

**HOUSE BILL NO. 1053**

Introduced by

Human Services Committee

(At the request of the Board of Addiction Counseling Examiners)

1 A BILL for an Act to amend and reenact subsections 3, 4, and 5 of section 43-45-01, sections  
2 43-45-02, 43-45-03, and 43-45-04, subsection 1 of section 43-45-05, sections 43-45-05.1,  
3 43-45-05.3, 43-45-06, and 43-45-07, and subsection 1 of section 43-45-07.3 of the North  
4 Dakota Century Code, relating to the licensure of addiction counselors; and to provide an  
5 effective date.

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

7 **SECTION 1. AMENDMENT.** Subsections 3, 4, and 5 of section 43-45-01 of the North  
8 Dakota Century Code are amended and reenacted as follows:

9 3. "~~Practicum~~ Clinical training" means ~~a minimum of nine months clinical training~~  
10 ~~including inpatient or outpatient treatment work in addiction counseling, approved~~  
11 ~~by the board.~~

12 4. "~~Private practice of addiction counseling~~ Internship" means ~~the independent~~  
13 ~~practice of addiction counseling by a qualified individual who is self-employed on a~~  
14 ~~full time or part time basis and is responsible for that independent practice.~~  
15 ~~Consultation services provided to an organization or agency are not the private~~  
16 ~~practice of addiction counseling~~ work experience in a licensed addiction treatment  
17 facility under the supervision of a clinical supervisor registered by the board.

18 5. "~~Work experience or internship~~ Private practice of addiction counseling" means a  
19 ~~professional addiction treatment experience under the supervision of a clinical~~  
20 ~~supervisor in a licensed addiction treatment facility or under the authority of a~~  
21 ~~licensed addiction facility~~ the independent practice of addiction counseling by a  
22 qualified individual who is self-employed on a full-time or part-time basis and is  
23 responsible for that independent practice. Consultation services provided to an  
24 organization or agency are not the private practice of addiction counseling.

1           **SECTION 2. AMENDMENT.** Section 43-45-02 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **43-45-02. Board of addiction counseling examiners - Composition.** The governor  
4 shall appoint a ~~nine-member~~ seven-member board of addiction counseling examiners. The  
5 members shall include:

- 6           1. ~~Six~~ Five members who are licensed addiction counselors actively engaged in the  
7           practice of addiction counseling, one of whom must be actively engaged in the  
8           private practice of addiction counseling.
- 9           2. Two members who are laypersons.
- 10          3. ~~One member who is a licensed addiction counselor in private practice.~~

11           **SECTION 3. AMENDMENT.** Section 43-45-03 of the North Dakota Century Code is  
12 amended and reenacted as follows:

13           **43-45-03. Board member terms.** The governor, ~~prior to September 1, 1993,~~ shall  
14 appoint ~~one new board member for a term of one year, and one new board member for a term~~  
15 ~~of two years~~ members. Appointments ~~made thereafter~~ must be for three-year terms, but no  
16 person may be appointed to serve for more than two consecutive terms. Terms begin on the  
17 first day of the calendar year and end on the last day of the calendar year or until successors  
18 are appointed, ~~except for the newly appointed members who shall serve through the last~~  
19 ~~calendar day of the year in which they are appointed, before commencing the terms prescribed~~  
20 ~~by this section.~~

21           **SECTION 4. AMENDMENT.** Section 43-45-04 of the North Dakota Century Code is  
22 amended and reenacted as follows:

23           **43-45-04. Board power, duties, and authority.** ~~The board shall administer and~~  
24 ~~enforce the provisions of this chapter, evaluate the qualifications of applicants, and issue~~  
25 ~~licenses under this chapter. The board shall also approve addiction counselor training~~  
26 ~~programs and internship sites. The board may:~~

- 27           1. ~~Adopt rules under chapter 28-32, relating to licensure of addiction counselors, the~~  
28           ~~establishment of ethical standards of practice for persons holding a license to~~  
29           ~~practice addiction counseling in this state, the establishment of continuing~~  
30           ~~education requirements, the requirements for approved addiction counselor~~  
31           ~~training programs, internship sites, the requirements for clinical supervisors, the~~

