

SENATE BILL 187

Introduced by Hammond, et al.

1/18	Introduced
1/18	Referred to Public Health, Welfare & Safety
1/19	Fiscal Note Requested
1/23	Hearing
1/26	Fiscal Note Received
1/27	Fiscal Note Printed
	Died in Committee

1 *Senate* BILL NO. *187*
2 INTRODUCED BY *Democratic* *NTHE* *10/1/90*
3 *Stella Jean Hansen* *Rep. B.* *Beam* *M-House*
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
5 LICENSURE OF THE PRACTICE OF PSYCHOLOGY; PROVIDING FOR THE
6 LICENSURE OF PSYCHOLOGIST ASSOCIATES; AMENDING SECTIONS
7 2-15-1851, 37-17-102, 37-17-103, 37-17-202, 37-17-301,
8 37-17-302, 37-17-304, 37-17-306 THROUGH 37-17-308, AND
9 37-17-314, MCA; AND PROVIDING DELAYED EFFECTIVE DATES AND A
10 TERMINATION DATE."

11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

13 NEW SECTION. **Section 1.** Psychologist associate --
14 qualifications. Before April 1, 1990, an applicant for a
15 license as a psychologist associate shall meet the
16 requirements of 37-17-302(2)(a) through (2)(c) and shall:

17 (1) have completed a master's level degree in
18 counseling or clinical psychology with a course of study
19 that meets the minimum standards specified by board rule;

20 (2) have completed 1 year of supervised, post-master
21 experience in the practice of psychology;

22 (3) submit an application for licensure by April 1,
23 1990, as a psychologist associate and pay the application,
24 examination, and certificate fees pursuant to 37-17-307; and

25 (4) successfully complete an oral examination

1 administered under the direction of the board before July 1,
2 1990.

3 NEW SECTION. **Section 2.** Psychologist associate --
4 qualifications. On and after April 1, 1990, an applicant for
5 a license as a psychologist associate shall meet the
6 requirements of 37-17-302(2)(a) through (2)(c) and shall:

7 (1) have completed a master's level degree in
8 counseling or clinical psychology with a course of study
9 that meets the minimum standards specified by board rule;

10 (2) have completed 1 year of post-master experience,
11 supervised by a licensed psychologist, in the practice of
12 psychology;

13 (3) submit an application for licensure as a
14 psychologist associate and pay the application, examination,
15 and certificate fees pursuant to 37-17-307; and

16 (4) pass written and oral examinations administered
17 under the direction of the board.

18 **Section 3.** Section 2-15-1851, MCA, is amended to read:

19 "2-15-1851. Board of psychologists. (1) There is a
20 board of psychologists.

21 (2) The board consists of five seven members appointed
22 by the governor with the consent of the senate. One member
23 must be a licensed psychologist in private practice, one
24 member must be a licensed psychologist in public health, one
25 member must be a licensed psychologist engaged in the

1 teaching of psychology, two members must be licensed
 2 psychologist associates, and two members must be from the
 3 general public. A member may not succeed himself but may be
 4 reappointed after 3 years following the termination of his
 5 previous appointment.

6 (3) Members shall serve staggered 3-year terms."

7 **Section 4.** Section 37-17-102, MCA, is amended to read:

8 "37-17-102. Definitions. Unless the context requires
 9 otherwise, in this chapter the following definitions apply:

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

14 (2) "Board" means the board of psychologists provided
 15 for in 2-15-1851.

16 (3) "Department" means the department of commerce
 17 provided for in Title 2, chapter 15, part 18.

18 (4) A person represents himself to be a "psychologist"
 19 when he holds himself out to the public by a title or
 20 description of services incorporating the words
 21 "psychologist", "psychological", "psychologic", or
 22 "psychology" and offers to render or renders psychological
 23 services defined in subsection ~~†5†~~ (6) ~~of--this--section~~ to
 24 individuals, groups, corporations, or the public, whether or
 25 not he does so for compensation or fee.

1 (5) A person represents himself to be a "psychologist
 2 associate" when he holds himself out to the public by a
 3 title or description of services incorporating the words
 4 "psychologist associate", "psychological associate", or
 5 "psychology associate" and offers to render or renders
 6 psychological services defined in subsection (6) to
 7 individuals, groups, corporations, or the public, whether or
 8 not he does so for compensation or fee.

9 ~~†5†~~ (6) (a) "Practice of psychology" means the
 10 observation, description, interpretation, and modification
 11 of human behavior by the application of psychological
 12 principles, methods, and procedures for the purpose of
 13 eliminating symptomatic, maladaptive, or undesired behavior
 14 and improving interpersonal relations, work and life
 15 adjustment, personal effectiveness, and mental health.

