

SB 235—EXPANDING MONTANANS' ACCESS TO MENTAL HEALTH CARE

Sponsor, Sen. Murphy

Co-Sponsors: Sen. Peterson, Sen. Bales, Sen. Branae, Rep. Margaret Campbell, Rep. Chuck Hunter,

Why is it necessary?

Since 1986, Licensed Clinical Professional Counselors (LCPCs) and Licensed Social Workers (LSWs) have been allowed by Montana law, if they are qualified, to administer psychological tests, evaluations, and assessments. Each profession is regulated, and their qualifications are scrutinized, by separate professional boards as provided by this Legislature. LCPCs: 37-23-101, et seq. MCA; LSWs: 37-22-101, et seq. MCA. The Psychologists have a nearly identical regulatory system. 37-17-101, et seq. MCA.

Unfortunately, in 2005, unbeknownst to LCPCs and LSWs, and at the request of Psychologists, an amendment was made to the law regulating Psychologists that prohibits LCPCs and LSWs from using the words “psychology,” “psychologist,” “psychological,” or “psychologic” when advertising their services. See 37-17-104. “Exemptions. This chapter does not prevent: (1) qualified members of other professions. . . from doing work of a psychological nature consistent with their training if they do not hold themselves out to the public by a title or description incorporating the words ‘psychology’, ‘psychologist’, ‘psychological’, or ‘psychologic’.”

So, according to law enacted by the Legislature in 1985, LCPCs and LSWs may perform work “of a psychological nature” if they are qualified and trained but they cannot tell the public that they can do such work.

What does SB235 do?

SB 235 removes this prohibition. Doing so allows LCPCs and LSWs to inform the public of this aspect of their services. To serve Montanans, there are 795 LCPCs and 433 LSWs, for a total of 1228. There are 196 psychologists, most clustered in the major cities and towns. There are 83 communities with LCPCs and LSWs working there and no psychologist. These are rural communities.

SB 235 allows Montanans more information about who in their communities can provide these important health care services. Clearly, Psychologists alone cannot provide the services needed and there are many LCPCs and LSWs who can help Montanans. SB 235 is only about the use of these words. It does not address qualifications, nor can it as that does not fit within either the title of the bill or the law it amends. To address qualifications would require an entirely different administrative or legislative effort.

Qualifications for Testing and Assessments

LCPCs and LCSWs are well trained. Graduate preparation for licensure requires 60 semester credit hours. Minimum core curriculum for preparation for LCPC licensure

requires 3 semester credits in basic concepts of standardized and non-standardized testing, including statistical concepts, reliability and validity, strategies for selecting, administering and interpreting assessment and evaluation instruments, understanding general principles and methods of case conceptualization, assessment, and diagnoses of mental and emotional status, and ethical/ legal considerations. **Test publishers require 3-6 semester credits or comparable experience/supervision.**

Most LCPCs and LCSWs obtain the necessary continuing education, training, supervision, and experience after their formal graduate training consistent with their practice standards and Code of Ethics required by rule of law. LCPCs, LCSWs, and psychologists who specialize have to indicate competence in that area such as “psychosexual evaluations.”

Test Publishers Qualify the Users of Their Instruments

LCPCs, LCSWs, and psychologists can obtain authorization and be qualified to administer and interpret psychological testing through the test publishers. The publishers' application processes generally require evidence of a graduate degree and license and experience with testing. Many publishers offer continuing education credit regarding a specific instrument. There are over 2000 tests on the market; no graduate school offers courses for all of them.

What is SB 235 present Legislative Status

SB 235 was presented by its sponsor, Senator Terry Murphy, to the Senate Public, Health, Welfare, and Safety Committee on January 21st. The Committee took Executive Action on January 31st, and voted 6-1 to recommend approval of SB 235 to the Senate. SB 235 will be scheduled for Second (Debate Stage) Reading some time next week, and for third reading soon thereafter.

If SB 235 passes the Senate it will start going through the House.

What do I need to do to help assure passage of SB 235?

Making direct contact with our Senators is vital and ask them to PLEASE VOTE “YES” ON SB 235*

* Gloria Hermanson and Jon Metropoulos, LCPCs; Mary McCue and John Wilkinson, LSWs