- 1            ~~requirements for individuals in the private practice of addiction counseling, and~~  
2            ~~requirements for trainee or internship approval. The board shall:~~
- 3            a.    Administer and enforce the provisions of this chapter.
  - 4            b.    Evaluate the qualifications of applicants for a license to practice addiction  
5            counseling and issue licenses under this chapter.
  - 6            c.    Establish ethical standards of practice for persons holding a license to  
7            practice addiction counseling in this state.
  - 8            d.    Establish continuing education requirements and approve providers of  
9            continuing education.
  - 10           e.    Approve clinical training programs.
  - 11           f.    Register clinical trainees.
  - 12           g.    Register interns.
  - 13           h.    Register clinical supervisors.
  - 14           i.    Register licensees for private practice.
  - 15           j.    Approve and administer examinations.
- 16           2.    ~~Issue subpoenas, examine witnesses, and administer oaths, and may investigate~~  
17           ~~allegations of practices violating the provisions of this chapter. The board may:~~
- 18           a.    Adopt rules under chapter 28-32 to implement this chapter.
  - 19           b.    Issue subpoenas, examine witnesses, and administer oaths, and may  
20           investigate allegations of practices violating the provisions of this chapter.
  - 21           c.    Recommend prosecution for violations of this chapter to the appropriate  
22           state's attorney.
  - 23           d.    Recommend that the attorney general bring civil actions to seek injunctive and  
24           other relief against violations of this chapter.
  - 25           e.    Collect fees for examinations, initial licensures, renewal of licenses, late  
26           renewals, private practice registrations, renewal of private practice  
27           registrations, approval of continuing education providers, and administrative  
28           fees. The fees must be established by rule in amounts necessary to  
29           compensate the board for administration and enforcement of this chapter.
  - 30           f.    Employ persons to assist the board in carrying out its duties under this  
31           chapter.

- 1       3. ~~Recommend prosecution for violations of this chapter to the appropriate state's~~
- 2             ~~attorney.~~
- 3       4. ~~Recommend that the attorney general bring civil actions to seek injunctive and~~
- 4             ~~other relief against violations of this chapter.~~
- 5       5. ~~Approve and administer examinations for licensing addiction counselors.~~
- 6       6. ~~Collect a fee set by the board on the filing of each application for a license to~~
- 7             ~~practice addiction counseling.~~
- 8       7. ~~Appoint or employ persons to assist the board in carrying out its duties under this~~
- 9             ~~chapter.~~

10       **SECTION 5. AMENDMENT.** Subsection 1 of section 43-45-05 of the North Dakota  
11 Century Code is amended and reenacted as follows:

- 12       1. The board shall meet ~~on~~ at least a quarterly ~~basis~~. A majority of the members  
13             constitute a quorum.

14       **SECTION 6. AMENDMENT.** Section 43-45-05.1 of the North Dakota Century Code is  
15 amended and reenacted as follows:

16       **43-45-05.1. Licenses Initial licenses.**

- 17       1. The board shall issue an initial ~~one-year~~ license as an addiction counselor to an  
18             applicant who has met all of the following requirements:
  - 19             a. Has successfully completed coursework, approved by the board, at an  
20                 accredited college or university;
  - 21             b. Has successfully completed one or more oral or written examinations  
22                 approved by the board for this purpose;
  - 23             c. Has successfully completed ~~an addiction counselor~~ a clinical training program  
24                 approved by the board, ~~a practicum, and a work~~ or accumulated experience  
25                 ~~or internship, and~~ as established by the board by rule.
  - 26             d. Has satisfied the board that the applicant agrees to adhere to the code of  
27                 professional conduct adopted by the board.
- 28       2. The board may grant reciprocity, on such terms and conditions as it may determine  
29             necessary, to an applicant for licensure who is in good standing as a licensed,  
30             approved, or certified addiction counselor under the laws of another ~~state, territory~~  
31             ~~of the United States, or province of Canada, or certifying body jurisdiction~~ that

1 imposes at least substantially the same requirements that are imposed under this  
2 chapter.

3 3. An applicant who is denied licensure must be notified in writing of the reasons for  
4 denial and of the right to a hearing before the board, under chapter 28-32, if a  
5 hearing is requested within thirty days.

