

1 HOUSE BILL NO. 101

2 INTRODUCED BY J. GILLETTE

3 BY REQUEST OF THE CHILDREN, FAMILIES, HEALTH, AND HUMAN SERVICES INTERIM COMMITTEE

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5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LICENSING RECIPROCITY PROVISIONS FOR OUT-
6 OF-STATE PRACTITIONERS LICENSED BY THE BOARD OF BEHAVIORAL HEALTH; ESTABLISHING
7 THAT LICENSURE IN ANOTHER STATE IS SUFFICIENT TO OBTAIN MONTANA LICENSURE FOR NEW
8 RESIDENTS IF CERTAIN CONDITIONS EXIST; AND AMENDING SECTION 37-1-304, MCA."

9
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11
12 NEW SECTION. Section 1. Licensure reciprocity for out-of-state applicants. (1) The board shall
13 issue a license as provided in this section to a person who moves to Montana and establishes residence in
14 compliance with 1-1-215 if all of the following apply:

15 (a) The person is currently licensed as a clinical social worker, a baccalaureate social worker, or a
16 master's social worker in at least one other state.

17 (b) The person has been licensed by another state for at least 1 year.

18 (c) The person's license is in good standing in all states in which the person holds a license.

19 (d) If the state in which the person is licensed set minimum education requirements and, if
20 applicable, work experience and clinical supervision requirements at the time the person was licensed, the
21 licensing authority in that state verifies that the person met those requirements when obtaining licensure in that
22 state.

23 (e) The person previously passed an examination required for the license if required to do so by
24 the state in which the license was issued.

25 (f) The person has not had a license revoked and has not voluntarily surrendered a license in any
26 other state or country while under investigation for unprofessional conduct.

27 (g) A complaint, allegation, or investigation relating to unprofessional conduct is not pending
28 against the person before a licensing authority in another state or country. If a complaint, allegation, or

1 investigation is pending, the board shall suspend the application process and may not issue or deny a license
2 until the complaint, allegation, or investigation is resolved.

3 (h) The person has not been disciplined by another state licensing authority. If another jurisdiction
4 has taken disciplinary action against the person, the board shall determine if the cause for the action was
5 corrected and the matter resolved. If the matter has not been resolved by the jurisdiction having authority, the
6 board may not issue or deny a license until the matter is resolved.

7 (i) The person pays all applicable fees.

8 (j) The person does not have a disqualifying criminal history as determined by the board pursuant
9 to Title 37, chapter 1, part 2.

10 (2) A person licensed pursuant to this section is subject to the jurisdiction of the board and to the
11 laws regulating the practice of social work in this state.

12 (3) The license may be issued if the applicant affirms or states in the application that the applicant
13 has requested verification from the state or states in which the applicant is licensed that the applicant is
14 currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or
15 impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely
16 affirmed or stated that the applicant has requested verification from another state, the board may summarily
17 suspend the license pending further action to discipline or revoke the license.

18 (4) This section does not apply to:

19 (a) a person who is a candidate for licensure in another state and is not considered fully licensed
20 in that state;

21 (b) criteria for a license that is established by an interstate compact; or

22 (c) the board's ability to require an applicant to submit fingerprints for a fingerprint-based check by
23 the Montana department of justice and the federal bureau of investigation for noncriminal justice purposes.

24 (5) A license issued pursuant to this section is valid only in Montana and does not make the
25 person eligible to be part of an interstate compact. The board may determine eligibility for an applicant to be
26 licensed under this section if the applicant is not part of an interstate compact.

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28 **NEW SECTION. Section 2. Licensure reciprocity for out-of-state applicants.** (1) The board shall

1 issue a license as provided in this section to a person who moves to Montana and establishes residence in
2 compliance with 1-1-215 if all of the following apply:

3 (a) The person is currently licensed as a clinical professional counselor in at least one other state.

4 (b) The person has been licensed by another state for at least 1 year.

5 (c) The person's license is in good standing in all states in which the person holds a license.

