

MINUTES

MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT

Call to Order: By CHAIRMAN STEVE BENEDICT, on March 5, 1993, at  
9:00 A.M.

ROLL CALL

Members Present:

Rep. Steve Benedict, Chairman (R)  
Rep. Sonny Hanson, Vice Chairman (R)  
Rep. Bob Bachini (D)  
Rep. Joe Barnett (R)  
Rep. Ray Brandewie (R)  
Rep. Vicki Cocchiarella (D)  
Rep. Fritz Daily (D)  
Rep. Tim Dowell (D)  
Rep. Alvin Ellis (R)  
Rep. Stella Jean Hansen (D)  
Rep. Jack Herron (R)  
Rep. Dick Knox (R)  
Rep. Don Larson (D)  
Rep. Norm Mills (R)  
Rep. Bob Pavlovich (D)  
Rep. Bruce Simon (R)  
Rep. Carley Tuss (X) D  
Rep. Doug Wagner (R)

Members Excused: None

Members Absent: None

Staff Present: Susan Fox, Legislative Council  
Claudia Johnson, Committee Secretary

Please Note: These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: SB 241, SB 263 and SB 372  
Executive Action: SB 241, SB 372 and SB 390

HEARING ON SB 372

Opening Statement by Sponsor:

SEN. CHARLES SWYSGOOD, Senate District 37, Dillon, said SB 372  
addresses an area of concern which deals with social workers and  
professional counselors and their ability to be licensed in the

state, and the board's interpretation and rule for licensure. He said this bill does not reduce the requirements necessary for licensure as a professional counselor. He said there was concern in the Senate that SB 372 would reduce these requirements. The bill does allow the opportunity for the social workers and professional counselors that have partial requirements to be able to go to an accredited school to receive the remainder of the hours necessary for a licensure. He informed the committee this bill will provide by rule for licensure of a person who possesses a minimum of 45 semester hours graduate degree which is primarily related to counseling, and from an institution accredited to offer a graduate program in counseling by specifying the additional graduate credit hours necessary to fulfill the requirements. He referred to subsection 1 (a), regarding counseling courses in an approved program within a period of 5 years, stating SB 372 will allow these counselors to go back to school and receive the remaining 15 hours required for their licensure. The planned graduate program of 90 quarter hours was deleted in the Senate and replaced with 60 semester hours. The current law states the counselors need 60 continuous semester hours to receive their professional licensure, but this bill will allow for these people to go back and take the additional 15 hours needed for a total of 60 semester hours without having to start all over again. SEN. SWYSGOOD said there is a need for these counselors, and it isn't right that they have to have 60 continuous semester hours to be licensed. He urged the committee to concur on SB 372.

#### Proponents' Testimony:

**Jack McDonald, Self**, said section b, on page 3, is designed to keep these people out of their profession. He asked the committee to strike section b in its entirety.

**Mary McCue, Montana Clinical Mental Health Counselors Association**, said this association is made up of 120 licensed professional counselors who are mainly in private clinical practices. She said many of the counselors in the association were concerned that SB 372 would dilute the licensing requirement, but decided it does not change the substantive requirement for licensure, and will extend the period of time a person can complete the requirements. She said the association would be against the amendment proposed by Mr. McDonald to strike section b. She said any repealing of the clinical requirement would be a substantial change in the licensure law, and the association would oppose it. She distributed a handout to inform the committee what a licensed professional counselor is, and what they do. EXHIBIT 1

#### Opponents' Testimony:

**Richard Horswill, MSU, Bozeman**, has been in the counseling education program for 20 years. He said there is a problem in discontinuing the 60 continuous semester hours, and would place

the citizens of Montana at risk. The citizens of the state have a right to expect these people to be licensed and who offer counseling services to be trained at the current level of expected proficiency as defined by the profession. He distributed written testimony. **EXHIBIT 2**

**Dr. Dale Brotherton, MSU, Bozeman,** said he has an LPC license. He read #3 of Mr. Horswill's handout. He said the American Counseling Association's Accreditation Agency will only accredit Mental Health Counseling and Marriage, and Family Counseling programs to require a minimum of 60 semester hours. The national movement is to license only those persons graduating from a 60-hour program. **EXHIBIT 2**

**Dr. Michael Waldo, MSU, Bozeman,** said he is against the bill as it is written, but does feel the door needs to be opened for qualified people to move into the licensure field. He said they do not want licensed people that have been trained in a specific area of counseling or a low level of training, and then have them be responsible as an independent practitioner. He said both needs could be taken care of with a modified version of the bill. He also read part Mr. Horswill's handout. **EXHIBIT 2**

**Dr. Leta Livoti, LPC and LSW, and member of the Board of Social Work Examiners and Professional Counselors.** Dr. Livoti is the chairperson of Carroll College's Social Work Department, and a professor at the college. She said the academic training of less than 60 semester hours with only 1,000 supervisory hours is not adequate training to entrust counselors to deal with many of the serious and life threatening problems often encountered, such as suicide, sexual abuse, child custody cases, and commitments to mental hospitals. She distributed written testimony. **EXHIBIT 3**

**Erv Booth, SW, LPC, and on the Licensure Board,** addressed two major proposed changes in the current licensure law for professional counselors: 1) that counselors who currently hold a master's degree in counseling, and have less than 60 semester credits be allowed to earn the additional credits needed by going back to school; and 2) to have the licensing board substitute experience for the necessary academic training. **EXHIBIT 4**

**Eric Shores, MSU, Bozeman,** said he is a graduate student. He said the 60 hour requirement is a minimum and barely adequate requirement.

