

Introduced by

Legislative Management

(Health Services Committee)

1 A BILL for an Act to amend and reenact subsection 4 of section 43-41-04, sections 43-45-05.1  
2 and 43-47-06, and subsection 7 of section 43-53-01 of the North Dakota Century Code, relating  
3 to licensure requirements for behavioral health professionals; and to provide for a report to the  
4 legislative management.

5 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

6 **SECTION 1. AMENDMENT.** Subsection 4 of section 43-41-04 of the North Dakota Century  
7 Code is amended and reenacted as follows:

- 8 4. The board shall issue a license as a licensed independent clinical social worker to an  
9 applicant who:
- 10 a. Has a doctorate or master's degree in social work from a college or university.
  - 11 b. ~~Has passed~~Passed an examination approved by the board for this purpose.
  - 12 c. ~~Has satisfied~~Satisfied the board that within a four-year period the applicant has  
13 successfully completed three thousand hours of supervised post-master's clinical  
14 social work experience. ~~At least~~The initial one thousand five hundred of the  
15 required hours must have been under the supervision of a licensed independent  
16 clinical social worker, ~~or, if~~. Additional hours of supervision may ~~have been~~be  
17 under other ~~qualified mental health~~ professionals ~~designated by a supervising-~~  
18 ~~licensed independent clinical social worker~~ approved by the board if barriers due  
19 to the geographical location, disability, or other factors determined by the board to  
20 create a hardship exist for the applicant. The qualified professional must be  
21 registered or otherwise qualified as a clinical supervisor by the board that  
22 licenses the other professional. However, if an applicant began ~~that~~ supervised  
23 post-master's clinical social work experience before August 1, 2009, a licensed  
24 certified social worker who has two years of experience, a licensed psychologist

1                   with a doctorate degree, or a licensed psychiatrist may have supervised the  
2                   required hours.

3                   d. ~~Has satisfied~~Satisfied the board that the applicant agrees to adhere to the code  
4                   of social work ethics adopted by the board.

5                   **SECTION 2. AMENDMENT.** Section 43-45-05.1 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7                   **43-45-05.1. Initial licenses.**

8                   1. The board shall issue an initial license as an addiction counselor to an applicant who  
9                   has met all of the following requirements:

10                   a. ~~Has successfully~~Successfully completed board-approved coursework, ~~approved~~  
11                   ~~by the board~~, at an accredited college or university.

12                   b. ~~Has successfully~~Successfully completed one or more oral or written  
13                   examinations approved by the board for this purpose.

14                   c. ~~Has successfully~~Successfully completed a clinical training program approved by  
15                   the board or accumulated experience as established by the board by rule.

16                   d. ~~Has satisfied~~Satisfied the board that the applicant agrees to adhere to the code  
17                   of professional conduct adopted by the board.

18                   2. For clinical training program or accumulated experience required for initial licensure, at  
19                   least fifty percent of required supervision must be provided by a supervising licensed  
20                   addiction counselor and the additional supervision may be with other professionals  
21                   designated by the supervising addiction counselor and competent in the area of  
22                   practice being supervised.

23                   3. The board may grant reciprocity, on such terms and conditions as it may determine  
24                   necessary, to an applicant for licensure who is in good standing as a licensed,  
25                   approved, or certified addiction counselor under the laws of another jurisdiction that  
26                   imposes at least substantially the same requirements that are imposed under this  
27                   chapter.

28                   3.4. ~~An applicant who is denied~~If the board denies a licensure must be notifiedapplication,  
29                   the board shall notify the applicant in writing of the reasons for denial and of the  
30                   applicant's right to a hearing before the board, under chapter 28-32, if a hearing is  
31                   requested within thirty days.

