

BEFORE THE BOARD OF PSYCHOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC
amendment of ARM 24.189.601) HEARING ON PROPOSED
application procedures, and) AMENDMENT
ARM 24.189.620 licensees from other)
states or Canadian jurisdictions)

TO: All Concerned Persons

1. On June 2, 2005, at 10:00 a.m., a public hearing will be held in room 489 of the Park Avenue Building, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (Department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., on May 26, 2005 to advise us of the nature of the accommodation you need. Please contact Cheryl Brandt, Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibspsy@mt.gov.

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.189.601 APPLICATION PROCEDURES (1) and (1)(a) remain the same.

(b) Completed applications shall be delivered to the department, accompanied by the application fee, at least 90 days in advance of the examination dates.

(c) remains the same.

(2) A completed application file consists of the following:

(a) a completed and notarized application form;

(b) transcripts of all graduate work completed;

(c) program and course descriptions from the official college catalog(s);

(d) three work samples; and

(e) a copy of a self-query of the national practitioner data bank; and

(f) completed reference forms from a minimum of five references attesting to the applicant's good moral character. An application file must be complete at least 90 days in advance of the examination dates.

(a) and (b) remain the same but are renumbered (3) and (4).

(3) through (5) remain the same but are renumbered (5) through (7).

AUTH: 37-1-131, 37-17-202, MCA
IMP: 37-17-302, MCA

REASON: The Board determined it is reasonably necessary to amend ARM 24.189.601 to require that license applicants query the National Practitioner Data Bank and submit to the Board a copy of the query record with the application materials. The Board has determined that it is reasonable and necessary to verify the disciplinary status of applicants as compiled from reports submitted by other states, insurance companies, hospitals and other entities that are required to report to this national clearinghouse for healthcare integrity and protection to further protect the Montana public. Grammatical and organizational changes are proposed to provide a clearer, more user-friendly format.

24.189.620 LICENSEES FROM OTHER STATES OR CANADIAN JURISDICTIONS (1) ~~When a person applies for licensure under this provision, the board shall obtain information from the other state(s) or Canadian jurisdiction(s), and determine whether the requirements in place at the time of obtaining such other license(s) or certificate(s) were substantially equivalent to the current requirements of Montana law. Except as provided in (2), applicants licensed in another state or Canadian jurisdiction and seeking licensure under this rule shall provide information for the board to consider in determining whether the qualifications of the applicant are substantially equivalent to or greater than the current requirements of the state of Montana and whether to waive the written examination requirement. Applicants shall provide information regarding:~~

(a) the licensure requirements of such state or jurisdiction in place at the time the applicant obtained the license or certificate;

(b) a copy of a self-query of the national practitioner data bank;

(c) the composition and requirements of the applicant's prior licensing examination(s); and

(d) any additional information the board may require.

~~(2) Persons seeking a license on the basis of having been examined and then issued a license by another state or Canadian jurisdiction shall submit to the board information concerning the nature of the prior examination with their completed application forms. The information shall be evaluated by the board, which may request additional information before making a decision to waive the written examination. The qualifications of the candidate must be verified by the board as at least substantially equivalent to the current requirements of the state of Montana. An applicant will be deemed to have met the substantial equivalency requirements of (1) if the applicant:~~

(a) provides the board with a copy of the response to the applicant's self-query of the national practitioner data bank;

(b) has obtained a minimum required national examination score of either:

(i) a scaled score of 500 on the national computerized examination; or

(ii) a 70% on the national written examination previously administered by the board; and

(c) either:

(i) is currently credentialed as a health service provider in psychology by the national register of health service providers in psychology; or

(ii) holds a current certificate of professional qualification (CPO) in psychology issued by the association of state and provincial psychology boards (ASPPB).

(3) "License" or "certificate" is interpreted to mean only means those granted by other states or Canadian jurisdictions under statutory provision.

(4) A Applicants shall submit completed and notarized application form shall be required from the applicant to initiate consideration for licensing applications, on forms prescribed by the board, including all required fees and documentation.

(5) All candidates applicants for licensure under this rule shall be required to pass an oral examination.

AUTH: 37-1-131, 37-17-202, MCA

IMP: 37-1-304, 37-17-304, MCA

REASON: The Board has determined that it is reasonable and necessary to facilitate the mobility of licensed psychologists between jurisdictions. This amendment will allow the Board to accept the two national credentials recently implemented to provide an accurate repository of psychologists' licensure information. Applicants from other states or Canadian jurisdictions will be able to submit either credential specified in the rule to meet the substantial equivalence requirement for licensure. Acceptance of these national credentials will reduce staff time spent gathering licensure documents and will likely increase clients' access to psychological services across jurisdictions.

The Board decided to amend the rule to require that license applicants query the National Practitioner Data Bank and submit to the Board a copy of the query record with the application materials. The Board has determined that it is reasonable and necessary to verify the disciplinary status of applicants as compiled from reports submitted by other states, insurance companies, hospitals and other entities that are required to report to this national clearinghouse for healthcare integrity and protection to further protect the Montana public. Grammatical and organizational changes are proposed to provide a clearer, more user-friendly format.

4. Concerned persons may present their data, views or arguments concerning these proposed amendments in writing to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibspsy@mt.gov to be received no later than 5:00 p.m., June 10, 2005.

5. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at www.healthcarelicense.mt.gov under the Board of Psychologists rule notice section. The Department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the comment forum do not excuse late submission of comments.

6. The Board of Psychologists maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request that includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Psychologists administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Psychologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibspsy@mt.gov or may be made by completing a request form at any rules hearing held by the Department.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

8. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

BOARD OF PSYCHOLOGISTS
JAY PALMATIER, PhD, CHAIRPERSON

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State May 2, 2005.