

**Sixty-fifth Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 3, 2017**

SENATE BILL NO. 2033  
(Legislative Management)  
(Health Services Committee)

AN ACT to amend and reenact subsection 4 of section 43-41-04, sections 43-41-07 and 43-47-06, and subsection 7 of section 43-53-01 of the North Dakota Century Code, relating to licensure requirements for behavioral health professionals; and to provide for a report to the legislative management.

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

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

4. ~~The board shall issue~~To obtain a license as a licensed independent to practice clinical social worker ~~to work, an applicant for licensure by examination shall submit to the board a written application in the form prescribed by the board and provide satisfactory evidence the applicant who:~~
  - a. Has a doctorate or master's degree in social work from a ~~college or university~~an approved social work program.
  - b. ~~Has passed~~Passed an examination approved by the board for this purpose.
  - c. ~~Has satisfied the board that within~~Within a four-year period the applicant has successfully completed three thousand hours of supervised post-master's clinical social work experience. The initial one thousand five hundred of the required hours must have been under the supervision of a licensed independent clinical social worker, or, if, Additional hours of supervision may be under other qualified mental health professionals approved by the board if barriers due to the geographical location, disability, or other factors determined by the board to create a hardship exist for the applicant. The qualified professional must be registered or otherwise qualified as a clinical supervisor by the board that licenses the other professional. However, if an applicant began that supervised post-master's clinical social work experience before August 1, 2009, a licensed certified master's social worker who has two years of experience, a licensed psychologist with a doctorate degree, or a licensed psychiatrist may have supervised the required hours. The applicant may demonstrate to the board's satisfaction that experience in the practice of clinical social work meets or exceeds the minimum supervisory requirements of the board.
  - d. ~~Has satisfied the board that the applicant agrees~~Agrees to adhere to the code of social work ethics adopted by the board.
  - e. Is of good moral character. In determining the character of an applicant in a licensure decision, the board shall consider information obtained through reports made under section 43-41-04.2.
  - f. Paid all applicable fees specified by the board regarding the licensure process.

**SECTION 2. AMENDMENT.** Section 43-41-07 of the North Dakota Century Code is amended and reenacted as follows:

**43-41-07. Qualification for licensure by an applicant licensed in another jurisdiction.**

An applicant may be granted a license upon satisfactory proof to the board that the applicant is licensed in good standing under the laws of another jurisdiction that imposes substantially the same requirements as this chapter and a board determination that at the time of application for licensure under this section the applicant possesses qualifications or experience in the practice of social work which are substantially similar to the minimum requirements under this chapter. The applicant shall pay the licensure fees specified by the board.

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

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

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

- c. ~~Has provided~~Provided a written plan for supervised experience which meets the requirements adopted by the board.
4. The board may waive the formal examination requirements for a professional counselor license ~~when~~if the applicant has been licensed or certified to practice counseling in another state under standards and qualifications similar to or greater than those set by the board.
5. A professional counselor shall renew the license every two years. The board shall renew a license upon payment of a fee set by the board and upon demonstration by the licenseholder of completion of continuing education requirements set by the board.
6. An associate professional counselor initially licensed under this chapter may be licensed for no more than two years. The associate professional counselor's license may not be extended beyond two years ~~only~~except upon recommendation of the associate professional counselor's supervisor and three other counselors, at least one of whom must be a professor from the associate professional counselor's training program.

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

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

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

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President of the Senate

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Speaker of the House

\_\_\_\_\_  
Secretary of the Senate

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Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Sixty-fifth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2033.

Senate Vote:    Yeas 46            Nays 0            Absent 1

House Vote:    Yeas 87            Nays 0            Absent 7

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Secretary of the Senate

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2017,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State