

(13) "Originating site" means a site where a patient is located at the time health care services are provided via a telecommunications system or where an asynchronous store-and-forward service originates.

(14) "Psychological resident" means a supervisee following board approval of a supervised postdoctoral supervision proposal. This title shall be:

(a) used only in conjunction with activities and services of the postdoctoral supervised training to fulfill the experience requirements;

(b) used for a maximum of five years; and

(c) identified for clients, third-party payers, and other entities.

(15) "Synchronous interaction" means a real-time interaction between a patient located at an originating site and a health care provider located at a distant site.

(16) "Telehealth" means the mode of delivering health care services via electronic information and communication technologies while a patient is at an originating site and a licensee is at a distant site, with or without an intervening health care provider. Telehealth includes synchronous interactions and asynchronous store-and-forward transfers delivered over a secure connection that complies with the requirements of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d, et seq. The term does not mean an audio-only telephone conversation, an e-mail or instant messaging conversation, or a message sent by facsimile transmission. (History: 37-1-131, 37-17-202, 37-17-406, MCA; IMP, 37-1-131, 37-17-101, 37-17-302, 37-17-402, 37-17-403, 37-17-404, 37-17-406, MCA; NEW, 2003 MAR p. 307, Eff. 2/28/03, AMD, 2004 MAR p. 1474, Eff. 7/2/04; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2007 MAR p. 348, Eff. 3/23/07; AMD, 2010 MAR p. 1508, Eff. 6/25/10; AMD, 2017 MAR p. 1656, Eff. 9/23/17; AMD, 2020 MAR p. 45, Eff. 1/18/20.)

Subchapter 4

General Provisions

24.189.401 FEE SCHEDULE (1) The department will collect the following fees, none of which are refundable:

(a) Psychologist application fee	\$450
(b) Psychologist active license renewal fee	450
(c) Psychologist supervision proposal approval	25
(d) Psychologist temporary permit application fee	100
(e) Behavior analyst application fee	450
(f) Behavior analyst initial supervision fee, per behavior technician, student intern, or assistant behavior analyst supervised	25
(g) Assistant behavior analyst application fee	250
(h) Behavior analyst active license renewal fee	450
(i) Assistant behavior analyst active license renewal fee	200

(2) Additional standardized fees are specified in ARM 24.101.403. (History: 37-1-134, 37-17-202, 37-17-406, MCA; IMP, 37-1-134, 37-1-141, 37-17-302, 37-17-403, 37-17-406, MCA; NEW, 1982 MAR p. 484, Eff. 3/12/82; AMD, 1983 MAR p. 1816, Eff. 12/16/83; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1993 MAR p. 2232, Eff. 10/1/93; AMD, 1995 MAR p. 354, Eff. 3/17/95; AMD, 1995 MAR p. 2143, Eff. 10/13/95; AMD, 1999 MAR p. 1125, Eff. 5/21/99; AMD, 2001 MAR p. 1742, Eff. 9/7/01; AMD, 2001 MAR p. 2154, Eff. 10/26/01; AMD, 2003 MAR p. 307, Eff. 2/28/03; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 348, Eff. 3/23/07; AMD, 2007 MAR p. 1337, Eff. 9/7/07; AMD, 2012 MAR p. 1041, Eff. 5/25/12; AMD, 2014 MAR p. 2459, Eff. 10/10/14; AMD, 2016 MAR p. 2337, Eff. 12/10/16; AMD, 2017 MAR p. 1656, Eff. 9/23/17; AMD, 2020 MAR p. 2081, Eff. 11/7/20; AMD, 2021 MAR p. 1058, Eff. 8/28/21; AMD, 2022 MAR p. 1076, Eff. 6/25/22.)

24.189.402 FEE ABATEMENT (1) The Board of Psychologists adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301. (History: 37-1-131, 37-17-202, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2005 MAR p. 2464, Eff. 12/9/05.)

Rule 24.189.403 reserved

24.189.404 PREPARATION OF LICENSES (REPEALED) (History: 37-17-202, MCA; IMP, 37-17-305, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; TRANS, from Commerce, 2004 MAR p. 2282; REP, 2016 MAR p. 2337, Eff. 12/10/16.)

24.189.407 DEPARTMENT OF LABOR AND INDUSTRY

Rules 24.189.405 and 24.189.406 reserved

24.189.407 RENEWALS (REPEALED) (History: 37-1-131, 37-1-141, 37-17-202, MCA; IMP, 37-1-141, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2006 MAR p. 1583, Eff. 7/1/06; REP, 2016 MAR p. 2337, Eff. 12/10/16.)