6 (d) If the state in which the person is licensed set minimum education requirements and, if
7 applicable, work experience and clinical supervision requirements at the time the person was licensed, the
8 licensing authority in that state verifies that the person met those requirements when obtaining licensure in that
9 state.

10 (e) The person previously passed an examination required for the license if required to do so by
11 the state in which the license was issued.

12 (f) The person has not had a license revoked and has not voluntarily surrendered a license in any
13 other state or country while under investigation for unprofessional conduct.

14 (g) A complaint, allegation, or investigation relating to unprofessional conduct is not pending
15 against the person before a licensing authority in another state or country. If a complaint, allegation, or
16 investigation is pending, the board shall suspend the application process and may not issue or deny a license
17 until the complaint, allegation, or investigation is resolved.

18 (h) The person has not been disciplined by another state licensing authority. If another jurisdiction
19 has taken disciplinary action against the person, the board shall determine if the cause for the action was
20 corrected and the matter resolved. If the matter has not been resolved by the jurisdiction having authority, the
21 board may not issue or deny a license until the matter is resolved.

22 (i) The person pays all applicable fees.

23 (j) The person does not have a disqualifying criminal history as determined by the board pursuant
24 to Title 37, chapter 1, part 2.

25 (2) A person licensed pursuant to this section is subject to the jurisdiction of the board and to the
26 laws regulating the practice of professional counseling in this state.

27 (3) The license may be issued if the applicant affirms or states in the application that the applicant
28 has requested verification from the state or states in which the applicant is licensed that the applicant is

1 currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or
2 impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely
3 affirmed or stated that the applicant has requested verification from another state, the board may summarily
4 suspend the license pending further action to discipline or revoke the license.

5 (4) This section does not apply to:

6 (a) a person who is a candidate for licensure in another state and is not considered fully licensed
7 in that state;

8 (b) criteria for a license that is established by an interstate compact; or

9 (c) the board's ability to require an applicant to submit fingerprints for a fingerprint-based check by
10 the Montana department of justice and the federal bureau of investigation for noncriminal justice purposes.

11 (5) A license issued pursuant to this section is valid only in Montana and does not make the
12 person eligible to be part of an interstate compact. The board may determine eligibility for an applicant to be
13 licensed under this section if the applicant is not part of an interstate compact.

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15 **NEW SECTION. Section 3. Licensure reciprocity for out-of-state applicants.** (1) The board shall
16 issue a license as provided in this section to a person who moves to Montana and establishes residence in
17 compliance with 1-1-215 if all of the following apply:

18 (a) The person is currently licensed as an addiction counselor in at least one other state.

19 (b) The person has been licensed by another state for at least 1 year.

20 (c) The person's license is in good standing in all states in which the person holds a license.

21 (d) If the state in which the person is licensed set minimum education requirements and, if
22 applicable, work experience and clinical supervision requirements at the time the person was licensed, the
23 licensing authority in that state verifies that the person met those requirements when obtaining licensure in that
24 state.

25 (e) The person previously passed an examination required for the license if required to do so by
26 the state in which the license was issued.

27 (f) The person has not had a license revoked and has not voluntarily surrendered a license in any
28 other state or country while under investigation for unprofessional conduct.

1 (g) A complaint, allegation, or investigation relating to unprofessional conduct is not pending
2 against the person before a licensing authority in another state or country. If a complaint, allegation, or
3 investigation is pending, the board shall suspend the application process and may not issue or deny a license
4 until the complaint, allegation, or investigation is resolved.

5 (h) The person has not been disciplined by another state licensing authority. If another jurisdiction
6 has taken disciplinary action against the person, the board shall determine if the cause for the action was
7 corrected and the matter resolved. If the matter has not been resolved by the jurisdiction having authority, the
8 board may not issue or deny a license until the matter is resolved.

9 (i) The person pays all applicable fees.

10 (j) The person does not have a disqualifying criminal history as determined by the board pursuant
11 to Title 37, chapter 1, part 2.

12 (2) A person licensed pursuant to this section is subject to the jurisdiction of the board and to the
13 laws regulating the practice of addiction counseling in this state.

