

February 20, 2025

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2357

Introduced by

Senators Roers, Axtman, Wobbema

Representatives Richter, Louser, O'Brien

1 A BILL ~~for an Act to create and enact chapter 43-56 of the North Dakota Century Code, relating~~
2 ~~to the composite mental health licensing board; to amend and reenact subsection 2 of section~~
3 ~~12-60-24, subsections 1, 2, and 7 of section 43-32-01, sections 43-32-10, 43-32-16, 43-32-17,~~
4 ~~and 43-32-26, subsection 1 of section 43-41-01, sections 43-41-02, 43-41-03, subsection 1 of~~
5 ~~section 43-41-04, sections 43-41-05.1, 43-41-07, 43-41-09, and 43-41-11.1, subsection 2 of~~
6 ~~section 43-45-01, sections 43-45-04 and 43-45-05.1, subsection 2 of section 43-45-05.2,~~
7 ~~section 43-45-07.1, subsection 1 of section 43-45-07.2, subsection 1 of section 43-47-01,~~
8 ~~section 43-47-03, subsection 1 of section 43-47-06, sections 43-47-06.1, 43-47-06.3, 43-47-07,~~
9 ~~and 43-47-07.1, subsections 1 and 4 of section 43-47-08, section 43-47-09, subsections 3~~
10 ~~and 4 of section 43-53-01, sections 43-53-02, 43-53-03, and 43-53-05, subsection 1 of section~~
11 ~~43-53-06, subsection 1 of section 43-53-07, and section 43-53-12 of the North Dakota Century~~
12 ~~Code, relating to the state board of psychologist examiners, board of social work examiners,~~
13 ~~board of addiction counseling examiners, board of counselor examiners, and marriage and~~
14 ~~family therapy licensure board; to repeal sections 43-32-02, 43-32-03, 43-32-04, 43-32-05,~~
15 ~~43-32-06, 43-32-07, 43-32-08, 43-32-11, 43-32-13, 43-32-14, 43-41-08, 43-41-12, 43-45-02,~~
16 ~~43-45-03, 43-45-05, 43-45-07, 43-47-02, 43-47-03.1, 43-47-06.2, and 43-53-04 of the North~~
17 ~~Dakota Century Code, relating to the state board of psychologist examiners, board of social~~
18 ~~work examiners, board of addiction counseling examiners, board of counselor examiners, and~~
19 ~~marriage and family therapy licensure board; to provide a penalty; to provide for a transfer; and~~
20 ~~to provide for application for an Act to provide for a legislative management study regarding the~~
21 feasibility, benefits, and challenges of creating a composite mental health licensing board.

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

2 ~~SECTION 1. AMENDMENT.~~ Subsection 2 of section 12-60-24 of the North Dakota Century
3 Code is amended and reenacted as follows:

4 ~~2.~~ The bureau of criminal investigation shall provide to each agency, official, or entity
5 listed in this subsection who has requested a statewide and nationwide criminal history
6 record check, the response of the federal bureau of investigation and any statewide
7 criminal history record information that may lawfully be made available under this
8 chapter:

9 ~~a.~~ The governing body of a city or a county, by ordinance or resolution, for a final
10 applicant for a specified occupation with the city or county.

11 ~~b.~~ The agriculture commissioner for each applicant for a license to grow or process
12 hemp under section 4-1-18.1-02.

13 ~~c.~~ The education standards and practices board for initial, re-entry, and reciprocal
14 teacher licenses under sections 15.1-13-14 and 15.1-13-20 and school guidance
15 and counseling services under section 15.1-13-23.

16 ~~d.~~ The North Dakota board of medicine for licenses or disciplinary investigations
17 under section 43-17-07.1, except that criminal history record checks need not be
18 made unless required by the board.

19 ~~e.~~ The private investigative and security board for licenses or registrations under
20 section 43-30-06.

