

SENATE BILL NO. 397

INTRODUCED BY S. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

February 7, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
February 19, 1981	Committee recommend bill do pass as amended. Report adopted.  Statement of intent attached.
February 20, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 24, 1981	Correctly engrossed.
February 25, 1981	Third reading, passed. Ayes, 50; Noes, 0. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on Human Services.
March 20, 1981	Committee recommend bill be concurred in. Report adopted.
March 28, 1981	Second reading, concurred in.
March 30, 1981	On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.
March 31, 1981	Third reading, concurred in. Ayes, 86; Noes, 13.

IN THE SENATE

April 1, 1981

Returned from House. Concurred  
in. Sent to enrolling.

Reported correctly enrolled.

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*Senate* BILL NO. *397*  
*STEVE BROWN*

INTRODUCED BY \_\_\_\_\_  
BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF PSYCHOLOGISTS UNDER EXISTING STATUTORY AUTHORITY AND RULES; ADDING TWO PUBLIC MEMBERS TO THE BOARD; AMENDING THE DEFINITION OF PSYCHOLOGY; DELETING CODE OF ETHICS REQUIREMENT FOR EXEMPTED PROFESSIONS; AMENDING THE DEFINITION OF PSYCHOLOGIST IN THE INSURANCE LAW; DELETING FELONY CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1617, 33-22-111, 37-17-102, 37-17-104, AND 37-17-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the sunset law, sections 2-8-103<sup>1</sup> and 2-8-112, MCA, terminates the Board of Psychologists and requires a performance evaluation of the Board by the Legislative Audit Committee; and

WHEREAS, as a result of the performance evaluation, the Legislative Audit Committee recommends that the Board of Psychologists be reestablished under existing statutory authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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Section 1. Reestablishment. The board of psychologists is reestablished for 6 years pursuant to 2-8-122 with its existing statutory authority and rules.

Section 2. Section 2-8-103, MCA, is amended to read: "2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

- (a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;
  - (b) board of real estate, department of professional and occupational licensing, created by 2-15-1642;
  - (c) state board of warm air heating, ventilation, and air conditioning, department of professional and occupational licensing, created by 2-15-1656;
  - (d) board of institutions, department of institutions, created by 2-15-2303.
- (2) The following agencies shall terminate on July 1, 1981:
- (a) commission for human rights, department of labor and industry, created by 2-15-1706;
  - (b) board of athletics, department of professional and occupational licensing, created by 2-15-1661;
  - (c) board of barbers, department of professional and occupational licensing, created by 2-15-1625;
  - (d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613;

1 (e) board of cosmetologists, department of  
2 professional and occupational licensing, created by  
3 2-15-1626;

4 (f) board of dentists, department of professional and  
5 occupational licensing, created by 2-15-1606;

6 (g) board of hearing aid dispensers, department of  
7 professional and occupational licensing, created by  
8 2-15-1616;

9 (h) board of massage therapists, department of  
10 professional and occupational licensing, created by  
11 2-15-1627;

12 (i) Montana state board of medical examiners,  
13 department of professional and occupational licensing,  
14 created by 2-15-1605;

15 (j) board of morticians, department of professional  
16 and occupational licensing, created by 2-15-1619;

17 (k) board of nursing, department of professional and  
18 occupational licensing, created by 2-15-1610;

19 (l) board of nursing home administrators, department  
20 of professional and occupational licensing, created by  
21 2-15-1611;

22 (m) board of optometrists, department of professional  
23 and occupational licensing, created by 2-15-1612;

24 (n) board of osteopathic physicians, department of  
25 professional and occupational licensing, created by

1 2-15-1607;

2 (o) board of pharmacists, department of professional  
3 and occupational licensing, created by 2-15-1609;

4 (p) board of podiatry examiners, department of  
5 professional and occupational licensing, created by  
6 2-15-1608;

7 ~~(q) board of psychologists, department of professional  
8 and occupational licensing, created by 2-15-1617;~~

9 ~~(r) (u)~~ board of radiologic technologists, department  
10 of professional and occupational licensing, created by  
11 2-15-1614;

12 ~~(s) (l)~~ board of speech pathologists and audiologists,  
13 department of professional and occupational licensing,  
14 created by 2-15-1615;

15 ~~(t) (s)~~ board of veterinarians, department of  
16 professional and occupational licensing, created by  
17 2-15-1618;

18 ~~(u) (i)~~ board of veterans' affairs, department of  
19 social and rehabilitation services, created by 2-15-2202;

20 ~~(v) (u)~~ board of sanitarians, department of  
21 professional and occupational licensing, created by  
22 2-15-1631.

23 (3) The following units of state government shall  
24 terminate on July 1, 1983:

25 (a) board of aeronautics, department of community

1 affairs, created by 2-15-1103;  
 2 (b) state board of hail insurance, department of  
 3 agriculture, created by 2-15-3003;  
 4 (c) board of horse racing, department of professional  
 5 and occupational licensing, created by 2-15-1662;  
 6 (d) board of livestock, department of livestock,  
 7 created by 2-15-3102;  
 8 (e) board of milk control, department of business  
 9 regulation, created by 2-15-1802;  
 10 (f) board of oil and gas conservation, department of  
 11 natural resources and conservation, created by 2-15-3303;  
 12 (g) Montana outfitters council, department of fish,  
 13 wildlife, and parks, created by 2-15-3403;  
 14 (h) public service commission, department of public  
 15 service regulation, created by 69-1-102;  
 16 (i) board of water and wastewater operators,  
 17 department of health and environmental sciences, created by  
 18 2-15-2105;  
 19 (j) board of water well contractors, department of  
 20 professional and occupational licensing, created by  
 21 2-15-1632.  
 22 (4) The following agencies terminate on July 1, 1985:  
 23 (a) the board of public accountants, created by  
 24 2-15-1641;  
 25 (b) the board of architects, created by 2-15-1651;

1 (c) state banking board, department of business  
 2 regulation, created by 2-15-1803;  
 3 (d) the state electrical board, created by 2-15-1654;  
 4 (e) the board of professional engineers and land  
 5 surveyors, created by 2-15-1653;  
 6 (f) office of commissioner of insurance and the  
 7 insurance department, state auditor's office, created by  
 8 2-15-1902 and 2-15-1903;  
 9 (g) office of the securities commissioner, state  
 10 auditor's office, created by 2-15-1901;  
 11 (h) the board of landscape architects, created by  
 12 2-15-1652;  
 13 (i) the board of county printing, created by  
 14 2-15-1102;  
 15 (j) the board of plumbers, created by 2-15-1655;  
 16 (k) board of physical therapy examiners, created by  
 17 2-15-1628.  
 18 (5) The following agency terminates on July 1, 1987:  
 19 board of psychologists, department of professional and  
 20 occupational licensing, created by 2-15-1617."  
 21 Section 3. Section 2-15-1617, MCA, is amended to read:  
 22 "2-15-1617. Board of psychologists. (1) There is a  
 23 board of psychologists.  
 24 (2) The board consists of three five members appointed  
 25 by the governor. ~~The governor shall appoint all members~~

1 ~~including--a-member-filling-a-vacancy-for-an-unexpired-term~~  
 2 ~~from-the-list-of-licensed-psychologists-in-this--state. One~~  
 3 ~~member must be a licensed psychologist in private practice,~~  
 4 ~~one member must be a licensed psychologist in public health,~~  
 5 ~~one member must be a licensed psychologist engaged in the~~  
 6 ~~teaching of psychology, and two members must be from the~~  
 7 ~~general public.~~ A member may not succeed himself but may be  
 8 reappointed after 3 years following the termination of his  
 9 previous appointment. Each member shall be a citizen of the  
 10 United States and a resident of this state.