**Kevin Wise, MSU, Bozeman,** said he is also a graduate student and opposes SB 372.

**Elizabeth Mues, MSU, Bozeman,** is a graduate student at MSU and said she is opposed to SB 372.

**Heidi Sprizer, MSU, Bozeman,** stated her opposition to SB 372.

**Joyce O'Neill, MSU, Bozeman,** said she opposes SB 372.

Questions From Committee Members and Responses:

**REP. BACHINI** asked **Mary McCue** why the comment was made that when the national standards come through, the counselors in Montana will not be able to receive a license in the state, what does the national standard have to do with what is done in Montana? **Ms. McCue** said it is true that the standards will be raised nationally. When that happens, the organization she represents will go before the board and plead to have portions of the licensure law changed to bring them up to the national standards. She said when that happens, the counselors can still be licensed in Montana. When the national standards take effect, a counselor in Montana will not be able to receive the national accreditation unless they are able to meet the requirements needed to comply with the standards because of third-party payers. She said the third-party payers will require the licensed counselors to have national accreditation.

**REP. BRANDEWIE** asked **Erv Booth** how long has his profession been able to receive third-party payments? **Mr. Booth** said third-party payments came into effect in 1987.

**REP. BRANDEWIE** asked **Dr. Horswill** about his comment that a person could go to a one year vocational guidance school and receive a degree, then attach 15 more credit hours of 400-level didactic course work. How can this be done when the requirement is for 60 semester hours? **Dr. Horswill** said it would be intensive, but would not include dealing with mental health issues. **Dr. Horswill** said a student could take two semester courses in the summer which would total 45 hours or more. **Dr. Horswill** said this pertains to the graduate degree program only, and cannot be accomplished as an undergraduate. The total number of years to receive a degree is 5 years. **Dr. Horswill** said third party payments came into effect in the 1987 session. **REP. BRANDEWIE** asked **Dr. Horswill** if this bill passes, would his students be able to receive accreditation under the program he teaches? **Dr. Horswill** said a credited institution would be able to offer a credited degree in counseling. He said this doesn't mean that the counseling program would be accredited by a separate accrediting agency. He listed all colleges in Montana that are accredited by CACREP, which is determined by other provisions of this law as an accredited body. **REP. BRANDEWIE** said if the bill is passed, it will not harm the students in these institutions with the accredited language in the bill? **Dr. Horswill** said that is correct. The students will still be able to receive their license.

**REP. ELLIS** asked **Mary McCue** about the difficulty in preparing for the test after the hours have been acquired. Would it be appropriate to have an intern or preceptor license for these people? **Ms. McCue** said she was not prepared for **Mr. McDonald's** proposal, and would prefer to go back to the association she represents and talk it over with them. **REP. ELLIS** asked **Ms. McCue** about the comment that this bill would threaten payments

from third party payers. Ms. McCue said as she understands it, SB 372 will allow for a counselor who already has the 45 semester hours to complete the additional 15 hours without having to go back to receive the 60 continuous semester hours at one time.

REP. STELLA JEAN HANSEN asked Mary C. Hamlin, Board of Social Worker Examiners, why the graduate students can't take the test to become licensed when they graduate from college instead of waiting until the 1000 hours of supervision is finished? Ms. Hamlin said the examination given by the board is the national counselors exam. It is used at this time by all licensing counseling boards in the nation, and is offered nationally for a national certificate. Any counselor that meets the national requirements which are similar to the licensure standards can apply to the national organization and take the national exam. She said the applicant for licensure must have completed the academic requirements, plus the 2000 hours of supervised experience.

REP. BRANDEWIE asked Dr. Horswill how many people are allowed in the graduate program at one time? Dr. Horswill said there is a total of 40 students. They accept 20 to 21 students every year for the two year program.

REP. COCCHIARELLA asked Dr. Horswill to clarify for the committee the number of faculty in the program? Dr. Horswill said there are seven people who teach the courses for the counseling program. Some of these professors have other responsibilities: undergraduate advising, undergraduate teaching, counseling in the counseling center at the university. He said there are three full time FTEs whose only job is teaching the counseling courses.

REP. MILLS asked Dr. Horswill where have all these people been in the last 8 years to not have qualified for their license, and why isn't there an accredited program? Dr. Horswill said the department has been building on the program for the last five years. They have been working the last two years to build the accreditation review program which should be in place by the end of this year.

Closing by Sponsor:

SEN. SWYSGOOD said the reason he carried this bill was for a constituent that has two master's degrees in counseling, but only had 50 credit hours. She was informed by the board she had to have 60 credit hours. She asked if there was some way she could get the other 10 hours she needed, and the board informed her she had to start all over because the 60 hours had to be continuous. SEN. SWYSGOOD called the board and asked if these people could take a course in a limited time frame to receive their license. The board said no, but informed him they used to do it, but not any more. He said the board interprets their own rules and regulations. He urged the committee to concur on SB 372.

HEARING ON SB 263Opening Statement by Sponsor:

**SEN. FRED VAN VALKENBURG**, Senate District 30, Missoula, said SB 263 was introduced to deal with a couple of problems relating to bad checks issued in Montana. He said this bill will provide a service charge upon the dishonor or stop payment of checks, drafts, or money orders for the payment of money. He said one of the problems the collection agencies have encountered when they collect bad checks for businesses, is the legal authority for the collection of the bad check fee charge is not clear. He said having the bad check notices posted in most areas of businesses gives most people the disincentive to write bad checks, so the people that write the good checks are able to keep the price of goods down. He said a lot of the collection agencies have asked him to set the fee for a bad check at \$25. This bill sets the fee to reach a maximum of \$25, and will set the dollar amount for damages to be recovered when it is necessary to sue if a business needs to collect on a bad check to be set at three times the value of the check, but not to exceed \$800. SB 263 will also provide when a notice is sent to someone and informs them they have a bad check it will be proof for court documentation.

