

**Amendment - 1st Reading/2nd House-blue - Requested by: Emma Kerr-Carpenter - (S)
Business, Labor, and Economic Affairs**

- 2023

68th Legislature 2023

Drafter: Erin Sullivan, 406-444-3594

HB0499.002.002

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HOUSE BILL NO. 499

INTRODUCED BY E. KERR-CARPENTER, J. SMALL

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSED SOCIAL WORKER REQUIREMENTS PERTAINING TO WORK EXPERIENCE; ALLOWING A LICENSED BACCALAUREATE SOCIAL WORKER AND A LICENSED MASTER'S SOCIAL WORKER TO BE LICENSED IN THIS STATE WITH CERTAIN REQUIREMENTS; AND AMENDING SECTIONS 37-22-307 AND 37-22-308, MCA."

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

Section 1. Section 37-22-307, MCA, is amended to read:

"37-22-307. Licensed baccalaureate social worker requirements -- exemption -- rulemaking. (1)

An applicant to be a licensed baccalaureate social worker:

- (a) must have a bachelor's degree in social work from a program accredited by the council on social work education or a program approved by the board by rule; and
 - (b) EXCEPT AS PROVIDED IN SUBSECTION (5), must have registered as a social worker licensure candidate, as provided in 37-22-313, and completed supervised work experience as specified in 37-22-313 and board rule. Some of the required hours must be in direct client contact.
- (2) After completing the required supervised work experience as a social worker licensure candidate OR BY MEETING THE REQUIREMENTS OF SUBSECTION (5), the applicant shall:
- (a) subject to subsection (6)(b) (5), satisfactorily complete an examination prescribed by the board by rule. An applicant who fails the examination may reapply to take the examination and may continue as a social worker licensure candidate, subject to the terms set by the board.
 - (b) submit a completed application required by the board and the application fee prescribed by the board; and
 - (c) as a prerequisite to the issuance of a license, submit fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

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1 The board may require a criminal background check of applicants and determine the suitability for licensure as
2 provided in 37-1-201 through 37-1-205 and 37-1-307.

3 (3) A licensed baccalaureate social worker:

4 (a) is subject to the social work ethical standards adopted under 37-22-201;

5 (b) may engage in social work activities as provided in 37-22-102(5)(c) through (5)(h);

6 (c) may engage in practice, as defined by the board, upon receiving a license; and

7 (d) may use the initials "LBSW" for "licensed baccalaureate social worker".

8 (4) An applicant is exempt from the examination requirement in subsection (2)(a) if the applicant:

9 (a) proves to the board that the applicant is licensed, certified, or registered in a state or territory of
10 the United States under laws that have substantially the same requirements as this chapter; and

11 (b) has passed an examination similar to that required by the board.

12 (5) ~~Individuals who demonstrate to the board on or before May 1, 2021, that they meet the~~

13 ~~applicable work and education experience as provided in subsection (1) are exempt from examination~~

14 ~~procedures provided in subsection (2)(a) and may be licensed under this section~~ AN INDIVIDUAL WHO AS OF

15 JANUARY 1, 2020, HAS THE EDUCATION REQUIRED IN SUBSECTION (1)(A) AND ENGAGED IN THE PRACTICE OF SOCIAL

16 WORK FOR AT LEAST 4,000 AGGREGATE HOURS DURING THE PERIOD FROM JANUARY 1, 2018, TO JANUARY 1, 2023,

17 MAY APPLY FOR LICENSURE AS A BACCALAUREATE SOCIAL WORKER WITHOUT EXAMINATION, WITHOUT REGISTERING AS A

18 LICENSED SOCIAL WORKER CANDIDATE, AND WITHOUT MEETING THE SUPERVISED WORK EXPERIENCE REQUIREMENT IN

19 SUBSECTION (1)(B). TO BE ELIGIBLE FOR LICENSURE UNDER THIS SUBSECTION, INDIVIDUALS MUST DEMONSTRATE THESE

20 REQUIREMENTS TO THE BOARD ON OR BEFORE DECEMBER 31, 2024.

21 ~~(6) (a) Individuals who demonstrate to the board on or before December 31, 2026, that they meet~~

22 ~~the requirements provided in subsections (1)(a) and (2)(a) and that they were working as a social worker in this~~

23 ~~state for at least 12 consecutive months or an aggregate of 24 months over a 4-year period prior to September~~

24 ~~2020 are eligible to be licensed under this section.~~

25 ~~(b) Individuals with more than 48 months of social work experience are exempt from the~~

26 ~~examination requirements of subsection (2)(a).~~

27 ~~(6)(7)(6)~~ The board shall adopt rules to implement this section."

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2 **Section 2.** Section 37-22-308, MCA, is amended to read:

3 **"37-22-308. Licensed master's social worker requirements -- rulemaking -- exemption.** (1) An
4 applicant to be a licensed master's social worker:

5 (a) must have a master's degree in social work from a program accredited by the council on social
6 work education or a program approved by the board by rule; and

7 (b) EXCEPT AS PROVIDED IN SUBSECTION (5), must have registered as a social worker licensure
8 candidate, as provided in 37-22-313, and completed supervised work experience as specified in 37-22-313 and
9 board rule. Some of the required hours must be in direct client contact.

10 (2) After completing the required supervised work experience as a social worker licensure
11 candidate OR BY MEETING THE REQUIREMENTS IN SUBSECTION (5), the applicant shall:

12 (a) subject to subsection (6) (5), satisfactorily complete an examination prescribed by the board by
13 rule. An applicant who fails the examination may reapply to take the examination and may continue as a social
14 worker licensure candidate, subject to the terms set by the board.