11 (3) ~~Each member~~ **Members** shall serve ~~for a term of~~  
 12 ~~years staggered 3-year terms."~~

13 Section 4. Section 33-22-111, MCA, is amended to read:  
 14 "33-22-111. Policies to provide for freedom of choice  
 15 of practitioners -- professional practice not enlarged. (1)  
 16 All policies of disability insurance, including individual,  
 17 group, and blanket policies and all policies insuring the  
 18 payment of compensation under the Workers' Compensation Act  
 19 shall provide the insured shall have full freedom of choice  
 20 in the selection of any duly licensed physician, osteopathy,  
 21 chiropractor, optometrist, chiropodist, or ~~etinct~~  
 22 psychologist for treatment of any illness or injury within  
 23 the scope and limitations of his practice. Whenever such  
 24 policies insure against the expense of drugs, the insured  
 25 shall have full freedom of choice in the selection of any

1 duly licensed and registered pharmacist.

2 (2) Nothing in this section shall be construed as  
 3 enlarging the scope and limitations of practice of any of  
 4 the licensed professions enumerated in subsection (1); nor  
 5 shall this section be construed as amending, altering, or  
 6 repealing any statutes relating to the licensing or use of  
 7 hospitals."

8 Section 5. Section 37-17-102, MCA, is amended to read:  
 9 "37-17-102. Definitions. Unless the context requires  
 10 otherwise, in this chapter the following definitions apply:

11 (1) "Accredited college or university" means a college  
 12 or university accredited by the regional accrediting  
 13 association for institutions of higher learning, such as the  
 14 northwest association of secondary and higher schools.

15 (2) "Board" means the board of psychologists provided  
 16 for in 2-15-1617.

17 (3) "Department" means the department of professional  
 18 and occupational licensing provided for in Title 2, chapter  
 19 15, part 16.

20 (4) A person represents himself to be a "psychologist"  
 21 when he holds himself out to the public by a title or  
 22 description of services incorporating the words  
 23 "psychologist", "psychological", "psychologic", or  
 24 "psychology" and offers to render or renders psychological  
 25 services defined in subsection (5) of this section to

1 individuals, groups, corporations, or the public for  
2 compensation or fee.

3 (5) "Practice of psychology" means the application,  
4 ~~while representing oneself to be a psychologist,~~ of  
5 principles, methods, and procedures of understanding,  
6 predicting, and influencing behavior, such as the principles  
7 pertaining to learning, perception, motivation, thinking,  
8 emotions, and interpersonal relationships; the methods and  
9 procedures of interviewing, counseling, and behavior  
10 modification, including psychotherapeutic techniques and  
11 hypnosis; and constructing, administering, and interpreting  
12 tests of mental abilities, aptitudes, interests, attitudes,  
13 personality characteristics, emotions, and motivation."

14 Section 6. Section 37-17-104, MCA, is amended to read:

15 "37-17-104. Exemptions. This chapter does not prevent:

16 (1) qualified members of other professions, such as  
17 physicians, social workers, lawyers, pastoral counselors, or  
18 educators, from doing work of a psychological nature  
19 consistent with their training ~~and the codes of ethics of~~  
20 ~~their respective professions~~ if they do not hold themselves  
21 out to the public by a title or description incorporating  
22 the words "psychology" or "psychologist";

23 (2) the activities, services, and use of an official  
24 title on the part of a person in the employ of a federal,  
25 state, county, or municipal agency or of other political

1 subdivisions or an educational or charitable institution  
2 insofar as these activities and services are a part of the  
3 duties of his office or position with the agency or  
4 institution;

5 (3) the activities and services of a student, intern,  
6 or resident in psychology pursuing a course of study at an  
7 accredited university or college or working in a generally  
8 recognized training center if these activities and services  
9 constitute a part of his supervised course of study;

10 (4) the activities and services of a person who is not  
11 a resident of this state in rendering consulting  
12 psychological services in this state when these services are  
13 rendered for a period which does not exceed, in the  
14 aggregate, 60 days during a calendar year if the person is  
15 authorized under the laws of the state or country of his  
16 residence to perform these activities and services; however,  
17 these persons shall report to the department the nature and  
18 extent of the services in this state if they exceed 10 days  
19 in a calendar year;

20 (5) a person authorized by the laws of the state or  
21 country of his former residence to perform activities and  
22 services, who has recently become a resident of this state  
23 and who has applied for a license in this state, from  
24 performing such activities and services pending disposition  
25 of his application;

1 (6) the use of the term "social psychologist" by a  
2 person who:

3 (a) has been graduated with a doctoral degree in  
4 sociology or social psychology from an institution and whose  
5 credits in sociology or social psychology are acceptable by  
6 a recognized educational institution;

7 (b) has passed comprehensive examinations in the field  
8 of social psychology as part of the requirement for the  
9 doctoral degree or who has had equivalent specialized  
10 training in social psychology; and

11 (c) has filed with the department a statement of facts  
12 demonstrating his compliance with this subsection;

13 (7) the offering of lecture services for a fee by a  
14 person exempted from licensing requirements by virtue of his  
15 employment;

16 (8) activities of a psychological nature on the part  
17 of a person who is a salaried employee of an accredited  
18 academic institution, governmental agency, research  
19 laboratory, or business corporation if he is performing the  
20 duties for which he is employed by the organization within  
21 the confines of the organization."

22 Section 7. Section 37-17-311, MCA, is amended to read:

23 "37-17-311. Denial or revocation of license -- grounds  
24 -- notice and hearing. (1) A license applied for or issued  
25 under this chapter may be refused or revoked by the board on

1 proof that the person to whom the license was issued:

2 ~~(a) has been convicted of a felony;~~

3 ~~(b)(a)~~ has been guilty of fraud or deceit in securing  
4 the license or a renewal;

5 ~~(c)(b)~~ is using a narcotic or an alcoholic beverage to  
6 an extent that the use impairs his ability to perform the  
7 work of a professional psychologist with safety to the  
8 public; or

9 ~~(c)(c)~~ has been guilty of unprofessional conduct as  
10 defined by the code of ethics ~~published by the American~~  
11 ~~psychological association adopted by the board.~~

12 (2) The board may not revoke or refuse to issue or  
13 renew a license for any cause other than failure to pay fees  
14 unless the person is given notice and opportunity for a  
15 hearing before the board."

