# 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.

DO PASS AS AMENDED. REPORT ADOPTED.

FIRST READING.

PRINTING REPORT.

COMMITTEE RECOMMEND BILL

- JANUARY 28, 1993
- JANUARY 29, 1993
- 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.

.

LC 0205/01

ntana Legislative Counci

LC 0205/01

House BILL NO. 190 1 1 2 2 INTRODUCED BY 3 BY REQUEST OF THE DEPARTMENT OF COMMERCE 3 4 "AN ACT SPECIFYING THE 5 5 A BILL FOR AN ACT ENTITLED: REQUIREMENTS FOR LICENSURE OF LICENSED CLINICAL SOCIAL 6 6 7 WORKERS; AMENDING THE PROCEDURE FOR CHARGING OF LICENSE 7 VIOLATIONS BY LICENSED CLINICAL SOCIAL WORKERS; PROVIDING 8 8 THE REQUIREMENTS FOR LICENSE RENEWAL AND CREATING AN 9 9 INACTIVE STATUS FOR LICENSED CLINICAL SOCIAL WORKERS AND 10 10 11 PROFESSIONAL COUNSELORS: AMENDING SECTIONS 37-22-301. 11 12 37-22-304, 37-22-305, 37-22-312, 37-23-205, AND 37-23-212, 12 13 13 MCA: AND PROVIDING EFFECTIVE DATES." 14 14 15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 15 16 16 Section 1. Section 37-22-301, MCA, is amended to read: 17 "37-22-301. License requirements -- exemptions. (1) A 17 18 18 license applicant shall satisfactorily complete an 19 examination prepared and administered by the board,-except 19 20 20 that-during-the-365-day-period-following-the-effective--date 21 of---this---chapter---a-license--must--be--granted--without 21 22 examination-if-the-requirements-of-subsection-(2)-are-met. 22 23 (2) Before an applicant may take the examination, he 23 24 the applicant shall present three letters of reference from 24 25 licensed social workers, licensed clinical social workers, 25

psychiatrists, or psychologists7-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--37000--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) An applicant who has failed the examination may reapply to take the examination. (4) (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

HB 190 INTRODUCED BILL

## LC 0205/01

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:

3

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."

Section 3. Section 37-22-305, MCA, is amended to read: 2 3 \*37-22-305. Representation to public as licensed clinical social worker -- limitations on use of title --4 limitations on practice. (1) Upon issuance of a license in 5 accordance with this chapter, a licensee may use the title 6 "licensed clinical social worker". No Except as provided in 7 8 subsection (2), a person may not represent himself-to-be 9 that the person is a licensed clinical social worker by adding the letters "LSW" or "LCSW" after his the person's 10 11 name or by any other means unless licensed under this 12 chapter. 13 (2) Individuals licensed in accordance with this chapter before October 1, 1993, who use the title "licensed 14 social worker" or "LSW" may use the title "licensed clinical 15 16 social worker" or "LCSW". 17 t2;(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

-3-

-4-

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;

5 (c) an employer from performing social work like 6 activities performed solely for the benefit of his 7 employees;

8 (d) activities and services of a student, intern, or 9 resident in social work pursuing a course of study at an 10 accredited university or college or working in a generally 11 recognized training center if the activities and services 12 constitute a part of the supervised course of study;

(e) activities and services of by a person who is not a 13 resident of this state;-which-services that are rendered for 14 a period that does not exceed, in the aggregate, 60 days 15 during a calendar year if the person is authorized under the 16 law of the state or country of residence to perform such the 17 activities and services. However, such-persons the person 18 shall report to the department the nature and extent of the 19 activities and services if they exceed 10 days in a calendar 20 21 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,

LC 0205/01

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

3 (4) An individual who is not licensed as a licensed 4 clinical social worker in accordance with this chapter may 5 not practice social work, whether practicing in a private 6 practice or by employment with a public or private agency or 7 institution, without supervision by a licensed clinical 8 social worker."

Section 4. Section 37-22-312, MCA, is amended to read: 9 \*37-22-312. Procedure for charging violation. (1) Any 10 11 member of the board or other person may charge a licensee 12 with a violation of 37-22-311. The charge must be made by 13 affidavit and subscribed and sworn to by the person making 14 it and filed with the department. The charge must be 15 investigated by the board and, unless the board dismisses 16 the charge after investigation as unfounded or trivial, the 17 board must shall act on the charge within-6-months-after-the 18 date--on-which-the-charge-was-filed-The-board-is-considered 19 to-have-acted-on-a-charge-if-it-has-given-notice-by-mail--to 20 the--licensee--of--its--intent--to--reprimand-him-or-revoke; 21 suspendy-or-refuse-to--renew--his--license--and--the--notice 22 contains-those-matters-required-by-2-4-601. 23 (2) Any hearing on the charge must be held-before-all

24 five--members--of--the--board--and--must--be conducted in 25 accordance with 37-1-121(1) and the Montana Administrative

-5-

-6-

### LC 0205/01

1 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.

