



# North Dakota Legislative Council

Prepared for the Acute Psychiatric Treatment Committee  
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## MENTAL AND BEHAVIORAL HEALTH SERVICES OF OCCUPATIONAL BOARDS - BACKGROUND MEMORANDUM

[Senate Bill No. 2336](#) (2021) provides for a study during the 2021-22 interim regarding the occupational boards that address mental health and behavioral health issues which may include the State Board of Psychologist Examiners, Board of Addiction Counseling Examiners, Board of Counselor Examiners, Education Standards and Practices Board, North Dakota Board of Social Work Examiners, and North Dakota Marriage and Family Therapy Licensure Board. The study must include a review of the rules adopted by the boards and consideration of the frequency with which the rules are reviewed, whether there are barriers to practice and barriers to admission of foreign practitioners, and whether there is adequate training for board members and executive directors of these boards. The Legislative Management has assigned the responsibility for this study to the Acute Psychiatric Treatment Committee.

### STATE BOARD OF PSYCHOLOGIST EXAMINERS Select Statutory Provisions

North Dakota Century Code Chapter 43-32 relates to psychologists, including the North Dakota State Board of Psychologist Examiners.

#### **State Board of Psychologist Examiners - How Appointed - Qualifications**

Section 43-32-02 requires the Governor to appoint a State Board of Psychologist Examiners consisting of seven members, all of whom are residents of the state. One board member must be designated a public member who is a resident of this state, is at least 21 years of age, and is not affiliated with any group or profession that provides or regulates health care in any form. Of the remaining six board members, at least one member must be engaged primarily in providing service in psychology, and at least one member must be engaged primarily in teaching, training, or research in psychology. Except the public member, each member must be licensed under this chapter for at least 5 years.

#### **Tenure of Members - Vacancies and Oath of Office**

Section 43-32-03 provides the term of office of each member of the board is 3 years and until a successor is appointed and qualified. The Governor shall fill all vacancies by appointment. In case of a vacancy before the expiration of a term, the appointment must be for the remainder of the term only. An individual appointed to the board qualifies by taking the oath required of civil officers.

#### **Removal of Members**

Section 43-32-04 provides the Governor may remove any member of the board for unprofessional conduct, incompetency, or neglect of duty after giving such member a written statement of the reasons for removal and after such member has had an opportunity to be heard.

#### **Rules**

Section 43-32-08 provides the board may adopt rules as necessary to enable the board to carry into effect the provisions of Chapter 43-32. The rules may include a code of ethics for licensees. The board shall adopt rules defining what programs of study are substantially psychological in nature and what educational programs are acceptable for the licensing of psychologists and industrial-organizational psychologists.

#### **Continuing Education Requirements**

Section 43-32-08.1 requires the board to adopt rules establishing requirements for the continuing education of all licensees, psychology residents, and industrial-organizational psychology residents. The board may refuse to renew, suspend, revoke, or place on probationary status any license issued under Chapter 43-32 if the licensee fails to meet applicable continuing education requirements. Sponsors of continuing education courses, classes, or activities may be charged a reasonable fee determined by the board.

**Application and Fee for Licensure**

Section 43-32-12 requires the board to adopt rules establishing the amount of the application fee for licensure.

**Licensing - Written and Oral Examination - Qualifications of Applicants**

The board may issue a license to each applicant who files a completed application upon a form and in a manner the board prescribes, submits the required fee, and meets the following requirements:

1. An applicant for licensure as a psychologist is required to demonstrate all of the following:
  - a. The applicant will adhere to the code of ethical conduct adopted by the board by rule.
  - b. The applicant has received, from a school or college, a doctorate degree in a program that is accredited as a doctoral program in psychology by an accrediting body approved by the board by rule.
  - c. The applicant has passed the examinations, written or oral, or both, as the board determines necessary.
  - d. The applicant has completed at least 2 full years of supervised professional experience, 1 year of which must be an internship program, and 1 year of which may be postdoctoral. Both years of experience must comply with the board's rules.
2. An applicant for licensure as an industrial-organizational psychologist is required to demonstrate all of the following:
  - a. The applicant will adhere to the code of ethical conduct adopted by the board by rule.
  - b. The applicant has received, from a school or college, a doctorate degree in a program of studies accredited by an accrediting body approved by the board by rule.
  - c. The applicant has passed the examinations, written or oral, or both, as the board determines necessary.
  - d. The applicant has completed the professional experience requirements established by the board. The requirements may not exceed the professional experience requirements for psychologists. If the professional experience requirements include a supervised experience requirement:
    - (1) The board must allow an applicant to submit to the board a personalized plan for supervised experience which may include distance-supervision by a qualified industrial-organizational psychologist.
    - (2) The board may adopt rules to establish who is qualified to perform supervision, supervision requirements, and reporting.