14 (3) The license may be issued if the applicant affirms or states in the application that the applicant
15 has requested verification from the state or states in which the applicant is licensed that the applicant is
16 currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or
17 impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely
18 affirmed or stated that the applicant has requested verification from another state, the board may summarily
19 suspend the license pending further action to discipline or revoke the license.

20 (4) This section does not apply to:

21 (a) a person who is a candidate for licensure in another state and is not considered fully licensed
22 in that state;

23 (b) criteria for a license that is established by an interstate compact; or

24 (c) the board's ability to require an applicant to submit fingerprints for a fingerprint-based check by
25 the Montana department of justice and the federal bureau of investigation for noncriminal justice purposes.

26 (5) A license issued pursuant to this section is valid only in Montana and does not make the
27 person eligible to be part of an interstate compact. The board may determine eligibility for an applicant to be
28 licensed under this section if the applicant is not part of an interstate compact.

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2 **NEW SECTION. Section 4. Licensure reciprocity for out-of-state applicants.** (1) The board shall
3 issue a license as provided in this section to a person who moves to Montana and establishes residence in
4 compliance with 1-1-215 if all of the following apply:

5 (a) The person is currently licensed as a marriage and family therapist in at least one other state.

6 (b) The person has been licensed by another state for at least 1 year.

7 (c) The person's license is in good standing in all states in which the person holds a license.

8 (d) If the state in which the person is licensed set minimum education requirements and, if
9 applicable, work experience and clinical supervision requirements at the time the person was licensed, the
10 licensing authority in that state verifies that the person met those requirements when obtaining licensure in that
11 state.

12 (e) The person previously passed an examination required for the license if required to do so by
13 the state in which the license was issued.

14 (f) The person has not had a license revoked and has not voluntarily surrendered a license in any
15 other state or country while under investigation for unprofessional conduct.

16 (g) A complaint, allegation, or investigation relating to unprofessional conduct is not pending
17 against the person before a licensing authority in another state or country. If a complaint, allegation, or
18 investigation is pending, the board shall suspend the application process and may not issue or deny a license
19 until the complaint, allegation, or investigation is resolved.

20 (h) The person has not been disciplined by another state licensing authority. If another jurisdiction
21 has taken disciplinary action against the person, the board shall determine if the cause for the action was
22 corrected and the matter resolved. If the matter has not been resolved by the jurisdiction having authority, the
23 board may not issue or deny a license until the matter is resolved.

24 (i) The person pays all applicable fees.

25 (j) The person does not have a disqualifying criminal history as determined by the board pursuant
26 to Title 37, chapter 1, part 2.

27 (2) A person licensed pursuant to this section is subject to the jurisdiction of the board and to the
28 laws regulating the practice of marriage and family therapy in this state.

1 (3) The license may be issued if the applicant affirms or states in the application that the applicant
2 has requested verification from the state or states in which the applicant is licensed that the applicant is
3 currently licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or
4 impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely
5 affirmed or stated that the applicant has requested verification from another state, the board may summarily
6 suspend the license pending further action to discipline or revoke the license.

7 (4) This section does not apply to:

8 (a) a person who is a candidate for licensure in another state and is not considered fully licensed
9 in that state;

10 (b) criteria for a license that is established by an interstate compact; or

11 (c) the board's ability to require an applicant to submit fingerprints for a fingerprint-based check by
12 the Montana department of justice and the federal bureau of investigation for noncriminal justice purposes.

13 (5) A license issued pursuant to this section is valid only in Montana and does not make the
14 person eligible to be part of an interstate compact. The board may determine eligibility for an applicant to be
15 licensed under this section if the applicant is not part of an interstate compact.

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17 NEW SECTION. **Section 5. Certification reciprocity for out-of-state applicants.** (1) The board
18 shall issue a certification as provided in this section to a person who moves to Montana and establishes
19 residence in compliance with 1-1-215 if all of the following apply:

20 (a) The person is currently certified or licensed as a behavioral health peer support specialist in at
21 least one other state.

22 (b) The person has been certified or licensed by another state for at least 1 year.

