

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

In the matter of the amendment of)	NOTICE OF PUBLIC HEARING ON
ARM 24.219.101 board organization,)	PROPOSED AMENDMENT,
24.219.301 definitions, 24.219.401,)	ADOPTION, AND REPEAL
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)	

TO: All Concerned Persons

1. On December 4, 2015, at 3:00 p.m., a public hearing will be held in the basement conference room B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment, adoption, and repeal 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 Behavioral Health (board) no later than 5:00 p.m., on November 27, 2015, to advise us of the nature of the accommodation that you need. Please contact Cyndi Reichenbach, Board of Behavioral Health, 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; dlibsdswwpc@mt.gov (board's e-mail).

3. GENERAL REASONABLE NECESSITY STATEMENT: The 2015 legislature enacted Chapter 130, Laws of 2015 (Senate Bill 22), an act revising laws concerning social work, professional counseling, and marriage and family therapy and renaming the Board of Social Work Examiners and Professional Counselors to the Board of Behavioral Health. This bill further provided for the registration and regulation of social worker, professional counselor, and marriage and family therapist licensure candidates. The bill was signed by the Governor on March 27, 2015, and became effective on October 1, 2015.

The board is adopting NEW RULES IV through XII and amending certain existing rules to coincide with the new legislative changes and further implement the bill. Changes include replacing out-of-date terminology for current language and processes, repealing unnecessary or redundant rules, and amending rules and catchphrases for accuracy, consistency, simplicity, better organization, and ease of use for the reader. The board is further renumbering the reorganized rules to comply with ARM formatting requirements. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

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

24.219.101 BOARD ORGANIZATION (1) The Board of ~~Social Work Examiners and Professional Counselors~~ Behavioral Health hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title.

AUTH: 2-4-201, 37-22-201, MCA
IMP: 2-4-201, MCA

REASON: Authority citations are being amended to accurately provide the sources of the board's rulemaking authority.

24.219.301 DEFINITIONS (1) through (4) remain the same.

(5) "LAC" means licensed addiction counselor.

(6) "LCPC" means licensed clinical professional counselor.

(7) "LCSW" means licensed clinical social worker.

(8) "LMFT" means licensed marriage and family therapist.

(5) through (8) remain the same but are renumbered (9) through (12).

(13) "Training and supervision plan" means a plan, in a form approved by the board, that describes the type, structure, and amount of supervised work experience that a licensure candidate must have in order to satisfy the experience requirements for the type of license the licensure candidate is seeking.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-22-102, 37-22-201, 37-22-313, 37-23-101, 37-23-102, 37-23-213, 37-35-102, 37-35-202, 37-37-102, 37-37-205, MCA

REASON: The board determined it is reasonably necessary to amend this rule to establish abbreviations for the multiple license types now regulated by the board. For consistency, these standard abbreviations will be used throughout the rules and certain amended catchphrases in lieu of the full licensee titles.

Implementation citations are being amended to accurately reflect all statutes implemented through this rule.

24.219.401 FEE SCHEDULE FOR SOCIAL WORKERS

(1) through (3) remain the same.

(4) Social worker licensure candidate application fee 200

(5) Social worker licensure candidate annual registration fee 100

(4) through (6) remain the same but are renumbered (6) through (8).

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

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

REASON: It is reasonably necessary to amend this rule and ARM 24.219.405 and 24.219.409 to establish application and annual registration fees for LCSW, LCPC, and LMFT licensure candidates and further implement Senate Bill 22. The board is setting these fees to comply with 37-1-134, MCA, and ensure that board fees provide the amount of money usually needed for the operation of the board in providing similar regulatory services. The board estimates that approximately 221 licensure candidates will be affected by the proposed fee changes, which will increase revenue by \$66,300.

24.219.405 FEE SCHEDULE FOR PROFESSIONAL COUNSELORS

(1) through (3) remain the same.

(4) Professional counselor licensure candidate application fee 200

(5) Professional counselor licensure candidate annual registration fee 100

(4) through (6) remain the same but are renumbered (6) through (8).

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) through (3) remain the same.

(4) Marriage and family therapist licensure candidate application fee 200

(5) Marriage and family therapist licensure candidate annual registration fee 100

(4) through (6) remain the same but are renumbered (6) through (8).

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

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

24.219.421 SUPERVISOR QUALIFICATIONS (1) remains the same.

(2) The supervisor must be a ~~licensed clinical social worker~~ LCSW, ~~licensed clinical professional counselor~~ LCPC, ~~licensed marriage and family therapist~~ LMFT, licensed psychologist, or licensed and board-certified psychiatrist.

(3) and (4) remain the same.

(5) Board-approved training in supervision shall consist of a minimum of one semester ~~hour credit~~ of post-licensure board-approved graduate education or 20 clock hours of board-approved training in clinical supervision.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-22-101, 37-22-301, 37-23-101, 37-23-202, 37-37-101, 37-37-201, MCA

REASON: The board is amending (5) to use the correct term of a semester credit, which is equal to 15 hours. Further, in reviewing petitions to the board, it was discovered that some supervisor applicants were attempting to draw supervision experience from graduate programs. The board has always intended for this supervisor training to be obtained after licensure as a LCSW, LCPC, LMFT, psychologist, or psychiatrist, and is amending this rule to clarify this intent.

Implementation citations are being amended to accurately reflect all statutes implemented through this rule.

24.219.501 LCSW APPLICATION PROCEDURES (1) Any person seeking licensure as a clinical social worker must apply on the board's official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.

(2) The 3000 hours of experience required by 37-22-301(2), MCA, shall have been completed in their entirety at the time of submission of the application.

(2) through (9) remain the same but are renumbered (3) through (10).

(11) All applicants must submit the fingerprint and background check required by the board.

AUTH: 37-1-131, 37-1-319, 37-22-201, MCA

IMP: 37-1-131, 37-1-306, 37-22-301, MCA

REASON: The board is moving (2) from ARM 24.219.504 to this rule as the board determined it is a better, more logical fit in with general application procedures.

With the passage of SB 22, all board licensees and licensure candidates are subject to the board's fingerprint and background check requirements. The board determined it is reasonably necessary to add (11) to clarify this requirement for LCSW applicants.