**Administrative Rule**

[North Dakota Administrative Code Title 66](#) relates to the State Board of Psychologist Examiners. Psychologist license requirements are included in Article 66-02. Sections in Title 66 were most recently amended in January 2020.

## **BOARD OF ADDICTION COUNSELING EXAMINERS**

### **Select Statutory Provisions**

North Dakota Century Code Chapter 43-45 relates to addiction counselors, including the Board of Addiction Counseling Examiners.

**Board of Addiction Counseling Examiners - Composition**

Section 43-45-02 requires the Governor to appoint a seven-member Board of Addiction Counseling Examiners. The membership must include five members who are licensees actively engaged in the practice of addiction counseling, one of whom must be actively engaged in the private practice of addiction counseling, and two members who are laypersons.

**Board Member Terms**

Section 43-45-04 requires the Governor to appoint new board members. Appointments must be for 3-year terms, but an individual may not be appointed to serve for more than two consecutive terms. Terms begin on the 1<sup>st</sup> day of the calendar year and end on the last day of the calendar year or until successors are appointed.

**Initial Licenses - Licensure of Applicant Licensed in Another Jurisdiction**

Section 43-45-05.1 requires the board to issue an initial license as an addiction counselor, licensed clinical addiction counselor, or masters addiction counselor to an applicant who has met all of the following requirements:

1. Successfully completed board-approved coursework at an accredited college or university;
2. Successfully completed one or more oral or written examinations approved by the board for this purpose;
3. Successfully completed a clinical training program approved by the board or accumulated experience as established by the board by rule; and
4. Satisfied to the board that the applicant agrees to adhere to the code of professional conduct adopted by the board.

For the clinical training program or accumulated experience required of an intern seeking initial licensure, at least 50 percent of the required supervision must be provided by a supervising licensed addiction counselor, and the additional supervision may be with other professionals who are designated by the supervising addiction counselor, approved by the board, and competent in the area of practice being supervised. The other professional must be registered as a clinical supervisor by the board that licenses the other professional.

The board may issue a license to an applicant for licensure who is in good standing as a licensed, approved, or certified addiction counselor, licensed clinical addiction counselor, or masters addiction counselor under the laws of another jurisdiction; upon satisfactory proof to the board the laws of the other jurisdiction impose at least substantially the same requirements imposed under Chapter 43-45; or upon a determination by the board the applicant possesses qualifications or experiences in the practice of addiction counseling which are substantially similar to the minimum requirements for licensure under Chapter 43-45. If the board denies a licensure application, the board is required to notify the applicant in writing of the reasons for denial and of the applicant's right to a hearing before the board, under Chapter 28-32, if a hearing is requested within 30 days.

#### **Licensed Clinical Addiction Counselor**

Section 43-45-07.4 requires, pursuant to Section 43-45-05.1, the board to issue an initial licensed clinical addiction counselor to a qualified applicant who:

1. Applies for licensure under this section before January 1, 2024;
2. On December 31, 2018, was licensed in the state as an addiction counselor; and
3. Completed 10,000 hours of full-time clinical experience as a licensed addiction counselor.

#### **Addiction Counseling Internship - Loan Program - Revolving Fund - Continuing Appropriation**

Section 43-45-05.4 provides:

1. The Bank of North Dakota is required to develop and implement a program under which loans may be provided to qualified individuals participating in a paid or unpaid internship at a licensed substance abuse treatment facility in the state, in order to obtain licensure by the board. The Bank of North Dakota is required to determine all terms applicable to the time and manner in which loans made under this section must be repaid. Interest on outstanding loans under this section must accrue at the Bank of North Dakota's current base rate but may not exceed 6 percent per annum. The maximum loan for which an applicant may qualify under this section is \$7,500. This subsection is applicable only to individuals beginning an internship after June 30, 2015.
2. The Bank of North Dakota is required to maintain a revolving loan fund for the purpose of making loans under this section. All money transferred into the fund, interest upon money in the fund, and payments to the fund of principal and interest on loans under this section are appropriated to the Bank on a continuing basis.

#### **Administrative Rule**

[North Dakota Administrative Code Title 4.5](#) relates to the Board of Addiction Counseling Examiners. Addiction counseling examiner license requirements are included in Chapter 4.5-02.1-01. Sections in Title 4.5 were most recently amended in July 2018.