6 **SECTION 7. AMENDMENT.** Section 43-45-05.3 of the North Dakota Century Code is  
7 amended and reenacted as follows:

8 **43-45-05.3. Private practice of addiction counseling.** A person may not engage in  
9 the private practice of addiction counseling unless that person:

- 10 1. ~~Is licensed under this chapter as a licensed addiction counselor.~~
- 11 2. ~~Is registered with the board as eligible for private practice under criteria established~~  
12 ~~by board rule.~~
- 13 3. ~~Has a board approved system established for peer review.~~
- 14 4. ~~Upon application prior to January 1, 1994, the board shall register as eligible for~~  
15 ~~private practice of addiction counseling any licensed addiction counselor who at~~  
16 ~~that time is engaged in the private practice of addiction counseling~~ is registered  
17 with the board as eligible for private practice under criteria established by board  
18 rule.

19 **SECTION 8. AMENDMENT.** Section 43-45-06 of the North Dakota Century Code is  
20 amended and reenacted as follows:

21 **43-45-06. Addiction counseling practice - Exemptions.**

- 22 1. Nothing in this chapter may be construed to prevent any person from doing work  
23 within the standards and ethics of that person's profession and calling, provided  
24 that the person does not represent to the public, by title or by use of the initials  
25 L.A.C., that the person is engaging in addiction counseling.
- 26 2. ~~Nothing in this chapter may be construed to prevent students who are enrolled in~~  
27 ~~programs of study leading to addiction counseling degrees from training with a~~  
28 ~~board approved clinical supervisor.~~
- 29 3. Nothing in this chapter may be construed to prevent addiction counseling trainees  
30 or interns in board-approved programs ~~approved by the board~~ from engaging in

1           ~~activities required by the approved program without obtaining a license to practice~~  
2           ~~addiction counseling related to training.~~

3           **SECTION 9. AMENDMENT.** Section 43-45-07 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **43-45-07. Renewal of license.**

- 6           1. ~~The board shall annually renew the initial license of a person licensed under this~~  
7           ~~chapter upon application and showing that:~~
- 8           a. ~~The holder of the license is in compliance with the provisions of this chapter~~  
9           ~~and the rules adopted under this chapter.~~
- 10           b. ~~The holder of the license has successfully completed the continuing education~~  
11           ~~requirements set by the board.~~
- 12           c. ~~The holder of a license has made payment of the renewal fees as set by the~~  
13           ~~board.~~
- 14           d. ~~The license is not currently revoked or suspended.~~
- 15           2. ~~If the application for renewal does not meet the above conditions within six months~~  
16           ~~of the expiration date of the license, the board may revoke the license. All licenses~~  
17           ~~are effective when granted by the board.~~
- 18           2. All licenses of licensed addiction counselors expire on December thirty-first of  
19           every odd-numbered year.
- 20           3. A license may be renewed by payment of the renewal fee and completion of the  
21           continuing education requirements set by the board, provided the applicant's  
22           license is not currently revoked or grounds for denial under section 43-45-07.1 do  
23           not exist.
- 24           4. At the time of renewal the board shall require each applicant to present satisfactory  
25           evidence that the applicant has completed the continuing education requirements  
26           specified by the board.
- 27           5. If the completed application for renewal is not received by December first of the  
28           odd-numbered year, a late fee will be charged.
- 29           6. If the completed application for renewal is not received on or before the expiration  
30           date, the license expires and the person may not practice addiction counseling.  
31           The license may be renewed within thirty days from the date of expiration of the

1            license if the completed application for renewal and the late fee are received within  
2            thirty days from the date of expiration of the license.

3            7. If a completed application for renewal of license is not received within thirty days  
4            from the date of expiration of the license, the licensee must reapply for licensure.

5            8. The board may extend the renewal deadline for an applicant having proof of  
6            medical or other hardship rendering the applicant unable to meet the renewal  
7            deadline.

8            **SECTION 10. AMENDMENT.** Subsection 1 of section 43-45-07.3 of the North Dakota  
9 Century Code is amended and reenacted as follows:

10           1. A person ~~aggrieved by the actions of a counselor licensed under this chapter~~ may  
11           file a written complaint with the board citing the specific allegations of ~~misconduct~~  
12           unprofessional conduct by ~~the~~ an addiction counselor. The board shall notify the  
13           addiction counselor of the complaint and request a written response from the  
14           addiction counselor.

15           **SECTION 11. EFFECTIVE DATE.** Section 2 of this Act becomes effective on  
16 January 1, 2008.