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 <u>or part of a month that the renewal is delayed after the</u> 23 <u>60-day period provided in subsection (2). The maximum fee</u> 24 <u>for delayed renewal may not exceed twice the normal renewal</u> 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: "37-23-212. Procedure for charging violation of 4 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 charge must be made by affidavit, subscribed and sworn to by 8 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
accordance with 37-1-121(1) and the Montana Administrative
20 Procedure Act."

21 <u>NEW SECTION.</u> 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

-7-

-8-

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

3 (2) An individual with an inactive status license who 4 wishes to convert the license to active status shall make application for conversion in the manner prescribed by the 5 6 board. The application must be accompanied by a renewal fee prescribed by the board. If the applicant for conversion to 7 8 active status has held an inactive status license for more than 1 year, the applicant shall submit with the application 9 satisfactory evidence that the applicant has earned the 10 11 number of continuing education credits prescribed by the 12 board for each year that the applicant has held an inactive 13 status license.

14 (3) An individual on inactive status for more than 7
15 consecutive years shall comply with the requirements of
16 37-22-301 in order to convert an inactive status license to
17 an active status license.

18 (4) An inactive status licensee may not practice social19 work in this state.

20 <u>NEW SECTION.</u> Section 8. Inactive status. (1) The board 21 shall reclassify, for a maximum of 7 consecutive years, an 22 active license to an inactive license for a licensee who 23 furnishes satisfactory evidence that the licensee has 24 discontinued the practice of professional counseling within 25 this state and has satisfied the continuing education requirements of the board for each year of inactive
 licensure.

3 (2) An individual with an inactive status license who 4 wishes to convert the license to active status shall make 5 application for conversion in the manner prescribed by the board. The application must be accompanied by a renewal fee 6 prescribed by the board. If the applicant for conversion to 7 active status has held an inactive status license for more 8 than 1 year, the applicant shall submit with the application 9 satisfactory evidence that the applicant has earned the 10 11 number of continuing education credits prescribed by the 12 board for each year that the applicant has held an inactive 13 status license.

14 (3) An individual on inactive status for more than 7
15 consecutive years shall comply with the requirements of
16 37-23-202 in order to convert an inactive status license to
17 an active status license.

18 (4) An inactive status licensee may not practice19 professional counseling in this state.

20 <u>NEW SECTION.</u> Section 9. Codification instruction. (1) 21 [Section 7] is intended to be codified as an integral part 22 of Title 37, chapter 22, and the provisions of Title 37, 23 chapter 22, apply to [section 7].

24 (2) [Section 8] is intended to be codified as an25 integral part of Title 37, chapter 23, and the provisions of

LC 0205/01

-9-

# LC 0205/01

1 Title 37, chapter 23, apply to (section 8).

2 <u>NEW SECTION.</u> Section 10. Applicability. [Section

3 l(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-

## -11-

.

.

53rd Legislature

HB 0190/02 APPROVED BY COMM. ON BUSINESS

AND ECONOMIC DEVELOPMENT

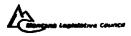
1	HOUSE BILL NO. 190
2	INTRODUCED BY MASON
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE
6	REQUIREMENTS FOR LICENSURE OF LICENSED SOCIAL WORKERS AND OF
7	LICENSED CLINICAL SOCIAL WORKERS; AMENDING THE PROCEDURE FOR
8	CHARGING OF LICENSE VIOLATIONS 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 BPPBCTIVBDATES 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 boardy -- 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-f21-are-met.

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

licensed social workers, licensed clinical social workers, 1 2 psychiatrists, or psychologistsy-er-psychiatrie--nurses who have knowledge of the applicant's professional performance 3 and shall demonstrate to the board that he the applicant: 5 (a) has a doctorate or master's degree in social work from a program accredited by the council on social work 6 education or approved by the board; 7 (b) has accumulated--37000--hours--of--postdegree--work 8 experience--in-psychotherapy completed at least 24 months of 9 10 supervised post master's degree work experience in psychotherapy, which included 3,000 hours of social work 11 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 under 37-22-201. 15 (3) An applicant who submits an application for 16 licensure before October 1, 1994, may acquire the supervised 17 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



-2- SECOND READING

1 imposes substantially the same requirements as this chapter 2 and that he <u>the applicant</u> has passed an examination similar 3 to that required by the board."