### **BOARD OF COUNSELOR EXAMINERS Select Statutory Provisions**

North Dakota Century Code Chapter 43-47 relates to counselors, including the Board of Counselor Examiners.

#### **Board of Counselor Examiners - Qualifications - Appointment - Term of Office - Compensation**

Section 43-47-02 provides the following:

1. Requires the Governor to appoint the Board of Counselor Examiners, which consists of five members, including two practicing counselors, one counselor educator, and two members of the public.
2. Members of the board are appointed for terms of 3 years, except of those first appointed, one must be appointed for a term of 1 year, two must be appointed for terms of 2 years, and two must be appointed for terms of 3 years. Each member holds office until the member's successor is duly appointed. The Governor may remove any member for misconduct, incompetency, or neglect of duty after providing the member with a written statement of the charges and an opportunity for a hearing.
3. The board is required to annually select a chairman from among its members. The board is required to meet at least twice a year. Additional meetings may be held at the discretion of the Chairman or upon written request of any three members of the board.
4. Each member is required to serve without compensation but is entitled to receive expenses as provided in Section 54-06-09 and per diem as must be fixed by the board.

### **Duties and Responsibilities of Board**

Section 43-47-03 requires the board to:

1. Publish an annual list of the names and addresses of all persons licensed under this chapter.
2. Approve and administer an examination for counselors.
3. Set, by rule, and collect a fee for the filing of each application for a license under this chapter and set, by rule, and collect a fee for the renewal of a license under this chapter.
4. Deposit and disburse all fees and money collected by the board in accordance with Section 54-44-12.
5. Establish continuing education requirements for license renewal.
6. Issue provisional or probationary licenses.
7. Establish a code of ethics for the practice of counseling.

### **Licenses - Qualifications - Reciprocity**

Section 43-47-05 provides, except as otherwise provided in Chapter 43-47, a person may not engage in counseling in the state unless that person is a licensed professional counselor or licensed associate professional counselor. The board is required to 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:

1. Has 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;
2. Provided personal and professional recommendations that meet the requirements adopted by the board and satisfied the board that the applicant will adhere to the highest standards of the profession of counseling;
3. Has 2 years of supervised experience, at least 50 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;
4. 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
5. Has demonstrated knowledge in the field of counseling by successful completion of an examination prescribed by the board.

The board is required to 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:

1. Has 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;

2. Provided personal and professional recommendations that meet the requirements adopted by the board and satisfied the board that the applicant will adhere to the standards of the profession of counseling; and
3. Provided a written plan for supervised experience which meets the requirements adopted by the board.

The board may waive the formal examination requirements for a professional counselor license 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.

A professional counselor is required to renew the license every 2 years. The board must 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. An associate professional counselor initially licensed under Chapter 43-47 may be licensed for no more than 2 years. The associate professional counselor's license may not be extended beyond 2 years, 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.

### **Administrative Rule**

[North Dakota Administrative Code Title 97](#) relates to the Board of Counselor Examiners. Counselor examiner license requirements are included in Article 97-02. Sections in Title 97 were most recently amended in July 2018.

## **EDUCATION STANDARDS AND PRACTICES BOARD**

### **Select Statutory Provisions**

North Dakota Century Code Chapter 15.1-13 relates to teacher licensing, including the Education Standards and Practices Board.

#### **Education Standards and Practices Board - Membership**

Section 15.1-13-02 requires the Governor to appoint the Education Standards and Practices Board, consisting of four individuals who are public school classroom teachers, one individual who is a nonpublic school classroom teacher, two individuals who are school board members, two individuals who are administrators, and one dean of a college of education or chairman of a department of education. The Superintendent of Public Instruction or the superintendent's designee serves as a nonvoting ex officio member.

#### **Term of Office - Vacancy**

Section 15.1-13-04 provides the term of office for a member of the board is 3 years, beginning on July 1 of the year of appointment. No person may serve for more than two consecutive terms. If a vacancy occurs, it must be filled for the duration of the unexpired term in the same manner as an original appointment.

#### **Board Duties**

Section 15.1-13-08 requires the board to supervise the licensure of teachers; set standards for and approve teacher preparation programs; seek the advice of teachers, administrators, school board members, teacher education professors, and other interested citizens in developing and updating codes or standards of ethics, conduct, professional performance, and professional practices; adopt, in accordance with Chapter 28-32, codes or standards of ethics, conduct, professional performance, and professional practices; make recommendations for the inservice education of individuals engaged in the profession of teaching; issue major equivalency endorsements and minor equivalency endorsements; appoint an executive director to serve at its discretion; and authorize the Executive Director to employ personnel, subject to approval by the board.