21 ~~f.~~ The department of health and human services for foster care licenses, certified
22 family foster home for children providers, approved tribal foster care facilities, and
23 identified relatives under chapter 50-11, appointments of legal guardians under
24 chapter 50-11.3, and petitions for adoptions under chapter 50-12, except that the
25 criminal history record investigation must be conducted in accordance with those
26 chapters. A criminal history record investigation completed under chapter
27 25-03.2, 50-06, 50-11, 50-11.3, or 50-12 may be used to satisfy the requirements
28 of a criminal history record investigation under either of the other four chapters.
29 The federal bureau of investigation's criminal history record investigation
30 obtained from one criminal history record investigation purpose may not be

1 reused to satisfy the requirements of another federal bureau of investigation's
2 criminal history record investigation for a different purpose.

3 ~~g. The department of health and human services for criminal history record checks~~
4 ~~authorized under section 50-06-01.9.~~

5 ~~h. The chief information officer of the information technology department for certain~~
6 ~~individuals under section 54-59-20.~~

7 ~~i. A public peace officer training school that has been approved by the peace officer~~
8 ~~standards and training board for enrollees in the school. The school may only~~
9 ~~disclose the criminal history record information as authorized by law. The school~~
10 ~~shall pay the costs for securing the fingerprints, any criminal history record~~
11 ~~information made available under this chapter, and for the nationwide criminal~~
12 ~~history record check. This subdivision does not apply to the highway patrol law~~
13 ~~enforcement training center and enrollees who have a limited license under~~
14 ~~section 12-63-09.~~

15 ~~j. The North Dakota public employees retirement board for individuals first~~
16 ~~employed by the public employees retirement board after July 31, 2005, who~~
17 ~~have unescorted physical access to the office or any security-sensitive area of~~
18 ~~the office as designated by the executive director.~~

19 ~~k. The executive director of the retirement and investment office for individuals first~~
20 ~~employed by the retirement and investment office after July 31, 2005, who have~~
21 ~~unescorted physical access to the office or any security-sensitive area of the~~
22 ~~office as designated by the executive director.~~

23 ~~l. The Bank of North Dakota for a final applicant for a specified occupation with the~~
24 ~~Bank as designated by the president.~~

25 ~~m. Job service North Dakota for all employees, final applicants for employment with~~
26 ~~job service, and contractors with access to federal tax information.~~

27 ~~n. The department of health and human services for a final applicant for a job~~
28 ~~opening or a current employee with the department; an individual being~~
29 ~~investigated by the department; or an applicant for registration as a designated~~
30 ~~caregiver or a compassion center agent under chapter 19-24.1.~~

- 1 ~~o. The state board of nursing for applicants, licensees, registrants, or disciplinary~~
2 ~~investigations under chapter 43-12.1, except that criminal history record checks~~
3 ~~need not be made unless required by the board.~~
- 4 ~~p. The state board of pharmacy for applicants or disciplinary investigations under~~
5 ~~chapter 43-15 and registrations, or revocation or suspension of registrations,~~
6 ~~under chapter 19-03.1, except that criminal history record checks need not be~~
7 ~~made unless required by the board.~~
- 8 ~~q. The state real estate commission for applicants, licensees, or investigations~~
9 ~~under chapter 43-23, except that criminal history record checks need not be~~
10 ~~made unless required by the commission.~~
- 11 ~~r. The North Dakota composite mental health licensing board of social work~~
12 ~~examiners for applicants for initial licensure or licensees under chapter~~
13 ~~43-4143-56, except that criminal history record checks for licensees need not be~~
14 ~~made unless required by the board.~~
- 15 ~~s. All agencies, departments, bureaus, boards, commissions, or institutions of the~~
16 ~~state, including the North Dakota university system, for all employees or final~~
17 ~~applicants for employment as a security guard or to otherwise provide security.~~
- 18 ~~t. The office of management and budget for each individual who has access to~~
19 ~~personal information as designated by the director.~~
- 20 ~~u. The department of corrections and rehabilitation for all agents and employees~~
21 ~~and a final applicant for employment designated by the director and for each~~
22 ~~agent, employee, or a final applicant for employment of a privately operated~~
23 ~~entity providing contract correctional services for the department who exercises~~
24 ~~direct authority over juveniles, inmates, probationers, or parolees.~~
- 25 ~~v. A city, county, or combination of cities or counties that operates a correctional~~
26 ~~facility subject to chapter 12-44.1, for each agent and employee and a final~~
27 ~~applicant for employment of the correctional facility who has direct contact with or~~
28 ~~exercises direct authority over any juvenile or inmate of the correctional facility,~~
29 ~~and for each agent, employee, or a final applicant for employment of a privately~~
30 ~~operated entity providing contract correctional services for the correctional facility~~
31 ~~who exercises direct authority over juveniles, inmates, probationers, or parolees.~~

