

BEFORE THE BOARD OF SOCIAL WORK EXAMINERS
AND PROFESSIONAL COUNSELORS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 24.219.301) ON PROPOSED AMENDMENT
defining pastoral counseling)

TO: All Concerned Persons

1. On May 6, 2005, at 10:00 a.m., a public hearing will be held in room 489, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry 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 of Social Work Examiners and Professional Counselors no later than 5:00 p.m., on May 2, 2005, to advise us of the nature of the accommodation needed. Please contact Cynthia Reichenbach, Board of Social Work Examiners and Professional Counselors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2392; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdswp@mt.gov.

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

24.219.301 DEFINITIONS (1) remains the same but is renumbered (4).

(2) remains the same but is renumbered (1).

(3) "Pastoral counseling" means services as provided by:

(a) a rabbi, priest, minister or member of the clergy of any religious denomination or sect when engaged in activities within the scope of the performance of the clergy member's regular or specialized ministerial duties and for which no separate charge is made; or

(b) individuals not engaged in private practice and performed, without charge, for or under the sponsorship of an established and legally recognizable church, denomination, or sect, individually or in conjunction with other services, and when the individual rendering such services remains accountable to the established authority thereof.

(3) remains the same but is renumbered (6).

(4) remains the same but is renumbered (2).

(5) remains the same.

AUTH: 37-22-201, 37-23-103, MCA

IMP: 37-22-102, 37-22-201, 37-22-305, 37-23-201, MCA

REASON: The Board has determined there is reasonable necessity

to amend this rule to further define and delineate what constitutes "pastoral counseling." Adoption of this definition will help to alleviate the substantial confusion that exists among licensees and the general public concerning the exemption from licensure for pastoral counseling activities pursuant to 37-22-305 and 37-23-201, MCA. In addition, there is reasonable necessity to re-order the defined terms into alphabetical order to make it easier for readers to find those terms.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be mailed to the Board of Social Work Examiners and Professional Counselors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to (406) 841-2305, or e-mailed to dlibsdswp@mt.gov and must be received no later than 5:00 p.m., May 16, 2005.

5. An electronic copy of the Notice of Public Hearing is available through the Department's site on the World Wide Web at <http://www.mt.gov/dli/swp>, in the Board's rule notice section. The Department strives to make the electronic copy of the Notice conform to the official version of the Notice printed in the Montana Administrative Register, but advises all concerned persons that if a discrepancy exists between the official printed text and the electronic version of the Notice, 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 e-mail address do not excuse late submission of comments.

6. The Board 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 which includes the name and mailing address of the person to receive notices and specifies that the person wants to receive notices regarding all Board of Social Work Examiners and Professional Counselors administrative rulemaking proceedings or other administrative proceedings. Such written requests may be mailed or delivered to the Board of Social Work Examiners and Professional Counselors, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to (406) 841-2305, e-mailed to dlibsdswp@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 SOCIAL WORK EXAMINERS
AND PROFESSIONAL COUNSELORS
MARY MEIS, CHAIR

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

/s/ MARK CADWALLADER
Mark Cadwallader
Alternate Rule Reviewer

Certified to the Secretary of State April 4, 2005