

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

In the matter of the amendment of)
ARM 24.189.401 fee schedule,)
24.189.601 application procedures,)
24.189.604 minimum standards,)
24.189.610 work samples-)
examination, and 24.189.633)
temporary permit, and the repeal of)
ARM 24.189.404 license preparation,)
24.189.407 renewals, and)
24.189.2401 complaint procedure)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT AND
REPEAL

TO: All Concerned Persons

1. On August 29, 2016, at 10:00 a.m., a public hearing will be held in the large conference room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment 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 Psychologists (board) no later than 5:00 p.m., on August 22, 2016, to advise us of the nature of the accommodation that you need. Please contact L'Joy Griebenow, Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2258; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2005; e-mail dlibspsy@mt.gov (board's e-mail).

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

24.189.401 FEE SCHEDULE (1) The department will collect the following fees, none of which are refundable:

(a) through (c) remain the same.

~~(d) Certificate fee~~ _____ 25

(e) and (f) remain the same but are renumbered (d) and (e).

(2) remains the same.

AUTH: 37-1-134, 37-17-202, MCA

IMP: 37-1-134, 37-1-141, 37-17-302, MCA

REASON: The board is amending this rule to align with current, standardized department processes, as the department no longer provides wall certificates. The

board estimates that this fee elimination will affect ten new licensees and will reduce annual board revenue by approximately \$250.

24.189.601 APPLICATION PROCEDURES (1) through (2)(e) remain the same.

(f) completed reference forms from a minimum of ~~five~~ three references attesting to the applicant's good moral character; and

(g) remains the same.

(3) Reference forms must be from people familiar with the quality of the applicant's education and work experience. ~~At least three of the~~ The references must be licensed psychologists ~~and may be members of the American Psychological Association.~~

(4) through (6) remain the same.

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

IMP: 37-17-302, MCA

REASON: The board is amending this rule to reduce the number of required references from five to three. The board concluded that requiring three references will simplify the process for applicants while ensuring the public's protection through the licensure of qualified individuals. The board is removing the unnecessary language regarding members of the American Psychological Association as anyone familiar with an applicant can be a reference.

24.189.604 MINIMUM STANDARDS (1) A doctoral degree qualifies under 37-17-302(3)(c), MCA, if it is obtained from a school psychology program that is approved by the American Psychological Association.

(2) A doctoral degree qualifies under 37-17-302(3)(c), MCA, if it is obtained from a counseling psychology program that is approved by the American Psychological Association.

(1) and (2) remain the same, but are renumbered (3) and (4).

AUTH: 37-1-131, 37-17-202, 37-17-302, MCA

IMP: 37-17-302, MCA

REASON: The board recently reviewed psychologist licensure applications from applicants with doctoral degrees from American Psychological Association (APA) approved doctoral programs in school psychology and counseling psychology. The board determined these programs meet the board's minimum standards as set forth in this rule. Additionally, the board's designated application reviewer, the Association of State and Provincial Psychology Boards (ASPPB), also reviewed these programs and came to the same conclusion with respect to the minimum standards. The board further concluded this will be the predictably consistent result whenever the board reviews curricula from APA approved programs. Therefore, the board is amending this rule to no longer subject APA approved doctoral level programs in counseling psychology and school psychology to a curriculum review by either the ASPPB or the board. This change will save time and money for both the

board and the applicants, and will increase the collective expertise of licensed psychologists who are providing psychological services to Montanans.

24.189.610 WORK SAMPLES - EXAMINATION (1) ~~Once the licensing application is approved by the board, the applicant must submit three work samples for board approval.~~ In addition to an approved license application, each applicant for licensure shall submit three work samples, at least two of which must be complete psychological evaluations, all from work performed with respect to three different individuals within two years of the application date. Collectively, these are referred to as work samples in these rules.