- 1 ~~w. The North Dakota university system for a final applicant for or employee in a~~
2 ~~specified position in the university system or a university system institution or for~~
3 ~~each student applying for or admitted to a specified program of study, as~~
4 ~~designated by the chancellor.~~
- 5 ~~x. (1) The board of a school district, for employees designated by the board,~~
6 ~~provided the board is responsible for paying the costs associated with~~
7 ~~obtaining a criminal history record check;~~
- 8 ~~(2) The board of a multidistrict special education unit, for employees designated~~
9 ~~by the board, provided the board is responsible for paying the costs~~
10 ~~associated with obtaining a criminal history record check;~~
- 11 ~~(3) The board of an area career and technology center, for employees~~
12 ~~designated by the board, provided the board is responsible for paying the~~
13 ~~costs associated with obtaining a criminal history record check;~~
- 14 ~~(4) The board of a regional education association, for employees designated by~~
15 ~~the board, provided the board is responsible for paying the costs associated~~
16 ~~with obtaining a criminal history record check; and~~
- 17 ~~(5) The superintendent of public instruction in the case of a nonpublic school or~~
18 ~~a state school with a superintendent appointed by or reporting to the~~
19 ~~superintendent of public instruction, for employees designated by the~~
20 ~~nonpublic or state school, provided the nonpublic or state school is~~
21 ~~responsible for paying the costs associated with obtaining a criminal history~~
22 ~~record check.~~
- 23 ~~y. (1) The board of a school district, for a final applicant seeking employment with~~
24 ~~the district or otherwise providing services to the district, if that individual~~
25 ~~has unsupervised contact with students, provided the board is responsible~~
26 ~~for paying the costs associated with obtaining a criminal history record~~
27 ~~check;~~
- 28 ~~(2) The board of a multidistrict special education unit, for a final applicant~~
29 ~~seeking employment with the unit or otherwise providing services to the unit,~~
30 ~~if that individual has unsupervised contact with students, provided the board~~

- 1 is responsible for paying the costs associated with obtaining a criminal
2 history record check;
- 3 ~~(3) The board of an area career and technology center, for a final applicant~~
4 ~~seeking employment with the center or otherwise providing services to the~~
5 ~~center, if that individual has unsupervised contact with students, provided~~
6 ~~the board is responsible for paying the costs associated with obtaining a~~
7 ~~criminal history record check;~~
- 8 ~~(4) The board of a regional education association, for a final applicant seeking~~
9 ~~employment with the association or otherwise providing services to the~~
10 ~~association if that individual has unsupervised contact with students,~~
11 ~~provided the board is responsible for paying the costs associated with~~
12 ~~obtaining a criminal history record check; and~~
- 13 ~~(5) The superintendent of public instruction in the case of a nonpublic school or~~
14 ~~a state school with a superintendent appointed by or reporting to the~~
15 ~~superintendent of public instruction, for a final applicant seeking~~
16 ~~employment with the school or otherwise providing services to the school, if~~
17 ~~that individual has unsupervised contact with students, provided the board is~~
18 ~~responsible for paying the costs associated with obtaining a criminal history~~
19 ~~record check.~~
- 20 ~~(6) For purposes of this subdivision, "unsupervised contact" with students~~
21 ~~means being in proximity to one or more students, on school grounds or at~~
22 ~~school functions, outside the presence of an individual who has been~~
23 ~~subject to a criminal history record check.~~
- 24 ~~z. The racing commission for applicants for licenses under chapter 53-06.2, except~~
25 ~~that criminal history record checks need not be made unless required by the~~
26 ~~commission.~~
- 27 ~~aa. A district court for a petition to change a name under chapter 32-28.~~
- 28 ~~bb. The state board of pharmacy for a wholesale drug distributor seeking licensure~~
29 ~~under chapter 43-15.3.~~

