

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, section 43-47-06, and
2 subsection 7 of section 43-53-01 of the North Dakota Century Code, relating to licensure
3 requirements for behavioral health professionals; and to provide for a report to the legislative
4 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~~To obtain a license ~~as a licensed independent to practice~~ clinical
9 social ~~worker to work~~, an applicant for licensure by examination shall submit to the
10 board a written application in the form prescribed by the board and provide satisfactory
11 evidence the applicant~~who~~:

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

1 ~~post-master's~~ clinical social work experience before August 1, 2009, a ~~licensed-~~
2 ~~certified~~ master's social worker who has two years of experience, a licensed
3 psychologist with a doctorate degree, or a licensed psychiatrist may have
4 supervised the required hours. The applicant may demonstrate to the board's
5 satisfaction that experience in the practice of clinical social work meets or
6 exceeds the minimum supervisory requirements of the board.

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

9 e. Is of good moral character. In determining the character of an applicant in a
10 licensure decision, the board shall consider information obtained through reports
11 made under section 43-41-04.2.

12 f. Paid all applicable fees specified by the board regarding the licensure process.

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

15 **43-47-06. Licenses - Qualifications - Reciprocity.**

- 16 1. Except as otherwise provided in this chapter, ~~no~~ a person may not engage in
17 counseling in this state unless that person is a licensed professional counselor or
18 licensed associate professional counselor.
- 19 2. The board shall issue a license as a licensed professional counselor to each applicant
20 who files an application upon a form and in a manner the board prescribes,
21 accompanied by the required fee, and who furnishes evidence to the board that the
22 applicant:
- 23 a. Has received a master's degree from an accredited school or college in
24 counseling or other program that meets the academic and training standards
25 adopted by the board;
- 26 b. ~~Has provided~~ Provided personal and professional recommendations that meet the
27 requirements adopted by the board and ~~has satisfied~~ the board that the applicant
28 will adhere to the highest standards of the profession of counseling;
- 29 c. Has two years of supervised experience, at least fifty percent of which must have
30 been under a licensed professional counselor, or its equivalent as determined by
31 the board, and the additional supervised experience may have been with other

- 1 qualified professionals designated by the board which are competent in the area
2 of practice being supervised, if barriers due to geographical location, disability, or
3 other factors determined by the board to create a hardship exist for the applicant.
4 The qualified professional must be registered or otherwise qualified as a clinical
5 supervisor by the board that licenses the other professional;
6 d. ~~Has provided~~Provided a statement of professional intent to practice in this state
7 describing the applicant's proposed use of the license, the intended client
8 population, and the counseling procedures, as defined by the board, the
9 applicant intends to use in serving the client population; and
10 e. Has demonstrated knowledge in the field of counseling by successful completion
11 of an examination prescribed by the board.
12 3. The board shall issue a license as a licensed associate professional counselor to each
13 applicant who files an application upon a form and in a manner the board prescribes,
14 accompanied by the required fee, and who furnishes sufficient evidence to the board
15 that the applicant:
16 a. Has ~~received~~ a master's degree from an accredited school or college in
17 counseling or other program that meets the academic and training standards
18 adopted by the board;
19 b. ~~Has provided~~Provided personal and professional recommendations that meet the
20 requirements adopted by the board and ~~has~~ satisfied the board that the applicant
21 will adhere to the standards of the profession of counseling; and
22 c. ~~Has provided~~Provided a written plan for supervised experience which meets the
23 requirements adopted by the board.
24 4. The board may waive the formal examination requirements for a professional
25 counselor license ~~when~~if the applicant has been licensed or certified to practice
26 counseling in another state under standards and qualifications similar to or greater
27 than those set by the board.
28 5. A professional counselor shall renew the license every two years. The board shall
29 renew a license upon payment of a fee set by the board and upon demonstration by
30 the licenseholder of completion of continuing education requirements set by the board.

1 6. An associate professional counselor initially licensed under this chapter may be
2 licensed for no more than two years. The associate professional counselor's license
3 may not be extended beyond two years ~~only~~, except upon recommendation of the
4 associate professional counselor's supervisor and three other counselors, at least one
5 of whom must be a professor from the associate professional counselor's training
6 program.

7 **SECTION 3. AMENDMENT.** Subsection 7 of section 43-53-01 of the North Dakota Century
8 Code is amended and reenacted as follows:

9 7. "Qualified supervision" means the supervision of clinical services, in accordance with
10 standards established by the board, by an individual who has been recognized by the
11 board as an approved supervisor. At least fifty percent of the hours of qualified
12 supervision must be with an approved supervisor who is a licensed marriage and
13 family therapist and additional hours of qualified supervision may be with other
14 professionals designated by the approved supervisor and acting under the approved
15 supervisor. The other professional must be approved by the board, approved by that
16 individual's licensing authority to supervise interns if appropriate, and competent in the
17 area of practice being supervised. The marriage and family therapist approved
18 supervisor remains the applicant's supervisor of record.

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