

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

In the matter of the amendment of)
ARM 24.154.301 definitions,)
24.154.401 fee schedule, 24.154.403)
military training or experience,)
24.154.405 education requirement,)
24.154.407 application procedures,)
24.154.408 licensure by)
endorsement, 24.154.409 supervised)
work experience, 24.154.420)
nonresident licensed addiction)
counselor services, 24.154.422)
inactive status and conversion from)
inactive to active status, 24.154.2105)
continuing education requirements,)
24.154.2107 continuing education)
procedures and documentation, and)
24.154.2301 unprofessional conduct,)
the adoption of NEW RULES I)
supervisor qualifications, II qualified)
treatment setting, III addiction)
counselor licensure candidate)
application procedures, IV addiction)
counselor licensure candidate)
requirements, V addiction counselor)
licensure candidate annual)
registration requirements, and VI)
gambling disorder education)
requirement for current licensed)
addiction counselor licensees, and)
the repeal of 24.154.201 procedural)
rules, 24.154.202 public participation)
rules, 24.154.2101 renewals, and)
24.154.2401 complaint procedure)

NOTICE OF AMENDMENT,
ADOPTION, AND REPEAL

TO: All Concerned Persons

1. On April 22, 2016, the Board of Behavioral Health (board) published MAR Notice No. 24-219-30 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 646 of the 2016 Montana Administrative Register, Issue No. 8.

2. On May 13, 2016, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Several comments were received by the May 20, 2016, deadline.

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

COMMENT 1: Numerous commenters questioned whether the board properly considered the financial impact of the rule changes on small businesses as required by the Montana Administrative Procedure Act.

RESPONSE 1: The board, after discussion, determined there were no significant and direct impacts on small businesses by the amendment, adoption, and repeal of these rules in compliance with the Montana Administrative Procedure Act at 2-4-111, MCA. If the board determines no significant and direct impact will occur, no further analysis is required.

COMMENT 2: Numerous commenters suggested the board is overregulating addiction counseling when compared to education requirements for applicants for other licenses regulated by the board.

RESPONSE 2: The board appreciates all comments received during the rulemaking process, but disagrees with the commenters' analysis.

COMMENT 3: Several commenters suggested requiring the board to issue a licensure candidate license within 10 days of receipt of a complete application.

RESPONSE 3: This suggestion is outside the scope of this rulemaking, since all applications are processed in a standardized manner by the licensing bureau.

COMMENT 4: One commenter congratulated the board for working with addiction counselor licensure candidates to establish a sense of professional identity.

RESPONSE 4: The board appreciates all comments made during the rulemaking process.

COMMENT 5: Numerous commenters suggested that 37-35-202(2), MCA, be amended to include other degrees.

RESPONSE 5: This suggestion requires legislative action and is thus outside the scope of the board's rulemaking authority.

ARM 24.154.301 DEFINITIONS

COMMENT 6: Numerous commenters objected to the proposed requirement for gambling treatment training.

RESPONSE 6: House Bill 61 (2013) added gambling dependence impulse control disorder counseling to the knowledge and skills necessary for licensure as an addiction counselor. The board concluded that removal of gambling dependence impulse control disorder from the knowledge and skills necessary for licensure requires legislative action, and is thus beyond the scope of the board's rulemaking authority.

Proposed ARM 24.154.405 EDUCATION REQUIREMENT

COMMENT 7: Several commenters opposed the proposed education requirements as being inconsistent with the educational requirements for candidate licensure in statute.

RESPONSE 7: The board has the authority and charge to establish minimum competency requirements under 37-35-103 and 37-35-202, MCA, and has done so. The current education standards reflect national standards for addiction counselors. The board will continue to evaluate the education requirements for licensed addiction counselors.

COMMENT 8: Numerous commenters suggested reducing the addiction-specific education requirement.

RESPONSE 8: See RESPONSE 7. Additionally, the board recognizes concerns about the education requirements, but is proceeding with the rule changes exactly as proposed. The board will continue to evaluate the education requirements for licensed addiction counselors and will place the item on an agenda at a later date.

COMMENT 9: Several commenters suggested acceptance of a college level or master's level ethics course, rather than requiring an addiction-specific ethics course.

RESPONSE 9: The board acknowledges the suggestion, and will consider placing this item on a future agenda.

COMMENT 10: Numerous commenters suggested the proposed education requirements are cost prohibitive.

RESPONSE 10: See RESPONSE 8.

COMMENT 11: Many commenters opposed the proposed educational requirements as creating an unnecessary barrier to entry into the addiction counseling profession.

RESPONSE 11: See RESPONSE 8.

ARM 24.154.407 LICENSED ADDICTION COUNSELOR APPLICATION PROCEDURES

COMMENT 12: Numerous commenters suggested allowing addiction counselor licensure candidates to obtain the addiction-specific education after the issuance of the licensure candidate license and concurrent with the required supervised work experience.

RESPONSE 12: Section 37-35-202, MCA, requires a licensure candidate to have completed the education requirements prior to issuance of a licensure candidate license. This suggestion requires a statutory change, and thus is outside the scope of the board's rulemaking authority.

4. The board has amended ARM 24.154.301, 24.154.401, 24.154.403, 24.154.405, 24.154.407, 24.154.408, 24.154.409, 24.154.420, 24.154.422, 24.154.2105, 24.154.2107, and 24.154.2301 exactly as proposed.

5. The board has adopted NEW RULES I (ARM 24.154.412), II (24.154.413), III (24.154.501), IV (24 154.504), V (24.154.507), and VI (24.154.406) exactly as proposed.

6. The board has repealed ARM 24.154.201, 24.154.202, 24.154.2101, and 24.154.2401 exactly as proposed.

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 August 8, 2016