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

5 "37-22-304. Renewal of license. (1) An application for 6 renewal of an existing license made within 60 days after the 7 expiration of the license is timely, and the rights and 8 privileges of the applicant during that period remain in 9 effect.

10 (2) 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.

15 (3) An individual may renew a license in the manner 16 provided in subsection (2) 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 (4) 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 (1). The maximum fee 24 for delayed renewal may not exceed twice the normal renewal 25 fee.

-3-

-4-

HB 190

## HB 0190/02

1	(5) A license not renewed within 1 year following its
2	expiration date terminates automatically."
3	Section 3. Section 37-22-305, MCA, is amended to read:
4	"37-22-305. Representation to public as licensed
5	<u>clinical</u> social worker limitations on use of title
6	limitations on practice. (1) Upon issuance of a license in
7	accordance with this chapter, a licensee may use the title
8	"licensed clinical social worker". No Except as provided in
9	subsection (2), a person may not represent himselftobe
10	that the person is a licensed clinical social worker by
11	adding the letters "LSW" or "LCSW" after his the person's
12	name or by any other means unless licensed under this
13	chapter.
14	(2) Individuals licensed in accordance with this
15	chapter before October 1, 1993, who use the title "licensed
16	social worker" or "LSW" may use the title "licensed clinical
17	social worker" or "LCSW".
18	<pre>(2)(3) Subsection (1) does not prohibit:</pre>
19	(a) qualified members of other professions, such as
20	physicians, psychologists, lawyers, pastoral counselors,
21	educators, or the general public engaged in social work like
22	<b>activities, from doing social w</b> ork consistent with their
23	training if they do not hold themselves out to the public by
24	a title or description incorporating the words "licensed
25	<pre>social work worker" or "licensed clinical social worker";</pre>

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

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

25 (f) pending disposition of the application for a

-5-

HB 190

HB 0190/02

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	<u>{4}An-individual-who-is-notlicensedasalicensed</u>
7	clinicalsocialworker-in-accordance-with-this-chapter-may
8	not-practice-social-work,-whether-practicingin-aprivate
9	practice-or-by-employment-with-a-public-or-private-agency-or
10	institutionywithoutsupervisionbyalicensed-clinical
11	<u>social-worker</u> "
12	Section 4. Section 37-22-312, NCA, is amended to read:
13	<b>*37-22-312. Procedure for charging violation.</b> (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 <u>shall</u> act on the charge within-6-months-after-the
21	dateon-which-the-charge-was-filedThe-board-is-considered
22	to-have-acted-on-a-charge-if-it-has-given-notice-by-mailto
23	thelicenseeofitsintenttoreprimand-him-or-revoke7
24	suspendy-or-refuse-torenewhisticenseandthenotice
25	contains-those-matters-required-by-2-4-601.

-6-

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

(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.

18 (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.

 24
 (5) The renewal fee is increased by 103 for each month

 25
 or part of a month that the renewal is delayed after the

-7-

HB 190

<u>60-day period provided in subsection (2)</u>. The maximum fee
 <u>for delayed renewal may not exceed twice the normal renewal</u>
 <u>fee.</u>
 <u>(6) A license not renewed within 1 year following its</u>

5 expiration date terminates automatically."

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

\*37-23-212. Procedure for charging violation of 7 professional or ethical standard. (1) A member of the board 8 or any other person may charge a licensee with violating a ġ. professional or ethical standard adopted by the board. The 10 11 charge must be made by affidavit, subscribed and sworn to by the person making it, and filed with the department of 12 commerce. The charge must be investigated by the board, and 13 unless the board dismisses the charge after investigation as 14 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-2-4-681.

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

 24
 NEW\_SECTION.
 Section 7.
 Inactive status. (1) The board

 25
 shall reclassify, for a maximum of 7.2 consecutive years, an

-8-

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.

6 (2) An individual with an inactive status license who 7 wishes to convert the license to active status shall make application for conversion in the manner prescribed by the 8 9 board. The application sust 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 board for each year that the applicant has held an inactive 15 16 status license.

17 (3) An individual on inactive status for more than 7  $\frac{2}{10}$ 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 social22 work in this state.

23 <u>NEW SECTION.</u> Section 8. Inactive status. (1) The board
 24 shall reclassify, for a maximum of 7 <u>2</u> 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 θ 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 number of continuing education credits prescribed by the 14 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  $\frac{2}{18}$ 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 practice22 professional counseling in this state.

23 <u>NEW SECTION.</u> 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,

-9-

HB 190

HB 0190/02

~10-

HB 190

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
 ±993 1994.

8 NHW-SBCTION: Section-11:--Bffective----date:---{Section

9 3(4)}-is-effective-October-17-1995.