- 1 ~~cc.~~ The board of dental examiners for investigations of applicants or dentists under
2 section 43-28-11.2, except that criminal history record checks need not be made
3 unless required by the board.
- 4 ~~dd.~~ The department of financial institutions for each applicant for a specified
5 occupation with the department as specified by the commissioner and principal
6 owners and managing officers of applicants for a license from the department of
7 financial institutions.
- 8 ~~ee.~~ The office of tax commissioner for all employees, final applicants for employment
9 with the tax commissioner, and contractors with access to federal tax information.
- 10 ~~ff.~~ The state board of examiners for nursing home administrators for applicants for
11 licensure or licensees under chapter 43-34, except that criminal history record
12 checks for licensees need not be made unless required by the board.
- 13 ~~gg.~~ The marriage and family therapy licensure board for applicants, licensees, or
14 investigations under chapter 43-53, except that criminal history record checks
15 need not be made unless required by the board.
- 16 ~~hh.~~ The state board of chiropractic examiners for applicants, licensees, certificates,
17 or investigations under chapter 43-06, except that criminal history record checks
18 need not be made unless required by the board.
- 19 ~~ii. hh.~~ Workforce safety and insurance for a final applicant for a specified occupation
20 with workforce safety and insurance as designated by the director, or for
21 contractors who may have access to confidential information as designated by
22 the director.
- 23 ~~jj.~~ The board of counselor examiners for applicants for licensure or licensees under
24 chapter 43-47, except that criminal history record checks for licensees need not
25 be made unless required by the board.
- 26 ~~kk. ii.~~ The state board of respiratory care for applicants, licensees, or investigations
27 under chapter 43-42, except that criminal history record checks need not be
28 made unless required by the board.
- 29 ~~ll. jj.~~ The North Dakota real estate appraiser qualifications and ethics board for
30 applicants for permits or registration or permittees, registrants, owners, or
31 controlling persons under chapters 43-23.3 and 43-23.5, except that criminal

- 1 history record checks for permittees, registrants, owners, or controlling persons
2 need not be made unless required by the board.
- 3 ~~mm.kk.~~ The insurance department for criminal history record checks authorized under
4 chapters 26.1-26 and 26.1-26.8.
- 5 ~~nn.ll.~~ The office of the adjutant general for employees and volunteers working with the
6 recruiting and retention, sexual assault, and youth programs.
- 7 ~~oo.mm.~~ The parks and recreation department for volunteers and final applicants for
8 employment, as determined by the director of the parks and recreation
9 department.
- 10 ~~pp.nn.~~ The North Dakota medical imaging and radiation therapy board of examiners for
11 licensure and licensees under chapter 43-62, except that criminal history record
12 checks for licensees need not be made unless required by the board.
- 13 ~~qq.oo.~~ The game and fish department for volunteers and final applicants for
14 employment, as determined by the director of the game and fish department.
- 15 ~~rr.pp.~~ The North Dakota board of massage for applicants, licensees, or investigations
16 under chapter 43-25.
- 17 ~~ss.qq.~~ The North Dakota board of physical therapy for physical therapist and physical
18 therapist assistant applicants and for licensees under investigation, except that
19 criminal history record checks need not be made unless required by the board.
- 20 ~~tt.rr.~~ The department of commerce for volunteers and employees providing services
21 through eligible organizations, as determined by the commissioner of commerce.
- 22 ~~uu.ss.~~ The state court administrator for a guardian ad litem who provides direct services
23 to youth.
- 24 ~~vv.tt.~~ The department of environmental quality for a final applicant for a job opening or
25 a current employee with the department, or an applicant for a radioactive
26 materials license under chapter 23.1-03 or a solid waste permit under chapter
27 23.1-08 as provided in section 23.1-01-11.1.
- 28 ~~ww.uu.~~ The housing finance agency for criminal history record checks authorized under
29 section 54-17-07.13.
- 30 ~~xx.vv.~~ The office of state treasurer for each individual who has access to federal tax
31 information.

