

HOUSE BILL NO. 137

INTRODUCED BY G. OBLANDER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LICENSING AND CERTIFICATION REQUIREMENTS FOR BEHAVIORAL HEALTH PRACTITIONERS; ESTABLISHING EXPERIENCE AND EDUCATION REQUIREMENTS; PROVIDING CONFIDENTIALITY; PROVIDING IMMUNITY; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 20-4-502, 20-9-327, 27-1-1101, 33-30-1019, 33-30-1020, 37-1-401, 37-17-104, 41-3-127, 45-5-231, 45-5-501, 45-5-601, 45-5-709, 53-6-101, ~~AND 53-21-102,~~ AND 53-21-1202, MCA; AND REPEALING SECTIONS 37-22-101, 37-22-102, 37-22-103, 37-22-201, 37-22-301, 37-22-302, 37-22-305, 37-22-307, 37-22-308, 37-22-313, 37-22-401, 37-22-411, 37-22-412, 37-23-101, 37-23-102, 37-23-201, 37-23-202, 37-23-203, 37-23-206, 37-23-213, 37-23-301, 37-23-311, 37-23-312, 37-35-101, 37-35-102, 37-35-103, 37-35-201, 37-35-202, 37-35-204, 37-37-101, 37-37-102, 37-37-201, 37-37-202, 37-37-205, 37-37-301, 37-37-302, 37-38-101, 37-38-102, 37-38-106, 37-38-201, AND 37-38-202, MCA."

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

NEW SECTION. Section 1. Purpose. The practices of social work, professional counseling, marriage and family therapy, addiction counseling, and behavioral health 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. [Sections 1 through 14] must be liberally construed to carry out these objectives and purposes.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 14], the following definitions apply:

Amendment - 1st Reading/2nd House-blue - Requested by: Greg Oblander - (S) Business, Labor & Economic Affairs

- 2023

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Drafter: Erin Sullivan, 406-444-3594

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- 1 37-35-201. License required -- exceptions.
- 2 37-35-202. Licensure and registration requirements -- examination -- fees -- fingerprint check.
- 3 37-35-204. Penalty.
- 4 37-37-101. Purpose.
- 5 37-37-102. Definitions.
- 6 37-37-201. License requirements -- exemptions.
- 7 37-37-202. Representation to public as licensed marriage and family therapist.
- 8 37-37-205. Marriage and family therapist licensure candidate -- registration -- renewal -- standards.
- 9 37-37-301. Violations -- penalties.
- 10 37-37-302. Immunity from misconduct allegations.
- 11 37-38-101. Behavioral health peer support specialist.
- 12 37-38-102. Definitions.
- 13 37-38-106. Privileged communications -- exceptions.
- 14 37-38-201. Certification required -- exceptions.
- 15 37-38-202. Certificate requirements -- supervision -- fees.

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17 **NEW SECTION. Section 31. Codification instruction.** [Sections 1 through 14] are intended to be

18 codified as an integral part of Title 37, and the provisions of Title 37 apply to [sections 1 through 14].

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20 **COORDINATION SECTION. Section 32. Coordination instruction.** If both Senate Bill No. 198 and

21 [this act] are passed and approved and if both contain sections that amend or repeal provisions related to

22 behavioral health peer support specialists, then Senate Bill No. 198 is void and [section 9 of this act] must be

23 amended as follows:

24 **"NEW SECTION. Section 9. Candidates for licensure or certification.** (1) A person who has

25 completed the education requirements of [section 10, 11, 12, ~~or 13~~, or 14] but who has not completed the

26 supervised work experience may apply for licensure or certification as a candidate.

27 (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 or certification level the individual seeks to practice.

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

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

COORDINATION SECTION. **Section 33. Coordination instruction.** If both Senate Bill No. 198 and [this act] are passed and approved and if both contain sections that amend or repeal provisions related to behavioral health peer support specialists, then Senate Bill No. 198 is void and [section 14 of this act] must be amended as follows:

"NEW SECTION. **Section 14. Peer support specialist license ~~certificate~~ required -- qualifications.** (1) A person may not practice behavioral health peer support unless ~~licensed~~ certified under Title 37 chapter 1, and [sections 1 through 14].

(2) An applicant for ~~licensure~~ certification 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 behavioral peer support, including an 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 credentialed behavioral health peer support specialist must have completed 1,000 hours of supervised training and work experience as a peer support specialist. The board shall, by rule, determine the types of training, experience, and supervision necessary.

(4) The board shall credential a person who was a certified behavioral health peer support

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1 specialist on [the effective date of this act] without requiring the person to meet the requirements of [this act] if
2 the person:

3 (a) was certified before October 1, 2022; or

4 (b) was certified and had completed 1,000 hours of supervised work experience on or before [the
5 effective date of this act] and is in good standing with the board."

7 - END -