-End-

BB (	)1	90.	/0	2
------	----	-----	----	---

1	HOUSE BILL NO. 190	. 1	lice
2	INTRODUCED BY MASON	2	рвус
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE	3	have
4		4	and
5	A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE	5	
6	REQUIREMENTS FOR LICENSURE OF LICENSED SOCIAL WORKERS AND OF	. 6	from
7	LICENSED CLINICAL SOCIAL WORKERS; AMENDING THE PROCEDURE FOR	7	educ
8	CHARGING OF LICENSE VIOLATIONS BY LICENSED CLINICAL SOCIAL	8	
9	WORKERS; PROVIDING THE REQUIREMENTS FOR LICENSE RENEWAL AND	9	expe
10	CREATING AN INACTIVE STATUS FOR LICENSED CLINICAL SOCIAL	10	supe
11	WORKERS AND PROFESSIONAL COUNSELORS; AMENDING SECTIONS	11	рвус
12	37-22-301, 37-22-304, 37-22-305, 37-22-312, 37-23-205, AND	12	expe
13	37-23-212, MCA; AND PROVIDING BPPBCTIVEDATES AN	13	clie
14	APPLICABILITY DATE.	14	
15		15	unde
16	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	16	
17	Section 1. Section 37-22-301, MCA, is amended to read:	17	lice
18	"37-22-301. License requirements exemptions. (1) A	18	expe
19	license applicant shall satisfactorily complete an	19	mont
20	examination prepared and administered by the boardyexcept	20	
21	thatduring-the-365-day-period-following-the-effective-date	21	reaj
22	ofthischapteralicensemustbegrantedwithout	22	
23	examination-if-the-requirements-of-subsection-(2)-are-met.	23	req
24	(2) Before an applicant may take the examination, he	24	the
25	the applicant shall present three letters of reference from	25	the
	•		

LÀ

Council

. 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 accumulated3,000hoursofpostdegreework
9	experiencein-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	$(\exists)$ 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

-2-

HB 190 THIRD READING

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

4 Section 2. Section 37-22-304, MCA, is amended to read: 5 "37-22-304. Renewal of license. (1) An application for 6 renewal of an existing license made within 60 days after the 7 expiration of the license is timely, and the rights and 8 privileges of the applicant during that period remain in 9 effect.

10 (2) 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.

15 (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.

21 (4) 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 (1). The maximum fee 24 for delayed renewal may not exceed twice the normal renewal 25 fee.

-3-

HB 190

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

3 Section 3. Section 37-22-305, MCA, is amended to read: 4 "37-22-305. Representation to public as licensed 5 clinical social worker -- limitations on use of title --6 limitations on practice. (1) Upon issuance of a license in 7 accordance with this chapter, a licensee may use the title 8 "licensed clinical social worker". No Except as provided in 9 subsection (2), a person may not represent himself -- to--be 10 that the person is a licensed clinical social worker by adding the letters "LSW" or "LCSW" after his the person's 11 12 name or by any other means unless licensed under this 13 chapter.

14 (2) Individuals licensed in accordance with this 15 chapter before October 1, 1993, who use the title "licensed 16 social worker" or "LSW" may use the title "licensed clinical 17 social worker" or "LCSW".

18 (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";

-4-

1 (b) activities, services, and use of an official title 2 by a person in the employ of <u>OR UNDER A CONTRACT WITH</u> a 3 federal, state, county, or municipal agency, or an 4 educational, research, or charitable institution, <u>OR A</u> 5 <u>HEALTH CARE FACILITY LICENSED UNDER THE PROVISIONS OF TITLE</u> 6 <u>50, CHAPTER 5</u>, 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 statey-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

-5-

HB 190

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.

6 <u>(4)--hn-individual-who-is-not--licensed--as--a--licensed</u> 7 <u>clinical--social--worker-in-accordance-with-this-chapter-may</u> 8 <u>not-practice-social-worky-whether-practicing--in-a--private</u> 9 <u>practice-or-by-employment-with-a-public-or-private-agency-or</u> 10 <u>institutiony--without--supervision--by--a--licensed-clinical</u> 11 social-workerr"

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 24 suspendy-or-refuse-to--renew--his--license--and--the--notice

-6-

25 contains-those-matters-required-by-2-4-601.

HB 0190/02

**HB 190** 

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:
arrow and a section 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.

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
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 reneval is delayed after the

-7-

<u>60-day period provided in subsection (2). The maximum fee</u>
 <u>for delayed renewal may not exceed twice the normal renewal</u>
 <u>fee.</u>
 <u>(6) A license not renewed within 1 year following its</u>

(b) a license not renewed within 1 year rollowing its
 expiration date terminates automatically."