1 ~~yy.ww.~~ The department of health and human services for a criminal history record check
2 for a children's advocacy center as authorized under section 50-25.1-11.1.

3 ~~zz.xx.~~ The state historical society for volunteers and final applicants for employment,
4 except that criminal history record checks need not be made unless requested by
5 the society.

6 ~~aaa.yy.~~ The department of transportation for volunteers and final applicants for
7 employment, as determined by the director of the department of transportation.

8 ~~bbb.zz.~~ The commission on legal counsel for indigents for a volunteer or final applicant
9 for employment, as determined by the director of the commission on legal
10 counsel for indigents.

11 ~~ccc.aaa.~~ The board of dietetic practice for applications for licensure or renewal
12 under chapter 43-44, except that criminal history record checks need not be
13 made unless required by the board.

14 ~~ddd.bbb.~~ The secretary of state for employees with access to personally identifying
15 information of residents or businesses of the state or with access to elections
16 systems that are critical infrastructure under section 44-04-24.

17 ~~eee.ccc.~~ The department of health and human services for applicants for initial
18 licensure for emergency medical services personnel, such as emergency medical
19 technicians, advanced emergency medical technicians, and paramedics, as
20 required by subdivision d of subsection 3 of section 23-27.1-03.

21 ~~**SECTION 2. AMENDMENT.** Subsections 1, 2, and 7 of section 43-32-01 of the North
22 Dakota Century Code are amended and reenacted as follows:~~

23 ~~1. "Board" means the North Dakota state board of psychologist examiners composite
24 mental health licensing board under chapter 43-56.~~

25 ~~2. "Industrial-organizational psychologist" means an individual who is licensed under this
26 chapter 43-56 to engage in the practice of industrial-organizational psychology.~~

27 ~~7. "Psychologist" means an individual who is licensed under this chapter 43-56 in the
28 practice of psychology.~~

29 ~~**SECTION 3. AMENDMENT.** Section 43-32-10 of the North Dakota Century Code is
30 amended and reenacted as follows:~~

~~1 — **43-32-10. Power of board to administer oaths -- Conduct hearings -- Summon**
2 **witnesses -- Take testimony.**~~

~~3 — The members of the board and the secretary may administer oaths. The board may
4 summon witnesses as provided in chapter 28-32 and take testimony in all matters relating to its
5 duties, including the enforcement of the provisions and purposes of this chapter and chapter
6 43-56, and the rules adopted by the board.~~

~~7 — **SECTION 4. AMENDMENT.** Section 43-32-16 of the North Dakota Century Code is
8 amended and reenacted as follows:~~

~~9 — **43-32-16. Board to keep records.**~~

~~10 — 1. The board shall keep a record of its proceedings and a register of all applicants for
11 licensing which must show:~~

~~12 — a. The name, date of birth, and residence of each applicant.~~

~~13 — b. The date of each applicant's application.~~

~~14 — c. The place of business of each applicant.~~

~~15 — d. A summary of the educational and other qualifications of each applicant.~~

~~16 — e. Whether an examination was required of an applicant.~~

~~17 — f. Whether a license was granted to an applicant.~~

~~18 — g. The date of the action of the board.~~

~~19 — h. Any information the board determines necessary or advisable in aid of the
20 requirements of this subsection.~~

~~21 — 2. Except as otherwise provided by law, the records of the board are public records
22 and evidence of the proceedings of the board, and a transcript of board proceedings,
23 duly certified by the secretary of the board is admissible in evidence with the same
24 effect as if the original were produced.~~

~~25 — **SECTION 5. AMENDMENT.** Section 43-32-17 of the North Dakota Century Code is
26 amended and reenacted as follows:~~

~~27 — **43-32-17. License required for practice -- Titles.**~~

~~28 — 1. Except as otherwise provided under this chapter and chapter 43-56, a person an
29 individual may not engage in the practice of psychology unless that person individual is
30 licensed as a psychologist or is registered as a psychology resident under this chapter
31 43-56. Except as otherwise provided by under this chapter and chapter 43-56, a~~

1 ~~person~~an individual may not engage in the practice of industrial-organizational
2 psychology unless that ~~person~~individual is licensed as a psychologist or
3 industrial-organizational psychologist or is registered as a psychology resident or
4 industrial-organizational psychology resident under this chapter ~~43-56~~.