16 Section 8. Effective date. This act is effective on  
17 passage and approval.

-End-



## 1 STATEMENT OF INTENT

## 2 SENATE BILL 397

3 Senate Public Health Committee  
4

5 A Statement of Intent is required for this bill because  
6 it delegates rulemaking authority to the Board of  
7 Psychologists in section 7.

8 It is the intent of this bill that the Board adopt a  
9 code of ethics to define professional and unprofessional  
10 conduct by psychologists with primary emphasis being the  
11 protection of the public. The Board may adopt the code of  
12 ethics published by the American Psychological Association,  
13 and any subsequent revisions to the code may also be  
14 adopted.

15 First adopted by the Senate Public Health Committee on  
16 the 18th day of February, 1981.

Approved by the committee on  
Public Health, Welfare & Safety

1 SENATE BILL NO. 397

2 INTRODUCED BY S. BROWN, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE  
6 BOARD OF PSYCHOLOGISTS UNDER EXISTING STATUTORY AUTHORITY  
7 AND RULES; ADDING TWO PUBLIC MEMBERS TO THE BOARD; AMENDING  
8 THE DEFINITION OF PSYCHOLOGY; DELETING CODE OF ETHICS  
9 REQUIREMENT FOR EXEMPTED PROFESSIONS; AMENDING THE  
10 DEFINITION OF PSYCHOLOGIST IN THE INSURANCE LAW; DELETING  
11 FELONY CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A  
12 LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1617, 33-22-111,  
13 37-17-102, 37-17-104, AND 37-17-311, MCA; AND PROVIDING AN  
14 IMMEDIATE EFFECTIVE DATE."

15  
16 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,  
17 MCA, terminates the Board of Psychologists and requires a  
18 performance evaluation of the Board by the Legislative Audit  
19 Committee; and

20 WHEREAS, as a result of the performance evaluation, the  
21 Legislative Audit Committee recommends that the Board of  
22 Psychologists be reestablished under existing statutory  
23 authority.

24  
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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2 is reestablished for 6 years pursuant to 2-8-122 with its  
3 existing statutory authority and rules.

4 Section 2. Section 2-8-103, MCA, is amended to read:  
5 "2-8-103. Agencies to terminate. (1) The following  
6 agencies shall terminate on July 1, 1979:

7 (a) board of abstracters, department of professional  
8 and occupational licensing, created by 2-15-1643;

9 (b) board of real estate, department of professional  
10 and occupational licensing, created by 2-15-1642;

11 (c) state board of warm air heating, ventilation, and  
12 air conditioning, department of professional and  
13 occupational licensing, created by 2-15-1656;

14 (d) board of institutions, department of institutions,  
15 created by 2-15-2303.

16 (2) The following agencies shall terminate on July 1,  
17 1981:

18 (a) commission for human rights, department of labor  
19 and industry, created by 2-15-1706;

20 (b) board of athletics, department of professional and  
21 occupational licensing, created by 2-15-1661;

22 (c) board of barbers, department of professional and  
23 occupational licensing, created by 2-15-1625;

24 (d) board of chiropractors, department of professional  
25 and occupational licensing, created by 2-15-1613;

1 (e) board of cosmetologists, department of  
2 professional and occupational licensing, created by  
3 2-15-1626;

4 (f) board of dentists, department of professional and  
5 occupational licensing, created by 2-15-1606;

6 (g) board of hearing aid dispensers, department of  
7 professional and occupational licensing, created by  
8 2-15-1616;

9 (h) board of massage therapists, department of  
10 professional and occupational licensing, created by  
11 2-15-1627;

12 (i) Montana state board of medical examiners,  
13 department of professional and occupational licensing,  
14 created by 2-15-1605;

15 (j) board of morticians, department of professional  
16 and occupational licensing, created by 2-15-1619;

17 (k) board of nursing, department of professional and  
18 occupational licensing, created by 2-15-1610;

19 (l) board of nursing home administrators, department  
20 of professional and occupational licensing, created by  
21 2-15-1611;

22 (m) board of optometrists, department of professional  
23 and occupational licensing, created by 2-15-1612;

24 (n) board of osteopathic physicians, department of  
25 professional and occupational licensing, created by

1 2-15-1607;

2 (o) board of pharmacists, department of professional  
3 and occupational licensing, created by 2-15-1609;

4 (p) board of podiatry examiners, department of  
5 professional and occupational licensing, created by  
6 2-15-1608;

7 ~~(q) board of psychologists, department of professional~~  
8 ~~and occupational licensing, created by 2-15-1617;~~

9 ~~(r)~~(g) board of radiologic technologists, department  
10 of professional and occupational licensing, created by  
11 2-15-1614;

12 ~~(s)~~(r) board of speech pathologists and audiologists,  
13 department of professional and occupational licensing,  
14 created by 2-15-1615;

15 ~~(t)~~(s) board of veterinarians, department of  
16 professional and occupational licensing, created by  
17 2-15-1618;

18 ~~(u)~~(t) board of veterans' affairs, department of  
19 social and rehabilitation services, created by 2-15-2202;

20 ~~(v)~~(u) board of sanitarians, department of  
21 professional and occupational licensing, created by  
22 2-15-1631.

23 (3) The following units of state government shall  
24 terminate on July 1, 1983:

25 (a) board of aeronautics, department of community

1 affairs, created by 2-15-1103;  
 2 (b) state board of hail insurance, department of  
 3 agriculture, created by 2-15-3003;  
 4 (c) board of horse racing, department of professional  
 5 and occupational licensing, created by 2-15-1662;  
 6 (d) board of livestock, department of livestock,  
 7 created by 2-15-3102;  
 8 (e) board of milk control, department of business  
 9 regulation, created by 2-15-1802;  
 10 (f) board of oil and gas conservation, department of  
 11 natural resources and conservation, created by 2-15-3303;  
 12 (g) Montana outfitters council, department of fish,  
 13 wildlife, and parks, created by 2-15-3403;  
 14 (h) public service commission, department of public  
 15 service regulation, created by 69-1-102;  
 16 (i) board of water and wastewater operators,  
 17 department of health and environmental sciences, created by  
 18 2-15-2105;  
 19 (j) board of water well contractors, department of  
 20 professional and occupational licensing, created by  
 21 2-15-1632.  
 22 (4) The following agencies terminate on July 1, 1985:  
 23 (a) the board of public accountants, created by  
 24 2-15-1641;  
 25 (b) the board of architects, created by 2-15-1651;