24.219.504 LICENSURE LCSW EXPERIENCE REQUIREMENTS (1) For the purpose of meeting the 3000-hour requirement of 37-22-301(2)(b), MCA, an applicant or licensure candidate shall provide verification of the following:

(a) remains the same.

(b) supervision, on a form approved by the board, which shall include at least 100 documented hours of individual or group supervision by a qualified supervisor. At least 50 percent of the 100 hours shall be individual and face-to-face by a licensed social worker, and at least ten hours of which includes direct observation of the service delivery. Each supervisory session shall be documented with a record of supervision. The applicant or licensure candidate must maintain the record of supervision, which may be requested by the board and must include:

(i) remains the same.

(ii) names of applicant or licensure candidate, supervisor (including type of license and number), and signatures of both;

(iii) remains the same.

(iv) evidence of the applicant's or licensure candidate's minimal competencies in the areas of an identified theory base, application of a differential diagnosis, establishing and monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of imminent danger, and implementing a professional and ethical relationship with clients and colleagues;

(v) content demonstrating the applicant's or licensure candidate's developing competence in the areas identified in (1)(b)(iv); and

(vi) and (c) remain the same.

(d) supervisor's experience and expertise with the applicant's or licensure candidate's client population (i.e., child, adolescent, adult, chemically dependent) and methods of practice (i.e., individual, group, family, crisis or brief interventions).

(e) supervisor's relationship with the applicant or licensure candidate, which shall not constitute a conflict of interest, such as (but not limited to) being in a cohabitation or financially dependent relationship with the applicant or licensure candidate, or being the applicant's or licensure candidate's parent, child, spouse, or sibling.

(f) remains the same.

(i) the applicant's or licensure candidate's and supervisor's names, signatures, and dates;

(ii) terms of the agreement including ~~financial compensation~~, the duties of the applicant or candidate and supervisor, the obligations of the applicant or candidate and supervisor under this rule, frequency and method of supervision, duration and termination provisions; and

(iii) a statement of ~~confidentiality~~ compliance with applicable patient privacy laws and the supervisor's qualifications.

~~(2) The 3000 hours shall have been completed in their entirety at the time of submission of the application.~~

(2) All reports and/or assessment interpretations and results sent to other public or private agencies that affect the current social status of a client must be reviewed by and contain the approval and signature of the supervisor. These reports shall identify the supervisee's "in-training" nonlicensed status or identify that the supervisee is a social worker licensure candidate.

(3) All therapeutic interventions and the assessment results and interpretations used in the planning and/or implementation of those therapeutic

interventions shall be reviewed and preapproved by the supervisor on a continual and ongoing basis.

(4) All professional communications, both private and public, including advertisements, shall clearly indicate the supervisee's "in-training" and nonlicensed status or indicate that the supervisee is a social worker licensure candidate.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-22-301, MCA

REASON: The board is adding (2) through (4) to this rule to establish standards regarding reports, assessments, results, and communications involving LCSW supervisees in training or licensure candidates. These standards are currently in place for LCPC supervisees, and the board concluded that expanding them to all board supervisees and licensure candidates will further protect the public by ensuring that assessment results and communications are very clear on the status of candidates or supervisees.

24.219.512 LICENSURE OF OUT-OF-STATE LCSW APPLICANTS (1) A license to practice as a social worker in Montana may be issued to the holder of an out-of-state social worker license at the discretion of the board, provided the applicant completes and files with the board an application for licensure and the required application fee. The candidate applicant must meet the following requirements:

(a) The candidate applicant holds a valid and unrestricted license to practice as a social worker in another state or jurisdiction, which was issued under standards equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s).

(b) The candidate applicant holds a Masters Degree in Social Work (MSW) or an equivalent Council on Social Work Education (CSWE)-approved degree, and shall supply a copy of the certified transcript sent directly from a college, university, or institution accredited by the CSWE.

(c) The candidate applicant shall supply proof of successful completion of the Association of Social Work Boards' (ASWB) clinical examination or another board-approved licensing examination. The ASWB generalist examination is not an approved examination for purposes of obtaining licensure as a clinical social worker. Candidate Applicant scores on the examination must be forwarded directly to the board.

(d) The candidate applicant shall submit proof of completion of 3000 hours of supervised social work experience as defined in 37-22-301, MCA. The candidate applicant may verify the experience hours by affidavit, and need not supply a supervisor's signature upon reasonable explanation of why the supervisor's signature is unavailable to the candidate applicant.

(e) The candidate applicant shall submit proof of continuous practice as a social worker in another jurisdiction for the two years immediately preceding the date of application in Montana.

(f) The ~~candidate~~ applicant shall submit three reference letters as provided in 37-22-301, MCA.

(g) The ~~candidate~~ applicant shall answer questions about the applicant's character and fitness to practice on a form prescribed by the board, and the ~~candidate~~ applicant shall provide all information required by the board in response to these questions.

(2) All ~~candidates~~ applicants must submit the fingerprint and background check required by the board.

(3) The board may verify qualifications for licensure by reference to information supplied in a ~~candidate's~~ an applicant's official record with the national registry of the ASWB. The ~~candidate~~ applicant must request that this information be provided to the board in the manner required by the ASWB and the board. The ~~candidate~~ applicant shall be solely responsible for paying any fee associated with this service.

(4) An applicant for licensure by endorsement in Montana may be granted a temporary permit to practice clinical social work, provided the applicant has submitted a completed application as described in this subchapter and that the initial screening by board staff shows that the current license is in good standing and not on probation or subject to ongoing disciplinary action. The temporary permit will remain valid until a license is granted or until notice of proposal to deny license is served, whichever occurs first. In the event that neither contingency has occurred within one year of issuance of the temporary permit to the endorsement applicant, the temporary permit shall expire and may not be renewed.

AUTH: 37-1-131, 37-1-319, 37-22-201, MCA

IMP: 37-1-131, 37-1-304, 37-1-305, 37-22-301, MCA

REASON: The board is adding (4) to this rule to align with new procedures for licensure candidate registration and clarify that temporary practice permits will now be limited to endorsement applicants. The board determined it is reasonably necessary to have licensure processes for endorsement applications on as timely a basis as those for licensure candidates, and ensure minimal delay in granting the licenses.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.219.601 LCPC APPLICATION PROCEDURE (1) remains the same.