Proponents' Testimony:

**Bill Stevens**, Food Distribution Association, informed the committee that **Charles Brooks**, of the Montana Retailers Association, wanted to be on record in support of SB 263. **Mr. Stevens** said on behalf of all the retailers in Montana they support SB 263.

**Bill Leary**, representing the Montana Bankers Association, said it is not only an expensive proposition for the retailer to process a bad check, but also for the banks. The banking industry is encouraged with the adoption of this bill to reduce the number of bad checks that are written in this state and hopefully improve the efficiency of bank operation for better service. He urged the committee to concur on SB 263. **Mr. Leary** said **Roger Tippy**, who represents Montana Beer and Wine Wholesalers, wanted to be on record in support of SB 273.

**Marsha Paulson**, Vice President of Montana Collectors Association, said this bill will give both the merchants and consumers set guidelines. It will give the merchants sound legal basis to charge that service charge and will place a cap on the fee to be paid by the consumers when they choose to write a bad check. She urged the committee to pass SB 263 without any amendments.

Opponents' Testimony:

None

Questions From Committee Members and Responses:

REP. COCCHIARELLA asked SEN. VAN VALKENBURG if a person writes a bad check for \$10, will they have to pay the \$25 to the place of business and \$25 to the bank? SEN. VAN VALKENBURG said the \$25 is only for the place of business. The banks are independent and have an contractual agreement between the person who has a checking account and the bank.

REP. PAVLOVICH asked SEN. VAN VALKENBURG to explain the procedure when a business has the county attorney help collect on a bad check, and why is there so much paper work involved? SEN. VAN VALKENBURG said he handles the bad check prosecutions in the County Attorney's office in Missoula. The reason for the complication of the paper work is for a criminal proceeding where the burden of proof is beyond a reasonable doubt. It is more difficult to collect on a bad check by going through the criminal proceedings then in a civil proceeding. He said many of the criminal cases do not go to trial because County Attorney's offices across the state do not have the resources for the collection of bad checks. He said most of the bad checks that end up in the County Attorney's office are usually big time bad check passers, people "in the business" of writing bad checks.

REP. BACHINI asked SEN. VAN VALKENBURG if the bad check notice for the five calendar days means from the day the business received the check? SEN. VAN VALKENBURG said it is five days from the time the person receives the letter from the bank to let them know they have a bad check.

REP. LARSON asked SEN. VAN VALKENBURG how will SB 263 help him in his business when he has to collect on a bad gambling check? SEN. VAN VALKENBURG said there is a prohibition in the gambling laws for the payment of checks for gambling purposes. He said the County Attorneys' offices are trying to accommodate tavern owners who have gambling machines and have at least one bad check a day. The County Attorney's office will prosecute, but when a bar or tavern takes three or four checks from the same person in one day, the County Attorney's office are not going to treat them as checks that were written for anything other than gambling purposes. He said SB 263 may help the tavern and bar owners, because the law will be clear enough to allow these businesses to collect the bad check fee of \$25.

REP. MILLS asked SEN. VAN VALKENBURG if a person can collect on a check for bad service? SEN. VAN VALKENBURG said it can be done. The bad check law changed 10 years ago when the Legislature broadened the application. By virtue of broadening the law, people can be prosecuted for services not rendered.

Closing by Sponsor:

SEN. VAN VALKENBURG said there is a serious problem with bad checks and the transfer of the bad debt cost to the people that

do not write bad checks for their services or merchandise. He said this bill is an appropriate way in dealing with the problems in Montana, and felt it would not hurt the "little" people. He urged the committee to concur on SB 263.

#### HEARING ON SB 241

##### Opening Statement by Sponsor:

SEN. BOB BROWN, Senate District 2, Whitefish, said SB 241 is at the request of the Department of Revenue. It will extend the taproom beer sale exemption to foreign brewers. He said that Canada and the United States along with many other foreign nations are signatory to the General Agreement on Tariff and Trade (GATT). He said the GATT nations get together periodically to discuss ways to facilitate trade between the countries. A Calgary micro-brewery in Canada discovered that Montana has a law pertaining to micro-brewers, e.g., they have to manufacture 60,000 barrels or less per year, which discriminate against breweries located in other countries. SEN. BROWN said the way the law is presently written, the micro-breweries in Canada cannot bring their beer into Montana for retail or keep in warehouses. He said Montana brought this before the GATT in Belgium, and was informed that the laws needed to be brought into compliance with the GATT regulations.

##### Proponents' Testimony:

Roger Tippy, Montana Beer and Wine Wholesalers Association, said during the last session, Rep. Scott of Billings, sponsored HB 698 which was a wholesalers' association bill which they needed for out-of-state micro-brewers to sell to consumers directly without going through a wholesaler, i.e., Kessler Brewery sells directly to consumers. It was felt that an interstate commerce problem was developing and changed it with HB 698. SB 241 will now change the language to say a brewery under the 60,000 barrels could receive a license from the department, have a storage depot, and sell direct. Mr. Tippy said the Senate made changes with the bill and an error left Canada out, but the GATT language is similar to the North American Free Trade Agreement language, and will add Canada and Mexico back in. Mr. Tippy said a micro-brewery has to license a building, and pay the Department of Revenue \$500 per year. Mr. Tippy urged a do concur recommendation. EXHIBIT 5

Gary Blewett, Department of Revenue, Liquor Division, said he read the GATT report and found that Montana was not in compliance with only one section. He urged the committee to support this legislation.

##### Opponents' Testimony:

None



Questions From Committee Members and Responses:

None

Closing by Sponsor:

SEN. BROWN closed.