1 (c) state banking board, department of business  
 2 regulation, created by 2-15-1803;  
 3 (d) the state electrical board, created by 2-15-1654;  
 4 (e) the board of professional engineers and land  
 5 surveyors, created by 2-15-1653;  
 6 (f) office of commissioner of insurance and the  
 7 insurance department, state auditor's office, created by  
 8 2-15-1902 and 2-15-1903;  
 9 (g) office of the securities commissioner, state  
 10 auditor's office, created by 2-15-1901;  
 11 (h) the board of landscape architects, created by  
 12 2-15-1652;  
 13 (i) the board of county printing, created by  
 14 2-15-1102;  
 15 (j) the board of plumbers, created by 2-15-1655;  
 16 (k) board of physical therapy examiners, created by  
 17 2-15-1628.  
 18 (5) The following agency terminates on July 1, 1987:  
 19 board of psychologists, department of professional and  
 20 occupational licensing, created by 2-15-1617."  
 21 Section 3. Section 2-15-1617, MCA, is amended to read:  
 22 "2-15-1617. Board of psychologists. (1) There is a  
 23 board of psychologists.  
 24 (2) The board consists of three five members appointed  
 25 by the governor. ~~The governor shall appoint all members,~~

~~including a member filling a vacancy for an unexpired term from the list of licensed psychologists in this state. One member must be a licensed psychologist in private practice, one member must be a licensed psychologist in public health, one member must be a licensed psychologist engaged in the teaching of psychology, and two members must be from the general public.~~ A member may not succeed himself but may be reappointed after 3 years following the termination of his previous appointment. ~~Each member shall be a citizen of the United States and a resident of this state.~~

(3) ~~Each member~~ Members shall serve ~~for a term of 3 years staggered 3-year terms.~~

Section 4. Section 33-22-111, MCA, is amended to read:  
 "33-22-111. Policies to provide for freedom of choice of practitioners -- professional practice not enlarged. (1) All policies of disability insurance, including individual, group, and blanket policies and all policies insuring the payment of compensation under the Workers' Compensation Act shall provide the insured shall have full freedom of choice in the selection of any duly licensed physician, osteopath, chiropractor, optometrist, chiropodist, or ~~certified~~ psychologist for treatment of any illness or injury within the scope and limitations of his practice. Whenever such policies insure against the expense of drugs, the insured shall have full freedom of choice in the selection of any

duly licensed and registered pharmacist.

(2) Nothing in this section shall be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1); nor shall this section be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

Section 5. Section 37-17-102, MCA, is amended to read:  
 "37-17-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by the regional accrediting association for institutions of higher learning, such as the northwest association of secondary and higher schools.

(2) "Board" means the board of psychologists provided for in 2-15-1617.

(3) "Department" means the department of professional and occupational licensing provided for in Title 2, chapter 15, part 16.

(4) A person represents himself to be a "psychologist" when he holds himself out to the public by a title or description of services incorporating the words "psychologist", "psychological", "psychologic", or "psychology" and offers to render or renders psychological services defined in subsection (5) of this section to

1 individuals, groups, corporations, or the public for  
2 compensation or fee.

3 (5) "Practice of psychology" means the application,  
4 while representing oneself to be a psychologist, of  
5 principles, methods, and procedures of understanding,  
6 predicting, and influencing behavior, such as the principles  
7 pertaining to learning, perception, motivation, thinking,  
8 emotions, and interpersonal relationships; the methods and  
9 procedures of interviewing, counseling, and behavior  
10 modification, including psychotherapeutic techniques and  
11 hypnosis; and constructing, administering, and interpreting  
12 tests of mental abilities, aptitudes, interests, attitudes,  
13 personality characteristics, emotions, and motivation."

14 Section 6. Section 37-17-104, MCA, is amended to read:  
15 "37-17-104. Exemptions. This chapter does not prevent:

16 (1) qualified members of other professions, such as  
17 physicians, social workers, lawyers, pastoral counselors, or  
18 educators, from doing work of a psychological nature  
19 consistent with their training ~~and the codes of ethics of~~  
20 ~~their respective professions~~ if they do not hold themselves  
21 out to the public by a title or description incorporating  
22 the words "psychology" or "psychologist";

23 (2) the activities, services, and use of an official  
24 title on the part of a person in the employ of a federal,  
25 state, county, or municipal agency or of other political

1 subdivisions or an educational or charitable institution  
2 insofar as these activities and services are a part of the  
3 duties of his office or position with the agency or  
4 institution;

5 (3) the activities and services of a student, intern,  
6 or resident in psychology pursuing a course of study at an  
7 accredited university or college or working in a generally  
8 recognized training center if these activities and services  
9 constitute a part of his supervised course of study;

10 (4) the activities and services of a person who is not  
11 a resident of this state in rendering consulting  
12 psychological services in this state when these services are  
13 rendered for a period which does not exceed, in the  
14 aggregate, 60 days during a calendar year if the person is  
15 authorized under the laws of the state or country of his  
16 residence to perform these activities and services; however,  
17 these persons shall report to the department the nature and  
18 extent of the services in this state if they exceed 10 days  
19 in a calendar year;

20 (5) a person authorized by the laws of the state or  
21 country of his former residence to perform activities and  
22 services, who has recently become a resident of this state  
23 and who has applied for a license in this state, from  
24 performing such activities and services pending disposition  
25 of his application;

1 (6) the use of the term "social psychologist" by a  
2 person who:

3 (a) has been graduated with a doctoral degree in  
4 sociology or social psychology from an institution and whose  
5 credits in sociology or social psychology are acceptable by  
6 a recognized educational institution;

7 (b) has passed comprehensive examinations in the field  
8 of social psychology as part of the requirement for the  
9 doctoral degree or who has had equivalent specialized  
10 training in social psychology; and

11 (c) has filed with the department a statement of facts  
12 demonstrating his compliance with this subsection;

13 (7) the offering of lecture services for a fee by a  
14 person exempted from licensing requirements by virtue of his  
15 employment;

16 (8) activities of a psychological nature on the part  
17 of a person who is a salaried employee of an accredited  
18 academic institution, governmental agency, research  
19 laboratory, or business corporation if he is performing the  
20 duties for which he is employed by the organization within  
21 the confines of the organization."

22 Section 7. Section 37-17-311, MCA, is amended to read:

23 "37-17-311. Denial or revocation of license -- grounds  
24 -- notice and hearing. (1) A license applied for, or issued  
25 under this chapter may be refused or revoked by the board on

1 proof that the person to whom the license was issued:

2 ~~(a) has been convicted of a felony;~~

3 ~~(b)(2)~~ has been guilty of fraud or deceit in securing  
4 the license or a renewal;

5 ~~(c)(b)~~ is using a narcotic or an alcoholic beverage to  
6 an extent that the use impairs his ability to perform the  
7 work of a professional psychologist with safety to the  
8 public; or

9 ~~(d)(c)~~ has been guilty of unprofessional conduct as  
10 defined by the code of ethics published by the American  
11 psychological association adopted by the board.

12 (2) The board may not revoke or refuse to issue or  
13 renew a license for any cause other than failure to pay fees  
14 unless the person is given notice and opportunity for a  
15 hearing before the board."

16 Section 8. Effective date. This act is effective on  
17 passage and approval.

-End-

1                   STATEMENT OF INTENT

2                   SENATE BILL 397

3                   Senate Public Health Committee

4  
5           A Statement of Intent is required for this bill because  
6 it delegates rulemaking authority to the Board of  
7 Psychologists in section 7.