(2) Completed applications must ~~be accompanied by~~ include:

(a) through (6) remain the same.

(7) If the applicant achieved a passing score on the National Counselor Examination for Licensure and Certification (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE) administered by the National Board of Counselor Certification (NBCC) as part of the applicant's graduate program, the passing examination score will be accepted for licensure. Examination results are valid within four years of the date the applicant took the examination that resulted in the passing score.

(7) and (8) remain the same but are renumbered (8) and (9).

(10) All applicants must submit the fingerprint and background check required by the board.

AUTH: 37-1-131, 37-1-319, 37-22-201, MCA

IMP: 37-1-131, 37-1-306, 37-23-202, MCA

REASON: The board is adding (7) to allow submission of passing scores for approved licensure examinations taken during a graduate program. Because some LCPC applicants may sit for an exam prior to gaining the required supervised experience, the board is amending this rule to clarify that such exams will be accepted.

With the passage of SB 22, all board licensees and licensure candidates are subject to the board's fingerprint and background check requirements. The board determined it is reasonably necessary to add (10) to clarify this requirement for LCPC applicants.

24.219.604 LICENSURE LCPC EXPERIENCE REQUIREMENTS ~~(1) For the purpose of 37-23-202, MCA, a planned graduate program of study is one which requires 60 semester hours (90 quarter hours), primarily counseling in nature, six semester hours (nine quarter hours) of which were earned in an advanced counseling practicum which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling. An institution accredited to offer such a degree program is a college or university accredited by various associations of colleges and secondary schools. The planned graduate program shall be recognized by the department chairman or an equivalent position. The applicant's planned graduate program shall meet the following minimum board requirements:~~

~~(a) an identifiable starting date evidenced by a letter of admission to the program, or other similar document;~~

~~(b) completion of Council for Accreditation of Counseling and Related Educational Programs (CACREP) core courses as evidenced by submission of a summary sheet on education on a form prescribed by the board;~~

~~(c) acceptance of a maximum of 12 post-baccalaureate graduate semester (18 quarter) credits or up to 20 semester (30 quarter) credits of a completed graduate counseling degree transferred from other institutions or programs; and~~

~~(d) acceptance of credits granted six years or less from the applicant's date of graduation from the planned graduate program.~~

~~(2) "Advanced counseling practicum" shall include:~~

~~(a) Supervision by licensed program faculty to include:~~

~~(i) a minimum of 30 hours individual face-to-face consultation and review with supervisor;~~

~~(ii) a minimum of 45 hours small group supervisory consultation with supervisor and peers in practicum program;~~

~~(b) A minimum of 200 clock hours of service to clients which includes:~~

~~(i) a minimum of 80 hours offering face-to-face direct service to individual, family and group clients;~~

~~(ii) an additional 45 hours which may include any of the above plus audio and videotape review, two-way mirror observations, research, writing case notes, collateral contacts and any other nonspecified activities deemed appropriate by the practicum supervisor to enhance the student's expertise in providing services to the client population.~~

~~(3) "3000 hours" is defined as clock hours of experience working in a counseling setting. The hours shall have been completed in their entirety at the time of submission of the application.~~

(1) For the purpose of meeting the 3000-hour requirement of 37-23-202(1)(b), MCA, an applicant must provide verification of 3000 hours of counseling practice supervised by a qualified supervisor. "3000 hours" is defined as clock hours of experience working in a counseling setting. The hours shall have been completed in their entirety at the time of submission of the application.

(3)(a) through (b) remain the same but are renumbered (1)(a) through (b).

(c) All reports and/or assessment interpretations and results sent to other public or private agencies that affects the current social status of a client must be reviewed by and contain the approval and signature of the ~~trainee's~~ supervisor. These reports shall identify the supervisee's "in-training" nonlicensed status or identify that the supervisee is a professional counselor licensure candidate.

(d) All therapeutic interventions and the assessment results and interpretations used in the planning and/or implementation of those therapeutic interventions shall be reviewed and preapproved by the ~~trainee's~~ supervisor on a continual and ongoing basis.

(e) All professional communications, both private and public, including advertisements, shall clearly indicate the supervisee's "in-training" and nonlicensed status or indicate that the supervisee is a professional counselor licensure candidate.

(f) The applicant or licensure candidate must receive a minimum of one hour of face-to-face supervision and consultation for every 20 hours of work experience. No more than 80 hours of work experience may transpire without receiving the required hours of supervision and/or consultation. Less frequent supervision may take place only with prior approval of the licensure board. Any hours earned without appropriate supervision will not be counted towards licensure.

~~(g) (2) The supervision~~ Supervision guidelines are as follows:

~~(i) (a) A supervisor must be a licensed mental health professional in the state of residence~~ qualified supervisor.;

~~(ii) (b) the A~~ supervision agreement shall be in writing and in a format approved by the board. The agreement shall include, but not be limited to:

~~(A) (i) the applicant's~~ or licensure candidate's and supervisor's names, signatures, and dates;

~~(B) (ii) terms of the agreement including financial compensation,~~ the duties of the applicant or candidate and supervisor, the obligations of the applicant or candidate and supervisor under this rule, frequency and method of supervision, duration and termination ~~provision~~ provisions; and

~~(C) (iii) a statement of confidentiality~~ compliance with applicable patient privacy laws and the supervisor's qualifications.

~~(iii)~~ (c) A supervisor's relationship with the applicant or licensure candidate shall not constitute a conflict of interest, such as, but not limited to, being in a cohabitation or financially dependent relationship with the applicant or licensure candidate, or being the applicant's or licensure candidate's parent, child, spouse, or sibling;

~~(iv)~~ (d) a record of supervision must be maintained by the applicant or licensure candidate and may be requested by the board in its review of the application. The record of supervision must include:

(A) remains the same but is renumbered (i).

~~(B)~~ (ii) names of applicant or licensure candidate, supervisor (including type of license and number), and signatures of both;

(C) remains the same but is renumbered (iii).

~~(D)~~ (iv) evidence of the applicant's or licensure candidate's minimal competencies in the areas of an identified theory base, application of a differential diagnosis, establishing and monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of imminent danger, and implementing a professional and ethical relationship with clients and colleagues;

~~(E)~~ (v) content demonstrating the applicant's or licensure candidate's developing competence in the areas identified in ~~(3)(g)(iv)(D)~~ (iv); and

(F) remains the same but is renumbered (vi).

