

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

In the matter of the amendment of)
ARM 24.219.401, 24.219.405, and)
24.219.409 fee schedule) NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On October 15, 2012, at 9:00 a.m., a public hearing will be held in room B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

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 October 9, 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. GENERAL STATEMENT OF REASONABLE NECESSITY: The board determined it is reasonably necessary to amend the fees as proposed to comply with the provisions of 37-1-134, MCA, and keep the board's fees commensurate with program costs. The department, in providing administrative services to the board, has determined that fees must be increased as proposed to cover appropriated expenditures. The board estimates that approximately 231 applications and 2,232 renewals will be affected by the proposed fee changes and will result in additional annual revenue of \$210,110.96. The board has not raised fees for license applications and renewals since 2003.

The board is eliminating the original license fee as a separate fee, and instead incorporating it into the \$200 application fee. Years ago, the board collected this fee at the end of the licensure process, as an accommodation to applicants. The board has concluded that it should be collected at the beginning of the licensure process, as that is where the bulk of the application work is done by staff.

The board determined it is reasonably necessary to set and collect the continuing education (CE) application fee to cover the additional staff time necessary to build CE logs, approve applications weekly, and update the web site CE list on a weekly basis. The board has not been collecting a fee for these services, and it is necessary to do so to comply with 37-1-134, MCA, and keep fees commensurate with associated costs.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.219.401 FEE SCHEDULE FOR SOCIAL WORKERS

(1) Application fee	\$ 50 <u>200</u>
(2) Original license fee	50
(3) (2) Renewal fee (based on annual renewal)	400 <u>175</u>
(4) (3) Renewal fee (inactive to active)	400 <u>175</u>
(5) (4) Inactive license fee (based on annual renewal)	50 <u>88</u>
<u>(5) Continuing education application</u>	<u>20</u>
(6) remains the same.	

AUTH: 37-1-134, 37-22-201, MCA

IMP: 37-1-134, 37-1-141, 37-22-302, MCA

24.219.405 FEE SCHEDULE FOR PROFESSIONAL COUNSELORS

(1) Application fee	\$ 50 <u>200</u>
(2) Original license fee	50
(3) (2) Renewal fee (based on annual renewal)	400 <u>175</u>
(4) (3) Renewal fee (inactive to active)	400 <u>175</u>
(5) (4) Inactive license fee (based on annual renewal)	50 <u>88</u>
<u>(5) Continuing education application</u>	<u>20</u>
(6) remains the same.	

AUTH: 37-1-134, 37-22-201, MCA

IMP: 37-1-134, 37-1-141, 37-23-206, MCA

24.219.409 FEE SCHEDULE FOR MARRIAGE AND FAMILY THERAPISTS

(1) Application/ original license fee	\$100 <u>200</u>
(2) Renewal fee (based on annual renewal)	400 <u>175</u>
(3) Renewal fee (inactive to active)	400 <u>175</u>
(4) Temporary permit Inactive license fee	
<u>(based on annual renewal)</u>	50 <u>88</u>
<u>(5) Continuing education application</u>	<u>20</u>
(5) remains the same, but is renumbered (6).	

AUTH: 37-1-134, 37-37-201, MCA

IMP: 37-1-134, 37-1-141, 37-37-201, MCA

5. 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, and must be received no later than 5:00 p.m., October 23, 2012.

6. 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. 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.

7. 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 dlibsdswhpc@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. Cyndi Breen, executive officer, 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 September 10, 2012