~~(a) Work samples must be written examples of recent work (within two years of the application date), at least two of which must be psychological evaluations. Each of the two psychological evaluations must include a demonstration of competence in:~~

~~(i) the integration and interpretation of:~~

~~(A) remains the same.~~

~~(B) intelligence testing utilizing comprehensive current norms; and~~

~~(C) remains the same.~~

~~(ii) the formulation of appropriate diagnoses using the five axes specified in current version of the Diagnostic and Statistical Manual of Mental Disorders (DSM); and~~

~~(iii) remains the same.~~

~~(b) Work samples do not include newspaper or other similar articles or publications. Tests utilized must be those widely recognized and respected in the practice of psychology. All identifying information must be removed, as specified on the application form, from work samples submitted to the board. Questions regarding the work samples ~~may~~ will be included in the oral examination and candidates may be requested to present the raw data upon which their work samples were based.~~

~~(2) through (6) remain the same.~~

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

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

REASON: The board concluded it is reasonably necessary to amend this rule to simplify and clarify the application process and address questions from applicants and licensing staff. The board concluded that the amendments will clarify the board's expectations regarding work samples, and provide more uniform application submissions. Although the board is not changing requirements or timing in the current application process, it is necessary to clearly set forth the requirements for submission of work samples and psychological evaluations.

The board is amending (1)(a)(i)(B) to clarify for applicants the board's expectation that the demonstrated competency in intelligence testing is always based upon the current norms at the time of submission. As well, the board is amending (1)(a)(ii) to clarify for applicants that diagnoses used in the submitted psychological evaluations must conform to the current version of the DSM, i.e., those used at the time of application.

24.189.633 TEMPORARY PERMIT (1) through (10) remain the same.

~~(11) A person who has held a temporary permit in the past may be granted another temporary permit only upon a justifiable excuse and when good cause appears, and then only if it is shown that the refusal of a temporary permit would preclude the person from licensure, because, without it, the person would be unable to obtain the necessary work samples for the oral examination. A temporary practice permit holder must use reasonable diligence to obtain the necessary work samples for purposes of gaining licensure. Regardless of whether work samples are submitted to or approved by the board, a temporary practice permit shall terminate no later than two years following issuance.~~

AUTH: 37-1-131, 37-1-319, 37-17-202, MCA

IMP: 37-1-131, 37-1-305, MCA

REASON: The board is amending (11) to place a cap on the duration of a temporary license. Following input by licensing and legal staff regarding potential abuse of the temporary permit process, the board determined this change will provide clarification to applicants and enable the board to address abuses through the disciplinary process.

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

24.189.404 PREPARATION OF LICENSES

AUTH: 37-17-202, MCA

IMP: 37-17-305, MCA

REASON: The board is repealing this rule as unnecessary since the department issues all licenses using a standardized process for all professional and occupational boards.

24.189.407 RENEWALS

AUTH: 37-1-131, 37-1-141, 37-17-202, MCA

IMP: 37-1-141, MCA

REASON: The board is repealing this unnecessary rule because the department administers a standardized renewal process for all professional and occupational licensure boards, and this rule merely references the department rules on renewals.

24.189.2401 COMPLAINT PROCEDURE

AUTH: 37-17-202, 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.

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 Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2005, or by e-mail to dlibspsy@mt.gov, and must be received no later than 5:00 p.m., September 2, 2016.

6. An electronic copy of this notice of public hearing is available at www.psy.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.

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 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 Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2005; e-mailed to dlibspsy@mt.gov; or 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. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.189.401, 24.189.601, 24.189.604, 24.189.610, and 24.189.633 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 24.189.404, 24.189.407, and 24.189.2401 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513,

Helena, Montana 59620-0513; telephone (406) 841-2258; facsimile (406) 841-2005; or e-mail dlibspsy@mt.gov.

10. L'Joy Griebenow, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF PSYCHOLOGISTS
JAMES MURPHEY, PH.D, CHAIRPERSON

/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 July 25, 2016