~~(v)~~ (e) A supervisor must attest to the above under penalty of law. Falsification or misrepresentation of any of the above may be considered misrepresentation and a violation of professional ethics, which may result in discipline of the supervisor's license.

~~(4)~~ If an applicant fails the examination, the applicant may retake the examination upon payment of the exam fee.

~~(5)~~ Notwithstanding the above 60 semester hour requirement, an applicant otherwise qualified for licensure, may apply for licensure if they possess a minimum 45 semester hour graduate degree that is primarily related to counseling and is from an institution accredited to offer a graduate program in counseling, if they complete such additional graduate hours approved by this board as necessary to fulfill the requirements of (1)(a) within five years from the date of review by this board.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-23-202, MCA

REASON: The board is now streamlining its LCPC licensure rules by placing general application procedures, experience requirements, and education requirements in separate rules. The board concluded that amending ARM 24.219.601 and 24.219.604, and adopting NEW RULE II to reorganize LCPC licensure requirements will reduce applicant confusion and questions to staff.

24.219.612 LICENSURE OF OUT-OF-STATE LICENSED LCPC

APPLICANTS (1) A license to practice as a licensed professional counselor in Montana may be issued to the holder of an out-of-state licensed professional counselor or equivalent license at the discretion of the board, provided the applicant

completes and files with the board an application for licensure and the required application fee. The ~~candidate~~ applicant must meet the following requirements:

(a) The ~~candidate~~ applicant holds a valid and unrestricted license to practice as a licensed professional counselor or equivalent in another state or jurisdiction, which was issued under standards substantially equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s).

(b) The ~~candidate~~ applicant holds a graduate degree, which meets the requirements of 37-23-202, MCA, and shall supply a copy of the certified transcript sent directly from an accredited college, university, or institution, and shall complete the degree summary sheet provided by the board.

(c) The ~~candidate~~ applicant shall supply proof of successful completion of the National Counselor Examination (NCE) or another board-approved licensing examination. ~~Candidate~~ Applicant scores on the examination must be forwarded directly to the board.

(d) The ~~candidate~~ applicant shall submit proof of completion of 3000 hours of supervised counseling practice as defined in 37-23-202, MCA. The ~~candidate~~ applicant may verify the experience hours by affidavit, and need not supply a supervisor's signature upon reasonable explanation of why the supervisor's signature is unavailable to the ~~candidate~~ applicant.

(e) The ~~candidate~~ applicant shall submit proof of continuous practice as a licensed professional counselor or equivalent in another jurisdiction for the two years immediately preceding the date of application in Montana.

(f) The ~~candidate~~ applicant shall answer questions about the applicant's character and fitness to practice on a form prescribed by the board, and the ~~candidate~~ applicant shall provide all information required by the board in response to these questions.

(2) All ~~candidates~~ applicants must submit the fingerprint and background checks required by the board.

(3) An applicant for licensure by endorsement in Montana may be granted a temporary permit to practice professional counseling, provided the applicant has submitted a completed application as described in this subchapter and that the initial screening by board staff shows that the current license is in good standing and not on probation or subject to ongoing disciplinary action. The temporary permit will remain valid until a license is granted or until notice of proposal to deny license is served, whichever occurs first. In the event that neither contingency has occurred within one year of issuance of the temporary permit to the endorsement applicant, the temporary permit shall expire and may not be renewed.

AUTH: 37-1-131, 37-1-319, 37-22-201, MCA

IMP: 37-1-131, 37-1-304, 37-1-305, 37-23-202, MCA

REASON: The board is adding (3) to this rule to align with new procedures for licensure candidate registration and clarify that temporary practice permits will now be limited to endorsement applicants. The board determined it is reasonably necessary to have licensure processes for endorsement applications on as timely a

basis as those for licensure candidates, and ensure minimal delay in granting the licenses.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.219.701 LMFT APPLICATION PROCEDURES (1) Any person seeking licensure as a marriage and family therapist must apply on the board's official forms, which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.

(2) remains the same.

(3) An applicant must achieve a passing score on the National Marriage and Family Therapy Licensing Examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB).

(3) through (6) remain the same but are renumbered (4) through (7).

(8) If the applicant achieved a passing score on the National Marriage and Family Therapy Licensing Examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB) as part of the applicant's graduate program, the passing examination score will be accepted for licensure. Examination results are valid within four years of the date the applicant took the examination that resulted in the passing score.

(7) remains the same but is renumbered (9).

(10) All applicants must submit the fingerprint and background check required by the board.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-37-201, MCA

REASON: To create clearer, more streamlined licensure rules, the board is moving the exam requirement from the LMFT experience rule, ARM 24.219.704(3), to (3) of this more general rule on application procedures.

The board is adding (8) to allow submission of passing scores for approved licensure examinations taken during a graduate program. Because some LMFT applicants may sit for an exam prior to gaining the required supervised experience, the board is amending this rule to clarify that such exams will be accepted.

With the passage of SB 22, all board licensees and licensure candidates are subject to the board's fingerprint and background check requirements. The board determined it is reasonably necessary to add (10) to clarify this requirement now applies to LMFT applicants, as well.

24.219.704 LICENSURE LMFT EXPERIENCE REQUIREMENTS

~~(1) Applicants must provide documentation of obtaining a doctoral or master's degree in:~~

~~(a) marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE);~~

~~(b) marriage and family counseling from a program accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP); or~~

~~(c) a closely related field, for example, marriage and family counseling with an educational program consisting of a minimum of 48 semester hours (or 72 quarter hours) that includes at least 36 hours of courses comprised of human development, family development/family dynamics, marriage and family systems/systems theory, marriage and family therapy, ethics in marriage and family therapy, and research in marriage and family therapy; and~~

~~(d) in addition, at least nine hours of credit must be earned in actual direct client contact, including at least six semester hours of practicums and three or more semester hours of internship or externship to include a minimum total of 500 direct-client contact hours of which at least 50 percent is with couples or families, and 100 hours of supervision of which at least 75 are in individual supervision with, at most, one other supervisee.~~