#### **Criteria for Teacher Licensure**

Section 15.1-13-10 provides:

1. The board is required to establish by rule the criteria for teacher licensure and the process for issuing teaching licenses. The criteria must include considerations of character, adequate educational preparation, and general fitness to teach.
2. The board may not require a teacher who graduated from an accredited teacher education program on or before September 1, 1980, to earn any college credits in Native American or other multicultural courses as a condition of licensure or license renewal.
3. This section does not affect the validity of teaching certificates in effect on July 31, 2001.
4. This section does not affect the qualifications for career and technical education certificates, as otherwise established by law.

5. The board is required to grant an initial license to an individual who:
  - a. Possesses a bachelor's degree from an accredited institution;
  - b. Passes a criminal history record check required by Section 15.1-13-14; and
  - c. Successfully completes an alternative teacher certification program.
6. An in-state alternative teacher certification program must operate in accordance with the procedures and program approval standards and requirements set by the board for teacher education programs for the licensure of educators.
7. An out-of-state alternative teacher certification program must:
  - a. Operate in at least five states;
  - b. Have operated an alternative teacher certification program for at least 10 years;
  - c. Require applicants to pass a subject area and pedagogy examination, known as the professional teaching knowledge examination, to receive certification;
  - d. Allow an individual who obtains an initial or renewal license to teach in the subject areas of:
    - (1) Elementary education;
    - (2) Elementary education with a reading endorsement;
    - (3) English language arts;
    - (4) United States and world history;
    - (5) Mathematics;
    - (6) General science;
    - (7) Biology;
    - (8) Chemistry;
    - (9) Physics; and
    - (10) Special education;
  - e. Operate in accordance with the procedures and program approval standards and requirements set by the board for teacher education programs for the licensure of educators; and
  - f. Meet the procedures and program approval standards and requirements under subdivision e by July 1, 2023.
8. An individual who obtains an initial license under subsection 5 is authorized to teach the subject and educational levels for which the individual has successfully completed the program described under subsection 5.
9. Upon completing 2 years of teaching under an initial license issued under subsection 5, the licensee is eligible to apply for a 5-year renewal license if the individual:
  - a. Completes the program's clinical experience program and the North Dakota teacher support system-approved mentor program;
  - b. Meets the requirements of Section 15.1-13-35 within 2 years of initial licensure; and
  - c. Meets the requirements of human resources and cultural directives required coursework within 2 years of initial licensure which includes Native American studies, cultural diversity, strategies for creating learning environments that contribute to positive human relationships, and strategies for teaching and assessing diverse learners.

#### **Administrative Rule**

[North Dakota Administrative Code Title 67.1](#) relates to the Education Standards and Practices Board. Educator license requirements are included in Article 67.1-02. Sections in Title 67.1 were most recently amended in October 2020.

## NORTH DAKOTA BOARD OF SOCIAL WORK EXAMINERS

### Select Statutory Provisions

North Dakota Century Code Chapter 43-41 relates to social workers, including the North Dakota Board of Social Work Examiners.

#### **Board of Social Work Examiners - Qualifications - Appointment - Term of Office - Compensation**

Section 43-41-08 requires the Governor to appoint the North Dakota Board of Social Work Examiners, which must consist of seven members, two of whom must be, at the time of initial appointment, licensed baccalaureate social workers; one of whom must be, at the time of initial appointment, a licensed master social worker; two of whom must be, at the time of initial appointment, a licensed clinical social worker; and two of whom must be laypersons. Board members must demonstrate no conflict of interest. The term of office of each board member must be for 3 years with no more than three members appointed annually. A member may not serve more than two consecutive terms. The Governor may remove any board member for good cause after giving that member a written statement of the reasons for removal and after that member has had an opportunity for a hearing. Each member of the board is entitled to receive as compensation a sum not to exceed the daily compensation of members of the Legislative Assembly per day for each day during which the member is engaged in performance of the official duties of the board, and is entitled to be reimbursed for all reasonable and necessary expenses incurred in connection with the discharge of the official duties as provided in Section 54-06-09. Annually, board members are required to elect by a majority vote of the board a chairperson who shall preside at meetings of the board and a vice chairperson who shall preside at meetings of the board in the chairperson's absence. A majority of the members of the board constitutes a quorum.