Rules 24.189.408 through 24.189.410 reserved

24.189.411 USE OF TITLE (1) Persons who are not licensed under Title 37, chapter 17, MCA, may use certain titles in representing themselves to the public, as long as the titles clearly delineate the nature and the level of training. Such persons may use titles such as "psychological trainee," "psychological intern," and "psychological assistant," provided that such persons perform their activities under the direct supervision and responsibility of a licensed psychologist. This requirement applies to the following individuals only:

(a) matriculated graduate students in psychology whose activities constitute a part of the course of study for a graduate degree in psychology at an institution of higher education; or

(b) individuals pursuing postdoctoral training or experience in psychology, including those seeking to fulfill the requirements for licensure, but who have not received board approval of the postdoctoral supervision setting.

(2) Individuals whose postdoctoral setting has been approved by the board shall use the title "psychological resident."

(3) Individuals who have been certified as school psychologists by the Office of Public Instruction may use the titles "school psychologist" or "certified school psychologist." Use of these titles shall restrict practice to employment within those settings under the purview of the State Board of Education. (History: 37-1-131, 37-17-202, MCA; IMP, 37-17-104, 37-17-301, MCA; NEW, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1997 MAR p. 637, Eff. 3/25/97; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2007 MAR p. 348, Eff. 3/23/07.)

Rules 24.189.412 and 24.189.413 reserved

24.189.414 NONRESIDENT PSYCHOLOGICAL SERVICES

(1) Nonresident consulting psychological services defined in 37-17-104, MCA, may be rendered to individuals, groups, corporations, or the public for compensation or fee.

(2) To provide such services and engage in such activities in the state of Montana, a psychologist duly licensed in the state of his residence shall file with the board a completed and notarized form provided by the board, stating the nature, location and duration of said services that exceed ten days within any calendar year. Notification shall be provided to the board each year nonresident psychological services are rendered.

(3) A letter verifying termination of said services shall be filed with the board at the time of termination. (History: 37-1-131, 37-17-202, MCA; IMP, 37-17-104, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 2001 MAR p. 1742, Eff. 9/7/01; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2012 MAR p. 1041, Eff. 5/25/12.)

24.189.415 REQUIREMENTS FOR LICENSEES PROVIDING TELEHEALTH SERVICES (1) A licensee who provides psychology or behavior analysis services via telehealth shall:

(a) maintain competence with the technologies utilized, including understanding and adequately addressing the actual and potential impact of those technologies on patients, supervisees, or other professionals;

(b) maintain compliance with Title 37, chapter 17, MCA, ARM Title 24, chapter 189, and all other applicable federal, state, and local laws;

(c) adhere to the same standards of care required for in-person encounters;

(d) at the onset of the delivery of care via telehealth, identify appropriate emergency response contacts local to the patient so that those contacts shall be readily accessible in the event of an emergency;

(e) protect and maintain the confidentiality of data and information; and

(f) dispose of data and information only in a manner that protects the data and information from unauthorized access.

(2) Licensees shall not commence a licensee-patient relationship via telehealth without an initial meeting for the licensee and patient who prospectively utilize telehealth. The licensee shall, at that initial meeting with the patient:

(a) verify the identity of the patient;

(b) make available to the patient verification of the licensee's identity and credentials;

(c) obtain alternative means of contacting the patient other than electronically;

(d) provide to the patient alternative means of contacting the licensee other than electronically;

(e) document if the patient has the necessary knowledge and skills to benefit from the type of telehealth to be provided by the licensee; and

- (f) inform the patient in writing about and obtain the patient's informed written consent regarding:
- (i) the limitations of using technology in the provision of services;
 - (ii) potential risk to confidentiality of information due to technology in the provision of services;
 - (iii) potential risks of disruption in the use of telehealth technology;
 - (iv) when and how the licensee will respond to routine electronic messages;
 - (v) in what circumstances the licensee will use alternative communications for emergency purposes;
 - (vi) who else may have access to patient communications with the licensee;
 - (vii) how communications can be directed to a specific licensee;
 - (viii) how the licensee stores electronic communications from the patient; and
 - (ix) that the licensee or patient may elect to discontinue the provision of services through telehealth at any time.
- (3) A licensee-patient relationship may be established for purposes of telehealth:
- (a) by an in-person interview and examination when the standard of care requires an in-person encounter;
 - (b) by consultation with another licensee or health care provider who has a documented relationship with the patient and who agrees to participate in, or supervise, the patient's care; or
 - (c) through telehealth if the standard of care does not require an in-person encounter.
- (4) A person providing services via telehealth to a person physically located in Montana while services are provided shall be licensed by the board.
- (5) A person providing services via telehealth from a physical location in Montana shall be licensed by the board and may be subject to licensure requirements in other states where the services are received by the patient.
- (History: 37-1-131, 37-17-202, 37-17-406, MCA; IMP, 37-1-131, 37-17-102, 37-17-402, MCA; NEW, 2020 MAR p. 45, Eff. 1/18/20.)