16 (b) The practice of psychology includes but is not
 17 limited to psychological testing and evaluation or
 18 assessment of personal characteristics such as intelligence,
 19 personality, abilities, interests, aptitudes, and
 20 neuropsychological functioning; counseling, psychoanalysis,
 21 psychotherapy, hypnosis, biofeedback, and behavior analysis
 22 and therapy; diagnosis and treatment of mental and emotional
 23 disorders or disabilities, chemical dependency, substance
 24 abuse, and the psychological aspects of physical illness,
 25 accident, injury, or disability; and psychoeducational

evaluation, therapy, remediation, and consultation."

Section 5. Section 37-17-103, MCA, is amended to read:

"37-17-103. **Limitation of license authority.** Nothing in this chapter shall be construed as permitting psychologists or psychologist associates to prescribe drugs, perform surgery, or administer electroconvulsive therapy."

Section 6. Section 37-17-202, MCA, is amended to read:

"37-17-202. **Powers.** (1) The board may make reasonable and necessary rules for the proper performance of its duties and for the regulation of proceedings before it.

(2) In addition to the other powers and duties set forth, the board may:

(a) revoke and suspend licenses;

(b) conduct hearings upon complaints concerning persons licensed under this chapter;

(c) cause the prosecution and enjoinder of all persons violating this chapter, by the complaint of its secretary signed with the county attorney, in the county where the violation took place and incur necessary expenses therefor;

(d) study and review new developments in research, training, and the practice of psychology and make recommendations to the governor and other state officials regarding new and revised programs and legislation related to psychology which could be beneficial to the citizens of the state of Montana.

(3) The board shall:

(a) adopt rules necessary to administer and enforce [this act];

(b) adopt rules on the scope of practice for psychologist associates;

(c) establish by rule by January 1, 1990, the minimum standards necessary for the course of study requirement for a psychologist associate applicant; and

(d) establish by rule by October 1, 1990, the continuing education requirements for licensed psychologists and psychologist associates."

Section 7. Section 37-17-301, MCA, is amended to read:

"37-17-301. **License required.** A person may not represent himself to be a psychologist or psychologist associate or engage in the practice of psychology unless he is licensed under this chapter."

Section 8. Section 37-17-302, MCA, is amended to read:

"37-17-302. **Application -- qualifications.** (1) Application for examination for licensing a psychologist shall be made on forms prescribed by the board.

(2) The board shall license as a psychologist any person who pays the prescribed fee, passes the prescribed examination, and submits evidence by oath that he:

~~(a) is a resident of or shows satisfactory evidence of intent to become a resident of this state at the time he is~~

1 licensed;

2 (b)(a) is at least 18 years of age;

3 (c)(b) is of good moral character;

4 (d)(c) (i) has received a doctoral degree in clinical
5 psychology from an accredited college or university having
6 an appropriate graduate program approved by the American
7 psychological association;

8 (ii) has received a doctoral degree in psychology from
9 an accredited college or university not approved by the
10 American psychological association and has successfully
11 completed a formal graduate retraining program in clinical
12 psychology approved by the American psychological
13 association; or

14 (iii) has received a doctoral degree in psychology from
15 an accredited college or university, and whose course of
16 studies meets minimum standards specified in rules by the
17 board; and

18 (e)(d) has completed at the time of application a
19 minimum of 2 years of supervised experience in the practice,
20 research, or teaching of psychology. One year of this
21 experience shall be postdoctoral."

22 **Section 9.** Section 37-17-304, MCA, is amended to read:

23 **"37-17-304. Admission of licensees from other states.**

24 A license without examination may be issued to a
25 psychologist or psychologist associate licensed or certified

1 in another state where the licensing or certification
2 requirements are substantially equivalent to the
3 requirements of this chapter or to a psychologist or
4 psychologist associate who is a diplomate in good standing
5 of the American board of professional psychology."

6 **Section 10.** Section 37-17-306, MCA, is amended to
7 read:

8 **"37-17-306. Annual renewal.** (1) The license expires on
9 January 1 following the date of its issuance or renewal and
10 is invalid thereafter. The department shall notify each
11 person licensed under this chapter relative to the date of
12 the expiration of his license and the amount of his renewal
13 fee. This notice shall be mailed to each licensed
14 psychologist and psychologist associate at his listed
15 address at least 1 month before the expiration of the
16 license.

17 (2) Renewal may be made by application during the 60
18 days prior to the expiration date. Failure on the part of a
19 person licensed to pay his renewal fee by the expiration
20 date does not deprive him of the right to renew his license,
21 but the fee shall be increased 10% for each month or major
22 portion thereof that the payment of the renewal fee is
23 delayed after the expiration date. The maximum fee for
24 delayed renewal may not exceed twice the normal renewal fee.
25 Application for renewal following a lapse of 1 year or more

will be subject to review by the board, and the applicant may be requested to complete an examination successfully if the board so determines."

Section 11. Section 37-17-307, MCA, is amended to read:

"37-17-307. Fees -- deposit of fees. (1) The department shall collect the following fees, none of which is refundable:

(a) application fee;

(b) examination fee, an amount commensurate with the charge of the professional examination service and administrative costs of the department and as set by the board;

~~(c) certificate fee;~~

~~(d)~~(c) renewal fee.

(2) Renewal certificates shall be secured annually and dated January 2 1.

(3) Fees received by the department shall be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6)."

Section 12. Section 37-17-308, MCA, is amended to read:

"37-17-308. Department to publish list of licensees. The department shall publish yearly a list of psychologists and psychologist associates licensed under this chapter.

This list shall contain names and addresses and other information the board considers advisable. The department shall mail a copy of this list to each person licensed under this chapter, place a copy on file in the secretary of state's office, and furnish copies to the public on request."

Section 13. Section 37-17-314, MCA, is amended to read:

"37-17-314. Immunity from liability. There is no liability on the part of and no cause of action may arise against a psychologist or psychologist associate for a statement made in good faith in reporting another psychologist's or psychologist associate's apparent violation of the provisions of this chapter or rules adopted by the board."

NEW SECTION. **Section 14.** Extension of authority. Any existing authority to make rules on the subject of the provisions of [this act] is extended to the provisions of [this act].

NEW SECTION. **Section 15.** Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 37, chapter 17, part 3, and the provisions of Title 37, chapter 17, part 3, apply to [sections 1 and 2].

NEW SECTION. **Section 16.** Sunrise exception. The

LC 0668/01

1 provisions of 2-8-201 through 2-8-208 do not apply to (this
2 act).

3 NEW SECTION. Section 17. Effective dates. (1)

4 [Sections 1 and 3 through 13] are effective January 1, 1990.

5 (2) [Section 2] is effective July 1, 1990.

6 NEW SECTION. Section 18. Termination date. [Section

7 1] terminates July 1, 1990.

-End-

STATE OF MONTANA - FISCAL NOTE

Form RD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for SB187, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION:

This bill generally revises the licensure of the practice of psychology and provides for the licensure of psychologist associates, expanding the board from five to seven members and allowing for new rules.

ASSUMPTIONS:

1. There will be two additional board members attending two additional board meetings per year at a cost of \$400 per year plus travel at state rates.
2. Since oral interviews are required, there will be an additional three-day meeting in FY90 at a cost of \$1,050 for board compensation.
3. There will be 25 new licensees.
4. To implement the legislation there will be six pages of new and modified rules at \$35 per page and this will require additional staff during FY90.
5. The Professional and Occupational Licensing Bureau will continue to charge for supportive services and overhead at a rate equal to 41% of the board's budget. This authority will be added to the budgets of both the board and the bureau.
6. The 1991 biennium budget figures used are those recommended in the executive budget.

FISCAL IMPACT:Expenditures:

	Current	FY90		Current	FY91	
	Law	Proposed	Difference	Law	Proposed	Difference
Dept. of Commerce						
Personal Services	\$ 2,098	\$ 3,548	\$1,450	\$ 2,098	\$ 2,498	\$ 400
Operating Expenses	16,735	20,949	4,214	16,942	18,199	1,257
Total	\$18,833	\$24,497	\$5,664	\$19,040	\$20,697	\$1,657

Funding:

State Special Revenue						
Licenses and Fees	\$18,833	\$24,497	\$5,664	\$19,040	\$20,697	\$1,657

Ray Shackelford 1/25/89
 RAY SHACKLEFORD, BUDGET DIRECTOR DATE
 OFFICE OF BUDGET AND PROGRAM PLANNING

H.W. Hammond 1/26/89
 H.W. HAMMOND, PRIMARY SPONSOR DATE

Fiscal Note for SB187, as introduced

SB 187

Fiscal Note Request SB187 as introduced

Form BD-15

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LONG-RANGE EFFECTS OF PROPOSED LEGISLATION:

Due to the number of bills which may increase the duties of the POL Bureau, the entire group of added board responsibilities may require additional staff towards the end of the session when all can be considered together. The board will have increased expenditures and license revenue into the foreseeable future.

SB 187