

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.189.401 fee schedule, )  
24.189.601 psychologist application )  
procedures, 24.189.610 examination, )  
24.189.633 temporary permit, and )  
24.189.910 behavior analyst )  
experience and supervision )

TO: All Concerned Persons

1. On July 10, 2020, the Board of Psychologists published MAR Notice No. 24-189-41 regarding the public hearing on the proposed amendment of the above-stated rules, at page 1272 of the 2020 Montana Administrative Register, Issue No. 13.

2. On August 5, 2020, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the August 7, 2020 deadline.

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

**ARM 24.189.401**

COMMENT 1: Several commenters stated that the behavior analyst "per supervisee" fee of \$50 is excessive and cannot be evenly applied. Additionally, the commenters believed the language in the same rule regarding the \$25 behavior analyst renewal supervision fee rule is unclear.

RESPONSE 1: The board notes the concerns are outside the scope of this notice as the board proposed no changes to the referenced fees. The board may address the commenters' concerns in a future rule project.

**ARM 24.189.910**

COMMENT 2: One commenter stated that increasing from one to three the number of student interns a behavior analyst may supervise will allow more opportunities for the interns to obtain the required supervision experience.

RESPONSE 2: The board notes the comment is consistent with the board's reason for the rule change.

COMMENT 3: Several commenters suggested revising the rule to define a suitable range of numbers of supervisees that apply to university student pre-service supervision different from the number for school or agency in-service supervision (for assistant behavior analysts and behavior technicians who are under an employment contract).

RESPONSE 3: The board is unable to address the suggestions as they are beyond the scope of this rule proposal. The board is therefore amending the rule exactly as proposed to reflect a consensus reached with stakeholders and will address the commenters' suggestions in a future rule project.

4. The board has amended ARM 24.189.401, 24.189.601, 24.189.610, 24.189.633, and 24.189.910 exactly as proposed.

BOARD OF PSYCHOLOGISTS  
LORETTA BOLYARD, Ph.D.  
CHAIRPERSON

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ BRENDA NORDLUND  
Brenda Nordlund, Acting Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 27, 2020.