5 ~~2. A person~~An individual may not use the title "psychologist" or similar title unless
6 that ~~person~~individual is licensed as a psychologist. A ~~person~~individual may not use
7 the titles "industrial psychologist", "organizational psychologist", or
8 "industrial-organizational psychologist" unless that ~~person~~individual is licensed as a
9 psychologist or industrial-organizational psychologist.

10 ~~3. A person~~An individual may not use the title "psychology resident" or similar title
11 unless that ~~person~~individual is registered as a psychology resident. A ~~person~~An
12 individual may not use the titles "industrial psychology resident", "organizational
13 psychology resident", or "industrial-organizational psychology resident" unless that
14 ~~person~~individual is registered as a psychology resident or industrial-organizational
15 psychology resident.

16 ~~SECTION 6. AMENDMENT.~~ Section ~~43-32-26~~ of the North Dakota Century Code is
17 amended and reenacted as follows:

18 ~~43-32-26. Issuance and display of license.~~

19 ~~The board is the sole agency empowered to examine competence in the practice of~~
20 ~~psychology. A certificate of license or registration issued by the board must show the full name~~
21 ~~of the licensee, have a serial number, be signed by the president~~chair ~~of the board, and be~~
22 ~~attested by the secretary~~another member of the board. The license issued by the board under
23 this chapter ~~43-56~~ must be prominently displayed at the principal place of business at which the
24 licensee practices.

25 ~~SECTION 7. AMENDMENT.~~ Subsection 1 of section ~~43-41-01~~ of the North Dakota Century
26 Code is amended and reenacted as follows:

27 ~~1. "Board" means the North Dakota board of social work examiners~~composite mental
28 health licensing board under chapter 43-56.

29 ~~SECTION 8. AMENDMENT.~~ Section ~~43-41-02~~ of the North Dakota Century Code is
30 amended and reenacted as follows:

~~43-41-02. Social work practice -- Exceptions.~~

~~1. Nothing in this chapter may not be construed to prevent any person an individual from doing work within the standards and ethics of that person's individual's profession and calling, provided that the person individual does not present to the public, by title or description of services, that the person individual is engaging in social work practice.~~

~~2. This chapter may does not be construed to prevent students who are enrolled in programs of study leading to social work degrees from interning with a licensed baccalaureate social worker, a licensed master social worker, or a licensed clinical social worker.~~

~~3. Nothing in this chapter prevents does not prevent the employment of, or volunteering by, individuals in nonprofit agencies or community organizations provided these persons individuals do not hold themselves out to the public as being social workers.~~

~~4. Nothing in this chapter prevents does not prevent the employment of social work designees by hospitals, basic care facilities, or skilled nursing facilities, provided these individuals work under the direction of a social worker or social work consultant licensed under this chapter 43-56 and that the board be is notified of the name of the designee's employer and the name of the licensee who is providing direction or consultation to the designees.~~

~~5. This chapter does not require public or appointed officials or administrators, acting in that capacity, or any other social or human service administrators who do not hold themselves out to the public as social workers, by title or description of services, to be licensed under this chapter 43-56.~~

~~6. This chapter does not prevent individuals with master's or doctoral degrees in the field of counseling with specialization in mental health from serving as counselors or therapists in mental health in state institutions or regional human service centers, if they do not hold themselves out to the public as social workers.~~

~~**SECTION 9. AMENDMENT.** Section 43-41-03 of the North Dakota Century Code is amended and reenacted as follows:~~

1 ~~— **43-41-03. Representation to the public.**~~

2 ~~— 1. Only those persons~~individuals ~~licensed to practice under this chapter 43-56 may~~
3 ~~represent themselves as a licensed baccalaureate social worker, licensed master-~~
4 ~~social worker, or licensed clinical social worker.~~