Subchapter 5 reserved

Subchapter 6

Psychologist Licensure

24.189.601 PSYCHOLOGIST APPLICATION PROCEDURES (REPEALED)

(History: 37-1-131, 37-17-202, MCA; IMP, 37-1-131, 37-17-302, MCA; Eff. 12/31/72; AMD, Eff. 5/6/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1993 MAR p. 2232, Eff. 10/1/93; AMD, 1998 MAR p. 927, Eff. 4/17/98; AMD, 2001 MAR p. 1742, Eff. 9/7/01; AMD, 2003 MAR p. 307, Eff. 2/28/03; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2005 MAR p. 1294, Eff. 7/15/05; AMD, 2012 MAR p. 1041, Eff. 5/25/12; AMD, 2014 MAR p. 2459, Eff. 10/10/14; AMD, 2016 MAR p. 2337, Eff. 12/10/16; AMD, 2017 MAR p. 1654, Eff. 9/23/17; AMD, 2017 MAR p. 1656, Eff. 9/23/17; AMD, 2018 MAR p. 844, Eff. 4/28/18; AMD, 2020 MAR p. 2081, Eff. 11/7/20; REP, 2021 MAR p. 1058, Eff. 8/28/21.)

24.189.602 EXEMPTIONS (1) To be exempt from licensure under 37-17-104(1)(b), MCA, "within the confines of the agency or institution" means that the person is providing activities and services limited to the purposes and used only within the confines of the organization. For example, a person may not perform activities and services that, at the time they are performed, include evaluations, assessments, or other activities and services that would produce a report or other record that is intended or anticipated to be admitted into a court proceeding to determine the person's competency or fitness in relation to the person's rights or privileges outside the organization.

(2) For the limited services described in 37-17-104(1)(d), MCA, to be exempt as "consulting" services, including but not limited to services provided via electronic means on behalf of clients located within the state of Montana, the person claiming the exemption must not be a resident of Montana, must be licensed to provide the services in another state or Canadian province, and provide all such activities and services either:

(a) in association with, at the direction of, or upon the recommendation of a licensed Montana psychologist who bears primary responsibility for those activities and services; or

(b) in fulfilling a strictly forensic role as an expert witness and not as a treating psychologist.

(3) To be exempt under 37-17-104(1)(e), MCA, one must have submitted a completed application to the board within 12 months of becoming a Montana resident. Whether someone is a resident of Montana is a question determined by considering all relevant facts, including but not limited to the location of the person's primary domicile, whether the person has a Montana driver's license, and whether the person is registered to vote or has voted in Montana.

(4) "Qualified" members of other professions under 37-17-104(1)(a) and (2), MCA, for purposes of administering tests and making evaluations or assessments means only those individuals who are licensed by:

(a) the Board of Medical Examiners or the Board of Nursing and whose scope of practice specific to their license includes the administering of psychological tests and the making of evaluations or assessments; or

(b) the Board of Behavioral Health and who meet the qualifications set by that board in compliance with 37-17-104, MCA. (History: 37-17-202, MCA; IMP, 37-17-104, MCA; NEW, 2014 MAR p. 2459, Eff. 10/10/14; AMD, 2017 MAR p. 1654, Eff. 9/23/17.)

24.189.603 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a psychologist.

(2) Relevant military training, service, 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, service, or education that is equivalent to relevant licensure requirements as a psychologist. 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, service, 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, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 2459, Eff. 10/10/14.)

24.189.604 MINIMUM STANDARDS (1) A doctoral degree qualifies under 37-17-302(3)(c), MCA, if it is obtained from a school psychology program that is approved by the American Psychological Association.

(2) A doctoral degree qualifies under 37-17-302(3)(c), MCA, if it is obtained from a counseling psychology program that is approved by the American Psychological Association.