EXECUTIVE ACTION ON SB 241

Motion: REP. BRANDEWIE MOVED SB 241 BE CONCURRED IN.

Discussion: None

Motion/Vote: REP. ELLIS called the question. Voice vote was taken. Motion carried unanimously.

Vote: SB 241 BE CONCURRED IN. Motion carried 18 - 0.

REP. LARSON made the motion to place SB 241 on the consent calendar. Voice vote was taken. Motion carried unanimously.

EXECUTIVE ACTION ON SB 390

Motion: REP. ELLIS MOVED SB 390 BE CONCURRED IN.

Discussion: CHAIRMAN BENEDICT informed the committee this bill will allow access of the facilities for on-premise liquor licenses from the same building. He said the amendments were written by the Department of Revenue. CHAIRMAN BENEDICT said the amendments will limit the retroactive application of the suitability requirement established in SB 390. Current licensees will not need to meet the new suitability requirements until the there are new structural alterations on the premises.

Motion/Vote: REP. STELLA JEAN HANSEN moved to adopt the amendments. REP. ELLIS called the question was called. Voice vote was taken. Motion carried 17 - 1. With REP. MILLS voting no. EXHIBIT 6

Motion/Vote: The question was called. Voice vote was taken. Motion carried unanimously.

Vote: SB 390 BE CONCURRED IN AS AMENDED. Motion carried 18 - 0.

EXECUTIVE ACTION ON SB 263

Motion: REP. BRANDEWIE MOVED SB 263 BE CONCURRED.

Discussion: REP. DAILY said on page 1, lines 18 and 19, if there was a way the committee could include, "if a check was written fraudulently", so when the little ole' lady wrote a check by mistake they wouldn't be fined the \$25.

REP. KNOX said this bill is totally unfair the way it is written, and agreed with REP. DAILY'S idea.

REP. ELLIS said the dollar amount is punitive. He offered an amendment to set the amount at a percent instead of a certain dollar amount. He said REP. DAILY'S suggestion would not work, because it would take a court case to decide if it was fraudulent.

REP. COCCHIARELLA offered an amendment. She spoke with SEN. VAN VALKENBURG who suggested the bill be amended in regard to the time of notice. On page 2, line 5, insert "5 calendar days of receiving notice".

Motion/Vote: REP. COCCHIARELLA MOVED TO ADOPT THE AMENDMENT. Voice vote was taken. Motion carried unanimously.

Discussion: REP. SIMON said a check is an agreement of honor i.e., "I agree to give this money". He said the bill needs to be killed.

Motion/Vote: REP. SIMON MADE A SUBSTITUTE MOTION THAT SB 263 BE TABLED. Voice vote was taken. Motion carried 15 - 3 with REPS. PAVLOVICH, MILLS AND BENEDICT voting no.

Vote: SB 263 BE TABLED. Motion carried 15 - 3.

#### EXECUTIVE ACTION ON SB 372

Motion: REP. BRANDEWIE MOVED SB 372 BE CONCURRED IN.

Discussion: REP. BRANDEWIE offered an amendment on page 3, line 15, following "examination", insert "at any time upon completion of their course of study", instead of waiting the 2000 hours of practice and losing all of the knowledge acquired during the course of the study.

REP. SIMON said this does not change the 2000 hours required before the people have received their license. The reciprocity would only apply to a person who is licensed in another state.

Susan Fox, Legislative Council, said in sub 1, 2, & 3, it states the board based on national examination and approved by the board, or the national board of certified counselors or national academy of certified clinical mental health counselors. If the tests require the 2000 hours to be accomplished before, then this amendment will have been taken care of. If the Legislature said

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these tests are the ones the board may use, and the board already requires it, then they are in the same situation.

REP. LARSON said he agrees with REP. BRANDEWIE'S amendment. It is irrelevant when these people take the test.

REP. SONNY HANSON said if the Legislature allows these people to take the exam upon graduation with only 1000 hours, and they go to another state that requires the 2000 hours before the exam, the exam may not be valid through reciprocity, and they will have to take the test over again.

REP. TUSS said the 2000 hours isn't punitive, but helps the people to prepare for the exam by placing the academic into clinical practice. By virtue, the experience will make more sense and there will be more successful people.

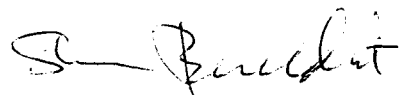
REP. BRANDEWIE withdrew his amendment.

Motion/Vote: REP. DAILY MOVED SB 372 BE CONCURRED IN. The question was called. Roll call vote was taken. Motion carried 14 - 4 with REPS. DOWELL, TUSS, STELLA JEAN HANSEN AND COCCHIARELLA voting no. EXHIBIT 7

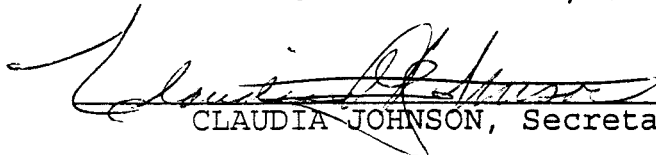
Vote: SB 372 BE CONCURRED IN. Motion carried 14 - 4.

ADJOURNMENT

Adjournment: 11:40 A.M.