#### **Duties and Responsibilities of the Board**

Section 43-41-09 requires the board to:

1. Adopt rules to administer and carry out the provisions of Chapter 43-41.
2. Produce an annual list of the names and level of licensure of all persons licensed under Chapter 43-41 and make the list available upon request.
3. At its discretion, employ staff and provide for staff compensation.
4. Approve examinations for licensing social workers.
5. Establish fees and receive all money collected under Chapter 43-41.
6. Deposit and disburse all fees and money collected by the board in accordance with Section 54-44-12.
7. Recommend prosecution for violations of Chapter 43-41 to the appropriate state's attorney.
8. Recommend the Attorney General bring civil actions to seek injunctive and other relief against violations of this chapter.
9. Establish continuing education requirements for license renewal.
10. Adopt a code of social work ethics.

#### **Licenses - Rules**

Section 43-41-04 provides:

1. Except as otherwise provided in Chapter 43-41, a person may not engage in social work practice in the state unless that person is a licensed baccalaureate social worker, a licensed master social worker, or a licensed clinical social worker.
2. To obtain a license to engage in the practice of social work, an applicant shall apply to the board in the form prescribed by the board and provide evidence satisfactory to the board the applicant:
  - a. Has attained the age of majority.
  - b. Has passed the examination approved by the board for the license sought.
  - c. Has satisfied to the board the applicant agrees to adhere to the code of social work ethics adopted by the board.
  - d. Is of good moral character. As an element of good moral character, the board shall consider the applicant's adherence to values, principles, and ethical standards consistent with professional social work practice, and shall also consider information obtained through reports made under Section 43-41-04.2 in licensure decisions to the extent permissible by all applicable laws.

- e. Has paid all applicable fees specified by the board relative to the licensure process.
3. An applicant for licensure for the practice of:
    - a. Baccalaureate social work must demonstrate having been awarded a baccalaureate degree in social work from a social work program approved by the board.
    - b. Masters social work must demonstrate having been awarded a doctorate or master's degree in social work from a social work program approved by the board.
    - c. Clinical social work must demonstrate:
      - (1) Having been awarded a doctorate or master's degree in social work from a social work program approved by the board.
      - (2) The successful completion, within a 4-year period, of 3,000 hours of supervised post-master's clinical social work experience. The initial 1,500 of the required hours must have been under the supervision of a licensed clinical social worker. 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 supervised post-master's clinical social work experience before August 1, 2009, a licensed master social worker who has 2 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.
  4. The board may adopt rules pertaining to the supervision required under this section.

### Fees

Section 43-41-04.1 requires the board to set the following fees:

1. Application fee.
2. License fee.
3. Renewal fee.
4. Late fee.
5. Administrative fees.
6. Continuing education fees.

### Administrative Rule

[North Dakota Administrative Code Title 75.5](#) relates to the Board of Social Work Examiners. Social work license requirements are included in Article 75.5-02. Sections in Title 75.5 were most recently amended in April 2021.

## NORTH DAKOTA MARRIAGE AND FAMILY THERAPY LICENSURE BOARD

### Select Statutory Provisions

North Dakota Century Code Chapter 43-53 relates to marriage and family therapy practice, including the North Dakota Marriage and Family Therapy Licensure Board.

### North Dakota Marriage and Family Therapy Licensure Board

Section 43-53-04 provides:

1. The North Dakota Marriage and Family Therapy Licensure Board consists of five members. The Governor is required to appoint the board members to serve terms of 4 years, except for those first appointed one member must continue in office for 2 years, two for 3 years, and two, including the Chairman, for 4 years.
2. The Governor is required to appoint members of the board from among individuals who meet the following qualifications:
  - a. At least three members must be licensed practicing marriage and family therapists; and each must have been for at least 5 years immediately preceding appointment actively engaged as marriage and family therapists in rendering professional services in marriage and family therapy; in the education and training of master's, doctoral, or postdoctoral students of marriage and family therapy; or in

- marriage and family therapy research. A member under this subdivision must have spent the majority of the time devoted by that member to such activity during the 2 years preceding appointment residing in this state.
- b. At least one member must be a representative of the general public and may not have any direct affiliation with the practice of marriage and family therapy or another mental health profession.
  - c. The initial appointees, with the exception of any representative of the general public, are deemed to be and become licensed practicing marriage and family therapists immediately upon appointment and qualification as members of the board.
3. The Governor is required to nominate a new member to fill a vacancy on the board within 30 days of the vacancy. A member chosen to fill a board vacancy must be appointed for the unexpired term of the board member whom that member is succeeding. Upon the expiration of a member's term of office, a board member shall continue to serve until a successor is appointed. An individual may not be appointed more than once to fill an unexpired term or appointed to more than two consecutive full terms. A member may not serve as chairman for more than 4 years. The appointment of any member of the board automatically terminates 30 days after the date the member is no longer a resident of this state.
  4. The Governor may remove any member of the board or the Chairman from the position as chairman for neglect of duty or malfeasance or conviction of a felony or crime of moral turpitude while in office, but for no other reason. A member may not be removed until after a hearing on the charges and at least 30 days' prior written notice to such accused member of the charges and of the date fixed for such hearing.
  5. A board member may not participate in any matter before the board in which that member has a pecuniary interest, personal bias, or other similar conflict of interest. A board member must serve without compensation but is entitled to be reimbursed for the member's actual and necessary expenses incurred in the performance of official board business.