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

"37-23-212. Procedure for charging violation of 7 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 filedr--The-board-is-considered-to-have-acted-on-a-charge-if 18 it-has-aiven-notice-by-asil-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.

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

24 <u>NEW SECTION.</u> Section 7. Inactive status. (1) The board
25 shall reclassify, for a maximum of 7.2 consecutive years, an

-8-

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.

6 (2) An individual with an inactive status license who 7 wishes to convert the license to active status shall make application for conversion in the manner prescribed by the A 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  $\frac{2}{10}$ 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 social22 work in this state.

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

-9-

HB 190

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.

6 (2) An individual with an inactive status license who wishes to convert the license to active status shall make 7 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 than 1 year, the applicant shall submit with the application 12 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  $\frac{2}{2}$ 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 <u>NEW SECTION.</u> 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,

-10-

HB 0190/02

**BB 190** 

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

8 NBW-BBCTION: Section-11:--Bffective----date----fSection

9 <del>3(4)}-is-effective-Sctober-17-1995</del>\*

-End-

#### SENATE STANDING COMMITTEE REPORT

Page 2 of 3 March 23, 1993

Page 1 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.

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

Amd. Coord. <u>M</u> Sec. of Senate Senator Carrying Bill

651126SC.San

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

> HB 190 SENATE

Page 3 of 3 March 23, 1993

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 ligensed 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 guarter 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;

 $\frac{(b)(2)}{2,000}$   $\frac{3,000}{2,000}$  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-

# 53rd Legislature

# HB 0190/03

HB 0190/03

1	HOUSE BILL NO. 190	1	(2) Before an applicant may take the examination, he
2	INTRODUCED BY MASON	2	the applicant shall present three letters of reference from
3	BY REQUEST OF THE DEPARTMENT OF COMMERCE	3	licensed social workers, licensed clinical social workers,
4		4	psychiatrists, or psychologists <del>, or psychiatric - nurses</del> who
5	A BILL FOR AN ACT ENTITLED: "AN ACT SPECIFYING THE	5	have knowledge of the applicant's professional performance
6	REQUIREMENTS FOR LICENSURE OF LICENSED SOCIAL WORKERS AND	6	and shall demonstrate to the board that he the applicant:
7	OF, LICENSED CLINICAL SOCIAL WORKERS, LICENSED PROFESSIONAL	7	(a) has a doctorate or master's degree in social work
8	COUNSELORS, AND LICENSED CLINICAL PROFESSIONAL COUNSELORS;	8	from a program accredited by the council on social work
9	AMENDING THE PROCEDURE FOR CHARGING OF LICENSE VIOLATIONS BY	9	education or approved by the board;
10	LICENSED CLINICAL SOCIAL WORKERS; PROVIDING THE REQUIREMENTS	10	(b) has accumulated37000hoursofpostdegreework
11	FOR LICENSE RENEWAL AND CREATING AN INACTIVE STATUS FOR	11	experiencein-psychotherapy completed at least 24 months of
12	LICENSED CLINICAL SOCIAL WORKERS AND PROFESSIONAL	12	supervised post master's degree work experience in
13	COUNSELORS; AMENDING SECTIONS 37-22-301, 37-22-304,	13	psychotherapy, which included 3,000 hours of social work
14	37-22-305, 37-22-312, <u>37-23-201, 37-23-202,</u> 37-23-205, AND	. 14	experience, of which at least 1,500 hours were in direct
15	37-23-212, MCA; AND PROVIDING BPPECTIVEBATES AN	15	client contact, within the past 5 years; and
16	APPLICABILITY DATE."	16	(c) abides by the social work ethical standards adopted
17		17	under 37-22-201.
18	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	18	(3) An applicant who submits an application for
	Section 1. Section 37-22-301, MCA, is amended to read:	19	licensure before October 1, 1994, may acquire the supervised
19		20	experience required by subsection (2)(b) in less than 24
20	"37-22-301. License requirements exemptions. (1) A	21	months.
21	license applicant shall satisfactorily complete an	22	(3) (4) An applicant who has failed the examination may
22	examination prepared and administered by the boardyexcept	23	reapply to take the examination.
23	thatduring-the-365-day-period-following-the-effective-date	24	(4)(5) An applicant is exempt from the examination
24	ofthischapteralicensemustbegrantedwithout		requirement if he <u>the applicant</u> satisfies the board that he
25	examination-if-the-requirements-of-subsection-(2)-are-met.	2.7	requirement if ne the appricant satisfies the board that he

Montana Legislative Council

HB 190 REFERENCE BILL AS AMENDED

-2-

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

Section 2. Section 37-22-304, MCA, is amended to read: 6 "37-22-304. Renewal of license. (1) An application for 7 renewal of an existing license made within 60 days after the 8 expiration of the license is timely, and the rights and 9 privileges of the applicant during that period remain in 10 effect. 11