STEVE BENEDICT, Chair



CLAUDIA JOHNSON, Secretary

SB/cj

HOUSE OF REPRESENTATIVES  
53RD LEGISLATURE - 1993  
BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

ROLL CALL

DATE 3-5-93

NAME	PRESENT	ABSENT	EXCUSED
REP. ALVIN ELLIS	✓		
REP. DICK KNOX	✓		
REP. NORM MILLS	✓		
REP. JOE BARNETT	✓		
REP. RAY BRANDEWIE	✓		
REP. JACK HERRON	✓		
REP. TIM DOWELL	✓		
REP. CARLEY TUSS	✓		
REP. STELLA JEAN HANSEN	✓		
REP. BOB PAVLOVICH	✓		
REP. VICKI COCCHIARELLA	✓		
REP. FRITZ DAILY	✓		
REP. BOB BACHINI	✓		
REP. DON LARSON	✓		
REP. BRUCE SIMON	✓		
REP. DOUG WAGNER	✓		
REP. SONNY HANSON, VICE CHAIRMAN	✓		
REP. STEVE BENEDICT, CHAIRMAN	✓		

HR:1993

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STANDING COMMITTEE REPORT

March 5, 1993  
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Committee on Business and Economic  
Senate Bill 241 (third reading copy -  
and be placed on consent calendar).

Signed: Steve Benedict  
Steve Benedict, Chair

Carried by: Rep. Ellis

REPORT

March 5, 1993  
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Business and Economic  
(third reading copy -

Steve Benedict  
Steve Benedict, Chair

Carried by: Rep. Ryan

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24, 1992, shall meet  
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HOUSE STANDING COMMITTEE REPORT

March 5, 1993

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Mr. Speaker: We, the committee on Business and Economic Development report that Senate Bill 372 (third reading copy - blue) be concurred in.

Signed: \_\_\_\_\_

  
Steve Benedict, Chair

Carried by: Rep. Brandewie

Committee Vote:  
Yes 1-1, No 1.

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**WHO ARE  
LICENSED  
PROFESSIONAL  
COUNSELORS  
LPC's?**

Licensed Professional Counselors (LPC's) are licensed in Montana by the State Board of Social Work Examiners and Professional Counselors. A Licensed Professional Counselor has had to meet the qualifications standardized by the American Mental Health Counselors Association.

LPC's have an approved graduate school degree, either Masters or Doctorate, postgraduate supervised clinical work experience, and clinical supervision and have accepted specific Ethical Standards.

LPC's deliver clinical mental health services in a variety of settings including: private practice, community health centers, substance abuse facilities, schools and universities, churches, employee assistance programs and hospitals.

**FOR MORE INFORMATION CALL  
MCMHCA EXECUTIVE SECRETARY  
(406) 538-2976**

**WHAT SERVICES DO  
LPC's PROVIDE?**

LPC's provide clinical counseling services which involve and apply principles of psychotherapy, human development, learning theory, group dynamics and causes of dysfunctional behavior and emotional problems for the purpose of improving quality of life by treating and promoting optimal mental health.



The PRACTICE of LPC's includes, but is not limited to, diagnosis and treatment of emotional and behavioral disorders, such as; anxiety-stress - depression - low self esteem - substance - grief/loss - relationship issues - gender issues - problems stemming from physical, emotional, and sexual abuse - job or career issues.

PSYCHOTHERAPY may be with individuals, children, adolescents, families, couples or groups.

CONSULTATION for workshops, conferences, or seminars is available.

**LOCATING  
A LICENSED  
PROFESSIONAL  
COUNSELOR..**

\*Contact the Executive Secretary for the Montana Clinical Mental Health Counselors Association at 538-2976 for a listing of MCMHCA member LPC's nearest you....for information.

\*Phone book advertising in the yellow pages under the headings of counseling, mental health services, or psychotherapy.

**EFFECTIVE  
PSYCHOTHERAPY  
COST  
CONTAINMENT**

\*LPC's deliver quality mental health services at competitive fees in your own community.

\*LPC's are eligible Providers for group health insurance pursuant to Section 33-22-111 of Montana Law.

\*LPC's are approved providers of the Montana Medicaid Program pursuant to Section 53-6-101 of Montana Law.

\*LPC's are trained to provide both short term and long term psychotherapy.

\*LPC's are recognized as providers by some Managed Care Groups, HMO'S and PPO's as well as many Employee Assistance Programs.

LABOR  
DATE 3-5-93  
SB 372

# MONTANA CLINICAL MENTAL

## HEALTH COUNSELORS

### ASSOCIATION.....

.....MCMHCA's Mission is to create and maintain clinical mental health counseling as a distinct and viable professional entity within the health care domain, assuring: 1. access to the special expertise of Licensed Professional Counselors, and 2. the right of LPC's to provide services in an open and free marketplace.

### HOW DOES MCMHCA FULFILL ITS MISSION?

MCMHCA provides lobbying efforts related to legislation which affects Licensed Professional Counselors or their clients.

MCMHCA provides access to continuing education through professional development programs and opportunities to participate in professional training.

MCMHCA provides a public forum to enable Licensed Professional Counselors to address the needs of their clients.

MCMHCA works to increase public awareness and utilization of Licensed Professional Counselors that go beyond the traditional services of other providers.

MCMHCA provides information for members through a newsletter published four times a year.

MCMHCA offers many opportunities for leadership at local, state, regional, and national levels.

# LICENSED PROFESSIONAL COUNSELORS

Sponsored by

MONTANA CLINICAL MENTAL HEALTH  
COUNSELORS ASSOCIATION



TO: House Business and Economic Development Committee  
Steve Benedict, Chair

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The following are brief comments on our concerns about SB 372:

1. There are a limited number of psychologists and social workers in Montana, particularly in rural areas. LPCs are essential independent providers of mental health service in Montana. They need to be very well trained.  
  
