

BEFORE THE BOARD OF PSYCHOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.189.301 definitions, ) PROPOSED AMENDMENT  
24.189.607 supervisory experience, )  
and 24.189.2104 and 24.189.2107 )  
pertaining to continuing education )

TO: All Concerned Persons

1. On March 4, 2010, at 9:30 a.m., a public hearing will be held in room 430, 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 Psychologists (board) no later than 5:00 p.m., on February 26, 2010, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibspsy@mt.gov.

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

24.189.301 DEFINITIONS ~~As used in this chapter, the following definitions apply:~~

(1) remains the same.

(2) "One year's academic residency" means ~~18 semester hours or 27 quarter hours earned on a full-time or part-time basis~~ continuous, full time, active engagement by the student in the elements of the training program while the student is physically present during one academic year at the educational institution granting the doctoral degree.

(a) Critical components of the residency must include:

(i) adequate opportunity for the resident to:

(A) concentrate on required coursework;

(B) obtain professional training and scholarship;

(C) work closely with professors, supervisors, and other students; and

(D) acquire the habits, skills, knowledge, and insights necessary for attaining a doctoral degree in psychology; and

(ii) adequate time for faculty, training staff, supervisors, and administrators to adequately assess all elements of the student's competence including, at a minimum:

(A) emotional stability and well-being;

(B) interpersonal competence;

(C) professional development; and

(D) personal fitness to practice psychology.

(b) The year of residency that uses face-to-face contact for shorter durations throughout the year or that uses video conferencing or other electronic means is not acceptable.

(c) The year of acceptable academic residency experience shall consist of two semesters or three quarters with continuous experience on campus, in no less than three month increments, and be accrued in no more than 18 months.

(d) Full-time experience shall consist of at least 30 hours on campus per week, but no more than 45 hours per week each contiguous week of the semester or quarter. The board will consider situations that are not full-time on a case-by-case basis.

~~(a) (e) The residency must be accumulated in not less than nine months and not more than 18 months and must include student-to-faculty contact involving face-to-face (personal) group courses. Active engagement in the elements of the training program shall be fully documented by a log of residency activities on a form prescribed by the board and signed by the student's academic advisor. Such educational meetings~~ residency activities must:

(i) include both faculty-to-student and student-to-student face-to-face (personal) interaction;

(ii) through (iv) remain the same.

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

(g) Video conferencing will not be allowed to satisfy the requirements of the academic residency.

(c) remains the same but is renumbered (h).

(3) remains the same.

AUTH: 37-1-131, 37-17-202, MCA

IMP: 37-1-131, 37-17-101, 37-17-302, MCA

REASON: The board is amending this rule to clarify the definition of one year's academic residency as part of an applicant's minimum standards in ARM 24.189.604. The board is required under 37-17-302, MCA, to set minimum educational standards for psychology applicants with doctoral degrees from graduate programs that are not approved by the American Psychological Association. The board determined it is reasonably necessary to amend the current definition to more thoroughly and completely delineate the specific components of the residency requirement. This amendment will benefit the board and applicants throughout the application review process. Implementation cites are being amended to accurately reflect all statutes implemented through the rule.

24.189.607 REQUIRED SUPERVISED EXPERIENCE (1) through (4)(a) remain the same.

(b) be obtained over a period of no more than five calendar years. The board may review and approve written requests for additional time in which to complete the

postdoctoral supervision in situations where personal or professional matters may necessitate an extension;

(c) through (13) remain the same.

AUTH: 37-1-131, 37-17-202, MCA

IMP: 37-17-302, MCA

REASON: The board is amending this rule to address applicants' postdoctoral supervision when it occurs beyond the five-year time limit. A few applicants have requested the board grant additional time for the completion of their postdoctoral supervision. The board concluded that there may be situations where an extension is warranted and is amending this rule to allow additional time following board review.

24.189.2104 CONTINUING EDUCATION PROGRAM OPTIONS

(1) Acceptable continuing education may be chosen from (a), (b), ~~or~~ (c), or (d) below. No more than 20 of the total continuing education units required can be met by (b) and up to 15 continuing education units can be met by (c).

(a)(i) through (c) remain the same.

(d) Psychologist board members may receive continuing education credit of up to eight hours per calendar year for their attendance of board meetings.

AUTH: ~~37-1-306~~, 37-1-319, 37-17-202, MCA

IMP: 37-1-306, 37-17-202, MCA

REASON: The board is amending this rule to allow psychologist board members to receive some continuing education (CE) credit for attendance at board meetings. Noting the amount of necessary research and the steep learning curve required to become current on many board issues for these meetings, the board concluded it is reasonably necessary to allow limited CE credits for participation in these meetings. The board is striking an erroneous authority cite to accurately reflect the statutory sources of the board's rulemaking authority.

24.189.2107 CONTINUING EDUCATION IMPLEMENTATION (1) through (2)(e) remain the same,

(f) The board will randomly audit ~~50~~ 25 percent of the licensees attesting to continuing education in addition to all licensees requiring a plan. Certificates of completion or programs for continuing education credits reported must be submitted upon request of the board. Any continuing education noncompliance determined by the audit may be handled by the board as a disciplinary matter.

AUTH: 37-1-319, 37-17-202, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 37-17-202, MCA

REASON: In 2005, the board initially set random continuing education (CE) audits at 50 percent of all renewed licensees. The board has determined that decreasing the audit percentage to 25 percent will provide an adequate measure of overall

licensee compliance with CE requirements, while alleviating the workload of the board.

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 Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibspsy@mt.gov](mailto:dlibspsy@mt.gov), and must be received no later than 5:00 p.m., March 12, 2010.

5. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at [www.psy.mt.gov](http://www.psy.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 Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibspsy@mt.gov](mailto:dlibspsy@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, do not apply.

8. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PSYCHOLOGISTS  
GEORGE WATSON, PhD., CHAIRPERSON

/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 February 1, 2010