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

(3) An individual may renew a license in the manner 17 provided in subsection (2) within 1 year of the expiration 18 date of the license. An applicant for renewal shall provide 19 the board with proof that the applicant has satisfied the 20 continuing education requirements of the board for the year 21 for which the license is to be renewed. 22 (4) The renewal fee is increased by 10% for each month 23

or part of a month that the renewal is delayed after the 24 60-day period provided in subsection (1). The maximum fee 25

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	<b>37-22-305.</b> 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 himselftobe
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) 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 the mealure out to the sublic bu

25 training if they do not hold themselves out to the public by

-3-

-4-

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 <u>OR UNDER A CONTRACT WITH</u> a
federal, state, county, or municipal agency, or an
educational, research, or charitable institution, <u>OR A</u>
<u>HEALTH CARE FACILITY LICENSED UNDER THE PROVISIONS OF TITLE</u>
<u>50, CHAPTER 5</u>, which that are a part of the duties of the
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;

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

#### l 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-worky-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 with a violation of 37-22-311. The charge must be made by 17 affidavit and subscribed and sworn to by the person making 18 it and filed with the department. The charge must be 19
- 20 investigated by the board and, unless the board dismisses 21 the charge after investigation as unfounded or trivial, the 22 board must <u>shall</u> act on the charge within-6-months-after-the 23 date--on-which-the-charge-was-filedr-The-board-is-considered 24 to-have-acted-on-a-charge-if-it-has-given-notice-by-mail--to 23 date--on-acted-on-a-charge-if-it-has-given-notice-by-mail--to 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-revoke7

suspend7-or-refuse-to--renew--his--license--and--the--notice
 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-thedateonwhichthechargewas
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-containsthose
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

24 accordance with 37-1-121(1) and the Montana Administrative 25 Procedure Act."

-8-

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

19 (3) An individual on inactive status for more than 7  $\frac{2}{2}$ 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 social24 work in this state.

25 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.

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  $\underline{2}$ 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 practice24 professional counseling in this state.

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

-10-

-9-

HB 0190/03

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 may not represent himself--to--be that the person is a 6 licensed professional counselor or licensed clinical 7 professional counselor by adding the letters "LPC" or "LCPC" 8 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:

(a) a gualified member of another profession, such as a 16 17 physician, psychologist, lawyer, pastoral counselor, probation officer, court employee, nurse, social worker, 18 19 school counselor, or educator, from professional counseling consistent with his that person's training if he the person 20 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 counselor", "licensed clinical professional counselor", or 24 25 "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;

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 resident of this state, which activity or service is 16 rendered for a period that does not exceed, in 17 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 and extent of the activity or service if it exceeds 10 days 22 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

HB 190

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."

5 SECTION 10. SECTION 37-23-202, MCA, IS AMENDED TO READ: 6 "37-23-202. Licensure requirements. (+)-Po-be-licensed 7 on-or-before-December-317-19077-as-a-professional--counselor 8 under--this--chapter7--an-applicant-must-have-satisfactorily 9 completed:

10 fat--a--planned--graduate--program--of--study--that--was 11 primarily-counseling-in-nature-which-resulted-in-an-advanced 12 degree-in-a-counseling-field-from-an-institution--accredited 13 to-offer-such-a-degree-program7 . 14 (b)--27000--hours--or-more-of-postdegree-work-experience 15 as-a-counseior-in--a--hospitaly--schooly--agencyy--or--other 16 supervised-setting; tc}--and-passed-an-examination-prepared-and-administered 17 18 by:

19 (i)--the-board;-based-on-a-national-examination-approved
20 by-the-board;

21 (ii)-the-national-board-of-certified-counselors;-or

22 (iii)-the--national-academy-of-certified-clinical-mental 23 health-counselors/-and

24 (d)--an-application-form-and-process-prescribed--by--the
 25 board---that---includes---submission--of--three--letters--of

-13-

1 nomination-from-counselors-or-related-professionals7-each-of 2 whom-holds-a-masteris-degree-or-higher-and-who-can-attest-to 3 the-quality-of-the-applicantis-work-

4 (2) To be licensed after--Becember--317---1987, an
5 applicant must have satisfactorily completed:

tay(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;

11 (b)(2) 27000 3,000 hours of counseling practice 12 supervised by a licensed professional counselor or licensed 13 member of an allied mental health profession, at least half 14 of which was postdegree. The applicant must have each 15 supervisor endorse his application for licensure, attesting 16 to the number of hours supervised.