#### **Board Powers and Duties**

Section 43-53-05 provides:

1. The board is required to administer and enforce Chapter 43-53. The board shall adopt rules as the board determines necessary.
2. The board is required to examine and pass on the qualifications of all applicants and shall issue a license to each successful applicant. The board must adopt a seal which must be affixed to all licenses issued by the board.
3. The board may authorize expenditures determined necessary to carry out Chapter 43-53.
4. Three of the members of the board constitute a quorum. The board may employ attorneys, accountants, experts, and other employees as necessary for the proper performance of the board's duties.
5. The board is required to adopt a nationally recognized code of ethics for the practice of marriage and family therapy.
6. The board is required to establish continuing education requirements for license renewal.
7. The board is required publish an annual list of the names and addresses of all individuals licensed under Chapter 43-53.

#### **Licenses**

Section 43-53-06 provides:

1. Each individual desiring to obtain a license as a practicing marriage and family therapist is required to apply to the board, upon such form and in such manner as the board prescribes. An applicant is required to furnish evidence that the applicant:
  - a. Is of good moral character;
  - b. Has not engaged in any practice or conduct that would be a ground for discipline under Chapter 43-53; and
  - c. Is qualified for licensure pursuant to the requirements of Chapter 43-53.
2. An individual who was actively practicing marriage and family therapy in this state before January 1, 2008, and whose application is received by the board before January 1, 2010, may be issued a license by the

board if the applicant meets the qualifications set forth in subdivisions a and b of subsection 1 and provides evidence to the board that the applicant meets educational and experience qualifications as follows:

- a. An appropriate graduate degree, as defined by the board, from a regionally accredited institution so recognized at the time of granting such degree.
  - b. At least 5 years of clinical experience in the practice of marriage and family therapy, and membership or certification by an appropriate professional organization, as defined by the board.
3. An applicant may be issued a license by the board if the applicant meets the qualifications set forth in subsection 1 and provides satisfactory evidence to the board that the applicant:
    - a. Holds a master's degree or a doctoral degree in marriage and family therapy from a recognized educational institution, or a graduate degree in an allied field from a recognized educational institution and graduate level coursework which is equivalent to a master's degree in marriage and family therapy, as determined by the board.
    - b. Has successfully completed 2 calendar years of work experience in marriage and family therapy under qualified supervision following receipt of a qualifying degree.
    - c. Has passed the examination administered or adopted by the board.
  4. An applicant may be issued an associate marriage and family therapist license by the board if the applicant meets the qualifications set forth in subsection 1 and has provided the board with satisfactory evidence that the applicant meets the requirements in subdivisions a and c of subsection 3. Associate marriage and family therapists must practice under the supervision of a board-qualified supervisor and must obey the same laws and rules as a marriage and family therapist. An associate marriage and family therapist license lasts for 1 year and may be renewed for up to 4 additional years.
  5. The board may adopt rules concerning reinstatement of lapsed licenses, voluntary termination, or emeritus status.
  6. The board may require an applicant for licensure or a licensee to submit to a statewide and nationwide criminal history record check. The nationwide criminal history record check must be conducted in the manner provided by Section 12-60-24. All costs associated with obtaining a background check are the responsibility of the applicant or licensee.

### **Fees**

Section 43-53-09 provides a fee, as determined by the board, must be paid to the board for original licensure. A fee may also be established for the licensure examination. A license is valid for 2 years and must be renewed biennially, with the renewal fee being determined by the board. The board may also establish a fee for a duplicate license. Any applicant for renewal of a license that has expired must be required to pay a late fee determined by the board. The board may also establish a fee for continuing education sponsors. The fees established under this section must be adequate to establish and maintain the operation of the board. Payment of a late fee is not a defense to a charge of practicing without a license.

### **Administrative Rule**

[North Dakota Administrative Code Title 111](#) relates to the North Dakota Marriage and Family Therapy Licensure Board. Marriage and family therapist license requirements are included in Article 111-02. Sections in Title 111 were most recently amended in January 2018.