~~(2) remains the same but is renumbered (1).~~

~~(3) An applicant must achieve a passing score on the National Marriage and Family Therapy Licensing Examination administered by the Association of Marital and Family Therapy Regulatory Boards (AMFTRB).~~

~~(2) Supervision guidelines are as follows:~~

~~(a) A supervisor must be a qualified supervisor.~~

~~(b) A supervision agreement shall be in writing and in a format approved by the board. The agreement shall include, but not be limited to:~~

~~(i) the applicant's or licensure candidate's and supervisor's names, signatures, and dates;~~

~~(ii) terms of the agreement including the duties of the applicant or candidate and supervisor, the obligations of the applicant or candidate and supervisor under this rule, frequency and method of supervision, duration and termination provisions; and~~

~~(iii) a statement of compliance with applicable patient privacy laws and the supervisor's qualifications.~~

~~(c) The supervisor's relationship with the applicant or licensure candidate shall not constitute a conflict of interest, such as, but not limited to, being in a cohabitation or financially dependent relationship with the applicant or licensure candidate, or being the applicant's or licensure candidate's parent, child, spouse, or sibling.~~

~~(d) A record of supervision must be maintained by the applicant or licensure candidate and may be requested by the board in its review of the application. The record of supervision must include:~~

~~(i) date and length of supervision in increments not less than 15 minutes;~~

~~(ii) names of applicant or licensure candidate, supervisor (including type of license and number), and signatures of both;~~

~~(iii) content summary (excluding confidential information);~~

~~(iv) evidence of the applicant's or licensure candidate's minimal competencies in the areas of an identified theory base, application of a differential diagnosis, establishing and monitoring a treatment plan, development and appropriate use of the professional relationship, assessing the client for risk of~~

imminent danger, and implementing a professional and ethical relationship with clients and colleagues;

(v) content demonstrating the applicant's or licensure candidate's developing competence; and

(vi) attestation of the record of supervision by the supervisor. Falsification or misrepresentation of the record of supervision shall be considered unprofessional conduct and may result in discipline of the supervisor's license.

(e) The supervisor must attest to the above under penalty of law. Falsification or misrepresentation of any of the above may be considered misrepresentation and a violation of professional ethics, which may result in discipline of the supervisor's license.

(3) All reports and/or assessment interpretations and results sent to other public or private agencies that affect the current status of a client must be reviewed by and contain the approval and signature of the supervisor. These reports shall identify the supervisee's nonlicensed status or identify that the supervisee is a marriage and family therapist licensure candidate.

(4) All therapeutic interventions and the assessment results and interpretations used in the planning and/or implementation of those therapeutic interventions shall be reviewed and preapproved by the supervisor on a continual and ongoing basis.

(5) All professional communications, both private and public, including advertisements, shall clearly indicate the supervisee's nonlicensed status or indicate that the supervisee is a marriage and family therapist licensure candidate.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-37-201, MCA

REASON: The board is now streamlining its LMFT licensure rules by placing general application procedures, experience requirements, and education requirements in separate rules. The board concluded that amending ARM 24.219.701 and 24.219.704, and adopting NEW RULE III to reorganize LMFT licensure requirements will reduce applicant confusion and questions to staff.

The board determined it is reasonably necessary to add (2) and set forth the supervision guidelines for LMFTs. Although these guidelines have been in place for LMFT licensees since October of 2011, they had not yet been delineated in rule.

The board is adding (3) through (5) to this rule to establish standards regarding reports, assessments, results, and communications involving LMFT supervisees in training or licensure candidates. These standards are currently in place for LCPC supervisees, and the board concluded that expanding them to all board supervisees and licensure candidates will further protect the public by ensuring that assessment results and communications are very clear on the status of candidates or supervisees.

24.219.707 TEMPORARY PRACTICE PERMIT (1) through (4) remain the same.

~~(5) An individual holding a temporary practice permit shall use the title "Licensed Marriage and Family Therapy Candidate."~~

AUTH: 37-1-131, 37-1-319, 37-22-201, MCA
IMP: 37-1-131, 37-1-305, ~~37-37-101~~, MCA

REASON: The board is deleting (5) to align with SB 22 and the new registration provisions for marriage and family therapist licensure candidates. Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

24.219.712 LICENSURE OF OUT-OF-STATE LMFT APPLICANTS (1) A license to practice as a licensed marriage and family therapist in the state of Montana may be issued to the holder of an out-of-state marriage and family therapist license, provided the applicant completes, and files with the board, an application for licensure and the required application fee. The candidate must ~~meet the following requirements~~:

~~(a) the candidate has~~ have held a valid and unrestricted license as a licensed marriage and family therapist in another state or jurisdiction, which was issued under standards equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s); ~~or~~ .

~~(b) for applications received before July 1, 2011, the candidate is a clinical member of the American Association of Marriage and Family Therapists (AAMFT) in good standing.~~

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-1-304, 37-37-201, MCA

REASON: The board is eliminating the grandfathering provision in (1)(b) as the referenced application receipt date has passed.

24.219.807 CODE OF ETHICS – ~~LICENSED MARRIAGE AND FAMILY THERAPISTS~~ (1) Pursuant to 37-22-201 and 37-23-103, MCA, the board adopts the following professional and ethical standards for ~~licensed professional counselors, licensed social workers, and licensed marriage and family therapists~~ LCSWs, LCPCs, LMFTs, and registered candidates of those professions to ensure the ethical, qualified, and professional practice of social work, professional counseling, and marriage and family therapy for the protection of the general public. These standards supplement current applicable statutes and rules of the board. A violation of the following is considered unprofessional conduct as set forth elsewhere in rule, and may subject the licensee to such penalties and sanctions provided in 37-1-136, MCA.

(2) A licensed marriage and family therapist LCSWs, LCPCs, LMFTs, and registered candidates of those professions shall abide by the following code of professional ethics.

