

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 one thousand five hundred of the required hours  
15 must have been under the supervision of a licensed independent clinical social  
16 worker; or, if, Additional hours of supervision may have been under other  
17 professionals designated by a supervising licensed independent clinical social  
18 worker. However, if an applicant began ~~that~~ supervised post-master's clinical  
19 social work experience before August 1, 2009, a licensed certified social worker  
20 who has two years of experience, a licensed psychologist with a doctorate  
21 degree, or a licensed psychiatrist may have supervised the required hours.
- 22 d. ~~Has satisfied~~Satisfied the board ~~that~~ the applicant agrees to adhere to the code  
23 of social work ethics adopted by the board.

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

3       **43-45-05.1. Initial licenses.**

- 4       1. The board shall issue an initial license as an addiction counselor to an applicant who  
5 has met all of the following requirements:
- 6       a. ~~Has successfully~~Successfully completed ~~board-approved~~ coursework, ~~approved~~  
7       by the board, at an accredited college or university.
  - 8       b. ~~Has successfully~~Successfully completed one or more oral or written  
9       examinations approved by the board for this purpose.
  - 10       c. ~~Has successfully~~Successfully completed a clinical training program approved by  
11       the board or accumulated experience as established by the board by rule.
  - 12       d. ~~Has satisfied~~Satisfied the board that the applicant agrees to adhere to the code  
13       of professional conduct adopted by the board.
- 14       2. For clinical training program or accumulated experience required for initial licensure, at  
15 least fifty percent of required supervision must be provided by a supervising licensed  
16 addiction counselor and the additional supervision may be with other professionals  
17 designated by the supervising addiction counselor and competent in the area of  
18 practice being supervised.
- 19       3. The board may grant reciprocity, on such terms and conditions as it may determine  
20 necessary, to an applicant for licensure who is in good standing as a licensed,  
21 approved, or certified addiction counselor under the laws of another jurisdiction that  
22 imposes at least substantially the same requirements that are imposed under this  
23 chapter.
- 24       3.4. ~~An applicant who is denied~~If the board denies a licensure must be notifiedapplication,  
25 the board shall notify the applicant in writing of the reasons for denial and of the  
26 applicant's right to a hearing before the board, under chapter 28-32, if a hearing is  
27 requested within thirty days.

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

1       **43-47-06. Licenses - Qualifications - Reciprocity.**

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

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

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

- 24          7. "Qualified supervision" means the supervision of clinical services, in accordance with  
25          standards established by the board, by an individual who has been recognized by the  
26          board as an approved supervisor. At least fifty percent of the hours of qualified  
27          supervision must be with an approved supervisor who is a licensed marriage and  
28          family therapist and additional hours of qualified supervision may be with other  
29          professionals designated by the approved supervisor and competent in the area of  
30          practice being supervised.

1           **SECTION 5. BEHAVIORAL HEALTH PROFESSIONAL BOARDS - REPORT TO**  
2 **LEGISLATIVE MANAGEMENT.** During the 2017-18 interim, the North Dakota board of social  
3 work examiners, board of addiction counseling examiners, board of counselor examiners, and  
4 North Dakota marriage and family therapy licensure board shall report to the legislative  
5 management on the status of implementation of supervision and training requirements provided  
6 in this Act.