## **PREVIOUS COMMITTEE WORK**

### **2013-14 Interim - Study of Behavioral Health Needs**

Senate Bill No. 2243 (2013) provided for a study of behavioral health needs. The study was to include consideration of behavioral health needs of youth and adults and consideration of access, availability, and delivery of services. The study was to include input from stakeholders, including representatives of law enforcement, social and clinical service providers, education, medical providers, mental health advocacy organizations, emergency medical service providers, juvenile court, tribal government, and state and local agencies and institutions. The study was assigned to the interim Human Services Committee.

The committee received information regarding the Department of Human Services Division of Mental Health and Substance Abuse Services, the State Hospital, Human Service Centers, the Life Skills and Transition Center, and the Department of Corrections and Rehabilitation Division of Adult Services and Division of Juvenile Services. Information was also received from interested persons and the Behavioral Health Stakeholders Group regarding behavioral health needs in North Dakota.

The Legislative Council issued a request for proposal for consultant services for assistance in a study of behavioral health needs of youth and adults in North Dakota. The committee selected and contracted with Ms. Renee Schulte, Schulte Consulting, LLC, Iowa, to conduct the study. The contract cost was \$44,000.

Goals and recommendations identified by the consultant related to service shortages, expanding workforce, changing insurance coverage, changing the structure and responsibilities of the Department of Human Services, improving communication, and expanding data collection and research. The consultant also recommended North Dakota further investigate and review transportation, judicial matters, definitions of services, tribal partnerships, and advocate training.

Recommendations related to behavioral health professional workforce and training included:

1. Expand the behavioral health workforce by improving oversight for licensing issues and concerns and increasing the use of laypersons to expand treatment options.
2. Establish professional licensing board standards to allow:
  - a. One year of practice if licensed in another state;
  - b. A process for meeting North Dakota licensing standards during the 1-year period;
  - c. Reciprocity of licenses between Montana, South Dakota, and Minnesota; and
  - d. A method for issuing licenses within 30 days.
3. Expand the number of licensed addiction counselors by establishing a stipend program for licensed addiction counseling interns that would be forgiven if the licensed addiction counselor practices in the state for 4 years.
4. Expand the number of licensed addiction counselor training slots by providing stipends for organizations that offer the training.
5. Establish a student loan buydown program for licensed behavioral health clinical staff. **This was approved by the 2015 Legislative Assembly in House Bill No. 1049 and codified as Section 43-45-05.4.**

### **2015-16 Interim - Reports of Behavioral Health-Related Boards**

The 2015-16 interim Health Services Committee reviewed the 2013-14 interim Human Services Committee report on a study of behavioral health needs. Pursuant to House Bill No. 1048 (2015), the committee received a consolidated report from the Board of Addiction Counseling Examiners, Board of Counselor Examiners, North Dakota Board of Social Work Examiners, North Dakota Marriage and Family Therapy Licensure Board, State Board of Psychologist Examiners, and the North Dakota Board of Medicine. The boards agreed North Dakota should match national standards to allow for professional mobility and that minimal statutory changes would be needed to align state standards with national occupation-specific standards. The boards reported workforce-related issues are not due to regulatory barriers or board inefficiencies and the boards have no authority over employment standards or insurance reimbursement requirements.

Pursuant to House Bill No. 1049 (2015), the committee received a report from the Board of Addiction Counseling Examiners. The board provided a summary of recent changes, including the addition of a new training consortium, regular review of licensure requirements, streamlined applications, flexible consortium training start dates, and collaboration to allow for a national certification in addiction counseling. The board also proposed:

1. Changes related to tiered licensure levels, academic requirements, clinical training, and reciprocity.
2. A four-tier system of certification and the "career ladder" would allow the board to provide out-of-state professionals credentialing while they complete their academic and clinical training requirements.
3. Removing certain academic requirements, the completion of which is implied by other coursework.
4. Reducing clinical training hours.
5. Changes to reciprocity rules, including plans to prorate clinical hours for reciprocity.

The committee recommended Senate Bill No. 2033 (2017) to provide for clinical supervision of behavioral health professionals by behavioral health professionals outside of their respective professions.

## 2017-18 Interim - Report from Behavioral Health Professional Boards

Senate Bill No. 2033 (2017) provided that a portion of the supervised experience to qualify for licensure as a clinical social worker, counselor, or marriage and family therapist may be provided by a licensed behavioral health professional other than the profession being licensed. The bill allowed an applicant for licensure as a clinical social worker to meet the supervised experience requirement through experience in the practice of clinical social work and allowed the Board of Social Work Examiners additional flexibility in accepting licensure from other jurisdictions. Section 5 of the bill required 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 to provide a report to the Legislative Management regarding the status of implementing these changes. The interim Health Services Committee was assigned the responsibility to receive this report.

