

Sixty-fifth
Legislative Assembly
of North Dakota

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. 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.

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

43-45-05.1. Initial licenses.

1. The board shall issue an initial license as an addiction counselor to an applicant who has met all of the following requirements:
 - a. ~~Has successfully~~Successfully completed ~~board-approved~~ coursework, ~~approved by the board,~~ at an accredited college or university.
 - b. ~~Has successfully~~Successfully completed one or more oral or written examinations approved by the board for this purpose.
 - c. ~~Has successfully~~Successfully completed a clinical training program approved by the board or accumulated experience as established by the board by rule.
 - d. ~~Has satisfied~~Satisfied the board that the applicant agrees to adhere to the code of professional conduct adopted by the board.
2. For clinical training program or accumulated experience required for initial licensure, at least fifty percent of required supervision must be provided by a supervising licensed addiction counselor and the additional supervision may be with other professionals designated by the supervising addiction counselor and competent in the area of practice being supervised.
3. The board may grant reciprocity, on such terms and conditions as it may determine necessary, to an applicant for licensure who is in good standing as a licensed, approved, or certified addiction counselor under the laws of another jurisdiction that imposes at least substantially the same requirements that are imposed under this chapter.
- ~~3.4.~~ An applicant who is denied~~If the board denies a licensure must be notified~~application, the board shall 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 thirty days.

SECTION 3. AMENDMENT. Section 43-47-06 of the North Dakota Century Code is 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.