**** BILL NO. ****

INTRODUCED BY ****

BY REQUEST OF THE ****

A BILL FOR AN ACT ENTITLED: “AN ACT GENERALLY REVISING LAWS REGARDING THE BOARD OF BEHAVIORAL HEALTH; PROVIDING FOR CERTIFICATION AND REGULATION OF FAMILY PEER SUPPORT SPECIALISTS; PROVIDING A LICENSURE EXEMPTION FOR RELIGIOUS OFFICIALS; ESTABLISHING CERTIFICATION REQUIREMENTS; AMENDING SECTIONS 37-39-101, 37-39-102, 37-39-303, 37-39-307, AND 37-39-312, MCA.”

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

Section 1. Section 37-39-101, MCA, is amended to read:

"**37-39-101. Purpose.** The practices of social work, professional counseling, marriage and family therapy, addiction counseling, ~~and~~ behavioral health peer support, and family peer support in the state of Montana are professional behavioral health practices affecting the public health, safety, and welfare and are subject to regulation and control in the public interest. It is a matter of public interest and concern that the collective practices of these professions warrant and receive the confidence of the public and that only qualified persons be permitted to practice in the behavioral health field from within or outside of Montana and engage with behavioral health clients located within the state. This chapter must be liberally construed to carry out these objectives and purposes."

Section 2. Section 37-39-102, MCA, is amended to read:

"**37-39-102. Definitions.** As used in this chapter, the following definitions apply:

(1) "Addiction" means the condition or state in which an individual is physiologically or psychologically dependent on alcohol or other drugs. The term includes chemical dependency as defined in 53-24-103.

(2) "Addiction counseling" means using the knowledge and skill necessary to provide the

therapeutic process of addiction treatment.

(3) "Approved examination" means a standardized test or examination of behavioral health knowledge, skills, and abilities that is approved by the board.

(4) "Approved program" means a behavioral health educational program accredited or sponsored by an entity that is recognized at the national, regional, or state level and approved by the board.

(5) "Approved supervisor" means a supervisor determined by the board to meet standards established by the board for supervision of clinical services.

(6) "Baccalaureate social work" means the application of social work theory, knowledge, methods, ethics, and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Baccalaureate social work is generalist practice that includes assessment, planning, intervention, evaluation, case management, information and referral, supervision, consultation, education, advocacy, community organization, research, and the development, implementation, and administration of policies, programs, and activities.

(7) "Behavioral health" means, for the purposes of regulation and licensure under this chapter, the practices of social work, professional counseling, marriage and family therapy, addiction counseling, and peer support regulated under this chapter.

(8) "Behavioral health disorder" is a diagnosis of:

(a) a mental disorder as defined in 53-21-102; or

(b) chemical dependency as defined in 53-24-103.

(9) "Behavioral health peer support" means the use of personal experience with a behavioral health disorder to provide support, mentoring, guidance, and advocacy to individuals with behavioral health disorders while under the supervision of a mental health professional in an amount, duration, and scope appropriate to the setting and the demonstrated competency and experience of the peer support specialist.

(10) "Board" means the board of behavioral health provided for in 2-15-1744.

(11) "Clinical professional counseling" means engaging in methods and techniques that include:

(a) counseling, which means the therapeutic process of:

(i) conducting assessments and diagnoses for the purpose of establishing treatment goals and objectives; or

(ii) planning, implementing, and evaluating treatment plans that use treatment interventions to facilitate human development and to identify and remediate mental, emotional, or behavioral disorders and associated distresses that interfere with mental health;

(b) assessment, which means selecting, administering, scoring, and interpreting instruments, including psychological tests, evaluations, and assessments, designed to assess an individual's aptitudes, attitudes, abilities, achievement, interests, and personal characteristics and using nonstandardized methods and techniques for understanding human behavior in relation to coping with, adapting to, or changing life situations;

(c) counseling treatment intervention, which means those cognitive, affective, behavioral, and systemic counseling strategies, techniques, and methods common to the behavioral sciences that are specifically implemented in the context of a therapeutic relationship, including techniques to treat the perception of chronic pain. Other treatment interventions include developmental counseling, guidance, and consulting to facilitate normal growth and development, including educational and career development.

(d) referral, which means evaluating information to identify needs or problems of an individual and to determine the advisability of referral to other specialists, informing the individual of the judgment, and communicating as requested or considered appropriate with the referral sources.

(12) (a) "Clinical social work" means the application of professional social work knowledge, skills, and values in the differential diagnosis and treatment of psychosocial function, disability, or impairment, including emotional, mental, and behavioral disorders and the perception of chronic pain. Treatment includes a plan based on a differential diagnosis. Treatment may include but is not limited to the provision of psychotherapy and counseling to individuals, couples, families, and groups across the life span. A clinical social work licensee may also provide the services of baccalaureate and master's social work.

(b) The term includes the performance of psychological testing, evaluation, and assessment if the licensee is qualified to administer testing and make evaluations and assessments pursuant to 37-17-104.

(13) "Department" means the department of labor and industry provided for in 2-15-1701.

(14) "Family peer support" means the use of personal experience as the parent, guardian, or caregiver of a child under 21 years of age with significant physical, developmental, or behavioral health needs to provide support, mentoring, guidance, and advocacy to parents, guardians, and caregivers of children with

significant physical, developmental, or behavioral health needs while under the supervision of a mental health professional in an amount, duration, and scope appropriate to the setting and the demonstrated competency and experience of the peer support specialist.