8           It is the intent of this bill that the Board adopt a  
9 code of ethics to define professional and unprofessional  
10 conduct by psychologists with primary emphasis being the  
11 protection of the public. The Board may adopt the code of  
12 ethics published by the American Psychological Association,  
13 and any subsequent revisions to the code may also be  
14 adopted.

15           First adopted by the Senate Public Health Committee on  
16 the 18th day of February, 1981.



## 1 SENATE BILL NO. 397

2 INTRODUCED BY S. BROWN, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE  
6 BOARD OF PSYCHOLOGISTS UNDER EXISTING STATUTORY AUTHORITY  
7 AND RULES; ADDING TWO PUBLIC MEMBERS TO THE BOARD; AMENDING  
8 THE DEFINITION OF PSYCHOLOGY; DELETING CODE OF ETHICS  
9 REQUIREMENT FOR EXEMPTED PROFESSIONS; AMENDING THE  
10 DEFINITION OF PSYCHOLOGIST IN THE INSURANCE LAW; DELETING  
11 FELONY CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A  
12 LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1617, 33-22-111,  
13 37-17-102, 37-17-104, AND 37-17-311, MCA; AND PROVIDING AN  
14 IMMEDIATE EFFECTIVE DATE."

15  
16 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,  
17 MCA, terminates the Board of Psychologists and requires a  
18 performance evaluation of the Board by the Legislative Audit  
19 Committee; and

20 WHEREAS, as a result of the performance evaluation, the  
21 Legislative Audit Committee recommends that the Board of  
22 Psychologists be reestablished under existing statutory  
23 authority.

24  
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

1 Section 1. Reestablishment. The board of psychologists  
2 is reestablished for 6 years pursuant to 2-8-122 with its  
3 existing statutory authority and rules.

4 Section 2. Section 2-8-103, MCA, is amended to read:  
5 "2-8-103. Agencies to terminate. (1) The following  
6 agencies shall terminate on July 1, 1979:

7 (a) board of abstracters, department of professional  
8 and occupational licensing, created by 2-15-1643;

9 (b) board of real estate, department of professional  
10 and occupational licensing, created by 2-15-1642;

11 (c) state board of warm air heating, ventilation, and  
12 air conditioning, department of professional and  
13 occupational licensing, created by 2-15-1656;

14 (d) board of institutions, department of institutions,  
15 created by 2-15-2303.

16 (2) The following agencies shall terminate on July 1,  
17 1981:

18 (a) commission for human rights, department of labor  
19 and industry, created by 2-15-1706;

20 (b) board of athletics, department of professional and  
21 occupational licensing, created by 2-15-1661;

22 (c) board of barbers, department of professional and  
23 occupational licensing, created by 2-15-1625;

24 (d) board of chiropractors, department of professional  
25 and occupational licensing, created by 2-15-1613;

1 (e) board of cosmetologists, department of  
2 professional and occupational licensing, created by  
3 2-15-1626;

4 (f) board of dentists, department of professional and  
5 occupational licensing, created by 2-15-1606;

6 (g) board of hearing aid dispensers, department of  
7 professional and occupational licensing, created by  
8 2-15-1616;

9 (h) board of massage therapists, department of  
10 professional and occupational licensing, created by  
11 2-15-1627;

12 (i) Montana state board of medical examiners,  
13 department of professional and occupational licensing,  
14 created by 2-15-1605;

15 (j) board of morticians, department of professional  
16 and occupational licensing, created by 2-15-1619;

17 (k) board of nursing, department of professional and  
18 occupational licensing, created by 2-15-1610;

19 (l) board of nursing home administrators, department  
20 of professional and occupational licensing, created by  
21 2-15-1611;

22 (m) board of optometrists, department of professional  
23 and occupational licensing, created by 2-15-1612;

24 (n) board of osteopathic physicians, department of  
25 professional and occupational licensing, created by

1 2-15-1607;

2 (o) board of pharmacists, department of professional  
3 and occupational licensing, created by 2-15-1609;

4 (p) board of podiatry examiners, department of  
5 professional and occupational licensing, created by  
6 2-15-1608;

7 ~~(q) board of psychologists, department of professional~~  
8 ~~and occupational licensing, created by 2-15-1617;~~

9 ~~(r)~~ (q) board of radiologic technologists, department  
10 of professional and occupational licensing, created by  
11 2-15-1614;

12 ~~(s)~~ (r) board of speech pathologists and audiologists,  
13 department of professional and occupational licensing,  
14 created by 2-15-1615;

15 ~~(t)~~ (s) board of veterinarians, department of  
16 professional and occupational licensing, created by  
17 2-15-1618;

18 ~~(u)~~ (t) board of veterans' affairs, department of  
19 social and rehabilitation services, created by 2-15-2202;

20 ~~(v)~~ (u) board of sanitarians, department of  
21 professional and occupational licensing, created by  
22 2-15-1631.

23 (3) The following units of state government shall  
24 terminate on July 1, 1983:

25 (a) board of aeronautics, department of community

1 affairs, created by 2-15-1103;  
 2 (b) state board of hail insurance, department of  
 3 agriculture, created by 2-15-3003;  
 4 (c) board of horse racing, department of professional  
 5 and occupational licensing, created by 2-15-1662;  
 6 (d) board of livestock, department of livestock,  
 7 created by 2-15-3102;  
 8 (e) board of milk control, department of business  
 9 regulation, created by 2-15-1802;  
 10 (f) board of oil and gas conservation, department of  
 11 natural resources and conservation, created by 2-15-3303;  
 12 (g) Montana outfitters council, department of fish,  
 13 wildlife, and parks, created by 2-15-3403;  
 14 (h) public service commission, department of public  
 15 service regulation, created by 69-1-102;  
 16 (i) board of water and wastewater operators,  
 17 department of health and environmental sciences, created by  
 18 2-15-2105;  
 19 (j) board of water well contractors, department of  
 20 professional and occupational licensing, created by  
 21 2-15-1632.  
 22 (4) The following agencies terminate on July 1, 1985:  
 23 (a) the board of public accountants, created by  
 24 2-15-1641;  
 25 (b) the board of architects, created by 2-15-1651;

1 (c) state banking board, department of business  
 2 regulation, created by 2-15-1803;  
 3 (d) the state electrical board, created by 2-15-1654;  
 4 (e) the board of professional engineers and land  
 5 surveyors, created by 2-15-1653;  
 6 (f) office of commissioner of insurance and the  
 7 insurance department, state auditor's office, created by  
 8 2-15-1902 and 2-15-1903;  
 9 (g) office of the securities commissioner, state  
 10 auditor's office, created by 2-15-1901;  
 11 (h) the board of landscape architects, created by  
 12 2-15-1652;  
 13 (i) the board of county printing, created by  
 14 2-15-1102;  
 15 (j) the board of plumbers, created by 2-15-1655;  
 16 (k) board of physical therapy examiners, created by  
 17 2-15-1628.  
 18 (5) The following agency terminates on July 1, 1987:  
 19 board of psychologists, department of professional and  
 20 occupational licensing, created by 2-15-1617."  
 21 Section 3. Section 2-15-1617, MCA, is amended to read:  
 22 "2-15-1617. Board of psychologists. (1) There is a  
 23 board of psychologists.  
 24 (2) The board consists of three five members appointed  
 25 by the governor. ~~The governor shall appoint all members,~~