### State Board of Psychologist Examiners

The committee received information from the State Board of Psychologist Examiners. The board proposed the following administrative changes:

1. Adding operational data to expedite licensure permitting the board to allow qualified applicants licensed or certified outside the state to practice while waiting for completion of licensure in this state;
2. Allowing the Professional Responsibility Examinations to be administered in written form;
3. Easing the process to obtain approval for continuing education sponsors;
4. Clarifying the relationship with the Educational Standards and Practices Board regarding school psychologists;
5. Clarifying board membership requirements for nonpractitioner members and allowing applied behavior analysts to be eligible for serving on the board; and
6. Adding supervision changes that align qualifications of those receiving training with the work credentials of the mentor.

### Board of Addiction Counseling Examiners

The committee received information from the Board of Addiction Counseling Examiners. The board collaborated with the Board of Counselor Examiners and the North Dakota Board of Social Work Examiners to review and encourage dual licensure. The board proposed Administrative Code changes to allow a National Association of Addiction Professionals National Certified Addiction Counselor Level II certification or a Master Addiction Counselor certification to become licensed and accepted immediately without an academic or clinical training review. Any applicant with a verifiable license or certification in good standing from another jurisdiction may be accepted immediately as an intern until the academic and clinical training reviews or any other outstanding items are complete. The committee was informed any advanced practice professionals established in Senate Bill No. 2042 (2017), including medical doctors, psychologists, advanced practice registered nurses, and physician assistants, will not have the academic requirements, but may have minimal clinical training requirements to become licensed. Other advanced practice professionals, including licensed independent clinical workers, licensed professional clinical counselors, and licensed marriage and family counselors may be licensed with minimal training requirements.

### Board of Counselor Examiners

The committee received information from the Board of Counselor Examiners which indicated the board was reviewing its process and anticipated proposing Administrative Code changes.

### North Dakota Board of Social Work Examiners

The committee received information from the Board of Social Work Examiners. Senate Bill No. 2033 modified the standard under which applicants for clinical social work obtain the necessary 3,000 hours of supervised experience. The second 1,500 hours of the 3,000 hours now can be obtained under the supervision of licensed professionals other than a licensed independent clinical social worker if geographic or other factors make the modification reasonable. The bill also created an alternative way of receiving licensure by reciprocity. The board may grant a license even if the laws of the two states are not substantially similar if the applicant is licensed in good standing under the laws of another jurisdiction and possesses qualifications or experience in the practice of social work which are substantially similar to the minimum requirements for licensure in this state. The testimony indicated the board streamlined licensing procedures. A license may be issued in 2 to 4 weeks if an applicant submits all required information and meets all of the criteria. The board also authorized two of its board members to approve initial licenses and master of social work supervision plans if no further issues need to be discussed. Issues may include background checks, mental health history, whether applicant is in good standing, or if clinical work does not

meet criteria. The committee was informed the challenge with social work licensure is that states use different social worker titles and each title has different licensing requirements.

### **North Dakota Marriage and Family Therapy Licensure Board**

The committee received information from the North Dakota Marriage and Family Therapy Licensure Board which indicated the state's licensure standards for marriage and family therapists are similar to the licensure standards of other states; therefore, there are no impediments preventing individuals licensed in other states from becoming licensed in North Dakota nor preventing individuals receiving an education in a different state from becoming licensed in North Dakota.

## **STUDY PLAN**

The following is a proposed study plan for the committee's consideration in its study regarding occupational boards that address mental health and behavioral health issues:

1. Receive and review information from representatives of the State Board of Psychologist Examiners, Board of Addiction Counseling Examiners, Board of Counselor Examiners, Education Standards and Practices Board, North Dakota Board of Social Work Examiners, and North Dakota Marriage and Family Therapy Licensure Board regarding:
  - a. Mental health and behavioral health services provided by licensees under direction from the board;
  - b. Rules adopted by the board and the frequency of rule review;
  - c. Requirements to be licensed by the board;
  - d. History and trends of foreign practitioners and any additional licensure requirements;
  - e. Fees charged by the board;
  - f. Training requirements for board members and executive directors;
  - g. Average duration of board membership and executive director employment.
2. Receive and review information from interested persons regarding the committee's study of occupational boards that address mental health and behavioral health issues.
3. Develop recommendations and any bill drafts necessary to implement the recommendations.
4. Prepare a final report for submission to the Legislative Management.