~~(14)~~(15) "Licensee" means an individual licensed under this chapter to practice social work, clinical professional counseling, addiction counseling, or marriage and family therapy or certified to provide behavioral health peer support or family peer support.

~~(15)~~(16) "Marriage and family therapy" means the diagnosis and treatment of mental and emotional disorders within the context of interpersonal relationships, including marriage and family systems. Marriage and family therapy involves:

(a) the professional application of psychotherapeutic and family system theories and techniques, counseling, consultation, treatment planning, and supervision in the delivery of services to individuals, couples, and families;

(b) the provision of professional marriage and family therapy services to individuals, couples, and families, singly or in groups, either directly or through public or private organizations; and

(c) the performance of psychological testing, evaluation, and assessment if the licensee is qualified to administer testing and make evaluations pursuant to 37-17-104.

~~(16)~~(17)"Master's social work" means the application of social work theory, knowledge, methods, and ethics and the professional use of self to restore or enhance social, psychosocial, or biopsychosocial functioning of individuals, couples, families, groups, organizations, and communities. Master's social work includes the application of specialized knowledge and advanced skills in the areas of assessment, treatment planning, implementation and evaluation, case management, information and referral, supervision, consultation, education, research, advocacy, community organization, and the development, implementation, and administration of policies, programs, and activities.

~~(17)~~(18)"Mental health professional" means:

(a) a physician licensed under Title 37, chapter 3;

(b) an advanced practice registered nurse, as provided for in 37-8-202, with a clinical specialty in psychiatric mental health nursing;

(c) a psychologist licensed under Title 37, chapter 17;

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(d) a social worker licensed under 37-39-308;

(e) a professional counselor licensed under 37-39-309;

(f) an addiction counselor licensed under 37-39-310; or

(g) a marriage and family therapist licensed under 37-39-311.

~~(18)~~(19)"Psychotherapy" means the use of psychosocial methods within a professional relationship to assist a person to achieve a better psychosocial adaptation and to modify internal and external conditions that affect individuals, groups, or families in respect to behavior, emotions, and thinking concerning their interpersonal processes.

~~(19)~~(20)"Social work" means the professional practice directed toward helping people achieve more adequate, satisfying, and productive social adjustments. The practice of social work involves special knowledge of social resources, human capabilities, and the roles that individual motivation and social influences play in determining behavior and involves diagnoses and the application of social work techniques.

~~(20)~~(21)"Supervised work experience" means work in a behavioral health field after receipt of the required degree and license but under:

(a) the supervision of an approved supervisor; and

(b) terms and conditions prescribed by the board by rule."

Section 3. Section 37-39-303, MCA, is amended to read:

"**37-39-303. Exemptions from licensure.** The license and certification requirements of this chapter do not prohibit:

(1) a member of another profession from performing duties and services consistent with the individual's licensure or certification or, in the case of a qualified member of another profession who is not licensed or certified, from performing duties and services consistent with the person's training, as long as the person does not represent by title that the person is licensed by the board;

(2) a member of the clergy, priesthood, or other ordained religious official from performing that person's duties as a clergy member, priest, or religious official, as long as the person does not represent by title that the person is licensed by the board;

~~(2)~~(3) an activity or service or use of an official title by a person employed by or acting as a

volunteer for 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;

~~(3)~~(4) an activity or service of an employee of a business establishment performed solely for the benefit of the establishment's employees; or

~~(4)~~(5) an activity or service of a student, intern, or resident in behavioral health counseling pursuing a course of study at an accredited university or college or working in a generally recognized training program if the activity or service constitutes a part of a supervised course of study."

Section 4. Section 37-39-307, MCA, is amended to read:

"**37-39-307. Candidates for licensure or certification.** (1) A person who has completed the education requirements of 37-39-308, 37-39-309, 37-39-310, ~~or~~ 37-39-311, or 37-39-312 but who has not completed the supervised work experience may apply for licensure as a candidate.

(2) A candidate shall submit a training and supervision plan.

(3) On completion of the supervised work experience, the candidate may apply to take any approved examination for the licensure level the individual seeks to practice. Peer support candidates are eligible for licensure upon completion of supervised work experience without examination.

(4) The board shall limit the number of years a person may be licensed as a candidate under this section.

(5) On passage of an approved examination, the candidate must apply for licensure in order to continue to practice."

Section 5. Section 37-39-312, MCA, is amended to read:

"**37-39-312. Peer support specialist license required -- qualifications.** (1) (a) A person may not practice peer support unless licensed under Title 37, chapter 1, and this chapter.

(2) An applicant for licensure as a behavioral health peer support specialist must:

(a) have a diagnosis from a mental health professional as having a behavioral health disorder;

(b) have received treatment for the diagnosed behavioral health disorder;

(c) be in recovery, as defined by board rule, from the behavioral health disorder; and

(d) have successfully completed an approved program in peer support, including an behavioral ethics portion, as defined by board rule. ~~The board shall:~~

~~(i)	provide a list of approved programs; and~~

~~(ii)	approve content that is flexible, affordable, and inclusive of faith-based, cultural, and educational programs available from national, regional, and state agencies and organizations.~~

(3) An applicant for licensure as a family peer support specialist must:

(a) have personal experience as the parent, guardian, or caregiver of a child under 21 years of age with significant physical, developmental, or behavioral health needs; and

(b) have successfully completed an approved program in family peer support, including an ethics portion, as defined by board rule.

(4) The board shall:

(i) provide a list of approved programs in behavioral health peer support and family peer support; and

(ii) approve content that is flexible, affordable, and inclusive of faith-based, cultural, and educational programs available from national, regional, and state agencies and organizations."

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