1 ~~including--a member filling a vacancy for an unexpired term,~~  
 2 ~~from the list of licensed psychologists in this state. One~~  
 3 ~~member must be a licensed psychologist in private practice,~~  
 4 ~~one member must be a licensed psychologist in public health,~~  
 5 ~~one member must be a licensed psychologist engaged in the~~  
 6 ~~teaching of psychology, and two members must be from the~~  
 7 ~~general public.~~ A member may not succeed himself but may be  
 8 reappointed after 3 years following the termination of his  
 9 previous appointment. ~~Each member shall be a citizen of the~~  
 10 ~~United States and a resident of this state.~~

11 (3) Each member ~~Members~~ shall serve for a ~~term of~~ 3  
 12 years staggered 3-year terms.

13 Section 4. Section 33-22-111, MCA, is amended to read:

14 "33-22-111. Policies to provide for freedom of choice  
 15 of practitioners -- professional practice not enlarged. (1)  
 16 All policies of disability insurance, including individual,  
 17 group, and blanket policies and all policies insuring the  
 18 payment of compensation under the Workers' Compensation Act  
 19 shall provide the insured shall have full freedom of choice  
 20 in the selection of any duly licensed physician, osteopath,  
 21 ~~chiropractor, optometrist, chiropractor, or clinician~~  
 22 psychologist for treatment of any illness or injury within  
 23 the scope and limitations of his practice. Whenever such  
 24 policies insure against the expense of drugs, the insured  
 25 shall have full freedom of choice in the selection of any

1 duly licensed and registered pharmacist.

2 (2) Nothing in this section shall be construed as  
 3 enlarging the scope and limitations of practice of any of  
 4 the licensed professions enumerated in subsection (1); nor  
 5 shall this section be construed as amending, altering, or  
 6 repealing any statutes relating to the licensing or use of  
 7 hospitals."

8 Section 5. Section 37-17-102, MCA, is amended to read:

9 "37-17-102. Definitions. Unless the context requires  
 10 otherwise, in this chapter the following definitions apply:

11 (1) "Accredited college or university" means a college  
 12 or university accredited by the regional accrediting  
 13 association for institutions of higher learning, such as the  
 14 northwest association of secondary and higher schools.

15 (2) "Board" means the board of psychologists provided  
 16 for in 2-15-1617.

17 (3) "Department" means the department of professional  
 18 and occupational licensing provided for in Title 2, chapter  
 19 15, part 16.

20 (4) A person represents himself to be a "psychologist"  
 21 when he holds himself out to the public by a title or  
 22 description of services incorporating the words  
 23 "psychologist", "psychological", "psychologic", or  
 24 "psychology" and offers to render or renders psychological  
 25 services defined in subsection (5) of this section to

1 individuals, groups, corporations, or the public for  
2 compensation or fee.

3 (5) "Practice of psychology" means the application,  
4 while representing oneself to be a psychologist, of  
5 principles, methods, and procedures of understanding,  
6 predicting, and influencing behavior, such as the principles  
7 pertaining to learning, perception, motivation, thinking,  
8 emotions, and interpersonal relationships; the methods and  
9 procedures of interviewing, counseling, and behavior  
10 modification, including psychotherapeutic techniques and  
11 hypnosis; and constructing, administering, and interpreting  
12 tests of mental abilities, aptitudes, interests, attitudes,  
13 personality characteristics, emotions, and motivation."

14 Section 6. Section 37-17-104, MCA, is amended to read:

15 "37-17-104. Exemptions. This chapter does not prevent:

16 (1) qualified members of other professions, such as  
17 physicians, social workers, lawyers, pastoral counselors, or  
18 educators, from doing work of a psychological nature  
19 consistent with their training ~~and the codes of ethics of~~  
20 ~~their respective professions~~ if they do not hold themselves  
21 out to the public by a title or description incorporating  
22 the words "psychology" or "psychologist";

23 (2) the activities, services, and use of an official  
24 title on the part of a person in the employ of a federal,  
25 state, county, or municipal agency or of other political

1 subdivisions or an educational or charitable institution  
2 insofar as these activities and services are a part of the  
3 duties of his office or position with the agency or  
4 institution;

5 (3) the activities and services of a student, intern,  
6 or resident in psychology pursuing a course of study at an  
7 accredited university or college or working in a generally  
8 recognized training center if these activities and services  
9 constitute a part of his supervised course of study;

10 (4) the activities and services of a person who is not  
11 a resident of this state in rendering consulting  
12 psychological services in this state when these services are  
13 rendered for a period which does not exceed, in the  
14 aggregate, 60 days during a calendar year if the person is  
15 authorized under the laws of the state or country of his  
16 residence to perform these activities and services; however,  
17 these persons shall report to the department the nature and  
18 extent of the services in this state if they exceed 10 days  
19 in a calendar year;

20 (5) a person authorized by the laws of the state or  
21 country of his former residence to perform activities and  
22 services, who has recently become a resident of this state  
23 and who has applied for a license in this state, from  
24 performing such activities and services pending disposition  
25 of his application;

1 (6) the use of the term "social psychologist" by a  
2 person who:

3 (a) has been graduated with a doctoral degree in  
4 sociology or social psychology from an institution and whose  
5 credits in sociology or social psychology are acceptable by  
6 a recognized educational institution;

7 (b) has passed comprehensive examinations in the field  
8 of social psychology as part of the requirement for the  
9 doctoral degree or who has had equivalent specialized  
10 training in social psychology; and

11 (c) has filed with the department a statement of facts  
12 demonstrating his compliance with this subsection;

13 (7) the offering of lecture services for a fee by a  
14 person exempted from licensing requirements by virtue of his  
15 employment;

16 (8) activities of a psychological nature on the part  
17 of a person who is a salaried employee of an accredited  
18 academic institution, governmental agency, research  
19 laboratory, or business corporation if he is performing the  
20 duties for which he is employed by the organization within  
21 the confines of the organization."

22 Section 7. Section 37-17-311, MCA, is amended to read:

23 "37-17-311. Denial or revocation of license -- grounds  
24 -- notice and hearing. (1) A license applied for or issued  
25 under this chapter may be refused or revoked by the board on

1 proof that the person to whom the license was issued:

2 ~~(a) has been convicted of a felony;~~

3 ~~(b) (a)~~ has been guilty of fraud or deceit in securing  
4 the license or a renewal;

5 ~~(c) (b)~~ is using a narcotic or an alcoholic beverage to  
6 an extent that the use impairs his ability to perform the  
7 work of a professional psychologist with safety to the  
8 public; or

9 ~~(d) (c)~~ has been guilty of unprofessional conduct as  
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11 psychological association adopted by the board.