(3) If the applicant is applying based on 37-17-302(3)(c), MCA, the applicant's course of studies must meet the minimum standards specified in this rule. The course of studies must be assessed by a board-approved evaluator. The board shall consider, but is not bound by, the recommendation of the board-approved evaluator when determining whether the course of studies meets minimum standards. A fee may be required by the evaluator and shall be paid by the applicant to the evaluator.

(4) A doctorate degree qualifies under 37-17-302(3)(c), MCA, if it is obtained from a psychology program which meets the following criteria:

(a) Training in professional psychology is doctoral training offered in a regionally accredited institution of higher education.

(b) The program, wherever it may be administratively housed, must be clearly identified and labeled as a psychology program. Such a program must specify in pertinent institutional catalogues and brochures its intent to educate and train professional psychologists.

(c) The psychology program must stand as a recognizable, coherent organizational entity within the institution.

(d) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(e) The program must be an organized sequence of study planned by those responsible for the training program to provide an integrated education experience appropriate to the professional practice of psychology.

(f) There must be an identifiable psychology faculty and a psychologist responsible for the program.

(g) The program must have an identifiable body of students who are matriculated in that program for a degree.

(h) The program must include supervised practicum, internship, field or laboratory training appropriate to the practice of psychology.

(i) The curriculum shall encompass a minimum of three academic years of full-time graduate study with a minimum of one year's residency at the educational institution granting the doctoral degree. In addition to instruction in scientific and professional ethics and standards, research design and methodology, statistics and psychometrics, the core program shall require each student to demonstrate competence in each of the following substantive content areas. This typically will be met by including a minimum of three or more graduate semester hours (five or more graduate quarter hours) in each of these four substantive content areas:

(i) Biological bases of behavior: physiological psychology, comparative psychology, neuropsychology, sensation and perception, psychopharmacology.

(ii) Cognitive-affective bases of behavior: learning, thinking, motivation, emotion.

(iii) Social bases of behavior: social psychology, group processes, organizational and systems theory.

(iv) Individual differences: personality theory, human development, abnormal psychology.

(v) In addition, the person's training program must include: adequate training in psychodiagnosis, psychological assessment and intervention procedures. Training must provide skills which encompass several types of assessment and intervention procedures, rather than being restricted to a single type. The applicant must be familiar with major assessment and intervention techniques and their theoretical bases.

(A) The training program shall include at least 60 quarter hours or 40 semester hours of formal graduate study in psychology. The achievement in each course shall have been satisfactory and the instruction shall have been provided in the regular graduate psychology program of a regionally accredited degree-granting institution. The number of university extension credits that may be credited toward the requirement for the doctoral degree shall not exceed 15 quarter hours (ten semester hours).

(B) Of the 60 quarter hours the doctoral program in psychology shall include at least 45 quarter hours (30 semester hours) of course work clearly designated on the university transcript as a graduate level psychology course, exclusive of practicum and dissertation credits and exclusive of transfer credits. The above 45 quarter-hour credits shall be taken during the period in which the applicant is matriculated in the doctoral program. The doctoral program shall include examination and grading procedures designed to evaluate the degree of mastery of the subject matter by the student.

(C) The major emphasis of the doctoral program shall be in applied areas such as clinical psychology, counseling psychology, school psychology or industrial-organizational psychology. The training also must include a set of coordinated practicum, which total at least three terms (two semesters) in the practicum setting.

(D) Training programs should provide a variety of faculty (staff) role models and be relatively stable (e.g., continuity of funding and staff).

(E) A responsibility which all programs share is to convey to students values of professional ethics and scientific responsibility and integrity. This includes principles of professional ethics with regard to the use of both assessment and intervention techniques and with regard to the confidentiality of interviews and records. Ethical principles such as those pertaining to research with human subjects, extent of obligations to parents and to institutions, and the nature and consequences of the psychologist's concern for human welfare should also be conveyed to students. (History: 37-1-131, 37-17-202, 37-17-302, MCA; IMP, 37-1-131, 37-17-302, MCA; NEW, 1988 MAR p. 570, Eff. 3/25/88; AMD, 1999 MAR p. 211, Eff. 1/29/99; TRANS, from Commerce, 2004 MAR p. 2282; AMD, 2007 MAR p. 1337, Eff. 9/7/07; AMD, 2014 MAR p. 2459, Eff. 10/10/14; AMD, 2016 MAR p. 2337, Eff. 12/10/16; AMD, 2017 MAR p. 1654, Eff. 9/23/17; AMD, 2018 MAR p. 844, Eff. 4/28/18.)