Citizens of the state have a right to expect that those persons licensed to offer counseling services are trained at the current level of expected proficiency as defined by the profession.
2. Persons licensed under SB 372's provisions would not meet the current proficiency levels of the profession and will be less qualified to offer counselor services than those licensed under the previous law. For example, they could have received a one-year degree in Vocational Guidance and patched together 15 more credits of 400-level didactic course work. This is inappropriate training for professionals responsible for independent mental health service provision, and is not allowed under the current law.
3. The American Counseling Association's Accreditation Agency will only accredit Mental Health Counseling and Marriage and Family Counseling programs requiring a minimum of 60 semester hours. The national movement is to license only those persons graduating from a 60-hour program.
4. With the reduction of the licensure requirements, third-party payers may not honor services provided by those licensed by this law. This could constitute an economic hardship for Montana citizens and reduce the availability of services they can access.
5. Since the first law was passed in 1985, counselors had until September 1992 to become licensed with a master's degree of less than 60 semester credit-hours and adding on the necessary credit-hours to meet the 60-semester-credit-hour requirement. This bill (SB 372) would be a step backward. Rather than weakening a good law, we suggest either amending the law to allow those licensed in other states to become licensed in Montana or offering more detail on the nature of the counseling training candidates for licensure must receive.

1  
2 **Those listed below oppose the passage of SB 372:**  
3

4 Dale Brotherton, Ph.D.  
5 Assistant Professor  
6 Montana State University  
7

8 Richard Horswill, Ed.D.  
9 Associate Professor  
10 Montana State University  
11

12 Michael Waldo, Ph.D.  
13 Associate Professor  
14 Montana State University  
15  
16  
17

18 **Additional readings:**  
19

20 Council for Accreditation of Counseling and Related Educational Programs (1988).  
21 Accreditation procedures manual and application. Alexandria, VA: Author.  
22

23 Covin, T. M., & Robinson, G. (1992). National training standards for mental health  
24 counselors who deliver clinical services. American Mental Health Counseling  
25 Association. Alexandria, VA: AMHCA.  
26

27 Bergman, G. T. (1990). Mental health services in rural America. State Health Reports:  
28 Mental Health, Alcoholism, and Drug Abuse, 58, 1-14.  
29  
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**Suggested More Detailed Revision:**

(2) (1) ~~To be licensed after December 31, 1987, an~~ An applicant for licensure must have satisfactorily completed:

(a) a planned graduate program of ~~90-quarter or 60-semester-~~ (90-quarter-) hours, ~~primarily in~~ counseling which includes components covering the following areas: Human Development/Disorders; Social/Cultural Influences; Helping Relationships; Groups; Appraisal; Career/Lifestyle Issues; Research; Professional Issues; and Counseling Practice. ~~in nature, nine-quarter~~ Counseling practice will include ~~six-semester~~ three-semester (five-quarter hours) hours of ~~which were earned in an~~ advanced counseling practicum, (including a minimum of 40 client contact hours and one hour of individual and one and one half hours group supervision weekly by counseling program faculty members who are licensed as counselors or allied mental health professionals), and an internship totaling 600 hours of counseling activities including 240 client contact hours supervised for one hour individually and one and one half in group by a licensed professional counselor or licensed member of an allied mental health profession. The planned graduate program ~~which~~ resulted in a graduate degree from an institution accredited to offer a graduate program in counseling:

(b) ~~2,000~~ 3,000 hours of counseling practice supervised by a licensed professional counselor or licensed member of an allied mental health profession, at least ~~half~~ 2,000 of which was post-degree. The applicant must have each supervisor endorse ~~his~~ the application for licensure, attesting to the number of hours supervised.

(c) and passed an examination prepared and administered by:

(i) the Board, based on a national examination approved by the

board;

(ii) the national board of certified counselors; or

(iii) the national academy of certified clinical mental health  
counselors; and

(d) an application form and process prescribed by the board.

(2) The board shall provide by rule for licensure:

(a) of a person who possesses a minimum of 45-semester-hour  
graduate degree in counseling that is primarily related to counseling and that is  
from an institution accredited to offer a graduate program in counseling, by  
specifying the candidate first complete a minimum of the additional graduate  
credit hours 15-semester (or 30-quarter) credit hours necessary to fulfill the  
requirements of subsection (1) (a) in counseling courses in an approved  
program within a period of five years; and

(b) of a person who possesses a licensure or certification as a  
professional counselor from an agency located in another state whose  
requirements are less than the requirements of this chapter, by:

(i) crediting documented past supervised clinical experience in  
psychotherapy and counseling; and

(ii) recommending additional education or experience necessary  
to fulfill the requirements of this chapter."

NEW SECTION. **Section 2. Saving clause.** [This act] does not affect rights and  
duties that matured, penalties that were incurred, or proceedings that were begun before [the  
effective date of this act].

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and  
approval.

--End--

Mr. Chairman, Members of the House Business and Economic Development Committee:

My name is Dr. Leta Livoti. I am both a License Professional Counselor and a Licensed Social Worker. I am a member of the Board of Social Work Examiners and Professional Counselors. My doctorate is in Curriculum Development and Instruction. I am Chairperson of Carroll College's Social Work Department, and professor at Carroll College. I am here today as a board member, an educator and a concerned therapist.

My Concerns are as follows:

1. Compared with other programs, the academic training of less than 60 semester hours with only 1,000 supervisory hours is not adequate training to entrust counselors to deal with many of the serious and life threatening problems often encountered; such as suicide, sexual abuse, child custody cases, and commitments to mental hospitals.

In the past, many of these people who applied for licensure did not take any proposed plan of study but instead took any courses that were available at any institution.

2. Until the present, none of the schools in Montana have an accredited program for counselors. This means they are not required to meet any national or regional standards. I believe Montana State University is now in the process of obtaining accreditation for their counseling program.
3. In the last year, of the <sup>8</sup>complaint cases that were filed against practitioners, seven (7) of them were filed against counselors. Many of these complaints could have been avoided if the counselor had had better training and had been better grounded in the area of ethics.