12 (2) The board may not revoke or refuse to issue or  
13 renew a license for any cause other than failure to pay fees  
14 unless the person is given notice and opportunity for a  
15 hearing before the board."

16 Section 8. Effective date. This act is effective on  
17 passage and approval.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 397

3 Senate Public Health Committee

4  
5 A Statement of Intent is required for this bill because  
6 it delegates rulemaking authority to the Board of  
7 Psychologists in section 7.

8 It is the intent of this bill that the Board adopt a  
9 code of ethics to define professional and unprofessional  
10 conduct by psychologists with primary emphasis being the  
11 protection of the public. The Board may adopt the code of  
12 ethics published by the American Psychological Association,  
13 and any subsequent revisions to the code may also be  
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15 First adopted by the Senate Public Health Committee on  
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2 INTRODUCED BY S. BROWN, HIMSL

3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE  
6 BOARD OF PSYCHOLOGISTS UNDER EXISTING STATUTORY AUTHORITY  
7 AND RULES; ADDING TWO PUBLIC MEMBERS TO THE BOARD; AMENDING  
8 THE DEFINITION OF PSYCHOLOGY; DELETING CODE OF ETHICS  
9 REQUIREMENT FOR EXEMPTED PROFESSIONS; AMENDING THE  
10 DEFINITION OF PSYCHOLOGIST IN THE INSURANCE LAW; DELETING  
11 FELONY CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A  
12 LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1617, 33-22-111,  
13 37-17-102, 37-17-104, AND 37-17-311, MCA; AND PROVIDING AN  
14 IMMEDIATE EFFECTIVE DATE."

15  
16 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,  
17 MCA, terminates the Board of Psychologists and requires a  
18 performance evaluation of the Board by the Legislative Audit  
19 Committee; and

20 WHEREAS, as a result of the performance evaluation, the  
21 Legislative Audit Committee recommends that the Board of  
22 Psychologists be reestablished under existing statutory  
23 authority.

24  
25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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2 is reestablished for 6 years pursuant to 2-8-122 with its  
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5 "2-8-103. Agencies to terminate. (1) The following  
6 agencies shall terminate on July 1, 1979:

7 (a) board of abstracters, department of professional  
8 and occupational licensing, created by 2-15-1643;

9 (b) board of real estate, department of professional  
10 and occupational licensing, created by 2-15-1642;

11 (c) state board of warm air heating, ventilation, and  
12 air conditioning, department of professional and  
13 occupational licensing, created by 2-15-1656;

14 (d) board of institutions, department of institutions,  
15 created by 2-15-2303.

16 (2) The following agencies shall terminate on July 1,  
17 1981:

18 (a) commission for human rights, department of labor  
19 and industry, created by 2-15-1706;

20 (b) board of athletics, department of professional and  
21 occupational licensing, created by 2-15-1661;

22 (c) board of barbers, department of professional and  
23 occupational licensing, created by 2-15-1625;

24 (d) board of chiropractors, department of professional  
25 and occupational licensing, created by 2-15-1613;



1 (e) board of cosmetologists, department of  
2 professional and occupational licensing, created by  
3 2-15-1626;

4 (f) board of dentists, department of professional and  
5 occupational licensing, created by 2-15-1606;

6 (g) board of hearing aid dispensers, department of  
7 professional and occupational licensing, created by  
8 2-15-1616;

9 (h) board of massage therapists, department of  
10 professional and occupational licensing, created by  
11 2-15-1627;

12 (i) Montana state board of medical examiners,  
13 department of professional and occupational licensing,  
14 created by 2-15-1605;

15 (j) board of morticians, department of professional  
16 and occupational licensing, created by 2-15-1619;

17 (k) board of nursing, department of professional and  
18 occupational licensing, created by 2-15-1610;

19 (l) board of nursing home administrators, department  
20 of professional and occupational licensing, created by  
21 2-15-1611;

22 (m) board of optometrists, department of professional  
23 and occupational licensing, created by 2-15-1612;

24 (n) board of osteopathic physicians, department of  
25 professional and occupational licensing, created by

1 2-15-1607;

2 (o) board of pharmacists, department of professional  
3 and occupational licensing, created by 2-15-1609;

4 (p) board of podiatry examiners, department of  
5 professional and occupational licensing, created by  
6 2-15-1608;

7 ~~(q) board of psychologists, department of professional~~  
8 ~~and occupational licensing, created by 2-15-1617;~~

9 ~~(r)~~(g) board of radiologic technologists, department  
10 of professional and occupational licensing, created by  
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12 ~~(s)~~(r) board of speech pathologists and audiologists,  
13 department of professional and occupational licensing,  
14 created by 2-15-1615;

15 ~~(t)~~(s) board of veterinarians, department of  
16 professional and occupational licensing, created by  
17 2-15-1618;

18 ~~(u)~~(t) board of veterans' affairs, department of  
19 social and rehabilitation services, created by 2-15-2202;

20 ~~(v)~~(u) board of sanitarians, department of  
21 professional and occupational licensing, created by  
22 2-15-1631.

23 (3) The following units of state government shall  
24 terminate on July 1, 1983:

25 (a) board of aeronautics, department of community

1 affairs, created by 2-15-1103;  
 2 (b) state board of hail insurance, department of  
 3 agriculture, created by 2-15-3003;  
 4 (c) board of horse racing, department of professional  
 5 and occupational licensing, created by 2-15-1662;  
 6 (d) board of livestock, department of livestock,  
 7 created by 2-15-3102;  
 8 (e) board of milk control, department of business  
 9 regulation, created by 2-15-1802;  
 10 (f) board of oil and gas conservation, department of  
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 15 service regulation, created by 69-1-102;  
 16 (i) board of water and wastewater operators,  
 17 department of health and environmental sciences, created by  
 18 2-15-2105;  
 19 (j) board of water well contractors, department of  
 20 professional and occupational licensing, created by  
 21 2-15-1632.  
 22 (4) The following agencies terminate on July 1, 1985:  
 23 (a) the board of public accountants, created by  
 24 2-15-1641;  
 25 (b) the board of architects, created by 2-15-1651;

1 (c) state banking board, department of business  
 2 regulation, created by 2-15-1803;  
 3 (d) the state electrical board, created by 2-15-1654;  
 4 (e) the board of professional engineers and land  
 5 surveyors, created by 2-15-1653;  
 6 (f) office of commissioner of insurance and the  
 7 insurance department, state auditor's office, created by  
 8 2-15-1902 and 2-15-1903;  
 9 (g) office of the securities commissioner, state  
 10 auditor's office, created by 2-15-1901;  
 11 (h) the board of landscape architects, created by  
 12 2-15-1652;  
 13 (i) the board of county printing, created by  
 14 2-15-1102;  
 15 (j) the board of plumbers, created by 2-15-1655;  
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 17 2-15-1628.  
 18 (5) The following agency terminates on July 1, 1987:  
 19 board of psychologists, department of professional and  
 20 occupational licensing, created by 2-15-1617."  
 21 Section 3. Section 2-15-1617, MCA, is amended to read:  
 22 "2-15-1617. Board of psychologists. (1) There is a  
 23 board of psychologists.  
 24 (2) The board consists of three five members appointed  
 25 by the governor. ~~The governor shall appoint all members,~~

