

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS  
AND PROFESSIONAL COUNSELORS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the adoption of NEW ) NOTICE OF PUBLIC HEARING ON  
RULE I minimum qualification ) PROPOSED ADOPTION  
standards for licensees to conduct )  
psychological assessments )

TO: All Concerned Persons

1. On September 18, 2012, at 2:00 p.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rule.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Social Work Examiners and Professional Counselors (board) no later than 5:00 p.m., on September 12, 2012, to advise us of the nature of the accommodation that you need. Please contact Cyndi Breen, Board of Social Work Examiners and Professional Counselors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdswwpc@mt.gov.

3. The proposed new rule provides as follows:

NEW RULE I – MINIMUM QUALIFICATION STANDARDS FOR LICENSEES TO CONDUCT PSYCHOLOGICAL ASSESSMENTS (1) Psychological assessment is a complex task that involves accurately administering, scoring, and interpreting the results of psychometric tests and integrating these results with other sources of information such as clinical interviews and medical records, before final conclusions can be drawn. The term psychological assessment does not apply to unstandardized questionnaires and unstructured behavior samples, or to teacher- or trainer-made tests used to evaluate performance in education or training.

(2) The competent and responsible use of a psychometric test requires a combination of knowledge, skills, abilities, training, and experience. The results of a given test must be viewed within the broader context of a psychological assessment.

(3) Psychological assessment may only be performed by a board-approved licensee, a licensed psychologist, or a person acting under the supervision of a board-approved licensee or licensed psychologist.

(4) A licensee may engage in psychological assessment only if the board has received and approved the following information demonstrating generic and specific qualifications to perform psychological assessment:

(a) Academic training. Each licensee must obtain the equivalent of six semester hours of education at the post-graduate level that provided adequate instruction on each of the following:

(i) psychometric theory, including issues of reliability, validity, reference group norms, limits of generalizability, and test construction;

(ii) theories of intelligence and human cognition, including the role of race and ethnicity in intellectual evaluations, and the administration and interpretation of intellectual instruments;

(iii) theory, administration, and interpretation of major self-report inventories, such as the MMPI-2 or the PAI, including applicability of specific population norms to individual clients;

(iv) appropriate selection of instruments to answer specific referral questions and the construction of a test battery;

(v) integration of data from multiple data sources, including interview, psychometric tests, and collateral sources;

(vi) test security;

(vii) communication of assessment results to different referring individuals and agencies and feedback to clients themselves; and

(viii) relationship between assessment and treatment;

(b) Supervised experience in psychological assessment. Each licensee shall conduct eight psychological assessments, including written reports of those assessments, while under supervision. Each of the psychological assessments must demonstrate the licensee's competence in each of the following:

(i) integration and interpretation of:

(A) clinical history utilizing a clinical interview conducted by the applicant;

(B) intelligence testing; and

(C) personality testing utilizing at least one objective personality inventory that is widely recognized and used in the field of psychology, has strong empirical foundations, and assesses global personality and psychological functioning;

(ii) the formulation of appropriate diagnoses using the five axes specified in the Diagnostic and Statistical Manual of Mental Disorders (DSM); and

(iii) the making of appropriate recommendations; and

(c) Endorsement from the supervisor. An affidavit in a form prescribed by the board, signed under oath by a professional qualified to supervise psychological assessment, attesting that the licensee has obtained the supervised experience required by this rule and is qualified, to the best of the supervisor's knowledge, to conduct psychological assessments.

(5) A licensed clinical social worker or licensed clinical professional counselor is qualified to perform psychological assessments and is not required to demonstrate that the licensee has met the qualifications set forth in (4) if the licensee:

(a) performed psychological assessments prior to October 14, 2011; and

(b) submits a sworn written declaration subscribed as true under penalty of perjury that the licensee is competent to perform psychological assessments under ARM 24.219.1005.

(6) An individual who is training to become competent in psychological assessment may perform psychological assessments under the supervision of a qualified supervisor. For purposes of this rule, a qualified supervisor is:

(a) a licensed psychologist; or  
(b) a licensed clinical social worker or licensed clinical professional counselor  
who:

(i) is board-approved to perform psychological assessments;  
(ii) has met the qualifications set forth in (4) or (5); and  
(iii) has three years of postlicensure experience conducting psychological assessments.

(7) Each licensee shall obtain approval from the board before engaging in the independent practice of psychological assessments. To obtain approval from the board, the licensee shall submit an application to the board on a form prescribed by the board.

AUTH: 37-17-104, MCA

IMP: 37-17-104, MCA

REASON: The 2009 Legislature enacted Chapter 453, Laws of 2009 (SB 235), an act expanding the exemption from licensure as a psychologist to include psychological testing, evaluation, and assessment by qualified members of other professions, including licensed professional counselors. The bill was signed by the Governor on May 5, 2009.

The 2009 Legislature also enacted Chapter 199, Laws of 2009 (HB 530), an act revising the definition of social work to clarify that the term includes the administering, evaluating, and assessing of tests. The bill was signed by the Governor on April 9, 2009. Both bills became effective on October 1, 2009.

SB 235 amended 37-17-104, MCA, to require that the board adopt rules to qualify licensed social workers and professional counselors to perform psychological testing, evaluation, and assessment. Further, these rules must be consistent with the guidelines of the national associations of social workers and professional counselors. In MAR 24-219-22, the board previously adopted several new rules to initially set these qualification standards. The board is now proposing New Rule I to establish minimum qualification standards for licensees to perform psychological assessments in compliance with the statutory requirements and to further implement the legislation.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Social Work Examiners and Professional Counselors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdswwpc@mt.gov](mailto:dlibsdswwpc@mt.gov), and must be received no later than 5:00 p.m., September 26, 2012.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's web site on the World Wide Web at [www.swpc.mt.gov](http://www.swpc.mt.gov). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text

will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

6. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Social Work Examiners and Professional Counselors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibsdswwpc@mt.gov](mailto:dlibsdswwpc@mt.gov); or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on March 21, 2012, by electronic mail.

8. Don Harris, attorney, has been designated to preside over and conduct this hearing.

BOARD OF SOCIAL WORK EXAMINERS  
AND PROFESSIONAL COUNSELORS  
LINDA CRUMMETT, LCSW, PRESIDENT

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

/s/ KEITH KELLY  
Keith Kelly, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 13, 2012