BEFORE THE BOARD OF BEHAVIORAL HEALTH
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM 24.219.101 board organization, 24.219.301 definitions, 24.219.401, 24.219.405, and 24.219.409 fee schedules, 24.219.421 supervisor qualifications, 24.219.501, 24.219.504, and 24.219.512 LCSW licensure, 24.219.601, 24.219.604, and 24.219.612 LCPC licensure, 24.219.701, 24.219.704, 24.219.707, and 24.219.712 LMFT licensure, 24.219.807 code of ethics, and 24.219.2404 screening panel, the adoption of NEW RULES I public participation, II LCPC education requirements, III LMFT education requirements, IV, V, and VI social worker licensure candidates, VII, VIII, and IX professional counselor licensure candidates, and X, XI, and XII marriage and family therapist licensure candidates, and the repeal of ARM 24.219.515, 24.219.615, and 24.219.715 renewals, 24.219.801 and 24.219.804 codes of ethics, and 24.219.2401 complaint procedure	NOTICE OF AMENDMENT, ADOPTION, AND REPEAL

TO: All Concerned Persons

    1. On November 12, 2015, the Board of Behavioral Health (board) published MAR Notice No. 24-219-29 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 1991 of the 2015 Montana Administrative Register, Issue No. 21.

    2. On December 4, 2015, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. One comment was received by the November 11, 2015, deadline.

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

COMMENT 1: One commenter opposed the proposed fees for licensure candidate applications and annual registration, stating that the fees are excessive and will

place an undue hardship on those seeking careers in counseling and social work. The commenter opined that the candidate application process appears less onerous than that for full licensure applications, yet the fees are the same. The commenter stated the annual registration fees are exorbitant because these fees are just to inform the board that an applicant's experience requirements have been met. The commenter suggested the board amend the rules to reduce the candidate application fees to $100 and the annual registration fees to $25.

RESPONSE 1: The board points out that licensure candidates do not have to reapply or pay an additional application fee to become fully licensed. The amendments shift the application fees to the beginning of the application process. Following this change, applicants will pay a single application fee, registration fees for each year as a candidate (for a maximum of five years), and for only one fingerprint background check.
    The board disagrees with the commenter's assessment that the annual registration fees are just to track experience. With the passage of the legislation, the board has more authority and regulatory responsibility regarding licensure candidates, which shifts the regulatory burden from candidate and employer to the board. The board is amending the fee rules exactly as proposed.

    4. The board has amended ARM 24.219.101, 24.219.301, 24.219.401, 24.219.405, 24.219.409, 24.219.421, 24.219.501, 24.219.504, 24.219.512, 24.219.601, 24.219.604, 24.219.612, 24.219.701, 24.219.704, 24.219.707, 24.219.712, 24.219.807, and 24.219.2404 exactly as proposed.

    5. The board has adopted NEW RULES I (ARM 24.219.204), II (24.219.603), III (24.219.703), IV (24.219.505), V (24.219.506), VI (24.219.507), VII (24.219.605), VIII (24.219.606), IX (24.219.607), X (24.219.705), XI (24.219.706), and XII (24.219.708), exactly as proposed.

    6. The board has repealed ARM 24.219.515, 24.219.615, 24.219.715, 24.219.801, 24.219.804, and 24.219.2401 exactly as proposed.

                                    BOARD OF BEHAVIORAL HEALTH
                                    DR. PETER DEGEL, LCPC

/s/ DARCEE L. MOE   /s/ PAM BUCY
Darcee L. Moe   Pam Bucy, Commissioner
Rule Reviewer   DEPARTMENT OF LABOR AND INDUSTRY

    Certified to the Secretary of State January 25, 2016