Rules 24.189.605 and 24.189.606 reserved

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24.189.607 REQUIRED SUPERVISED EXPERIENCE (1) An applicant applying for licensure under [Chap. 43, L. of 2021] must submit a psychologist application in the form of a completed supervision proposal and pay the supervision proposal approval fee. This license expires at the conclusion of the approved postdoctoral supervision program unless the licensee provides:

- (a) a completed psychologist application;
- (b) the applicable fee;
- (c) proof of completion of the postdoctoral supervision program;
- (d) proof of passage of the board-approved computerized national examination; and
- (e) proof of passage of the computerized Montana jurisdiction training course.

(2) Acceptable supervised experience must involve the practice of psychology and must have been performed competently at a professional level in order to be considered satisfactory in scope and quality. The supervised practice of psychology that occurs without the board's preapproval and outside of the activities and services exempted under 37-17-104, MCA, is the unlicensed practice of psychology, which is a disciplinary matter.

(a) Experience limited to essentially repetitious and routine tasks at the preprofessional level will not be accepted, e.g., administering and scoring structured tests, as in a practicum course, computing statistics, assisting an instructor in psychology courses, or personal therapy. Such experiences are primarily preparatory to the practice of psychology.

(b) Experience of any kind gained prior to the completion of all requirements for the master's degree in psychology or its equivalent shall not be acceptable.

(c) Satisfactory examples of professional experience include tasks that depend upon the application of skills, concepts, and principles made available during the applicant's formal professional education and include:

(i) administering and interpreting psychological tests and providing clients or patients assistance in solving their professional or personal problems for a total of no less than 25 percent of one year (a minimum of 400 hours);

(ii) supervising graduate-level practicum for a total of no more than 25 percent of one year (a maximum of 400 hours); and

(iii) designing original research projects, analyzing and reporting research data, and teaching one or more courses in psychology for a total of no more than 50 percent of one year (a maximum of 800 hours).

(3) Required supervised experience shall include two calendar years (a minimum of 3200 hours) of supervised experience.

(a) One year of experience may be predoctoral, occurring after the master's degree and obtained during an internship in an approved training program for the doctoral degree in psychology. The predoctoral internship must be American Psychology Association (APA) approved or substantially equivalent to an APA internship.

(b) One year of experience (a minimum of 1600 hours) must be postdoctoral. Each year of required supervised experience that occurs over more than 12 consecutive months (e.g., due to medical reasons) will be considered for board approval on a case-by-case basis. Postdoctoral supervised experience may not commence until all doctoral degree requirements are completed and the board has approved the proposed supervision. Completion of doctoral degree requirements may be established by a certified transcript or communication from an appropriate institutional official, such as the registrar or the dean of the graduate school.

(4) An applicant for postdoctoral supervised experience shall obtain from and submit to the board a supervision proposal form. The form must indicate an agreement acceptable to the board between the applicant and the supervisor, and certify the existence of a supervisory relationship as defined in this rule, for a specified period. The board shall notify the applicant in writing of the acceptability of the supervision proposal. Regardless of the terms of any supervision agreement, board-approved supervised experience is subject to the rules and statutes governing the practice of psychology and, except as otherwise permitted under these rules, terminates no later than the date that is two years following the date the supervised experience begins.

(5) The 1600 hours of postdoctoral supervision must:

(a) consist of a minimum of one hour of face-to-face (personal) supervision per week throughout the period of supervision;

(b) be obtained over a period of no more than two calendar years.

Postdoctoral supervised experience may not continue beyond two years, except that the board may review and approve written requests for additional time in which to complete the postdoctoral supervision in situations where personal or professional matters may necessitate an extension;

(c) involve the supervisee providing direct clinical services to clients at least 25 percent of the time; and

(d) occur under the supervision of a licensed psychologist who has:

(i) training and experience at least equivalent to that required by the state of Montana for licensing; and

(ii) experience and competency in the skills and knowledge in which the applicant is engaged.

(A) Teleconferencing which is two-way, interactive, real time, simultaneous, continuous, and provides for both audio and visual interaction may substitute for face-to-face supervision.

(B) Teleconferencing allowing only oral communication via technology may be allowed upon written request and prior board approval, when unusual circumstances so require. Oral teleconference supervision may constitute no more than 25 percent of the total supervision.

(6) When the supervisee is employed on a part-time basis, credit for employment shall be calculated by the calendar month or year according to 1-1-301, MCA, as follows:

