

HOUSE BILL NO. 190

INTRODUCED BY MASON
BY REQUEST OF THE DEPARTMENT OF COMMERCE

IN THE HOUSE

JANUARY 15, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & ECONOMIC DEVELOPMENT.
	FIRST READING.
JANUARY 28, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
JANUARY 29, 1993	PRINTING REPORT.
JANUARY 30, 1993	SECOND READING, DO PASS.
FEBRUARY 1, 1993	ENGROSSING REPORT.
FEBRUARY 3, 1993	THIRD READING, PASSED. AYES, 89; NOES, 8.
FEBRUARY 4, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 4, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH, WELFARE, & SAFETY.
	FIRST READING.
MARCH 24, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
MARCH 25, 1993	SECOND READING, CONCURRED IN.
MARCH 26, 1993	THIRD READING, CONCURRED IN. AYES, 46; NOES, 0.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993	SECOND READING, AMENDMENTS NOT CONCURRED IN.
APRIL 5, 1993	ON MOTION, CONFERENCE COMMITTEE REQUESTED AND APPOINTED.

IN THE SENATE

APRIL 6, 1993

ON MOTION, CONFERENCE COMMITTEE
REQUESTED AND APPOINTED.

APRIL 17, 1993

CONFERENCE COMMITTEE REPORT ADOPTED.

IN THE HOUSE

APRIL 17, 1993

SECOND READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

APRIL 20, 1993

THIRD READING, CONFERENCE COMMITTEE
REPORT ADOPTED.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 190
2 INTRODUCED BY Gay D. Mann
3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE
6 REQUIREMENTS FOR LICENSURE OF LICENSED CLINICAL SOCIAL
7 WORKERS; AMENDING THE PROCEDURE FOR CHARGING OF LICENSE
8 VIOLATIONS BY LICENSED CLINICAL SOCIAL WORKERS; PROVIDING
9 THE REQUIREMENTS FOR LICENSE RENEWAL AND CREATING AN
10 INACTIVE STATUS FOR LICENSED CLINICAL SOCIAL WORKERS AND
11 PROFESSIONAL COUNSELORS; AMENDING SECTIONS 37-22-301,
12 37-22-304, 37-22-305, 37-22-312, 37-23-205, AND 37-23-212,
13 MCA; AND PROVIDING EFFECTIVE DATES."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16 **Section 1.** Section 37-22-301, MCA, is amended to read:

17 "37-22-301. License requirements -- exemptions. (1) A
18 license applicant shall satisfactorily complete an
19 examination prepared and administered by the board, ~~except~~
20 ~~that during the 365-day period following the effective date~~
21 ~~of this chapter a license must be granted without~~
22 ~~examination if the requirements of subsection (2) are met.~~

23 (2) Before an applicant may take the examination, he
24 the applicant shall present three letters of reference from
25 licensed social workers, licensed clinical social workers,

1 psychiatrists, or psychologists, ~~or psychiatric nurses~~ who
2 have knowledge of the applicant's professional performance
3 and shall demonstrate to the board that he the applicant:

4 (a) has a doctorate or master's degree in social work
5 from a program accredited by the council on social work
6 education or approved by the board;

7 (b) has ~~accumulated 3,000 hours of postdegree work~~
8 experience in psychotherapy completed at least 24 months of
9 supervised post master's degree work experience in
10 psychotherapy, which included 3,000 hours of social work
11 experience, of which at least 1,500 hours were in direct
12 client contact, within the past 5 years; and

13 (c) abides by the social work ethical standards adopted
14 under 37-22-201.

15 (3) An applicant who submits an application for
16 licensure before October 1, 1994, may acquire the supervised
17 experience required by subsection (2)(b) in less than 24
18 months.

19 (4) An applicant who has failed the examination may
20 reapply to take the examination.

21 (5) An applicant is exempt from the examination
22 requirement if he the applicant satisfies the board that he
23 the applicant is licensed, certified, or registered under
24 the laws of a state or territory of the United States that
25 imposes substantially the same requirements as this chapter

1 and that he the applicant has passed an examination similar
2 to that required by the board."

3 **Section 2.** Section 37-22-304, MCA, is amended to read:

4 "37-22-304. **Renewal of license.** (1) An application for
5 renewal of an existing license made within 60 days after the
6 expiration of the license is timely, and the rights and
7 privileges of the applicant during that period remain in
8 effect.

9 (2) Application for renewal must be made upon a form
10 provided by the department. A renewal license must be issued
11 upon payment of a renewal fee set by the board and upon
12 submitting proof of completion of continuing education
13 requirements.

14 (3) An individual may renew a license in the manner
15 provided in subsection (2) within 1 year of the expiration
16 date of the license. An applicant for renewal shall provide
17 the board with proof that the applicant has satisfied the
18 continuing education requirements of the board for the year
19 for which the license is to be renewed.

20 (4) The renewal fee is increased by 10% for each month
21 or part of a month that the renewal is delayed after the
22 60-day period provided in subsection (1). The maximum fee
23 for delayed renewal may not exceed twice the normal renewal
24 fee.

25 (5) A license not renewed within 1 year following its

1 expiration date terminates automatically."

2 **Section 3.** Section 37-22-305, MCA, is amended to read:

3 "37-22-305. **Representation to public as licensed**
4 clinical social worker -- limitations on use of title --
5 limitations on practice. (1) Upon issuance of a license in
6 accordance with this chapter, a licensee may use the title
7 "licensed clinical social worker". No Except as provided in
8 subsection (2), a person may not represent himself-to-be
9 that the person is a licensed clinical social worker by
10 adding the letters "LSW" or "LCSW" after his the person's
11 name or by any other means unless licensed under this
12 chapter.

13 (2) Individuals licensed in accordance with this
14 chapter before October 1, 1993, who use the title "licensed
15 social worker" or "LSW" may use the title "licensed clinical
16 social worker" or "LCSW".

17 ~~(2)~~(3) Subsection (1) does not prohibit:

18 (a) qualified members of other professions, such as
19 physicians, psychologists, lawyers, pastoral counselors,
20 educators, or the general public engaged in social work like
21 activities, from doing social work consistent with their
22 training if they do not hold themselves out to the public by
23 a title or description incorporating the words "licensed
24 social work worker" or "licensed clinical social worker";

25 (b) activities, services, and use of an official title

by a person in the employ of a federal, state, county, or municipal agency or an educational, research, or charitable institution which that are a part of the duties of the office or position;

(c) an employer from performing social work like activities performed solely for the benefit of his employees;

(d) activities and services of a student, intern, or resident in social work pursuing a course of study at an accredited university or college or working in a generally recognized training center if the activities and services constitute a part of the supervised course of study;

(e) activities and services of by a person who is not a resident of this state, ~~which services that~~ are rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the law of the state or country of residence to perform such the activities and services. However, ~~such persons the person~~ shall report to the department the nature and extent of the activities and services if they exceed 10 days in a calendar year.

(f) pending disposition of the application for a license, activities and services by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state,

and is licensed to perform such the activities and services in the state of his former residence.

(4) An individual who is not licensed as a licensed clinical social worker in accordance with this chapter may not practice social work, whether practicing in a private practice or by employment with a public or private agency or institution, without supervision by a licensed clinical social worker."

Section 4. Section 37-22-312, MCA, is amended to read:

***37-22-312. Procedure for charging violation.** (1) Any member of the board or other person may charge a licensee with a violation of 37-22-311. The charge must be made by affidavit and subscribed and sworn to by the person making it and filed with the department. The charge must be investigated by the board and, unless the board dismisses the charge after investigation as unfounded or trivial, the board must shall act on the charge ~~within 6 months after the date on which the charge was filed. The board is considered to have acted on a charge if it has given notice by mail to the licensee of its intent to reprimand him or revoke, suspend, or refuse to renew his license and the notice contains those matters required by 2-4-601.~~

(2) Any hearing on the charge must be ~~held before all five members of the board and must be~~ conducted in accordance with 37-1-121(1) and the Montana Administrative

1 Procedure Act."

2 **Section 5.** Section 37-23-205, MCA, is amended to read:

3 "37-23-205. Renewal of license. (1) A license may be
4 issued for no longer than 1 year. The board may adopt rules
5 to provide for annual renewal of an existing license.

6 (2) An application for renewal of an existing license
7 made within 60 days after the expiration of the license is
8 timely, and the rights and privileges of the applicant
9 during that period remain in effect.

10 (3) Application for renewal must be made upon a form
11 provided by the department. A renewal license must be issued
12 upon payment of a renewal fee set by the board and upon
13 submitting proof of completion of continuing education
14 requirements established by the board.

15 (4) An individual may renew a license in the manner
16 provided in subsection (3) within 1 year of the expiration
17 date of the license. An applicant for renewal shall provide
18 the board with proof that the applicant has satisfied the
19 continuing education requirements of the board for the year
20 for which the license is to be renewed.

21 (5) The renewal fee is increased by 10% for each month
22 or part of a month that the renewal is delayed after the
23 60-day period provided in subsection (2). The maximum fee
24 for delayed renewal may not exceed twice the normal renewal
25 fee.

1 (6) A license not renewed within 1 year following its
2 expiration date terminates automatically."

3 **Section 6.** Section 37-23-212, MCA, is amended to read:

4 "37-23-212. Procedure for charging violation of
5 professional or ethical standard. (1) A member of the board
6 or any other person may charge a licensee with violating a
7 professional or ethical standard adopted by the board. The
8 charge must be made by affidavit, subscribed and sworn to by
9 the person making it, and filed with the department of
10 commerce. The charge must be investigated by the board, and
11 unless the board dismisses the charge after investigation as
12 unfounded or trivial, the board must shall act on the charge
13 within 6 months after the date on which the charge was
14 filed. The board is considered to have acted on a charge if
15 it has given notice by mail to the licensee of its intent to
16 suspend or revoke his license and the notice contains those
17 matters required by 2-4-601.

18 (2) A hearing on the charge must be conducted in
19 accordance with 37-1-121(1) and the Montana Administrative
20 Procedure Act."

21 **NEW SECTION. Section 7.** Inactive status. (1) The board
22 shall reclassify, for a maximum of 7 consecutive years, an
23 active license to an inactive license for a licensee who
24 furnishes satisfactory evidence that the licensee has
25 discontinued the practice of social work within this state

and has satisfied the continuing education requirements of the board for each year of inactive licensure.

(2) An individual with an inactive status license who wishes to convert the license to active status shall make application for conversion in the manner prescribed by the board. The application must be accompanied by a renewal fee prescribed by the board. If the applicant for conversion to active status has held an inactive status license for more than 1 year, the applicant shall submit with the application satisfactory evidence that the applicant has earned the number of continuing education credits prescribed by the board for each year that the applicant has held an inactive status license.

(3) An individual on inactive status for more than 7 consecutive years shall comply with the requirements of 37-22-301 in order to convert an inactive status license to an active status license.

(4) An inactive status licensee may not practice social work in this state.

NEW SECTION. Section 8. Inactive status. (1) The board shall reclassify, for a maximum of 7 consecutive years, an active license to an inactive license for a licensee who furnishes satisfactory evidence that the licensee has discontinued the practice of professional counseling within this state and has satisfied the continuing education

requirements of the board for each year of inactive licensure.

(2) An individual with an inactive status license who wishes to convert the license to active status shall make application for conversion in the manner prescribed by the board. The application must be accompanied by a renewal fee prescribed by the board. If the applicant for conversion to active status has held an inactive status license for more than 1 year, the applicant shall submit with the application satisfactory evidence that the applicant has earned the number of continuing education credits prescribed by the board for each year that the applicant has held an inactive status license.

(3) An individual on inactive status for more than 7 consecutive years shall comply with the requirements of 37-23-202 in order to convert an inactive status license to an active status license.

(4) An inactive status licensee may not practice professional counseling in this state.

NEW SECTION. Section 9. Codification instruction. (1) [Section 7] is intended to be codified as an integral part of Title 37, chapter 22, and the provisions of Title 37, chapter 22, apply to [section 7].

(2) [Section 8] is intended to be codified as an integral part of Title 37, chapter 23, and the provisions of

LC 0205/01

1 Title 37, chapter 23, apply to [section 8].

2 NEW SECTION. **Section 10.** Applicability. [Section
3 1(2)(b)] applies to persons licensed on or after October 1,
4 1993.

5 NEW SECTION. **Section 11.** Effective date. [Section
6 3(4)] is effective October 1, 1995.

-End-

APPROVED BY COMM. ON BUSINESS
AND ECONOMIC DEVELOPMENT

HOUSE BILL NO. 190

INTRODUCED BY MASON

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE REQUIREMENTS FOR LICENSURE OF LICENSED SOCIAL WORKERS AND OF LICENSED CLINICAL SOCIAL WORKERS; AMENDING THE PROCEDURE FOR CHARGING OF LICENSE VIOLATIONS BY LICENSED CLINICAL SOCIAL WORKERS; PROVIDING THE REQUIREMENTS FOR LICENSE RENEWAL AND CREATING AN INACTIVE STATUS FOR LICENSED CLINICAL SOCIAL WORKERS AND PROFESSIONAL COUNSELORS; AMENDING SECTIONS 37-22-301, 37-22-304, 37-22-305, 37-22-312, 37-23-205, AND 37-23-212, MCA; AND PROVIDING EFFECTIVE--DATES AN APPLICABILITY DATE."

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

Section 1. Section 37-22-301, MCA, is amended to read:

"37-22-301. License requirements -- exemptions. (1) A license applicant shall satisfactorily complete an examination prepared and administered by the board, except that--during-the-365-day-period-following-the-effective-date of--this--chapter--a--license--must---be---granted---without examination-if-the-requirements-of-subsection-(2)-are-met.

(2) Before an applicant may take the examination, he the applicant shall present three letters of reference from

licensed social workers, licensed clinical social workers, psychiatrists, or psychologists,--or-psychiatric--nurses who have knowledge of the applicant's professional performance and shall demonstrate to the board that he the applicant:

(a) has a doctorate or master's degree in social work from a program accredited by the council on social work education or approved by the board;

(b) has accumulated--3,000--hours--of--postdegree--work experience--in-psychotherapy completed at least 24 months of supervised post master's degree work experience in psychotherapy, which included 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact, within the past 5 years; and

(c) abides by the social work ethical standards adopted under 37-22-201.

(3) An applicant who submits an application for licensure before October 1, 1994, may acquire the supervised experience required by subsection (2)(b) in less than 24 months.

(4) An applicant who has failed the examination may reapply to take the examination.

(5) An applicant is exempt from the examination requirement if he the applicant satisfies the board that he the applicant is licensed, certified, or registered under the laws of a state or territory of the United States that

imposes substantially the same requirements as this chapter and that he the applicant has passed an examination similar to that required by the board."

Section 2. Section 37-22-304, MCA, is amended to read:

"37-22-304. Renewal of license. (1) An application for renewal of an existing license made within 60 days after the expiration of the license is timely, and the rights and privileges of the applicant during that period remain in effect.

(2) Application for renewal must be made upon a form provided by the department. A renewal license must be issued upon payment of a renewal fee set by the board and upon submitting proof of completion of continuing education requirements.

(3) An individual may renew a license in the manner provided in subsection (2) within 1 year of the expiration date of the license. An applicant for renewal shall provide the board with proof that the applicant has satisfied the continuing education requirements of the board for the year for which the license is to be renewed.

(4) The renewal fee is increased by 10% for each month or part of a month that the renewal is delayed after the 60-day period provided in subsection (1). The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

(5) A license not renewed within 1 year following its expiration date terminates automatically."

Section 3. Section 37-22-305, MCA, is amended to read:

"37-22-305. Representation to public as licensed clinical social worker -- limitations on use of title -- limitations on practice. (1) Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical social worker". No Except as provided in subsection (2), a person may not represent himself--to--be that the person is a licensed clinical social worker by adding the letters "LSW" or "LCSW" after his the person's name or by any other means unless licensed under this chapter.

(2) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed social worker" or "LSW" may use the title "licensed clinical social worker" or "LCSW".

~~(2)~~(3) Subsection (1) does not prohibit:

(a) qualified members of other professions, such as physicians, psychologists, lawyers, pastoral counselors, educators, or the general public engaged in social work like activities, from doing social work consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "licensed social work worker" or "licensed clinical social worker";

1 (b) activities, services, and use of an official title
 2 by a person in the employ of OR UNDER A CONTRACT WITH a
 3 federal, state, county, or municipal agency, or an
 4 educational, research, or charitable institution, OR A
 5 HEALTH CARE FACILITY LICENSED UNDER THE PROVISIONS OF TITLE
 6 50, CHAPTER 5, which that are a part of the duties of the
 7 office or position;

8 (c) an employer from performing social work like
 9 activities performed solely for the benefit of his
 10 employees;

11 (d) activities and services of a student, intern, or
 12 resident in social work pursuing a course of study at an
 13 accredited university or college or working in a generally
 14 recognized training center if the activities and services
 15 constitute a part of the supervised course of study;

16 (e) activities and services of by a person who is not a
 17 resident of this state-~~which-services~~ that are rendered for
 18 a period that does not exceed, in the aggregate, 60 days
 19 during a calendar year if the person is authorized under the
 20 law of the state or country of residence to perform such the
 21 activities and services. However, ~~such-persons~~ the person
 22 shall report to the department the nature and extent of the
 23 activities and services if they exceed 10 days in a calendar
 24 year.

25 (f) pending disposition of the application for a

1 license, activities and services by a person who has
 2 recently become a resident of this state, has applied for a
 3 license within 90 days of taking up residency in this state,
 4 and is licensed to perform such the activities and services
 5 in the state of his former residence.

6 ~~{4}-An individual who is not--licensed--as--a--licensed~~
 7 ~~clinical--social--worker-in-accordance-with-this-chapter-may~~
 8 ~~not-practice-social-work, whether practicing--in--a--private~~
 9 ~~practice-or-by-employment-with-a-public-or-private-agency-or~~
 10 ~~institution,--without--supervision--by--a--licensed-clinical~~
 11 ~~social-worker."~~

12 **Section 4.** Section 37-22-312, MCA, is amended to read:

13 "37-22-312. Procedure for charging violation. (1) Any
 14 member of the board or other person may charge a licensee
 15 with a violation of 37-22-311. The charge must be made by
 16 affidavit and subscribed and sworn to by the person making
 17 it and filed with the department. The charge must be
 18 investigated by the board and, unless the board dismisses
 19 the charge after investigation as unfounded or trivial, the
 20 board must shall act on the charge ~~within-6-months-after-the~~
 21 ~~date--on-which-the-charge-was-filed--The-board-is-considered~~
 22 ~~to-have-acted-on-a-charge-if-it-has-given-notice-by-mail--to~~
 23 ~~the--licensee--of--its--intent--to--reprimand-him-or-revoke,~~
 24 ~~suspend,--or--refuse--to--renew--his--license--and--the--notice~~
 25 ~~contains-these-matters-required-by-2-4-601.~~

1 (2) Any hearing on the charge must be held-before-all
 2 five--members--of--the--board--and--must--be conducted in
 3 accordance with 37-1-121(1) and the Montana Administrative
 4 Procedure Act."

5 **Section 5.** Section 37-23-205, MCA, is amended to read:

6 "37-23-205. Renewal of license. (1) A license may be
 7 issued for no longer than 1 year. The board may adopt rules
 8 to provide for annual renewal of an existing license.

9 (2) An application for renewal of an existing license
 10 made within 60 days after the expiration of the license is
 11 timely, and the rights and privileges of the applicant
 12 during that period remain in effect.

13 (3) Application for renewal must be made upon a form
 14 provided by the department. A renewal license must be issued
 15 upon payment of a renewal fee set by the board and upon
 16 submitting proof of completion of continuing education
 17 requirements established by the board.

18 (4) An individual may renew a license in the manner
 19 provided in subsection (3) within 1 year of the expiration
 20 date of the license. An applicant for renewal shall provide
 21 the board with proof that the applicant has satisfied the
 22 continuing education requirements of the board for the year
 23 for which the license is to be renewed.

24 (5) The renewal fee is increased by 10% for each month
 25 or part of a month that the renewal is delayed after the

1 60-day period provided in subsection (2). The maximum fee
 2 for delayed renewal may not exceed twice the normal renewal
 3 fee.

4 (6) A license not renewed within 1 year following its
 5 expiration date terminates automatically."

6 **Section 6.** Section 37-23-212, MCA, is amended to read:

7 "37-23-212. Procedure for charging violation of
 8 professional or ethical standard. (1) A member of the board
 9 or any other person may charge a licensee with violating a
 10 professional or ethical standard adopted by the board. The
 11 charge must be made by affidavit, subscribed and sworn to by
 12 the person making it, and filed with the department of
 13 commerce. The charge must be investigated by the board, and
 14 unless the board dismisses the charge after investigation as
 15 unfounded or trivial, the board must shall act on the charge
 16 within 6 months after the date on which the charge was
 17 filed. The board is considered to have acted on a charge if
 18 it has given notice by mail to the licensee of its intent to
 19 suspend or revoke his license and the notice contains those
 20 matters required by 2-4-601.

21 (2) A hearing on the charge must be conducted in
 22 accordance with 37-1-121(1) and the Montana Administrative
 23 Procedure Act."

24 **NEW SECTION. Section 7.** Inactive status. (1) The board
 25 shall reclassify, for a maximum of 7 2 consecutive years, an

1 active license to an inactive license for a licensee who
 2 furnishes satisfactory evidence that the licensee has
 3 discontinued the practice of social work within this state
 4 and has satisfied the continuing education requirements of
 5 the board for each year of inactive licensure.

6 (2) An individual with an inactive status license who
 7 wishes to convert the license to active status shall make
 8 application for conversion in the manner prescribed by the
 9 board. The application must be accompanied by a renewal fee
 10 prescribed by the board. If the applicant for conversion to
 11 active status has held an inactive status license for more
 12 than 1 year, the applicant shall submit with the application
 13 satisfactory evidence that the applicant has earned the
 14 number of continuing education credits prescribed by the
 15 board for each year that the applicant has held an inactive
 16 status license.

17 (3) An individual on inactive status for more than 7 2
 18 consecutive years shall comply with the requirements of
 19 37-22-301 in order to convert an inactive status license to
 20 an active status license.

21 (4) An inactive status licensee may not practice social
 22 work in this state.

23 NEW SECTION. Section 8. Inactive status. (1) The board
 24 shall reclassify, for a maximum of 7 2 consecutive years, an
 25 active license to an inactive license for a licensee who

1 furnishes satisfactory evidence that the licensee has
 2 discontinued the practice of professional counseling within
 3 this state and has satisfied the continuing education
 4 requirements of the board for each year of inactive
 5 licensure.

6 (2) An individual with an inactive status license who
 7 wishes to convert the license to active status shall make
 8 application for conversion in the manner prescribed by the
 9 board. The application must be accompanied by a renewal fee
 10 prescribed by the board. If the applicant for conversion to
 11 active status has held an inactive status license for more
 12 than 1 year, the applicant shall submit with the application
 13 satisfactory evidence that the applicant has earned the
 14 number of continuing education credits prescribed by the
 15 board for each year that the applicant has held an inactive
 16 status license.

17 (3) An individual on inactive status for more than 7 2
 18 consecutive years shall comply with the requirements of
 19 37-23-202 in order to convert an inactive status license to
 20 an active status license.

21 (4) An inactive status licensee may not practice
 22 professional counseling in this state.

23 NEW SECTION. Section 9. Codification instruction. (1)
 24 [Section 7] is intended to be codified as an integral part
 25 of Title 37, chapter 22, and the provisions of Title 37,

1 chapter 22, apply to [section 7].

2 (2) [Section 8] is intended to be codified as an
3 integral part of Title 37, chapter 23, and the provisions of
4 Title 37, chapter 23, apply to [section 8].

5 NEW SECTION. Section 10. Applicability. [Section
6 1(2)(b)] applies to persons licensed on or after October 1,
7 1993 1994.

8 ~~NEW-SECTION. Section-11--Effective---date---[Section~~
9 ~~3(4)]-is-effective-October-17-1995-~~

-End-

1 HOUSE BILL NO. 190

2 INTRODUCED BY MASON

3 BY REQUEST OF THE DEPARTMENT OF COMMERCE

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE
6 REQUIREMENTS FOR LICENSURE OF LICENSED SOCIAL WORKERS AND OF
7 LICENSED CLINICAL SOCIAL WORKERS; AMENDING THE PROCEDURE FOR
8 CHARGING OF LICENSE VIOLATIONS BY LICENSED CLINICAL SOCIAL
9 WORKERS; PROVIDING THE REQUIREMENTS FOR LICENSE RENEWAL AND
10 CREATING AN INACTIVE STATUS FOR LICENSED CLINICAL SOCIAL
11 WORKERS AND PROFESSIONAL COUNSELORS; AMENDING SECTIONS
12 37-22-301, 37-22-304, 37-22-305, 37-22-312, 37-23-205, AND
13 37-23-212, MCA; AND PROVIDING EFFECTIVE---DATES AN
14 APPLICABILITY DATE."
15

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

17 Section 1. Section 37-22-301, MCA, is amended to read:

18 "37-22-301. License requirements -- exemptions. (1) A
19 license applicant shall satisfactorily complete an
20 examination prepared and administered by the board;--except
21 that--during-the-365-day-period-following-the-effective-date
22 of--this--chapter--a--license--must---be---granted---without
23 examination-if-the-requirements-of-subsection-(2)-are-met.

24 (2) Before an applicant may take the examination, he
25 the applicant shall present three letters of reference from

1 licensed social workers, licensed clinical social workers,
2 psychiatrists, or psychologists,--or-psychiatric--nurses who
3 have knowledge of the applicant's professional performance
4 and shall demonstrate to the board that he the applicant:

5 (a) has a doctorate or master's degree in social work
6 from a program accredited by the council on social work
7 education or approved by the board;

8 (b) has accumulated--3,000--hours--of--postdegree--work
9 experience--in-psychotherapy completed at least 24 months of
10 supervised post master's degree work experience in
11 psychotherapy, which included 3,000 hours of social work
12 experience, of which at least 1,500 hours were in direct
13 client contact, within the past 5 years; and

14 (c) abides by the social work ethical standards adopted
15 under 37-22-201.

16 (3) An applicant who submits an application for
17 licensure before October 1, 1994, may acquire the supervised
18 experience required by subsection (2)(b) in less than 24
19 months.

20 (3)(4) An applicant who has failed the examination may
21 reapply to take the examination.

22 (4)(5) An applicant is exempt from the examination
23 requirement if he the applicant satisfies the board that he
24 the applicant is licensed, certified, or registered under
25 the laws of a state or territory of the United States that

imposes substantially the same requirements as this chapter and that he the applicant has passed an examination similar to that required by the board."

Section 2. Section 37-22-304, MCA, is amended to read:

"37-22-304. Renewal of license. (1) An application for renewal of an existing license made within 60 days after the expiration of the license is timely, and the rights and privileges of the applicant during that period remain in effect.

(2) Application for renewal must be made upon a form provided by the department. A renewal license must be issued upon payment of a renewal fee set by the board and upon submitting proof of completion of continuing education requirements.

(3) An individual may renew a license in the manner provided in subsection (2) within 1 year of the expiration date of the license. An applicant for renewal shall provide the board with proof that the applicant has satisfied the continuing education requirements of the board for the year for which the license is to be renewed.

(4) The renewal fee is increased by 10% for each month or part of a month that the renewal is delayed after the 60-day period provided in subsection (1). The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

(5) A license not renewed within 1 year following its expiration date terminates automatically."

Section 3. Section 37-22-305, MCA, is amended to read:

"37-22-305. Representation to public as licensed clinical social worker -- limitations on use of title -- limitations on practice. (1) Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical social worker". No Except as provided in subsection (2), a person may not represent himself--to--be that the person is a licensed clinical social worker by adding the letters "LSW" or "LCSW" after his the person's name or by any other means unless licensed under this chapter.

(2) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed social worker" or "LSW" may use the title "licensed clinical social worker" or "LCSW".

~~(2)~~(3) Subsection (1) does not prohibit:

(a) qualified members of other professions, such as physicians, psychologists, lawyers, pastoral counselors, educators, or the general public engaged in social work like activities, from doing social work consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words "licensed social work worker" or "licensed clinical social worker";

(b) activities, services, and use of an official title by a person in the employ of OR UNDER A CONTRACT WITH a federal, state, county, or municipal agency, or an educational, research, or charitable institution, OR A HEALTH CARE FACILITY LICENSED UNDER THE PROVISIONS OF TITLE 50, CHAPTER 5, which that are a part of the duties of the office or position;

(c) an employer from performing social work like activities performed solely for the benefit of his employees;

(d) activities and services of a student, intern, or resident in social work pursuing a course of study at an accredited university or college or working in a generally recognized training center if the activities and services constitute a part of the supervised course of study;

(e) activities and services of by a person who is not a resident of this state ~~which services that~~ are rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the law of the state or country of residence to perform such the activities and services. However, ~~such persons~~ the person shall report to the department the nature and extent of the activities and services if they exceed 10 days in a calendar year.

(f) pending disposition of the application for a

license, activities and services by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform such the activities and services in the state of his former residence.

~~(4)--An individual who is not licensed as a licensed clinical social worker in accordance with this chapter may not practice social work, whether practicing in a private practice or by employment with a public or private agency or institution, without supervision by a licensed clinical social worker."~~

Section 4. Section 37-22-312, MCA, is amended to read:

"37-22-312. Procedure for charging violation. (1) Any member of the board or other person may charge a licensee with a violation of 37-22-311. The charge must be made by affidavit and subscribed and sworn to by the person making it and filed with the department. The charge must be investigated by the board and, unless the board dismisses the charge after investigation as unfounded or trivial, the board ~~must shall~~ act on the charge within 6 months after the date ~~on which the charge was filed. The board is considered to have acted on a charge if it has given notice by mail to the licensee of its intent to reprimand him or revoke, suspend, or refuse to renew his license and the notice contains those matters required by 2-4-601.~~

(2) Any hearing on the charge must be held before all five members of the board and must be conducted in accordance with 37-1-121(1) and the Montana Administrative Procedure Act."

Section 5. Section 37-23-205, MCA, is amended to read:

"37-23-205. Renewal of license. (1) A license may be issued for no longer than 1 year. The board may adopt rules to provide for annual renewal of an existing license.

(2) An application for renewal of an existing license made within 60 days after the expiration of the license is timely, and the rights and privileges of the applicant during that period remain in effect.

(3) Application for renewal must be made upon a form provided by the department. A renewal license must be issued upon payment of a renewal fee set by the board and upon submitting proof of completion of continuing education requirements established by the board.

(4) An individual may renew a license in the manner provided in subsection (3) within 1 year of the expiration date of the license. An applicant for renewal shall provide the board with proof that the applicant has satisfied the continuing education requirements of the board for the year for which the license is to be renewed.

(5) The renewal fee is increased by 10% for each month or part of a month that the renewal is delayed after the

60-day period provided in subsection (2). The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

(6) A license not renewed within 1 year following its expiration date terminates automatically."

Section 6. Section 37-23-212, MCA, is amended to read:

"37-23-212. Procedure for charging violation of professional or ethical standard. (1) A member of the board or any other person may charge a licensee with violating a professional or ethical standard adopted by the board. The charge must be made by affidavit, subscribed and sworn to by the person making it, and filed with the department of commerce. The charge must be investigated by the board, and unless the board dismisses the charge after investigation as unfounded or trivial, the board must shall act on the charge within 6 months after the date on which the charge was filed. The board is considered to have acted on a charge if it has given notice by mail to the licensee of its intent to suspend or revoke his license and the notice contains those matters required by 2-4-601.

(2) A hearing on the charge must be conducted in accordance with 37-1-121(1) and the Montana Administrative Procedure Act."

NEW SECTION. Section 7. Inactive status. (1) The board shall reclassify, for a maximum of 7 2 consecutive years, an

1 active license to an inactive license for a licensee who
 2 furnishes satisfactory evidence that the licensee has
 3 discontinued the practice of social work within this state
 4 and has satisfied the continuing education requirements of
 5 the board for each year of inactive licensure.

6 (2) An individual with an inactive status license who
 7 wishes to convert the license to active status shall make
 8 application for conversion in the manner prescribed by the
 9 board. The application must be accompanied by a renewal fee
 10 prescribed by the board. If the applicant for conversion to
 11 active status has held an inactive status license for more
 12 than 1 year, the applicant shall submit with the application
 13 satisfactory evidence that the applicant has earned the
 14 number of continuing education credits prescribed by the
 15 board for each year that the applicant has held an inactive
 16 status license.

17 (3) An individual on inactive status for more than 7 2
 18 consecutive years shall comply with the requirements of
 19 37-22-301 in order to convert an inactive status license to
 20 an active status license.

21 (4) An inactive status licensee may not practice social
 22 work in this state.

23 NEW SECTION. Section 8. Inactive status. (1) The board
 24 shall reclassify, for a maximum of 7 2 consecutive years, an
 25 active license to an inactive license for a licensee who

1 furnishes satisfactory evidence that the licensee has
 2 discontinued the practice of professional counseling within
 3 this state and has satisfied the continuing education
 4 requirements of the board for each year of inactive
 5 licensure.

6 (2) An individual with an inactive status license who
 7 wishes to convert the license to active status shall make
 8 application for conversion in the manner prescribed by the
 9 board. The application must be accompanied by a renewal fee
 10 prescribed by the board. If the applicant for conversion to
 11 active status has held an inactive status license for more
 12 than 1 year, the applicant shall submit with the application
 13 satisfactory evidence that the applicant has earned the
 14 number of continuing education credits prescribed by the
 15 board for each year that the applicant has held an inactive
 16 status license.

17 (3) An individual on inactive status for more than 7 2
 18 consecutive years shall comply with the requirements of
 19 37-23-202 in order to convert an inactive status license to
 20 an active status license.

21 (4) An inactive status licensee may not practice
 22 professional counseling in this state.

23 NEW SECTION. Section 9. Codification instruction. (1)
 24 [Section 7] is intended to be codified as an integral part
 25 of Title 37, chapter 22, and the provisions of Title 37,

1 chapter 22, apply to [section 7].

2 (2) [Section 8] is intended to be codified as an
3 integral part of Title 37, chapter 23, and the provisions of
4 Title 37, chapter 23, apply to [section 8].

5 NEW SECTION. Section 10. Applicability. [Section
6 1(2)(b)] applies to persons licensed on or after October 1,
7 1993 1994.

8 ~~NEW-SECTION. Section-11,--Effective---date,---[Section~~
9 ~~3(4)]-is-effective-October-17-1995.~~

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 3
March 23, 1993

Page 2 of 3
March 23, 1993

MR. PRESIDENT:

We, your committee on Public Health, Welfare, and Safety having had under consideration House Bill No. 190 (first reading copy -- white), respectfully report that House Bill No. 190 be amended as follows and as so amended be concurred in.

Signed: *Dorothy Eck*
Senator Dorothy Eck, Chair

That such amendments read:

1. Title, line 6.
Strike: "AND OF"
Insert: ","

2. Title, line 7.
Following: "WORKERS"
Insert: ", LICENSED PROFESSIONAL COUNSELORS, AND LICENSED CLINICAL PROFESSIONAL COUNSELORS"

3. Title, line 12.
Following: "37-22-312,"
Insert: "37-23-201, 37-23-202,"

4. Page 10, line 23.
Following: line 22
Insert: "Section 9. Section 37-23-201, MCA, is amended to read:
"37-23-201. Representation as licensed clinical professional counselor -- license required. (1) No Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical professional counselor". Except as provided in subsection (2), a person may not represent himself to be that the person is a licensed professional counselor or licensed clinical professional counselor by adding the letters "LPC" or "LCPC" after his the person's name or by any other means unless licensed under this chapter; and.

(2) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed professional counselor" or "LPC" may use the title "licensed clinical professional counselor" or "LCPC".

(2)(3) Subsection (1) does not prohibit:

(a) a qualified member of another profession, such as a physician, psychologist, lawyer, pastoral counselor, probation officer, court employee, nurse, social worker, school counselor, or educator, from professional counseling consistent with his that person's training if he the person does not hold himself out to the public by use a title or description incorporating the

words "licensed professional counselor", "licensed counselor", or "professional counselor", "licensed clinical professional counselor", or "licensed clinical counselor";

(b) an activity or service or use of an official title by a person employed by a federal, state, county, or municipal agency or an educational, research, or charitable institution that is a part of the duties of the office or position;

(c) an activity or service of an employee of a business establishment performed solely for the benefit of the establishment's employees;

(d) an activity or service of a student, intern, or resident in mental health counseling pursuing a course of study at an accredited university or college or working in a generally recognized training center if the activity or service constitutes a part of the supervised course of study;

(e) an activity or service of a person who is not a resident of this state, which activity or service is rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year, if the person is authorized under the law of the state or country of residence to perform such activity or service. However, such person shall report to the department of commerce the nature and extent of the activity or service if it exceeds 10 days in a calendar year.

(f) pending disposition of the application for a license, the activity or service by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform such activity or service in the state of his former residence."

Section 10. Section 37-23-202, MCA, is amended to read:
"37-23-202. Licensure requirements. ~~(1) To be licensed on or before December 31, 1987, as a professional counselor under this chapter, an applicant must have satisfactorily completed:~~

~~(a) a planned graduate program of study that was primarily counseling in nature which resulted in an advanced degree in a counseling field from an institution accredited to offer such a degree program;~~

~~(b) 2,000 hours or more of postdegree work experience as a counselor in a hospital, school, agency, or other supervised setting;~~

~~(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 that includes submission of three letters of nomination from~~

AM Amd. Coord.
AM Sec. of Senate

Sen. Eck
Senator Carrying Bill

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HB 190
SENATE

~~counselors or related professionals, each of whom holds a master's degree or higher and who can attest to the quality of the applicant's work.~~

(2) To be licensed after December 31, 1987, an applicant must have satisfactorily completed:

(a)(1) a planned graduate program of 90 quarter hours, primarily counseling in nature, nine quarter hours of which were earned in an advanced counseling practicum, which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;

(b)(2) ~~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 of which was postdegree. The applicant must have each supervisor endorse his application for licensure, attesting to the number of hours supervised.

(c) (3) and passed an examination prepared and administered by:

(i)(a) the board, based on a national examination approved by the board; or

~~(ii) the national board of certified counselors; or~~
~~(iii)(b) the national academy of certified clinical mental health counselors; and~~

(d)(4) an application form and process prescribed by the board."

Renumber: subsequent sections

5. Page 11, line 5.

Strike: "Section"

Insert: "Sections"

6. Page 11, line 6.

Following: "1(2)(b)"

Insert: "and 10(2) and (3)"

Strike: "applies"

Insert: "apply"

-END-

HOUSE BILL NO. 190

INTRODUCED BY MASON

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE REQUIREMENTS FOR LICENSURE OF LICENSED SOCIAL WORKERS AND OF, LICENSED CLINICAL SOCIAL WORKERS, LICENSED PROFESSIONAL COUNSELORS, AND LICENSED CLINICAL PROFESSIONAL COUNSELORS; AMENDING THE PROCEDURE FOR CHARGING OF LICENSE VIOLATIONS BY LICENSED CLINICAL SOCIAL WORKERS; PROVIDING THE REQUIREMENTS FOR LICENSE RENEWAL AND CREATING AN INACTIVE STATUS FOR LICENSED CLINICAL SOCIAL WORKERS AND PROFESSIONAL COUNSELORS; AMENDING SECTIONS 37-22-301, 37-22-304, 37-22-305, 37-22-312, 37-23-201, 37-23-202, 37-23-205, AND 37-23-212, MCA; AND PROVIDING EFFECTIVE---DATES AN APPLICABILITY DATE."

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

Section 1. Section 37-22-301, MCA, is amended to read:

"37-22-301. License requirements -- exemptions. (1) A license applicant shall satisfactorily complete an examination prepared and administered by the board,--except that--during-the-365-day-period-following-the-effective-date of--this--chapter--a--license--must---be---granted---without examination-if-the-requirements-of-subsection-(2)-are-met.

(2) Before an applicant may take the examination, he the applicant shall present three letters of reference from licensed social workers, licensed clinical social workers, psychiatrists, or psychologists,--or--psychiatric--nurses who have knowledge of the applicant's professional performance and shall demonstrate to the board that he the applicant:

(a) has a doctorate or master's degree in social work from a program accredited by the council on social work education or approved by the board;

(b) has accumulated--3,000--hours--of--postdegree--work experience--in-psychotherapy completed at least 24 months of supervised post master's degree work experience in psychotherapy, which included 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact, within the past 5 years; and

(c) abides by the social work ethical standards adopted under 37-22-201.

(3) An applicant who submits an application for licensure before October 1, 1994, may acquire the supervised experience required by subsection (2)(b) in less than 24 months.

~~(3)(4)~~ (4) An applicant who has failed the examination may reapply to take the examination.

~~(4)(5)~~ (5) An applicant is exempt from the examination requirement if he the applicant satisfies the board that he

the applicant is licensed, certified, or registered under the laws of a state or territory of the United States that imposes substantially the same requirements as this chapter and that he the applicant has passed an examination similar to that required by the board."

Section 2. Section 37-22-304, MCA, is amended to read:

"37-22-304. **Renewal of license.** (1) An application for renewal of an existing license made within 60 days after the expiration of the license is timely, and the rights and privileges of the applicant during that period remain in effect.

(2) Application for renewal must be made upon a form provided by the department. A renewal license must be issued upon payment of a renewal fee set by the board and upon submitting proof of completion of continuing education requirements.

(3) An individual may renew a license in the manner provided in subsection (2) within 1 year of the expiration date of the license. An applicant for renewal shall provide the board with proof that the applicant has satisfied the continuing education requirements of the board for the year for which the license is to be renewed.

(4) The renewal fee is increased by 10% for each month or part of a month that the renewal is delayed after the 60-day period provided in subsection (1). The maximum fee

for delayed renewal may not exceed twice the normal renewal fee.

(5) A license not renewed within 1 year following its expiration date terminates automatically."

Section 3. Section 37-22-305, MCA, is amended to read:

"37-22-305. **Representation to public as licensed clinical social worker -- limitations on use of title -- limitations on practice.** (1) Upon issuance of a license in accordance with this chapter, a licensee may use the title "licensed clinical social worker". No Except as provided in subsection (2), a person may not represent himself--to--be that the person is a licensed clinical social worker by adding the letters "LSW" or "LCSW" after his the person's name or by any other means unless licensed under this chapter.

(2) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed social worker" or "LSW" may use the title "licensed clinical social worker" or "LCSW".

(2)(3) Subsection (1) does not prohibit:

(a) qualified members of other professions, such as physicians, psychologists, lawyers, pastoral counselors, educators, or the general public engaged in social work like activities, from doing social work consistent with their training if they do not hold themselves out to the public by

1 a title or description incorporating the words "licensed
2 social work worker" or "licensed clinical social worker";

3 (b) activities, services, and use of an official title
4 by a person in the employ of OR UNDER A CONTRACT WITH a
5 federal, state, county, or municipal agency, or an
6 educational, research, or charitable institution, OR A
7 HEALTH CARE FACILITY LICENSED UNDER THE PROVISIONS OF TITLE
8 50, CHAPTER 5, which that are a part of the duties of the
9 office or position;

10 (c) an employer from performing social work like
11 activities performed solely for the benefit of his
12 employees;

13 (d) activities and services of a student, intern, or
14 resident in social work pursuing a course of study at an
15 accredited university or college or working in a generally
16 recognized training center if the activities and services
17 constitute a part of the supervised course of study;

18 (e) activities and services of by a person who is not a
19 resident of this state, ~~which services that~~ are rendered for
20 a period that does not exceed, in the aggregate, 60 days
21 during a calendar year if the person is authorized under the
22 law of the state or country of residence to perform such the
23 activities and services. However, ~~such persons~~ the person
24 shall report to the department the nature and extent of the
25 activities and services if they exceed 10 days in a calendar

1 year.

2 (f) pending disposition of the application for a
3 license, activities and services by a person who has
4 recently become a resident of this state, has applied for a
5 license within 90 days of taking up residency in this state,
6 and is licensed to perform such the activities and services
7 in the state of his former residence.

8 ~~(4) An individual who is not licensed as a licensed~~
9 ~~clinical social worker in accordance with this chapter may~~
10 ~~not practice social work, whether practicing in a private~~
11 ~~practice or by employment with a public or private agency or~~
12 ~~institution, without supervision by a licensed clinical~~
13 ~~social worker."~~

14 **Section 4.** Section 37-22-312, MCA, is amended to read:

15 "37-22-312. Procedure for charging violation. (1) Any
16 member of the board or other person may charge a licensee
17 with a violation of 37-22-311. The charge must be made by
18 affidavit and subscribed and sworn to by the person making
19 it and filed with the department. The charge must be
20 investigated by the board and, unless the board dismisses
21 the charge after investigation as unfounded or trivial, the
22 board must shall act on the charge ~~within 6 months after the~~
23 ~~date on which the charge was filed. The board is considered~~
24 ~~to have acted on a charge if it has given notice by mail to~~
25 ~~the licensee of its intent to reprimand him or revoke,~~

1 ~~suspend or refuse to renew his license and the notice~~
2 ~~contains those matters required by 2-4-601.~~

3 (2) Any hearing on the charge must be ~~held before all~~
4 ~~five members of the board and must be~~ conducted in
5 accordance with 37-1-121(1) and the Montana Administrative
6 Procedure Act."

7 **Section 5.** Section 37-23-205, MCA, is amended to read:

8 "37-23-205. **Renewal of license.** (1) A license may be
9 issued for no longer than 1 year. The board may adopt rules
10 to provide for annual renewal of an existing license.

11 (2) An application for renewal of an existing license
12 made within 60 days after the expiration of the license is
13 timely, and the rights and privileges of the applicant
14 during that period remain in effect.

15 (3) Application for renewal must be made upon a form
16 provided by the department. A renewal license must be issued
17 upon payment of a renewal fee set by the board and upon
18 submitting proof of completion of continuing education
19 requirements established by the board.

20 (4) An individual may renew a license in the manner
21 provided in subsection (3) within 1 year of the expiration
22 date of the license. An applicant for renewal shall provide
23 the board with proof that the applicant has satisfied the
24 continuing education requirements of the board for the year
25 for which the license is to be renewed.

1 (5) The renewal fee is increased by 10% for each month
2 or part of a month that the renewal is delayed after the
3 60-day period provided in subsection (2). The maximum fee
4 for delayed renewal may not exceed twice the normal renewal
5 fee.

6 (6) A license not renewed within 1 year following its
7 expiration date terminates automatically."

8 **Section 6.** Section 37-23-212, MCA, is amended to read:

9 "37-23-212. **Procedure for charging violation of**
10 **professional or ethical standard.** (1) A member of the board
11 or any other person may charge a licensee with violating a
12 professional or ethical standard adopted by the board. The
13 charge must be made by affidavit, subscribed and sworn to by
14 the person making it, and filed with the department of
15 commerce. The charge must be investigated by the board, and
16 unless the board dismisses the charge after investigation as
17 unfounded or trivial, the board must shall act on the charge
18 within 6 months after the date on which the charge was
19 filed. The board is considered to have acted on a charge if
20 it has given notice by mail to the licensee of its intent to
21 suspend or revoke his license and the notice contains those
22 matters required by 2-4-601.

23 (2) A hearing on the charge must be conducted in
24 accordance with 37-1-121(1) and the Montana Administrative
25 Procedure Act."

NEW SECTION. Section 7. Inactive status. (1) The board shall reclassify, for a maximum of 7 2 consecutive years, an active license to an inactive license for a licensee who furnishes satisfactory evidence that the licensee has discontinued the practice of social work within this state and has satisfied the continuing education requirements of the board for each year of inactive licensure.

(2) An individual with an inactive status license who wishes to convert the license to active status shall make application for conversion in the manner prescribed by the board. The application must be accompanied by a renewal fee prescribed by the board. If the applicant for conversion to active status has held an inactive status license for more than 1 year, the applicant shall submit with the application satisfactory evidence that the applicant has earned the number of continuing education credits prescribed by the board for each year that the applicant has held an inactive status license.

(3) An individual on inactive status for more than 7 2 consecutive years shall comply with the requirements of 37-22-301 in order to convert an inactive status license to an active status license.

(4) An inactive status licensee may not practice social work in this state.

NEW SECTION. Section 8. Inactive status. (1) The board

shall reclassify, for a maximum of 7 2 consecutive years, an active license to an inactive license for a licensee who furnishes satisfactory evidence that the licensee has discontinued the practice of professional counseling within this state and has satisfied the continuing education requirements of the board for each year of inactive licensure.

(2) An individual with an inactive status license who wishes to convert the license to active status shall make application for conversion in the manner prescribed by the board. The application must be accompanied by a renewal fee prescribed by the board. If the applicant for conversion to active status has held an inactive status license for more than 1 year, the applicant shall submit with the application satisfactory evidence that the applicant has earned the number of continuing education credits prescribed by the board for each year that the applicant has held an inactive status license.

(3) An individual on inactive status for more than 7 2 consecutive years shall comply with the requirements of 37-23-202 in order to convert an inactive status license to an active status license.

(4) An inactive status licensee may not practice professional counseling in this state.

SECTION 9. SECTION 37-23-201, MCA, IS AMENDED TO READ:

1 "37-23-201. Representation as licensed clinical
 2 professional counselor -- license required. (1) No Upon
 3 issuance of a license in accordance with this chapter, a
 4 licensee may use the title "licensed clinical professional
 5 counselor". Except as provided in subsection (2), a person
 6 may not represent himself--to--be that the person is a
 7 licensed professional counselor or licensed clinical
 8 professional counselor by adding the letters "LPC" or "LCPC"
 9 after his the person's name or by any other means unless
 10 licensed under this chapter; and.

11 (2) Individuals licensed in accordance with this
 12 chapter before October 1, 1993, who use the title "licensed
 13 professional counselor" or "LPC" may use the title "licensed
 14 clinical professional counselor" or "LCPC".

15 +2+ (3) Subsection (1) does not prohibit:

16 (a) a qualified member of another profession, such as a
 17 physician, psychologist, lawyer, pastoral counselor,
 18 probation officer, court employee, nurse, social worker,
 19 school counselor, or educator, from professional counseling
 20 consistent with his that person's training if he the person
 21 does not hold--himself-out-to-the-public-by use a title or
 22 description incorporating the words "licensed professional
 23 counselor", "licensed counselor", or "professional
 24 counselor", "licensed clinical professional counselor", or
 25 "licensed clinical counselor";

1 (b) an activity or service or use of an official title
 2 by a person employed by a federal, state, county, or
 3 municipal agency or an educational, research, or charitable
 4 institution that is a part of the duties of the office or
 5 position;

6 (c) an activity or service of an employee of a business
 7 establishment performed solely for the benefit of the
 8 establishment's employees;

9 (d) an activity or service of a student, intern, or
 10 resident in mental health counseling pursuing a course of
 11 study at an accredited university or college or working in a
 12 generally recognized training center if the activity or
 13 service constitutes a part of the supervised course of
 14 study;

15 (e) an activity or service of a person who is not a
 16 resident of this state, which activity or service is
 17 rendered for a period that does not exceed, in the
 18 aggregate, 60 days during a calendar year, if the person is
 19 authorized under the law of the state or country of
 20 residence to perform such activity or service. However, such
 21 person shall report to the department of commerce the nature
 22 and extent of the activity or service if it exceeds 10 days
 23 in a calendar year.

24 (f) pending disposition of the application for a
 25 license, the activity or service by a person who has

recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform such activity or service in the state of his former residence."

SECTION 10. SECTION 37-23-202, MCA, IS AMENDED TO READ:

"37-23-202. Licensure requirements. ~~(1) To be licensed on or before December 31, 1987, as a professional counselor under this chapter, an applicant must have satisfactorily completed:~~

~~(a) a planned graduate program of study that was primarily counseling in nature which resulted in an advanced degree in a counseling field from an institution accredited to offer such a degree program;~~

~~(b) 2,000 hours or more of postdegree work experience as a counselor in a hospital, school, agency, or other supervised setting;~~

~~(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 that includes submission of three letters of~~

~~nomination from counselors or related professionals, each of whom holds a master's degree or higher and who can attest to the quality of the applicant's work;~~

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

~~(a)(1) a planned graduate program of 90 quarter hours, primarily counseling in nature, nine quarter hours of which were earned in an advanced counseling practicum, which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;~~

~~(b)(2) 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 of which was postdegree. The applicant must have each supervisor endorse his application for licensure, attesting to the number of hours supervised.~~

~~(c)(3) and passed an examination prepared and administered by:~~

~~(i)(a) the board, based on a national examination approved by the board; or~~

~~(ii) the national board of certified counselors; or~~

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

~~(d)(4) an application form and process prescribed by the board."~~

1 NEW SECTION. **Section 11.** Codification instruction. (1)
2 [Section 7] is intended to be codified as an integral part
3 of Title 37, chapter 22, and the provisions of Title 37,
4 chapter 22, apply to [section 7].

5 (2) [Section 8] is intended to be codified as an
6 integral part of Title 37, chapter 23, and the provisions of
7 Title 37, chapter 23, apply to [section 8].

8 NEW SECTION. **Section 12.** Applicability. ~~[Section~~
9 ~~SECTIONS 1(2)(b) AND 10(2) AND (3)] applies~~ APPLY to persons
10 licensed on or after October 1, ~~1993~~ 1994.

11 ~~NEW-SECTION: Section-11,--Effective----date,---[Section~~
12 ~~3(4)}-is-effective-October-17-1995-~~

-End-

Mr. Speaker and Mr. President:

We, your Conference Committee on House Bill 190 met and considered House Bill 190 and recommend that the bill be amended as follows:

1. Title, line 15.
Strike: "AN"

2. Title, line 16.
Strike: "DATE"
Insert: "DATES"

3. Page 14, line 20.
Strike: "or"

4. Page 14, line 22.
Following: line 21
Insert: "(b) the national board of certified counselors; or"
Renumber: subsequent subsection

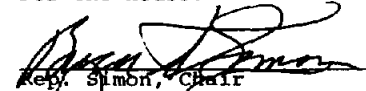
5. Page 15, line 8.
Following: "Applicability."
Insert: "(1)"

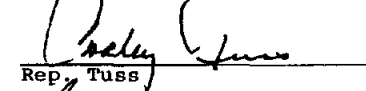
6. Page 15, line 9.
Strike: "SECTIONS"
Insert: "Section"
Following: "1(2)(b)"
Strike: "AND 10(2) AND (3)"
Following: "applies"
Strike: "APPLY"
Insert: "applies"


7. Page 15, line 11.
Following: line 10
Insert: "(2) [Section 10(2)] applies to persons licensed on or after July 1, 1996."

And this Conference Committee report be adopted.

For the House:


Rep. Simon, Chair

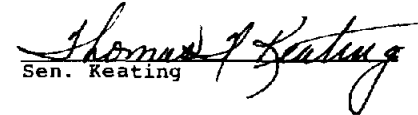

Rep. Tuss


Rep. Mason

For the Senate:


Sen. Christiaens, Chair


Sen. Eck


Sen. Keating

ADOPT

REJECT

HOUSE BILL NO. 190

INTRODUCED BY MASON

BY REQUEST OF THE DEPARTMENT OF COMMERCE

A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE REQUIREMENTS FOR LICENSURE OF LICENSED SOCIAL WORKERS AND OF, LICENSED CLINICAL SOCIAL WORKERS, LICENSED PROFESSIONAL COUNSELORS, AND LICENSED CLINICAL PROFESSIONAL COUNSELORS; AMENDING THE PROCEDURE FOR CHARGING OF LICENSE VIOLATIONS BY LICENSED CLINICAL SOCIAL WORKERS; PROVIDING THE REQUIREMENTS FOR LICENSE RENEWAL AND CREATING AN INACTIVE STATUS FOR LICENSED CLINICAL SOCIAL WORKERS AND PROFESSIONAL COUNSELORS; AMENDING SECTIONS 37-22-301, 37-22-304, 37-22-305, 37-22-312, 37-23-201, 37-23-202, 37-23-205, AND 37-23-212, MCA; AND PROVIDING EFFECTIVE DATES AN APPLICABILITY DATE DATES."

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

Section 1. Section 37-22-301, MCA, is amended to read:

"37-22-301. License requirements -- exemptions. (1) A license applicant shall satisfactorily complete an examination prepared and administered by the board, except that during the 365-day period following the effective date of this chapter a license must be granted without examination if the requirements of subsection (2) are met.

(2) Before an applicant may take the examination, he the applicant shall present three letters of reference from licensed social workers, licensed clinical social workers, psychiatrists, or psychologists, or psychiatric nurses who have knowledge of the applicant's professional performance and shall demonstrate to the board that he the applicant:

(a) has a doctorate or master's degree in social work from a program accredited by the council on social work education or approved by the board;

(b) has accumulated 3,000 hours of postdegree work experience in psychotherapy completed at least 24 months of supervised post master's degree work experience in psychotherapy, which included 3,000 hours of social work experience, of which at least 1,500 hours were in direct client contact, within the past 5 years; and

(c) abides by the social work ethical standards adopted under 37-22-201.

(3) An applicant who submits an application for licensure before October 1, 1994, may acquire the supervised experience required by subsection (2)(b) in less than 24 months.

(4) An applicant who has failed the examination may reapply to take the examination.

(5) An applicant is exempt from the examination requirement if he the applicant satisfies the board that he

1 the applicant is licensed, certified, or registered under
 2 the laws of a state or territory of the United States that
 3 imposes substantially the same requirements as this chapter
 4 and that he the applicant has passed an examination similar
 5 to that required by the board."

6 **Section 2.** Section 37-22-304, MCA, is amended to read:

7 "37-22-304. Renewal of license. (1) An application for
 8 renewal of an existing license made within 60 days after the
 9 expiration of the license is timely, and the rights and
 10 privileges of the applicant during that period remain in
 11 effect.

12 (2) Application for renewal must be made upon a form
 13 provided by the department. A renewal license must be issued
 14 upon payment of a renewal fee set by the board and upon
 15 submitting proof of completion of continuing education
 16 requirements.

17 (3) An individual may renew a license in the manner
 18 provided in subsection (2) within 1 year of the expiration
 19 date of the license. An applicant for renewal shall provide
 20 the board with proof that the applicant has satisfied the
 21 continuing education requirements of the board for the year
 22 for which the license is to be renewed.

23 (4) The renewal fee is increased by 10% for each month
 24 or part of a month that the renewal is delayed after the
 25 60-day period provided in subsection (1). The maximum fee

1 for delayed renewal may not exceed twice the normal renewal
 2 fee.

3 (5) A license not renewed within 1 year following its
 4 expiration date terminates automatically."

5 **Section 3.** Section 37-22-305, MCA, is amended to read:

6 "37-22-305. Representation to public as licensed
 7 clinical social worker -- limitations on use of title --
 8 limitations on practice. (1) Upon issuance of a license in
 9 accordance with this chapter, a licensee may use the title
 10 "licensed clinical social worker". No Except as provided in
 11 subsection (2), a person may not represent himself--to--be
 12 that the person is a licensed clinical social worker by
 13 adding the letters "LSW" or "LCSW" after his the person's
 14 name or by any other means unless licensed under this
 15 chapter.

16 (2) Individuals licensed in accordance with this
 17 chapter before October 1, 1993, who use the title "licensed
 18 social worker" or "LSW" may use the title "licensed clinical
 19 social worker" or "LCSW".

20 ~~(2)~~(3) Subsection (1) does not prohibit:

21 (a) qualified members of other professions, such as
 22 physicians, psychologists, lawyers, pastoral counselors,
 23 educators, or the general public engaged in social work like
 24 activities, from doing social work consistent with their
 25 training if they do not hold themselves out to the public by

a title or description incorporating the words "licensed social work worker" or "licensed clinical social worker";

(b) activities, services, and use of an official title by a person in the employ of OR UNDER A CONTRACT WITH a federal, state, county, or municipal agency, or an educational, research, or charitable institution, OR A HEALTH CARE FACILITY LICENSED UNDER THE PROVISIONS OF TITLE 50, CHAPTER 5, which that are a part of the duties of the office or position;

(c) an employer from performing social work like activities performed solely for the benefit of his employees;

(d) activities and services of a student, intern, or resident in social work pursuing a course of study at an accredited university or college or working in a generally recognized training center if the activities and services constitute a part of the supervised course of study;

(e) activities and services of by a person who is not a resident of this state, ~~which services~~ that are rendered for a period that does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the law of the state or country of residence to perform such the activities and services. However, ~~such persons~~ the person shall report to the department the nature and extent of the activities and services if they exceed 10 days in a calendar

year.

(f) pending disposition of the application for a license, activities and services by a person who has recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform such the activities and services in the state of his former residence.

~~(4) An individual who is not licensed as a licensed clinical social worker in accordance with this chapter may not practice social work, whether practicing in a private practice or by employment with a public or private agency or institution, without supervision by a licensed clinical social worker.~~

Section 4. Section 37-22-312, MCA, is amended to read:

"37-22-312. Procedure for charging violation. (1) Any member of the board or other person may charge a licensee with a violation of 37-22-311. The charge must be made by affidavit and subscribed and sworn to by the person making it and filed with the department. The charge must be investigated by the board and, unless the board dismisses the charge after investigation as unfounded or trivial, the board must shall act on the charge ~~within 6 months after the date on which the charge was filed. The board is considered to have acted on a charge if it has given notice by mail to the licensee of its intent to reprimand him or revoke~~

suspend, or refuse to renew his license and the notice contains those matters required by 2-4-601.

(2) Any hearing on the charge must be held before all five members of the board and must be conducted in accordance with 37-1-121(1) and the Montana Administrative Procedure Act."

Section 5. Section 37-23-205, MCA, is amended to read:

"37-23-205. Renewal of license. (1) A license may be issued for no longer than 1 year. The board may adopt rules to provide for annual renewal of an existing license.

(2) An application for renewal of an existing license made within 60 days after the expiration of the license is timely, and the rights and privileges of the applicant during that period remain in effect.

(3) Application for renewal must be made upon a form provided by the department. A renewal license must be issued upon payment of a renewal fee set by the board and upon submitting proof of completion of continuing education requirements established by the board.

(4) An individual may renew a license in the manner provided in subsection (3) within 1 year of the expiration date of the license. An applicant for renewal shall provide the board with proof that the applicant has satisfied the continuing education requirements of the board for the year for which the license is to be renewed.

(5) The renewal fee is increased by 10% for each month or part of a month that the renewal is delayed after the 60-day period provided in subsection (2). The maximum fee for delayed renewal may not exceed twice the normal renewal fee.

(6) A license not renewed within 1 year following its expiration date terminates automatically."

Section 6. Section 37-23-212, MCA, is amended to read:

"37-23-212. Procedure for charging violation of professional or ethical standard. (1) A member of the board or any other person may charge a licensee with violating a professional or ethical standard adopted by the board. The charge must be made by affidavit, subscribed and sworn to by the person making it, and filed with the department of commerce. The charge must be investigated by the board, and unless the board dismisses the charge after investigation as unfounded or trivial, the board must shall act on the charge within 6 months after the date on which the charge was filed. The board is considered to have acted on a charge if it has given notice by mail to the licensee of its intent to suspend or revoke his license and the notice contains those matters required by 2-4-601.

(2) A hearing on the charge must be conducted in accordance with 37-1-121(1) and the Montana Administrative Procedure Act."

1 **NEW SECTION. Section 7. Inactive status.** (1) The board
 2 shall reclassify, for a maximum of 7 2 consecutive years, an
 3 active license to an inactive license for a licensee who
 4 furnishes satisfactory evidence that the licensee has
 5 discontinued the practice of social work within this state
 6 and has satisfied the continuing education requirements of
 7 the board for each year of inactive licensure.

8 (2) An individual with an inactive status license who
 9 wishes to convert the license to active status shall make
 10 application for conversion in the manner prescribed by the
 11 board. The application must be accompanied by a renewal fee
 12 prescribed by the board. If the applicant for conversion to
 13 active status has held an inactive status license for more
 14 than 1 year, the applicant shall submit with the application
 15 satisfactory evidence that the applicant has earned the
 16 number of continuing education credits prescribed by the
 17 board for each year that the applicant has held an inactive
 18 status license.

19 (3) An individual on inactive status for more than 7 2
 20 consecutive years shall comply with the requirements of
 21 37-22-301 in order to convert an inactive status license to
 22 an active status license.

23 (4) An inactive status licensee may not practice social
 24 work in this state.

25 **NEW SECTION. Section 8. Inactive status.** (1) The board

1 shall reclassify, for a maximum of 7 2 consecutive years, an
 2 active license to an inactive license for a licensee who
 3 furnishes satisfactory evidence that the licensee has
 4 discontinued the practice of professional counseling within
 5 this state and has satisfied the continuing education
 6 requirements of the board for each year of inactive
 7 licensure.

8 (2) An individual with an inactive status license who
 9 wishes to convert the license to active status shall make
 10 application for conversion in the manner prescribed by the
 11 board. The application must be accompanied by a renewal fee
 12 prescribed by the board. If the applicant for conversion to
 13 active status has held an inactive status license for more
 14 than 1 year, the applicant shall submit with the application
 15 satisfactory evidence that the applicant has earned the
 16 number of continuing education credits prescribed by the
 17 board for each year that the applicant has held an inactive
 18 status license.

19 (3) An individual on inactive status for more than 7 2
 20 consecutive years shall comply with the requirements of
 21 37-23-202 in order to convert an inactive status license to
 22 an active status license.

23 (4) An inactive status licensee may not practice
 24 professional counseling in this state.

25 **SECTION 9. SECTION 37-23-201, MCA, IS AMENDED TO READ:**

1 "37-23-201. Representation as licensed clinical
 2 professional counselor -- license required. (1) No Upon
 3 issuance of a license in accordance with this chapter, a
 4 licensee may use the title "licensed clinical professional
 5 counselor". Except as provided in subsection (2), a person
 6 may not represent himself--to--be that the person is a
 7 licensed professional counselor or licensed clinical
 8 professional counselor by adding the letters "LPC" or "LCPC"
 9 after his the person's name or by any other means unless
 10 licensed under this chapter;--and.

11 (2) Individuals licensed in accordance with this
 12 chapter before October 1, 1993, who use the title "licensed
 13 professional counselor" or "LPC" may use the title "licensed
 14 clinical professional counselor" or "LCPC".

15 {2}{3} Subsection (1) does not prohibit:

16 (a) a qualified member of another profession, such as a
 17 physician, psychologist, lawyer, pastoral counselor,
 18 probation officer, court employee, nurse, social worker,
 19 school counselor, or educator, from professional counseling
 20 consistent with his that person's training if he the person
 21 does not hold--himself-out-to-the-public-by use a title or
 22 description incorporating the words "licensed professional
 23 counselor", "licensed counselor", or "professional
 24 counselor", "licensed clinical professional counselor", or
 25 "licensed clinical counselor";

1 (b) an activity or service or use of an official title
 2 by a person employed by a federal, state, county, or
 3 municipal agency or an educational, research, or charitable
 4 institution that is a part of the duties of the office or
 5 position;

6 (c) an activity or service of an employee of a business
 7 establishment performed solely for the benefit of the
 8 establishment's employees;

9 (d) an activity or service of a student, intern, or
 10 resident in mental health counseling pursuing a course of
 11 study at an accredited university or college or working in a
 12 generally recognized training center if the activity or
 13 service constitutes a part of the supervised course of
 14 study;

15 (e) an activity or service of a person who is not a
 16 resident of this state, which activity or service is
 17 rendered for a period that does not exceed, in the
 18 aggregate, 60 days during a calendar year, if the person is
 19 authorized under the law of the state or country of
 20 residence to perform such activity or service. However, such
 21 person shall report to the department of commerce the nature
 22 and extent of the activity or service if it exceeds 10 days
 23 in a calendar year.

24 (f) pending disposition of the application for a
 25 license, the activity or service by a person who has

recently become a resident of this state, has applied for a license within 90 days of taking up residency in this state, and is licensed to perform such activity or service in the state of his former residence."

SECTION 10. SECTION 37-23-202, MCA, IS AMENDED TO READ:

"37-23-202. Licensure requirements. ~~(i) To be licensed on or before December 31, 1987, as a professional counselor under this chapter, an applicant must have satisfactorily completed:~~

~~(a) a planned graduate program of study that was primarily counseling in nature which resulted in an advanced degree in a counseling field from an institution accredited to offer such a degree program;~~

~~(b) 2,000 hours or more of postdegree work experience as a counselor in a hospital, school, agency, or other supervised setting;~~

~~(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 that includes submission of three letters of~~

~~nomination from counselors or related professionals, each of whom holds a master's degree or higher and who can attest to the quality of the applicant's work;~~

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

~~(a)(1) a planned graduate program of 90 quarter hours, primarily counseling in nature, nine quarter hours of which were earned in an advanced counseling practicum, which resulted in a graduate degree from an institution accredited to offer a graduate program in counseling;~~

~~(b)(2) 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 of which was postdegree. The applicant must have each supervisor endorse his application for licensure, attesting to the number of hours supervised.~~

~~(c)(3) and passed an examination prepared and administered by:~~

~~(i)(a) the board, based on a national examination approved by the board; or~~

~~(ii) the national board of certified counselors; or~~

~~(B) THE NATIONAL BOARD OF CERTIFIED COUNSELORS; OR~~

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

~~(d)(4) an application form and process prescribed by~~

the board."

NEW SECTION. Section 11. Codification instruction. (1)

[Section 7] is intended to be codified as an integral part of Title 37, chapter 22, and the provisions of Title 37, chapter 22, apply to [section 7].

(2) [Section 8] is intended to be codified as an integral part of Title 37, chapter 23, and the provisions of Title 37, chapter 23, apply to [section 8].

NEW SECTION. Section 12. Applicability. (1) [Section

~~SECTIONS SECTION 1(2)(b) AND 10(2) AND 3~~] applies ~~APPLY~~

APPLIES to persons licensed on or after October 1, 1993 1994.

(2) [SECTION 10(2)] APPLIES TO PERSONS LICENSED ON OR

AFTER JULY 1, 1996.

~~NEW SECTION. Section 11. Effective date. [Section~~

~~3(4)] is effective October 1, 1995.~~

-End-