions. (1) An applicant for a license shall pay an application fee set by the board by rule. The board may provide a separate, combined fee for persons licensed by the board holding dual licenses. An applicant for a license under this section shall also complete an application on a form provided by the department and provide documentation to the board that the applicant:

(a) (i) has a master's degree or a doctoral degree in marriage and family therapy from a recognized educational institution or a degree from a program accredited by the commission on accreditation for marriage and family therapy education; or
(ii) has a graduate degree in an allied field from a recognized educational institution and graduate level work that the board determines to be the equivalent of a master's degree in marriage and family therapy or marriage and family counseling;

(b) has successfully passed an examination prescribed by the board;
(c) has worked under the direct supervision of a qualified supervisor for at least 3,000 hours, including 1,000 hours of face-to-face client contact in the practice of marriage and family therapy, of which up to 500 hours may be accumulated while achieving the educational credentials listed in subsection (1)(a); and

(d) is of good moral character. Being of good moral character includes in its meaning that the applicant has not been convicted by a court of competent jurisdiction of a crime described by board rule as being of a nature that renders the applicant unfit to practice marriage and family therapy.

(2) As a prerequisite to the issuance of a license, the board shall require the applicant to submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

(3) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the public trust, and if the board determines that the applicant is not, the license may be denied.

(4) An applicant is exempt from the examination requirement in subsection (1)(b) if the board is satisfied that:

(a) the applicant is licensed, certified, or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this chapter and has passed an examination similar to that required by the board; or

(b) the applicant is licensed as a clinical social worker under Title 37, chapter 22, or as a clinical professional counselor under Title 37, chapter 23, and has practiced marriage and family therapy within the state for a period prescribed by the board.

(5) A person is exempt from licensure as a marriage and family therapist if the person practices marriage and family therapy:

(a) under qualified supervision in a training institution or facility or other supervisory arrangements approved by the board and uses the title of intern;

(b) as part of the person's duties as a member of the clergy or priesthood; or

(c) while registered as a social worker licensure candidate, professional counselor licensure candidate, or marriage and family therapist licensure candidate.

History: En. Sec. 3, Ch. 403, L. 2009; amd. Sec. 10, Ch. 130, L. 2015.

Compiler's Comments

2015 Amendment: Chapter 130 inserted (2) and (3) concerning criminal background checks and criminal history; deleted former (2)(b) that read: "(b) for applications received before July 1, 2011, the applicant is a clinical member of the American association for marriage and family therapy and is a current resident of this state"; in (5)(c) substituted current text concerning registration of licensure candidates for "under a temporary permit that the board may issue under rules adopted to allow a 1-year temporary permit to an applicant for licensure pending examination for a license or processing of the application for a license. An applicant with a temporary permit under this subsection shall use the title of "licensed marriage and family therapy candidate""; and made minor changes in style. Amendment effective October 1, 2015.

37-37-202. Representation to public as licensed marriage and family therapist. (1) Upon issuance of a license in accordance with this chapter, a licensee may:

- (a) advertise services as a marriage and family therapist;
- (b) use the title of "licensed marriage therapist", "licensed marital therapist", or "licensed marriage and family therapist"; and
- (c) practice marriage and family therapy.

(2) Subsection (1) does not prohibit:

- (a) individuals licensed as professional counselors, social workers, psychiatric nurses, psychologists, or physicians or members of the clergy or other qualified members of professional groups identified by board rule from advertising or performing marriage and family therapy services in a manner consistent with the accepted standards of their respective professions. Only licensees under this chapter may use any title described in subsection (1)(b).
- (b) persons employed by or acting as a volunteer for a federal, state, county, or municipal agency or an educational, research, or charitable institution from providing counseling if the practice of marriage and family therapy is a part of the duties of the office or position.

History: En. Sec. 4, Ch. 403, L. 2009.

37-37-203 and 37-37-204 reserved.

37-37-205. Marriage and family therapist licensure candidate — registration — renewal — standards. (1) A person who has completed the education required for licensure but who has not completed the supervised work experience required for licensure shall register as a marriage and family therapist licensure candidate in order to engage in marriage and family therapy and earn supervised work experience hours in this state.

- (2) To register, the person shall submit:
 - (a) the application and fee required by the board;
 - (b) proof of completion of the education requirement;
 - (c) fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307;
 - (d) proof of good moral character; and
 - (e) a training and supervision plan that meets the requirements set by the board.
- (3) Upon satisfaction of the requirements of subsection (2) and approval by the board, a person may engage in marriage and family therapy under the conditions set by the board and shall use the title of "marriage and family therapist licensure candidate".
- (4) A person shall register annually as a marriage and family therapist licensure candidate. The board may limit the number of years that a person may act as a marriage and family therapist licensure candidate.
- (5) A marriage and family therapist licensure candidate shall conform to the standards of conduct applicable to all licensees.
- (6) Unprofessional conduct or failure to satisfy the training and supervision requirements and other conditions set by the board may result in disciplinary action, sanctions, or other restriction of a person's authorization to act as a marriage and family therapist licensure candidate.
- (7) The board may deny a license or issue a probationary license to an applicant for licensure based on the applicant's conduct as a marriage and family therapist licensure candidate.

History: En. Sec. 11, Ch. 130, L. 2015.

Compiler's Comments

Effective Date: This section is effective October 1, 2015.

Administrative Rules

ARM 24.219.301 Definitions.

ARM 24.219.705 Marriage and family therapist licensure candidate application procedures.

ARM 24.219.706 Marriage and family therapist licensure candidate requirements.

ARM 24.219.708 Marriage and family therapist licensure candidate annual registration requirements.

Part 3

Regulation — Penalties

37-37-301. Violations — penalties. (1) It is a misdemeanor for a person to knowingly:

- (a) indicate that the person is a licensed marriage and family therapist without being licensed under this chapter;
- (b) obtain or attempt to obtain a license by bribery or fraudulent representation; or
- (c) make a false statement on any form used by the board to implement this chapter or the rules adopted under this chapter.

(2) A person convicted under this section shall be imprisoned in the county jail for a period not exceeding 6 months or be fined not more than \$500, or both. A person convicted of a second or a subsequent offense under this section shall be punished by both a fine and imprisonment.

History: En. Sec. 5, Ch. 403, L. 2009.

37-37-302. Immunity from misconduct allegations. Immunity from the disciplinary authority of the board for violations of 37-1-316 is granted to a person licensed by the board whenever the allegation of misconduct is based on testimony or opinions offered by the licensee with respect to judicial proceedings governed by Title 40, 41, or 42.

History: En. Sec. 1, Ch. 16, L. 2013.

Compiler's Comments

Effective Date: Section 2, Ch. 16, L. 2013, provided that this section is effective on passage and approval. Approved February 13, 2013.