17 (c)(3) and passed an examination prepared and 18 administered by:

19  $(\pm)(a)$  the board, based on a national examination 20 approved by the board; or

21 (ii)-the-national-board-of-certified-counselors;-or

tititities the national academy of certified clinical
 mental health counselors; and

24 (d)(4) an application form and process prescribed by 25 the board."

HB 0190/03

-14-

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].

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 <u>NEW SECTION.</u> Section 12. Applicability. TSection
 9 <u>SECTIONS</u> 1(2)(b) <u>AND 10(2) AND (3)</u> applies <u>APPLY</u> to persons
 10 licensed on or after October 1, 1993 1994.

11 <u>NEW-SECTION</u> Section-11---Effective----date:---{Section

12 3(4)]-is-effective-October-17-1995.

-End-

April 15, 1993 Page 2 of 2

Conference Committee on House Bill 190 Report No.1, April 15, 1993

### Page 1 of 2

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:

l. Title, line 15. Strike: "<u>AN</u>"

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."

ADOPT

For the Senater Sen. Kuis hain Sen. Christiaens, Chair

Sen. Eck

Rep. Tuss

For the House:

And this Conference Committee report be adopted.

Sen.



HOUSE BILL NO. 190 1 INTRODUCED BY MASON 2 BY REQUEST OF THE DEPARTMENT OF COMMERCE 3 4 "AN ACT SPECIFYING THE A BILL FOR AN ACT ENTITLED: 5 REQUIREMENTS FOR LICENSURE OF LICENSED SOCIAL WORKERS AND 6 OF, LICENSED CLINICAL SOCIAL WORKERS, LICENSED PROFESSIONAL 7 COUNSELORS, AND LICENSED CLINICAL PROPESSIONAL COUNSELORS; 8 AMENDING THE PROCEDURE FOR CHARGING OF LICENSE VIOLATIONS BY 9 LICENSED CLINICAL SOCIAL WORKERS; PROVIDING THE REQUIREMENTS 10 FOR LICENSE RENEWAL AND CREATING AN INACTIVE STATUS FOR 11 LICENSED CLINICAL SOCIAL WORKERS AND PROFESSIONAL 12 AMENDING 37-22-301. 37-22-304. SECTIONS COUNSELORS: 13 37-22-305, 37-22-312, 37-23-201, 37-23-202, 37-23-205, AND 14 PROVIDING EPPECTIVE---BATES AN 15 37-23-212, MCA: AND APPLICABILITY BATE DATES." 16 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 18 Section 1. Section 37-22-301, MCA, is amended to read: 19 \*37-22-301. License requirements -- exemptions. (1) A 20 license applicant shall satisfactorily complete an 21 examination prepared and administered by the board7--except 22 that--during-the-365-day-period-following-the-effective-date 23

24 of--this--chapter--a--license--must---be---granted---without

25 examination-if-the-requirements-of-subsection-f2;-are-met.

Montana Legislative Council

1 (2) Before an applicant may take the examination, he 2 the applicant shall present three letters of reference from licensed social workers, licensed clinical social workers, 3 4 psychiatrists, or psychologists7-or-psychiatric--nurses who have knowledge of the applicant's professional performance 5 6 and shall demonstrate to the board that he the applicant: 7 (a) has a doctorate or master's degree in social work from a program accredited by the council on social work 8 9 education or approved by the board; 10 (b) has accumulated--37000--hours--of--postdegree--work 11 experience--in-psychotherapy completed at least 24 months of 12 supervised post master's degree work experience in psychotherapy, which included 3,000 hours of social work 13 14 experience, of which at least 1,500 hours were in direct 15 client contact, within the past 5 years; and 16 (c) abides by the social work ethical standards adopted 17 under 37-22-201. 18 (3) An applicant who submits an application for licensure before October 1, 1994, may acquire the supervised 19 20 experience required by subsection (2)(b) in less than 24 21 months. (3) (4) An applicant who has failed the examination may 22 23 reapply to take the examination. 24 (4) (5) An applicant is exempt from the examination

- 25 requirement if he the applicant satisfies the board that he
  - -2- HB 190 REFERENCE BILL: Includes Conference Committee Report Dated <u>4-15-93</u>

<u>the applicant</u> 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 <u>the applicant</u> has passed an examination similar 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.

(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.

17 (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.