1 ~~including a member filling a vacancy for an unexpired term~~  
 2 ~~from the list of licensed psychologists in this state. One~~  
 3 ~~member must be a licensed psychologist in private practice,~~  
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 8 reappointed after 3 years following the termination of his  
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13 Section 4. Section 33-22-111, MCA, is amended to read:

14 "33-22-111. Policies to provide for freedom of choice  
 15 of practitioners -- professional practice not enlarged. (1)  
 16 All policies of disability insurance, including individual,  
 17 group, and blanket policies and all policies insuring the  
 18 payment of compensation under the Workers' Compensation Act  
 19 shall provide the insured shall have full freedom of choice  
 20 in the selection of any duly licensed physician, osteopath,  
 21 chiropractor, optometrist, chiropodist, or ~~et~~ et  
 22 psychologist for treatment of any illness or injury within  
 23 the scope and limitations of his practice. Whenever such  
 24 policies insure against the expense of drugs, the insured  
 25 shall have full freedom of choice in the selection of any

1 duly licensed and registered pharmacist.

2 (2) Nothing in this section shall be construed as  
 3 enlarging the scope and limitations of practice of any of  
 4 the licensed professions enumerated in subsection (1); nor  
 5 shall this section be construed as amending, altering, or  
 6 repealing any statutes relating to the licensing or use of  
 7 hospitals."

8 Section 5. Section 37-17-102, MCA, is amended to read:

9 "37-17-102. Definitions. Unless the context requires  
 10 otherwise, in this chapter the following definitions apply:

11 (1) "Accredited college or university" means a college  
 12 or university accredited by the regional accrediting  
 13 association for institutions of higher learning, such as the  
 14 northwest association of secondary and higher schools.

15 (2) "Board" means the board of psychologists provided  
 16 for in 2-15-1617.

17 (3) "Department" means the department of professional  
 18 and occupational licensing provided for in Title 2, chapter  
 19 15, part 16.

20 (4) A person represents himself to be a "psychologist"  
 21 when he holds himself out to the public by a title or  
 22 description of services incorporating the words  
 23 "psychologist", "psychological", "psychologic", or  
 24 "psychology" and offers to render or renders psychological  
 25 services defined in subsection (5) of this section to

1 individuals, groups, corporations, or the public for  
2 compensation or fee.

3 (5) "Practice of psychology" means the application,  
4 while representing oneself to be a psychologist, of  
5 principles, methods, and procedures of understanding,  
6 predicting, and influencing behavior, such as the principles  
7 pertaining to learning, perception, motivation, thinking,  
8 emotions, and interpersonal relationships; the methods and  
9 procedures of interviewing, counseling, and behavior  
10 modification, including psychotherapeutic techniques and  
11 hypnosis; and constructing, administering, and interpreting  
12 tests of mental abilities, aptitudes, interests, attitudes,  
13 personality characteristics, emotions, and motivation."

14 Section 6. Section 37-17-104, MCA, is amended to read:

15 "37-17-104. Exemptions. This chapter does not prevent:

16 (1) qualified members of other professions, such as  
17 physicians, social workers, lawyers, pastoral counselors, or  
18 educators, from doing work of a psychological nature  
19 consistent with their training ~~and the codes of ethics of~~  
20 ~~their respective professions~~ if they do not hold themselves  
21 out to the public by a title or description incorporating  
22 the words "psychology" or "psychologist";

23 (2) the activities, services, and use of an official  
24 title on the part of a person in the employ of a federal,  
25 state, county, or municipal agency or of other political

1 subdivisions or an educational or charitable institution  
2 insofar as these activities and services are a part of the  
3 duties of his office or position with the agency or  
4 institution;

5 (3) the activities and services of a student, intern,  
6 or resident in psychology pursuing a course of study at an  
7 accredited university or college or working in a generally  
8 recognized training center if these activities and services  
9 constitute a part of his supervised course of study;

10 (4) the activities and services of a person who is not  
11 a resident of this state in rendering consulting  
12 psychological services in this state when these services are  
13 rendered for a period which does not exceed, in the  
14 aggregate, 60 days during a calendar year if the person is  
15 authorized under the laws of the state or country of his  
16 residence to perform these activities and services; however,  
17 these persons shall report to the department the nature and  
18 extent of the services in this state if they exceed 10 days  
19 in a calendar year;

20 (5) a person authorized by the laws of the state or  
21 country of his former residence to perform activities and  
22 services, who has recently become a resident of this state  
23 and who has applied for a license in this state, from  
24 performing such activities and services pending disposition  
25 of his application;

1 (6) the use of the term "social psychologist" by a  
2 person who:

3 (a) has been graduated with a doctoral degree in  
4 sociology or social psychology from an institution and whose  
5 credits in sociology or social psychology are acceptable by  
6 a recognized educational institution;

7 (b) has passed comprehensive examinations in the field  
8 of social psychology as part of the requirement for the  
9 doctoral degree or who has had equivalent specialized  
10 training in social psychology; and

11 (c) has filed with the department a statement of facts  
12 demonstrating his compliance with this subsection;

13 (7) the offering of lecture services for a fee by a  
14 person exempted from licensing requirements by virtue of his  
15 employment;

16 (8) activities of a psychological nature on the part  
17 of a person who is a salaried employee of an accredited  
18 academic institution, governmental agency, research  
19 laboratory, or business corporation if he is performing the  
20 duties for which he is employed by the organization within  
21 the confines of the organization."

22 Section 7. Section 37-17-311, MCA, is amended to read:

23 "37-17-311. Denial or revocation of license -- grounds  
24 -- notice and hearing. (1) A license applied for or issued  
25 under this chapter may be refused or revoked by the board on

1 proof that the person to whom the license was issued:

2 ~~(a) has been convicted of a felony~~

3 ~~(b)(a)~~ has been guilty of fraud or deceit in securing  
4 the license or a renewal;

5 ~~(c)(b)~~ is using a narcotic or an alcoholic beverage to  
6 an extent that the use impairs his ability to perform the  
7 work of a professional psychologist with safety to the  
8 public; or

9 ~~(d)(c)~~ has been guilty of unprofessional conduct as  
10 defined by the code of ethics ~~published by the American~~  
11 ~~psychological association~~ adopted by the board.

12 (2) The board may not revoke or refuse to issue or  
13 renew a license for any cause other than failure to pay fees  
14 unless the person is given notice and opportunity for a  
15 hearing before the board."

16 Section 8. Effective date. This act is effective on  
17 passage and approval.

-End-