

1 HOUSE BILL NO. 680

2 INTRODUCED BY S. KERNS

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE COLLECTION AND MAPPING OF MENTAL
5 HEALTH WORKFORCE DATA; PROVIDING AN APPROPRIATION; AMENDING SECTION 37-1-101, MCA;
6 AND PROVIDING AN EFFECTIVE DATE."

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

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10 **NEW SECTION. Section 1. Mental health professional workforce -- data collection and**
11 **mapping.** (1) The department shall, through its licensing boards, compile the following data related to mental
12 health professionals practicing in this state:

13 (a) name;

14 (b) location and type of practice;

15 (c) license type; and

16 (d) whether the person is currently in practice.

17 (2) Information must be collected on individuals licensed or certified under chapters 3, 8, 17, 20, 22,
18 23, 35, 37, and 38 who practice specifically in a field involving mental health or substance use disorder
19 treatment.

20 (3) The department shall:

21 (a) make data collected pursuant to this section available to researchers and employers for use in
22 workforce planning; and

23 (b) create an interactive online map, using a geographic information system as defined in 90-1-403, to
24 display data related to actively practicing mental health professionals.

25 (4) The department shall collect and integrate into the map developed pursuant to subsection (3)(b)
26 other available information related to mental health needs, mental health professional shortage areas, and
27 mental health employers to assist in developing workforce development strategies to address shortages of
28 mental health care professionals licensed or certified by the department.

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2 **Section 2.** Section 37-1-101, MCA, is amended to read:

3 **"37-1-101. Duties of department.** In addition to the provisions of 2-15-121, the department shall:

4 (1) establish and provide all the administrative, legal, and clerical services needed by the boards
5 within the department, including corresponding, receiving and processing routine applications for licenses as
6 defined by a board, issuing and renewing routine licenses as defined by a board, disciplining licensees, setting
7 administrative fees, preparing agendas and meeting notices, conducting mailings, taking minutes of board
8 meetings and hearings, and filing. In issuing routine licenses for a board, the department shall issue a license
9 within 45 days from the time of receiving a completed application or, within 10 calendar days, provide notice
10 and response timelines to the applicant of deficiencies in the application or provide information as to any
11 exigent circumstances that may delay issuing a license. For nonroutine licenses, the department shall confer
12 with the board to which the licensure application is made and provide an expected timeline to an applicant for
13 issuing a license, including notifying the applicant from that time forward of any deviations from the expected
14 timeline.

15 (2) standardize policies and procedures and keep in Helena all official records of the boards;

16 (3) make arrangements and provide facilities in Helena for all meetings, hearings, and examinations
17 of each board or elsewhere in the state if requested by the board;

18 (4) contract for or administer and grade examinations required by each board;

19 (5) investigate complaints received by the department of illegal or unethical conduct of a member of
20 the profession or occupation under the jurisdiction of a board or a program within the department;

21 (6) assess the costs of the department to the boards and programs on an equitable basis as
22 determined by the department;

23 (7) collect and display the data required under [section 1];

24 ~~(7)(8)~~ adopt rules setting administrative fees and expiration, renewal, and termination dates for
25 licenses;

26 ~~(8)(9)~~ issue a notice to and pursue an action against a licensed individual, as a party, before the
27 licensed individual's board after a finding of reasonable cause by a screening panel of the board pursuant to
28 37-1-307(1)(d);

1 ~~(9)~~(10) (a) provide notice to the board and to the appropriate legislative interim committee when a
2 board cannot operate in a cost-effective manner;

3 (b) suspend all duties under this title related to the board except for services related to renewal of
4 licenses;

5 (c) review the need for a board and make recommendations to the legislative interim committee with
6 monitoring responsibility for the boards for legislation revising the board's operations to achieve fiscal solvency;
7 and

8 (d) notwithstanding 2-15-121, recover the costs by one-time charges against all licensees of the
9 board after providing notice and meeting the requirements under the Montana Administrative Procedure Act;

10 ~~(40)~~(11) monitor a board's cash balances to ensure that the balances do not exceed two times the
11 board's annual appropriation level and adjust fees through administrative rules when necessary. [This
12 subsection does not apply to the board of public accountants, except that the department may monitor the
13 board's cash balances.]

14 ~~(44)~~(12) establish policies and procedures to set fees for administrative services, as provided in 37-1-
15 134, commensurate with the cost of the services provided. Late penalty fees may be set without being
16 commensurate with the cost of services provided.

17 ~~(42)~~(13) adopt uniform rules for all boards and department programs to comply with the public notice
18 requirements of 37-1-311 and 37-1-405. The rules may require the posting of only the licensee's name and the
19 fact that a hearing is being held when the information is being posted on a publicly available website prior to a
20 decision leading to a suspension or revocation of a license or other final decision of a board or the department.
21 (Bracketed language terminates September 30, 2023--sec. 5, Ch. 50, L. 2019.)"

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23 NEW SECTION. Section 3. Appropriation. There is appropriated \$2,000 from the general fund to
24 the department of labor and industry in each year of the biennium beginning July 1, 2021, for the purposes of
25 collecting and displaying information related to the mental health workforce as required under [section 1].
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27 NEW SECTION. Section 4. Codification instruction. [Section 1] is intended to be codified as an
28 integral part of Title 37, chapter 2, part 3, and the provisions of Title 37, chapter 2, part 3, apply to [section 1].

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2 NEW SECTION. **Section 5. Effective date.** [This act] is effective July 1, 2021.

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