The Board is responsible for the protection of the public - the individuals who go to therapists. Because of the complexity of the issues involved, I feel very strongly that the standards of the profession need to be raised and the public needs to be protected.

Ever since 1990, when I was appointed to the Board of Social Work Examiners and Professional Counselors, I have been amazed that the Board has not been sued for allowing people under the old regulations who are not adequately trained to be licensed. If we do not have credible standards, if we revert back to the old regulations and if this bill is not killed, I fear that will happen.

Thank you for your attention,

Leta A. Livoti, Ph.D., LPC, LSW

EXHIBIT 4

DATE 3-5-93

SB 372

3-4-93

MR. Chairman and  
DEAR COMMITTEE MEMBERS

I am here to address the two major proposed changes in the current licensure law for professional counselors. The first change proposed is that those counselors who currently hold master degrees in counseling that are less than 60 semester credits be allowed to earn the additional credits needed by going back to school. The current law states that only those people with master degrees of 60 credits or more will be considered for licensure. The other option in this bill is to order the licensure board to substitute experience for the necessary academic training.

The Social Work Examiners and Professional Counselor Licensure Board strongly oppose this bill and feel that it is unnecessary and could pose a serious risk to the citizens of the state of Montana.

First, the board has been working very closely with the department heads of the university counseling departments for the past 2 years to address these specific types of problems and to bring all of the programs up to the national accreditation standards established by CACREP. One result of these meetings is the Ed.S. program at the U. of M. It is a 20-30 credit graduate specialization program for those people who currently have master degrees of less than 60 credits. This program addresses the first issue raised in this statement.

The second portion of the bill allows for the substitution of work experience for the missing academic training. CACREP has established 60 credits in 8 core areas including supervised advanced counseling practicums as the absolute minimum of education and training needed for minimum professional competence in the counseling field. This proposal is the one that concerns us the most. Which of the recommended 8 core areas or practicums would be dropped or decreased for the substitution of work experience. If you were to see a doctor or dentist, would you go to one who wasn't trained as completely as possible. The counseling profession is similar in that if it is poorly done, it could have life time impacts on individuals and families. All professionals, Montana colleges, and national accreditation agencies all agree on the 60 credit program for minimum competency in the counseling field and that it is not an arbitrary number just pulled from the clouds.

The biggest majority of those professionals who's degrees did not meet the state licensure requirements have already worked very hard to get their degrees upgraded. Since this licensure law was passed in 1985, these people have had 8 years to get their degrees updated. Now a miniscule number of state residents who have been doing nothing for 8 years suddenly want us to degrade the licensure requirements so

that they can qualify for third party payments. Where have they been for the past 8 years?

The proposed changes would affect only a very small number of current state counselors. If the substitution provision is approved it would affect out of state and out of country applicants more than those in state. As an example, during the summer of 1991, I was the one person responsible for handling all requests for transcript reviews prior to actual application for licensure. In 9 weeks, I worked over 700 hours. I lost my entire summer. After that, the board would no longer handle transcript reviews and would only review actual applications for licensure. Based upon the above hours and numbers, I estimate that it would take an additional full time LPC and 1 administrative assistant at a cost of approximately \$90,000, not including office and administrative expenses.

The problems experienced by the board in the past in trying to help applicants get the needed additional credits, which were usually the required advanced practicums, was that the colleges did not have sufficient supervisory staff to handle any more students than were currently enrolled in their graduate counseling programs. According to my information, at least the U. of M. and MSU would each need one additional counseling professor and supervisor to expand their current programs. This would cost in the neighborhood of \$70,000 to \$80,000 depending upon how deep the final cuts for funding of the systems.

At this point, the current board is barely able to handle the current flow of applications. There is no way that I can see how we would be able to comply with the items contained in this bill under our proposed budget for 93-94. We would need at least an additional \$170,000 to \$200,000.

The board is aware of and currently working on the issues that this bill attempts to resolve. Please allow us the opportunity to do the job that we were appointed to do before you start legislating criteria that will be difficult to impossible to implement.

Finally, I believe that all of this time and debate on this bill will become moot once the currently proposed national accreditation standards are implemented. These standards are higher than those currently in force here in Montana and even if this bill passes, those people who are licensed under these new proposed standards will not qualify for national accreditation or third party payments.

*Ervin L. Booth, M.Ed., L.P.C.*  
*Board Member - Social Work Examiners and Professional*  
*Counselor Licensure Board*  
*Director of Special of Education - Roundup Central School*



Post Office Box 124 • Helena, Montana 59624 • Telephone (406) 442-4451

EXHIBIT 5  
DATE 7-5-93  
SB 241

BEFORE THE COMMITTEE ON TAXATION  
MONTANA SENATE

Re: Senate Bill 241

Mr. Chairman and Committee members, I am Roger Tippy, attorney and lobbyist for the Montana Beer & Wine Wholesalers Association. Our members urge your support of SB 241 in order to bring Montana into "GATT compliance".

During the last session we brought, through former Rep. Scott, you House Bill 698 which had the effect of removing any preferential treatment for beer brewed in-state as against beer brewed in one of the other 49 states. Prior to that, a brewer of any size in Montana could sell direct to consumers or retailers, and a brewer of any size in another state had to ship its beer into the state via one of our wholesalers. HB 698 capped the in-state brewers' direct selling privileges to small or micro-brewers, who produced less than 60,000 barrels a year. It then extended the same privileges to small brewers in other states, provided they obtained DOR approval to set up a storage depot in Montana and then engaged in such direct selling out of that storage depot. At that point, in terms of the Commerce Clause, our laws were absolutely non-discriminatory.