1       **SECTION 3. AMENDMENT.** Section 43-47-06 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **43-47-06. Licenses - Qualifications - Reciprocity.**

- 4       1. Except as otherwise provided in this chapter, ~~no~~ a person may not engage in  
5 counseling in this state unless that person is a licensed professional counselor or  
6 licensed associate professional counselor.
- 7       2. The board shall issue a license as a licensed professional counselor to each applicant  
8 who files an application upon a form and in a manner the board prescribes,  
9 accompanied by the required fee, and who furnishes evidence to the board that the  
10 applicant:
- 11       a. Has ~~received~~ a master's degree from an accredited school or college in  
12 counseling or other program that meets the academic and training standards  
13 adopted by the board;
- 14       b. ~~Has provided~~ Provided personal and professional recommendations that meet the  
15 requirements adopted by the board and has satisfied the board that the applicant  
16 will adhere to the highest standards of the profession of counseling;
- 17       c. Has two years of supervised experience, at least fifty percent of which must have  
18 been under a licensed professional counselor, or its equivalent as determined by  
19 the board, and the additional supervised experience may have been with other  
20 qualified professionals designated by the ~~supervising licensed professional~~  
21 ~~counselor; board~~ which are competent in the area of practice being supervised, if  
22 barriers due to geographical location, disability, or other factors determined by the  
23 board to create a hardship exist for the applicant. The qualified professional must  
24 be registered or otherwise qualified as a clinical supervisor by the board that  
25 licenses the other professional;
- 26       d. ~~Has provided~~ Provided a statement of professional intent to practice in this state  
27 describing the applicant's proposed use of the license, the intended client  
28 population, and the counseling procedures, as defined by the board, the  
29 applicant intends to use in serving the client population; and
- 30       e. Has demonstrated knowledge in the field of counseling by successful completion  
31 of an examination prescribed by the board.

- 1           3. The board shall issue a license as a licensed associate professional counselor to each  
2           applicant who files an application upon a form and in a manner the board prescribes,  
3           accompanied by the required fee, and who furnishes sufficient evidence to the board  
4           that the applicant:
- 5           a. ~~Has received~~ a master's degree from an accredited school or college in  
6           counseling or other program that meets the academic and training standards  
7           adopted by the board;
- 8           b. ~~Has provided~~Provided personal and professional recommendations that meet the  
9           requirements adopted by the board and ~~has~~ satisfied the board that the applicant  
10          will adhere to the standards of the profession of counseling; and
- 11          c. ~~Has provided~~Provided a written plan for supervised experience which meets the  
12          requirements adopted by the board.
- 13          4. The board may waive the formal examination requirements for a professional  
14          counselor license ~~when~~if the applicant has been licensed or certified to practice  
15          counseling in another state under standards and qualifications similar to or greater  
16          than those set by the board.
- 17          5. A professional counselor shall renew the license every two years. The board shall  
18          renew a license upon payment of a fee set by the board and upon demonstration by  
19          the licenseholder of completion of continuing education requirements set by the board.
- 20          6. An associate professional counselor initially licensed under this chapter may be  
21          licensed for no more than two years. The associate professional counselor's license  
22          may not be extended beyond two years ~~only~~, except upon recommendation of the  
23          associate professional counselor's supervisor and three other counselors, at least one  
24          of whom must be a professor from the associate professional counselor's training  
25          program.

26           **SECTION 4. AMENDMENT.** Subsection 7 of section 43-53-01 of the North Dakota Century  
27   Code is amended and reenacted as follows:

- 28          7. "Qualified supervision" means the supervision of clinical services, in accordance with  
29          standards established by the board, by an individual who has been recognized by the  
30          board as an approved supervisor. At least fifty percent of the hours of qualified  
31          supervision must be with an approved supervisor who is a licensed marriage and

1           family therapist and additional hours of qualified supervision may be with other  
2           professionals designated by the approved supervisor and acting under the approved  
3           supervisor. The other professional must be approved by the board, approved by that  
4           individual's licensing authority to supervise interns if appropriate, and competent in the  
5           area of practice being supervised. The marriage and family therapist approved  
6           supervisor remains the applicant's supervisor of record.

7           **SECTION 5. BEHAVIORAL HEALTH PROFESSIONAL BOARDS - REPORT TO**

8           **LEGISLATIVE MANAGEMENT.** During the 2017-18 interim, the North Dakota board of social  
9           work examiners, board of addiction counseling examiners, board of counselor examiners, and  
10          North Dakota marriage and family therapy licensure board shall report to the legislative  
11          management on the status of implementation of supervision and training requirements provided  
12          in this Act.