~~(a) Licensees shall not:~~

~~(i) commit fraud or misrepresent services performed;~~

- ~~(ii) divide a fee or accept or give anything of value for receiving or making a referral;~~
- ~~(iii) violate a position of trust by knowingly committing any act detrimental to a client;~~
- ~~(iv) exploit in any manner the professional relationships with clients or former clients, supervisees, supervisors, students, employees, or research participants;~~
- ~~(v) engage in or solicit sexual relations with a client or commit an act of sexual misconduct or a sexual offense if such act, offense, or solicitation is substantially related to the qualifications, functions, or duties of the licensee;~~
- ~~(vi) condone or engage in sexual harassment. Sexual harassment is defined as: "deliberate or refuted comments, gestures, or physical contact of a sexual nature that are unwelcome by the recipient";~~
- ~~(vii) discriminate in the provision of services on the basis of race, creed, religion, color, sex, physical or mental disability, marital status, age, or national origin;~~
- ~~(viii) provide professional services while under the influence of alcohol or other mind-altering or mood-altering drugs which impair delivery of services; or~~
- ~~(ix) engage in any advertising which is in any way fraudulent, false, deceptive, or misleading.~~

(b) remains the same but is renumbered (a).

(b) Licensees shall not:

- (i) commit fraud or misrepresent services performed;
- (ii) divide a fee or accept or give anything of value for receiving or making a referral;
- (iii) violate a position of trust by knowingly committing any act detrimental to a client;
- (iv) exploit in any manner the professional relationships with clients or former clients, supervisees, supervisors, students, employees, or research participants;
- (v) engage in or solicit sexual relations with a client or commit an act of sexual misconduct or a sexual offense if such act, offense, or solicitation is substantially related to the qualifications, functions, or duties of the licensee;
- (vi) condone or engage in sexual harassment. Sexual harassment is defined as: "deliberate or refuted comments, gestures, or physical contact of a sexual nature that are unwelcome by the recipient";
- (vii) discriminate in the provision of services on the basis of race, creed, religion, color, sex, physical or mental disability, marital status, age, or national origin;
- (viii) provide professional services while under the influence of alcohol or other mind-altering or mood-altering drugs which impair delivery of services; or
- (ix) engage in any advertising which is in any way fraudulent, false, deceptive, or misleading.

AUTH: 37-1-131, 37-1-136, 37-1-319, 37-22-201, MCA

IMP: 37-1-131, 37-1-136, 37-1-316, 37-22-101, 37-22-201, 37-23-101, 37-37-101, MCA

REASON: The board is repealing ARM 24.219.801 and 24.219.804, and incorporating their relevant provisions into this rule to create one code of ethics rule, applicable to all board licensees. Following these changes, LCSWs, LCPCs, LMFTs, and registered candidates of those professions will have a convenient, single location housing their professional and ethical standards.

Implementation citations are being amended to accurately reflect all statutes implemented through this rule.

24.219.2404 SCREENING PANEL (1) The board screening panel shall consist of a minimum of ~~three~~ four board members, as chosen by the chairman. The chairman may reappoint screening panel members, or replace screening panel members as necessary at the chairman's discretion.

AUTH: 37-22-201, ~~37-23-103~~, MCA

IMP: 37-1-307, MCA

REASON: The board is increasing the number of screening panel members to coincide with the addition of two board members effective October 1, 2015, due to the passage of House Bill 358.

Authority citations are being amended to delete reference to a repealed statute.

5. The proposed rules to be adopted provide as follows:

NEW RULE I PUBLIC PARTICIPATION (1) The Board of Behavioral Health adopts and incorporates by this reference, the public participation rules of the Department of Commerce as listed in ARM Title 8, chapter 2, except that the board does not adopt ARM 8.2.202(1)(b), which allows for public participation in the granting or denying of a license for which a hearing is required. The public is allowed to observe, but not participate in the licensing decisions and other contested cases as allowed by law.

AUTH: 2-3-103, MCA

IMP: 2-3-103, MCA

REASON: The board is adopting this rule to comply with 2-3-103, MCA, and adopt public participation guidelines. The board notes that its procedures for public participation are not changing from current practices.

NEW RULE II LCPC EDUCATION REQUIREMENTS (1) For the purpose of 37-23-202, MCA, a planned graduate program of study is one which requires 60 semester hours (90 quarter hours), primarily counseling in nature, six semester hours (nine quarter hours) of which were earned in an advanced counseling practicum which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling. An institution accredited to offer such a degree program is a college or university accredited by various associations of colleges and secondary schools. The planned graduate program shall be recognized by the

department chairman or an equivalent position. The applicant's planned graduate program shall meet the following minimum board requirements:

- (a) an identifiable starting date evidenced by a letter of admission to the program, or other similar document;
 - (b) completion of Council for Accreditation of Counseling and Related Educational Programs (CACREP) core courses as evidenced by submission of a summary sheet on education on a form prescribed by the board;
 - (c) acceptance of a maximum of 12 post-baccalaureate graduate semester (18 quarter) credits or up to 20 semester (30 quarter) credits of a completed graduate counseling degree transferred from other institutions or programs; and
 - (d) acceptance of credits granted six years or less from the applicant's date of graduation from the planned graduate program.
- (2) "Advanced counseling practicum" shall include:
- (a) supervision by licensed program faculty to include:
 - (i) a minimum of 30 hours individual face-to-face consultation and review with supervisor;
 - (ii) a minimum of 45 hours small group supervisory consultation with supervisor and peers in practicum program;
 - (b) a minimum of 200 clock hours of service to clients which includes:
 - (i) a minimum of 80 hours offering face-to-face direct service to individual, family, and group clients;
 - (ii) an additional 45 hours which may include any of the above plus audio and videotape review, two-way mirror observations, research, writing case notes, collateral contacts, and any other nonspecified activities deemed appropriate by the practicum supervisor to enhance the student's expertise in providing services to the client population.
- (3) Notwithstanding the above 60 semester hour requirement, an applicant otherwise qualified for licensure, may apply for licensure if they possess a minimum 45 semester hour graduate degree that is primarily related to counseling and is from an institution accredited to offer a graduate program in counseling, if they complete such additional graduate hours approved by this board as necessary to fulfill the requirements of (1)(a) within five years from the date of review by this board.

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-23-202, MCA

REASON: See REASON for ARM 24.219.604.