Then along came GATT. The Canadian government, on behalf of the major brewers in Canada such as Molson's and Labatt's, charged that various beer laws of the federal government and of many states set up improper barriers to the ability of imported Canadian beers to compete in U. S. markets. The U.S. Trade Representative argued the American side. Lengthy briefs analyzed the beer laws of state after state. The only problem the Canadians raised with Montana's beer law was that the qualifying microbrewers had to be licensed as such, i.e., as brewers, by the U. S. government through Treasury's Bureau of Alcohol, Tobacco & Firearms. They said, and the GATT panel agreed, that a microbrewery in Lethbridge, Alberta could not have a storage depot in Montana and sell direct under HB 698.

Therefore, we ask you to remove the offending words, which is all this bill does. We would expect DOR to set up some sort of process--if a Canadian microbrewer ever did knock on their door--to verify that the microbrewer's annual production has not exceeded 60,000 barrels a year in past years. Please give this bill a Do Pass recommendation.



Amendments to Senate Bill No. 390  
Third Reading Copy

For the Committee on Business and Economic Development

Prepared by Susan B. Fox  
March 4, 1993

1. Title, line 9.

Following: "BUILDING"

Insert: "; AND PROVIDING FOR COMPLIANCE BY EXISTING PREMISES WHEN  
AN ALTERATION TO THE PREMISES IS MADE"

2. Page 1, line 13.

Following: "establishments."

Insert: "(1)"

3. Page 1.

Following: line 20

Insert: "(2) A licensee whose premises did not meet the requirements of this section on September 24, 1992, shall meet the requirements when an alteration to the premises has been completed and the department has approved the alteration. An alteration is any structural change in a premises. A cosmetic change, such as painting, carpeting or other interior decorating, is not considered an alteration under this section."

EXHIBIT

7

DATE

3-5-93

SB

372

## HOUSE OF REPRESENTATIVES

53RD LEGISLATURE - 1993

## BUSINESS AND ECONOMIC DEVELOPMENT COMMITTEE

## ROLL CALL VOTE

DATE

3-5-92

BILL NO.

SB 372

NUMBER

MOTION:

BCAA

Motion Carried 14-4

NAME	AYE	NO
REP. ALVIN ELLIS	✓	
REP. DICK KNOX	✓	
REP. NORM MILLS	✓	
REP. JOE BARNETT	✓	
REP. RAY BRANDEWIE	✓	
REP. JACK HERRON	✓	
REP. TIM DOWELL		✓
REP. CARLEY TUSS		✓
REP. STELLA JEAN HANSEN		✓
REP. BOB PAVLOVICH	✓	
REP. VICKI COCCHIARELLA		✓
REP. FRITZ DAILY	✓	
REP. BOB BACHINI	✓	
REP. DON LARSON	✓	
REP. BRUCE SIMON	✓	
REP. DOUG WAGNER	✓	
REP. SONNY HANSON, VICE CHAIRMAN	✓	
REP. STEVE BENEDICT, CHAIRMAN	✓	
	14	4

HR:1993

wp:rlclvote.man

CS-11

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Business & Ec.

COMMITTEE

BILL NO.

SB 241

DATE March 5, 1993

SPONSOR(S)

D. Brown

PLEASE PRINT

PLEASE PRINT

PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Roger Tippy	Mont. Beer & Wine Wholesaler	X	
Gary Blewett	DOR	X	
Rick M. Sutton	sen	X	

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Business & Econ COMMITTEE BILL NO. SB 263  
DATE March 5, 1993 SPONSOR(S) J. Waltenburg  
PLEASE PRINT PLEASE PRINT PLEASE PRINT

NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
<u>Al Koch</u>	<u>Collection Bureau</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Marsha Paulson</u>	<u>MT Collection Assn</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Jeff Koch</u>	<u>MT Collectors Assn</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Pat O'Malley</u>	<u>Clear check</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Dan O'Malley</u>	<u>" "</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Bill Stevens</u>	<u>MT Food Dist Assn</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Bill LEARY</u>	<u>MT Bankers Assn</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>B. Hank, R. Brooks</u>	<u>MT, R. T. N. &amp; Res</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>Mary C. Harkin</u>	<u>Bd of SCWPC</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>RICHARD BURNINGHAM</u>	<u>SELF</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS  
ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.

HOUSE OF REPRESENTATIVES  
VISITOR'S REGISTER

Business & Ec.

COMMITTEE

BILL NO.

HB 372

DATE March 5, 1993 SPONSOR(S)

Swygood

PLEASE PRINT

PLEASE PRINT

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NAME AND ADDRESS	REPRESENTING	SUPPORT	OPPOSE
Jack McDonald	Self	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mary McCue	Mt. Clinical Mental Health Counselors Assn	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leta L. Lundy, Ph.D.	Board Member Therapist Educator MSU	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Richard Horzwill	Bozeman MSU	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Michael Waldo	Bozeman MSU	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Dale Brophyton Dahlwhite	Bozeman MSU	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Eric Shores	Bozeman MSU	<input type="checkbox"/>	<input type="checkbox"/>
ERV Booth	S.W. & L.P.C. Licensure Board	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Beverly Baruchat	Legislator	<input type="checkbox"/>	<input checked="" type="checkbox"/>
McClamlin	Bel of SWPC	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Richard Burnham	Self	<input type="checkbox"/>	<input checked="" type="checkbox"/>

PLEASE LEAVE PREPARED TESTIMONY WITH SECRETARY. WITNESS STATEMENT FORMS ARE AVAILABLE IF YOU CARE TO SUBMIT WRITTEN TESTIMONY.