15 (b) submit a completed application required by the board and the application fee prescribed by the
16 board by rule; and

17 (c) as a prerequisite to the issuance of a license, submit fingerprints for the purpose of fingerprint
18 checks by the Montana department of justice and the federal bureau of investigation as provided in 37-1-307.

19 The board may require a criminal background check of applicants and determine the suitability for licensure as
20 provided in 37-1-201 through 37-1-205 and 37-1-307.

21 (3) A licensed master's social worker:

22 (a) is subject to the social work ethical standards adopted under 37-22-201;

23 (b) may engage in social work activities as provided in 37-22-102(5)(c) through (5)(h);

24 (c) may engage in practice, as defined by the board, upon receiving a license; and

25 (d) may use the initials "LMSW" for "licensed master's social worker".

26 (4) An applicant is exempt from the examination requirement in subsection (2)(a) if the applicant:

27 (a) proves to the board that the applicant is licensed, certified, or registered in a state or territory of

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1 the United States under laws that have substantially the same requirements as this chapter; and

2 (b) has passed an examination similar to that required by the board.

3 ~~(5) Individuals who demonstrate to the board on or before May 1, 2021, that they meet the~~
4 ~~applicable work and education experience as provided in subsection (1) are exempt from examination~~
5 ~~procedures provided in subsection (2)(a) and may be licensed under this section.~~

6 ~~(6)(5) (a) Individuals who demonstrate to the board on or before December 31, 2026, that they meet~~
7 ~~the requirements provided in subsections (1)(a) and (2)(a) and that they were working as a social worker in this~~
8 ~~state for at least 12 consecutive months or an aggregate of 24 months over a 4-year period prior to September~~
9 ~~2020 are eligible to be licensed under this section.~~

10 ~~(b) Individuals with more than 48 months of social work experience are exempt from the~~
11 ~~examination requirements of subsection (2)(a) AN INDIVIDUAL WHO AS OF JANUARY 1, 2020, HAS THE EDUCATION~~
12 ~~REQUIRED IN SUBSECTION (1)(A) AND ENGAGED IN THE PRACTICE OF SOCIAL WORK FOR AT LEAST 4,000 AGGREGATE~~
13 ~~HOURS DURING THE PERIOD FROM JANUARY 1, 2018, TO JANUARY 1, 2023, MAY APPLY FOR LICENSURE AS A MASTER'S~~
14 ~~SOCIAL WORKER WITHOUT EXAMINATION, WITHOUT REGISTERING AS A LICENSED SOCIAL WORKER CANDIDATE, AND~~
15 ~~WITHOUT MEETING THE SUPERVISED WORK EXPERIENCE REQUIREMENT IN SUBSECTION (1)(B). TO BE ELIGIBLE FOR~~
16 ~~LICENSURE UNDER THIS SUBSECTION, INDIVIDUALS MUST DEMONSTRATE THESE REQUIREMENTS TO THE BOARD ON OR~~
17 ~~BEFORE DECEMBER 31, 2024.~~

18 ~~(6)(7)(6) The board shall adopt rules to implement this section."~~

20 COORDINATION SECTION. Section 3. Coordination instruction. If both House Bill No. 137 and
21 [this act] are passed and approved and if House Bill No. 137 repeals both 37-22-307 and 37-22-308, then
22 [sections 1 and 2 of this act] are void and [section 10 of House Bill 137] must be amended as follows:

23 "NEW SECTION. Section 10. Social work license required -- qualification. (1) A person may not
24 practice social work unless licensed under Title 37, chapter 1, and [sections 1 through 14].

25 (2) Except as provided in subsection (6), an applicant for a clinical social work license must have:

26 (a) completed a master's or doctoral degree in social work from an approved program;

27 (b) successfully completed 3,000 hours of supervised social work practice; and

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- 1 (c) passed an approved examination.
- 2 (3) ~~An Except as provided in subsection (8), an applicant for a master's social work license must~~
3 have:
- 4 (a) completed a master's degree in an approved program;
- 5 (b) successfully completed ~~2,000~~ THE REQUIRED hours of supervised social work practice AS
6 DETERMINED BY BOARD RULE; and
- 7 (c) passed an approved examination.
- 8 (4) ~~An Except as provided in subsection (8), an applicant for a baccalaureate social work license~~
9 must have:
- 10 (a) completed a bachelor's degree in social work from an approved program;
- 11 (b) successfully completed ~~2,000~~ THE REQUIRED hours of supervised social work practice AS
12 DETERMINED BY BOARD RULE; and
- 13 (c) passed an approved examination.
- 14 (5) A clinical social work licensee may engage in the independent practice of social work as
15 defined in board rule.
- 16 (6) An applicant for a clinical social work license who has not completed the degree requirements
17 of subsection (2)(a) may be licensed if the applicant meets requirements established by the board by rule for
18 additional postdegree social work experience equivalent to the provisions of subsections (2)(a) and (2)(b).
- 19 (7) The supervised social work practice required by this section must be completed as provided in
20 [section 9] and as prescribed by the board by rule.
- 21 (8) An individual who as of January 1, 2020, has the education required in subsection (3) or (4)
22 and has engaged in the practice of social work for at least 4,000 hours aggregate during the period of January
23 1, 2018, to January 1, 2023, may apply for licensure as a baccalaureate or master's social worker without
24 examination, without registering as a licensed social worker candidate, and without meeting the required
25 supervised hours pursuant to subsection (3) or (4). To be eligible for licensure under this subsection, an
26 individual shall demonstrate these requirements to the board on or before December 31, 2024."
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- END -

AMEND