NEW RULE III LMFT EDUCATION REQUIREMENTS (1) Applicants must provide documentation of obtaining a doctoral or master's degree in:

- (a) marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE);
 - (b) marriage and family counseling from a program accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP);
- or

(c) a closely related field, for example, marriage and family counseling with an educational program consisting of a minimum of 48 semester hours (or 72 quarter hours) that includes at least 36 hours of courses comprised of human development, family development/family dynamics, marriage and family systems/systems theory, marriage and family therapy, ethics in marriage and family therapy, and research in marriage and family therapy; and

(d) in addition, at least nine hours of credit must be earned in actual direct client contact, including at least six semester hours of practicums and three or more semester hours of internship or externship to include a minimum total of 500 direct-client contact hours of which at least 50 percent is with couples or families, and 100 hours of supervision of which at least 75 are in individual supervision with, at most, one other supervisee.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-37-201, MCA

REASON: See REASON for ARM 24.219.704.

NEW RULE IV SOCIAL WORKER LICENSURE CANDIDATE APPLICATION

PROCEDURES (1) A person seeking licensure as a social worker licensure candidate must apply on the board's official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.

(2) A completed social worker licensure candidate application must include:

(a) application fee;

(b) official transcripts provided directly from the institution documenting the applicant's completion of a doctorate or master's degree in social work from a program accredited by the council on social work education (CSWE) or a program approved by the board as required by 37-22-301(2)(a), MCA; and

(c) the licensure candidate's proposed training and supervision plan.

(3) A training and supervision plan is subject to board approval, must be in a form approved by the board, and must include:

(a) identification of the candidate and qualified supervisors;

(b) the supervisors' license types, license numbers, and amount of post-licensure experience or training in clinical supervision;

(c) verification that any and all licenses held by the supervisors in all jurisdictions are unrestricted with no pending discipline;

(d) a proposed record of supervision in a form approved by the board that will address and document the licensure candidate's experience for the purpose of meeting the requirements of 37-22-301(2)(b), MCA, and satisfy the requirements of ARM 24.219.504(1); and

(e) a signed supervision agreement between the candidate and supervisors addressing the duties of the candidate and supervisors, the obligations of the candidate and supervisor under ARM 24.219.504, confidentiality, frequency and method of supervision, and duration and termination of the supervision agreement.

(4) All licensure candidate applicants must submit the fingerprint and background check required by the board.

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-22-313, MCA

NEW RULE V SOCIAL WORKER LICENSURE CANDIDATE REQUIREMENTS (1) Prior to commencing supervised work experience, a social worker licensure candidate must provide an update to the board within 10 business days of:

- (a) any substantial change in the candidate's training or supervision plan; or
 - (b) a new supervisor.
- (2) An updated training and supervision plan or change in supervisor does not require additional board approval unless there is reason to believe the update does not conform to the board's training and supervision requirements.
- (3) The licensure candidate and supervisors are responsible for ensuring that the licensure candidate and supervisors comply with the requirements of ARM 24.219.504 and the statutes, rules, and standards pertaining to the practice of social work at all times.
- (4) The licensure candidate must maintain the record of supervision, which must be maintained according to the requirements of ARM 24.219.504 and may be requested by the board at any time.

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-22-313, MCA

NEW RULE VI SOCIAL WORKER LICENSURE CANDIDATE ANNUAL REGISTRATION REQUIREMENTS (1) Individuals shall register annually as a social worker licensure candidate on or before December 31. An individual may register as a social worker licensure candidate for up to five years from the date the candidate's original candidate license was issued.

(2) Candidates licensed after October 1 in any calendar year will not be required to register again until December 31 of the following calendar year.

(3) After the fifth registration, a social worker licensure candidate must request permission for an additional registration, which the board may grant on a case-by-case basis.

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-22-313, MCA

NEW RULE VII PROFESSIONAL COUNSELOR LICENSURE CANDIDATE APPLICATION PROCEDURES (1) A person seeking licensure as a professional counselor licensure candidate must apply on the board's official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.

(2) A completed professional counselor licensure candidate application must include:

- (a) the application fee;

(b) official transcripts provided directly from the institution documenting the applicant's completion of a planned graduate program accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP) or a program approved by the board as required by 37-23-202, MCA;

(c) documentation of all supervised counseling experience completed prior to completion of the academic degree. Experience must be completed and documented pursuant to the requirements of ARM 24.219.604; and

(d) the licensure candidate's proposed training and supervision plan.

(3) A training and supervision plan is subject to board approval, must be in a form approved by the board, and must include:

(a) identification of the candidate and qualified supervisors;

(b) the supervisors' license types, license numbers, and amount of post-licensure experience or training in clinical supervision;

(c) verification that any and all licenses held by the supervisors in all jurisdictions are unrestricted with no pending discipline;

(d) a proposed record of supervision in a form approved by the board that will address and document the licensure candidate's experience for the purpose of meeting the requirements of 37-23-202(1)(b), MCA, and satisfy the requirements of ARM 24.219.604; and

(e) a signed supervision agreement between the candidate and supervisors addressing the duties of the candidate and supervisors, the obligations of the candidate and supervisor under ARM 24.219.604, confidentiality, frequency and method of supervision, and duration and termination of the supervision agreement.

(4) All applicants must submit the fingerprint and background check required by the board.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-23-213, MCA

NEW RULE VIII PROFESSIONAL COUNSELOR LICENSURE CANDIDATE REQUIREMENTS (1) A professional counselor licensure candidate must provide an update to the board within 10 business days:

(a) if there is a substantial change in the candidate's training and supervision plan; and

(b) prior to commencing supervised work experience under a new supervisor.

(2) An updated training and supervision plan or change in supervisor does not require additional board approval unless there is reason to believe the update does not conform to the board's training and supervision requirements.

(3) The licensure candidate and supervisors are responsible for ensuring that the licensure candidate and supervisors comply with the requirements of ARM 24.219.604 and the statutes, rules, and standards pertaining to the practice of professional counseling at all times.

(4) The licensure candidate must maintain the record of supervision, which must be maintained according to the requirements of ARM 24.219.604 and may be requested by the board at any time.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-23-213, MCA

NEW RULE IX PROFESSIONAL COUNSELOR LICENSURE CANDIDATE ANNUAL REGISTRATION REQUIREMENTS (1) Individuals shall register annually as a professional counselor licensure candidate on or before December 31. An individual may register as a professional counselor licensure candidate for up to five years from the date the candidate's original candidate license was issued.

