

Sixty-fifth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2033

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. The initial one thousand five hundred of the required
15 hours must have been under the supervision of a licensed independent clinical
16 social worker, ~~or, if~~. Additional hours of supervision may be under other qualified
17 mental health professionals approved by the board if barriers due to the
18 geographical location, disability, or other factors determined by the board to
19 create a hardship exist for the applicant. The qualified professional must be
20 registered or otherwise qualified as a clinical supervisor by the board that
21 licenses the other professional. However, if an applicant began that supervised
22 post-master's clinical social work experience before August 1, 2009, a licensed
23 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 board which are competent in the area
21 of practice being supervised, if barriers due to geographical location, disability, or
22 other factors determined by the board to create a hardship exist for the applicant.
23 The qualified professional must be registered or otherwise qualified as a clinical
24 supervisor by the board that licenses the other professional;
- 25 d. ~~Has provided~~Provided a statement of professional intent to practice in this state
26 describing the applicant's proposed use of the license, the intended client
27 population, and the counseling procedures, as defined by the board, the
28 applicant intends to use in serving the client population; and
- 29 e. Has demonstrated knowledge in the field of counseling by successful completion
30 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.