23 (c) The person's certification or license is in good standing in all states in which the person holds a
24 certification or license.

25 (d) If the state in which the person is certified or licensed set minimum education requirements
26 and, if applicable, work experience and clinical supervision requirements at the time the person was certified or
27 licensed, the licensing authority in that state verifies that the person met those requirements when obtaining
28 certification or licensure.

1 (e) The person previously passed an examination required for the certification or license if required
2 to do so by the state in which the certification or license was issued.

3 (f) The person has not had a certification or license revoked and has not voluntarily surrendered a
4 certification or license in any other state or country while under investigation for unprofessional conduct.

5 (g) A complaint, allegation, or investigation relating to unprofessional conduct is not pending
6 against the person before a licensing authority in another state or country. If a complaint, allegation, or
7 investigation is pending, the board shall suspend the application process and may not issue or deny a
8 certification until the complaint, allegation, or investigation is resolved.

9 (h) The person has not been disciplined by another state licensing authority. If another jurisdiction
10 has taken disciplinary action against the person, the board shall determine if the cause for the action was
11 corrected and the matter resolved. If the matter has not been resolved by the jurisdiction having authority, the
12 board may not issue or deny a certification until the matter is resolved.

13 (i) The person pays all applicable fees.

14 (j) The person does not have a disqualifying criminal history as determined by the board pursuant
15 to Title 37, chapter 1, part 2.

16 (2) A person receiving certification pursuant to this section is subject to the jurisdiction of the board
17 and to the laws regulating the provision of behavioral health peer support services in this state.

18 (3) The certification may be issued if the applicant affirms or states in the application that the
19 applicant has requested verification from the state or states in which the applicant holds certification or
20 licensure that the applicant is currently certified or licensed and is not subject to pending charges or final
21 disciplinary action for unprofessional conduct or impairment. If the board or its screening panel finds reasonable
22 cause to believe that the applicant falsely affirmed or stated that the applicant has requested verification from
23 another state, the board may summarily suspend the certification pending further action to discipline or revoke
24 the certification.

25 (4) This section does not apply to:

26 (a) a person who is a candidate for certification or licensure in another state and is not considered
27 fully certified or licensed in that state;

28 (b) criteria for certification or licensure that is established by an interstate compact; or

1 (c) the board's ability to require an applicant to submit fingerprints for a fingerprint-based check by
2 the Montana department of justice and the federal bureau of investigation for noncriminal justice purposes.

3 (5) A certification issued pursuant to this section is valid only in Montana and does not make the
4 person eligible to be part of an interstate compact. The board may determine eligibility for an applicant to
5 receive certification under this section if the applicant is not part of an interstate compact.

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7 **Section 6.** Section 37-1-304, MCA, is amended to read:

8 **"37-1-304. Licensure of out-of-state applicants -- reciprocity.** (1) ~~A-Except as provided in [sections~~
9 ~~1, 2, 3, 4, and 5], the~~ board shall issue a license to practice without examination to a person licensed in another
10 state if the board determines that:

11 (a) the other state's license standards at the time of application to this state are substantially
12 equivalent to or greater than the standards in this state; and

13 (b) there is no reason to deny the license under the laws of this state governing the profession or
14 occupation.

15 (2) The license may be issued if the applicant affirms or states in the application that the applicant
16 has requested verification from the state or states in which the person is licensed that the person is currently
17 licensed and is not subject to pending charges or final disciplinary action for unprofessional conduct or
18 impairment. If the board or its screening panel finds reasonable cause to believe that the applicant falsely
19 affirmed or stated that the applicant has requested verification from another state, the board may summarily
20 suspend the license pending further action to discipline or revoke the license.

21 (3) This section does not prevent a board from entering into a reciprocity agreement with the
22 licensing authority of another state or jurisdiction. ~~The-Except as provided in [sections 1, 2, 3, 4, and 5], the~~
23 agreement may not permit out-of-state licensees to obtain a license by reciprocity within this state if the license
24 applicant has not met standards that are substantially equivalent to or greater than the standards required in
25 this state as determined by the board on a case-by-case basis."

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