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	<u>clinical</u> social worker limitations on use of title <u></u>
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	<pre>subsection (2), a person may not represent himselftobe</pre>
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 hy

25 training if they do not hold themselves out to the public by

HB 190

-4-

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 <u>OR UNDER A CONTRACT WITH</u> a 5 federal, state, county, or municipal agency, or an 6 educational, research, or charitable institution, <u>OR A</u>

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;

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 during a calendar year if the person is authorized under the 21 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 <u>(4)--An-individual-who-is-not--licensed-as-a--licensed</u> 9 <u>elinical--social--worker-in-accordance-with-this-chapter-may</u> 10 <u>not-practice-social-worky-whether-practicing-in-a--private</u> 11 <u>practice-or-by-employment-with-a-public-or-private-agency-or</u> 12 <u>institutiony--without--supervision--by-a--licensed-clinical</u> 13 <u>social-workerr</u><sup>#</sup>

Section 4. Section 37-22-312, MCA, is amended to read: 14 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--reprimend-him-or-revoker

-5-

-6-

# suspendy-or-refuse-to--renew-his-license-and-the--notice 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." Section 6. Section 37-23-212, MCA, is amended to read: 8 "37-23-212. Procedure for charging violation of 9 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 ±t-has-given-notice-by-mail-to-the-licensee-of-its-intent-to 21 suspend-or-revoke-his-license-and-the-notice-contains--those

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.<sup>a</sup>

matters-required-by-2-4-601.

-7-

HB 190

•

22

HB 0190/04

-8-

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.

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 board. The application must be accompanied by a renewal fee 11 prescribed by the board. If the applicant for conversion to 12 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 number of continuing education credits prescribed by the 16 board for each year that the applicant has held an inactive 17 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 social24 work in this state.

25 <u>NEW SECTION.</u> Section 8. Inactive status. (1) The board

1 shall reclassify, for a maximum of 7 2 consecutive years, an 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 1 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 active status has held an inactive status license for more 13 14 than 1 year, the applicant shall submit with the application satisfactory evidence that the applicant has earned the 15 16 number of continuing education credits prescribed by the 17 board for each year that the applicant has held an inactive 18 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.

23 (4) An inactive status licensee may not practice24 professional counseling in this state.

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

-9-

HB 190

-10-

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

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

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

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

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

9 (d) an activity or service of a student, intern, or resident in mental health counseling pursuing a course of 10 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 residence to perform such activity or service. However, such 20 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

-11-

**HB 190** 

-12-

**HB 190** 

HB 0190/04

HB 190

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."

5 SECTION 10. SECTION 37-23-202, MCA, IS AMENDED TO READ: 6 °37-23-202. Licensure requirements. (1)-To-be-licensed 7 on-or-before-December-317-19077-as-a-professional--counselor 8 under--this--chapter7--an-applicant-must-have-satisfactorily 9 completed:

10 ta)--a--planned--graduate--program--of--study--that--was primarily-counseling-in-nature-which-resulted-in-an-advanced 11 12 degree-in-a-counseling-field-from-an-institution--accredited 13 to-offer-such-a-degree-program; 14 +b}--27888--hours--or-more-of-postdegree-work-experience 15 as-a-counselor-in--a--hospitaly--schooly--agencyy--or--other 16 supervised-setting; tc}--and-passed-an-examination-prepared-and-administered 17 18 by: 19 (i)--the-boardy-based-on-a-mational-examination-approved by-the-board; 20

 21
 (ii)-the-national-board-of-certified-counselors;-or

 22
 (iii)-the--national-academy-of-certified-clinical-mental

23 health-counselors;-and

.

24 (d)--an-application-form-and-process-prescribed--by--the
 25 board---that---includes---submission--of--three--letters--of

-13-

nomination-from-counselors-or-related-professionalsy-each-of
 whom-holds-a-master's-degree-or-higher-and-who-can-attest-to
 the-guality-of-the-applicant's-work-

4 (2) To be licensed after--Becember--317---1987, an
5 applicant must have satisfactorily completed:

tay(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;

11 (b)(2) 27000 3,000 hours of counseling practice supervised by a licensed professional counselor or licensed 13 member of an allied mental health profession, at least half 14 of which was postdegree. The applicant must have each 15 supervisor endorse his application for licensure, attesting 16 to the number of hours supervised.

17 (e)(3) and passed an examination prepared and 18 administered by:

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

21 (ii)-the-national-board-of-certified-counselors;-or

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

23 (±±±)(b)(C) the national academy of certified clinical
 24 mental health counselors; and

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

-14-

1 the board."

<u>NEW SECTION.</u> 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].

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

<u>NEW SECTION.</u> Section 12. Applicability. (1) [Section
 <u>SHETIONS SECTION 1(2)(b) AND-10(2)-AND--(3)</u>] applies <u>APPEY</u>
 <u>APPLIES</u> to persons licensed on or after October 1, 1993
 1994.

 13
 (2) [SECTION 10(2)] APPLIES TO PERSONS LICENSED ON OR

 14
 AFTER JULY 1, 1996.

15 <u>NEW-SECTION</u> Section-11---Sfective----date----{Section

16 3(4)]-is-effective-October-17-1995-

-End-

-15-