(2) Candidates licensed after October 1 in any calendar year will not be required to register again until December 31 of the following calendar year.

(3) After the fifth registration, a professional counselor licensure candidate must request permission for an additional registration, which the board may grant on a case-by-case basis.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-23-213, MCA

NEW RULE X MARRIAGE AND FAMILY THERAPIST LICENSURE CANDIDATE APPLICATION PROCEDURES (1) A person seeking licensure as a marriage and family therapist licensure candidate must apply on the board's official forms which may be obtained through the department. All requirements with documentation must be met at the time of application. Incomplete applications will not be considered by the board.

(2) A completed marriage and family therapist licensure candidate application must include:

(a) the application fee;

(b) official transcripts provided directly from the institution documenting the applicant's completion of a master's degree or doctoral degree in:

(i) marriage and family therapy from a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE);

(ii) marriage and family counseling from a program accredited by the Council for the Accreditation of Counseling and Related Educational Programs (CACREP);
or

(iii) a closely related field, for example, marriage and family counseling with an educational program consisting of a minimum of 48 semester hours (or 72 quarter hours) that includes at least 36 hours of courses comprised of human development, family development/family dynamics, marriage and family systems/systems theory, marriage and family therapy, ethics in marriage and family therapy, and research in marriage and family therapy;

(c) documentation of all supervised marriage and family therapy experience completed prior to completion of the academic degree. Experience must be completed and documented pursuant to the requirements of ARM 24.219.704; and

(d) the licensure candidate's proposed training and supervision plan.

(3) A training and supervision plan is subject to board approval, must be in a form approved by the board, and must include:

(a) identification of the candidate and qualified supervisors;

(b) the supervisors' license types, license numbers, and amount of post-licensure experience or training in clinical supervision;

(c) verification that any and all licenses held by the supervisors in all jurisdictions are unrestricted with no pending discipline;

(d) a proposed record of supervision in a form approved by the board that will address and document the licensure candidate's experience for the purpose of meeting the requirements of 37-37-201(1)(c), MCA, and satisfy the requirements of ARM 24.219.704; and

(e) a signed supervision agreement between the candidate and supervisors addressing the duties of the candidate and supervisors, the obligations of the candidate and supervisor under ARM 24.219.704, confidentiality, frequency and method of supervision, and duration and termination of the supervision agreement.

(4) All applicants must submit the fingerprint and background check required by the board.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-37-205, MCA

NEW RULE XI MARRIAGE AND FAMILY THERAPIST LICENSURE

CANDIDATE REQUIREMENTS (1) A professional counselor licensure candidate must provide an update to the board within 10 business days:

(a) if there is a substantial change in the candidate's training and supervision plan; and

(b) prior to commencing supervised work experience under a new supervisor.

(2) An updated training and supervision plan or change in supervisor does not require additional board approval unless there is reason to believe the update does not conform to the board's training and supervision requirements.

(3) The licensure candidate and supervisors are responsible for ensuring that the licensure candidate and supervisors comply with the requirements of ARM 24.219.704 and the statutes, rules, and standards pertaining to the practice of marriage and family therapy at all times.

(4) The licensure candidate must maintain the record of supervision, which must be maintained according to the requirements of ARM 24.219.704 and may be requested by the board at any time.

AUTH: 37-1-131, 37-22-201, MCA

IMP: 37-1-131, 37-37-205, MCA

NEW RULE XII MARRIAGE AND FAMILY THERAPIST LICENSURE

CANDIDATE ANNUAL REGISTRATION REQUIREMENTS (1) Individuals shall register annually as a marriage and family therapist licensure candidate on or before December 31. An individual may register as a marriage and family therapist licensure candidate for up to five years from the date the candidate's original candidate license was issued.

(2) Candidates licensed after October 1 in any calendar year will not be required to register again until December 31 of the following calendar year.

(3) After the fifth registration, a marriage and family therapist licensure candidate must request permission for an additional registration, which the board may grant on a case-by-case basis.

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-37-205, MCA

6. The rules proposed to be repealed are as follows:

24.219.515 RENEWALS at ARM page 24-25544

AUTH: 37-1-141, 37-22-201, MCA
IMP: 37-1-141, MCA

REASON: The board is repealing this rule, ARM 24.219.615, and 24.219.715, as they are unnecessary. The department administers a standardized renewal process for all professional and occupational licensure boards, and these rules merely reference the department rules on renewals.

24.219.615 RENEWALS at ARM page 24-25575

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

24.219.715 RENEWALS at ARM page 24-25584

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-131, 37-1-141, MCA

24.219.801 CODE OF ETHICS - LICENSED CLINICAL SOCIAL WORKERS
at ARM page 24-25591

AUTH: 37-22-201, 37-23-103, MCA
IMP: 37-22-101, 37-22-201, 37-23-101, 37-23-103, MCA

REASON: See REASON for ARM 24.219.807.

24.219.804 CODE OF ETHICS - LICENSED PROFESSIONAL COUNSELORS at ARM page 24-25597

AUTH: 37-22-201, 37-23-103, MCA
IMP: 37-22-101, 37-22-201, 37-23-101, 37-23-103, MCA

REASON: See REASON for ARM 24.219.807.

24.219.2401 COMPLAINT PROCEDURE at ARM page 24-25707

AUTH: 37-1-131, 37-22-201, MCA
IMP: 37-1-308, 37-1-309, MCA

REASON: The board is repealing this unnecessary rule, because the complaint procedure is adequately addressed in statute and should not be unnecessarily repeated in rule per the Montana Administrative Procedure Act.

7. 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 Behavioral Health, 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., December 11, 2015.

8. An electronic copy of this notice of public hearing is available at www.swpc.mt.gov (department and board's web site). 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.

9. 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 that 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 Behavioral Health, 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; or made by completing a request form at any rules hearing held by the agency.

10. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on April 28, 2015, by regular USPS mail.

11. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of 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, will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULES I through XII will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.219.515, 24.219.615, 24.219.715, 24.219.801, 24.219.804, and 24.219.2401 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Behavioral Health, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; facsimile (406) 841-2305; or dlibsdswwpc@mt.gov (board's e-mail).

12. Cyndi Reichenbach, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF BEHAVIORAL HEALTH
DR. PETER DEGEL, LCPC

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

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 2, 2015