5 ~~— 2. The license issued by the board under the provisions of this chapter 43-56 must~~
6 ~~be prominently displayed at the principal place of business where the social worker~~
7 ~~practices.~~

8 ~~— **SECTION 10. AMENDMENT.** Subsection 1 of section 43-41-04 of the North Dakota~~
9 ~~Century Code is amended and reenacted as follows:~~

10 ~~— 1. Except as otherwise provided in this chapter and chapter 43-56, a person~~an
11 individual ~~may not engage in social work practice in this state unless that~~
12 ~~person~~individual ~~is a licensed baccalaureate social worker, a licensed master social-~~
13 ~~worker, or a licensed clinical social worker.~~

14 ~~— **SECTION 11. AMENDMENT.** Section 43-41-05.1 of the North Dakota Century Code is~~
15 ~~amended and reenacted as follows:~~

16 ~~— **43-41-05.1. Electronic social work services.**~~

17 ~~— 1. The practice of social work in this state through electronic social work services or other~~
18 ~~means, regardless of the location of the practitioner, constitutes the practice of social~~
19 ~~work and is subject to this chapter and chapter 43-56.~~

20 ~~— 2. The practice of social work by a practitioner in this jurisdiction through electronic social~~
21 ~~work services or other means, regardless of the location of the client, constitutes the~~
22 ~~practice of social work and is subject to this chapter and chapter 43-56.~~

23 ~~— 3. A social worker providing electronic social work services shall take all necessary~~
24 ~~measures to ensure compliance with relevant practice standards as established by the~~
25 ~~board.~~

26 ~~— **SECTION 12. AMENDMENT.** Section 43-41-07 of the North Dakota Century Code is~~
27 ~~amended and reenacted as follows:~~

28 ~~— **43-41-07. Qualification for licensure by an applicant licensed in another jurisdiction.**~~

29 ~~— 1. An applicant may be granted a license upon:~~

1 ~~———— a. Satisfactory proof to the board that the applicant is licensed in good standing~~
2 ~~under the laws of another jurisdiction that imposes substantially the same~~
3 ~~requirements as this chapter and chapter 43-56; or~~

4 ~~———— b. Determination of the board that at the time of application for licensure~~
5 ~~under this section the applicant is licensed in good standing under the laws of~~
6 ~~another jurisdiction and possesses qualifications or experience in the practice of~~
7 ~~social work which are substantially similar to the minimum requirements for~~
8 ~~licensure under this chapter and chapter 43-56.~~

9 ~~———— 2. The applicant shall pay the licensure fees specified by the board.~~

10 ~~———— **SECTION 13. AMENDMENT.** Section 43-41-09 of the North Dakota Century Code is~~
11 ~~amended and reenacted as follows:~~

12 ~~———— **43-41-09. Duties and responsibilities of board.**~~

13 ~~———— In addition to the duties set forth elsewhere in this chapter and chapter 43-56, the board~~
14 ~~shall:~~

15 ~~———— 1. Adopt rules to administer and carry out the provisions of this chapter and chapter~~
16 ~~43-56.~~

17 ~~———— 2. Produce an annual list of the names and level of licensure of all persons licensed~~
18 ~~under this chapter 43-56 and make the list available upon request.~~

19 ~~———— 3. At its discretion, employ staff and provide for staff compensation.~~

20 ~~———— 4. License social workers. The board may:~~

21 ~~———— a. Suspend the use of an examination for licensure.~~

22 ~~———— b. Waive examination requirements and create a process under which an applicant~~
23 ~~may apply for a waiver to licensure examination requirements.~~

24 ~~———— c. Create alternative requirements that do not require an examination to ascertain~~
25 ~~the qualifications and fitness of a candidate for a license to engage in the practice~~
26 ~~of social work.~~

27 ~~———— 5. Establish fees and receive all moneys collected under this chapter.~~

28 ~~———— 6. Deposit and disburse all fees and moneys collected by the board in accordance~~
29 ~~with section 54-44-12.~~

30 ~~———— 7. Recommend prosecution for violations of this chapter to the appropriate state's~~
31 ~~attorney.~~

1 ~~8.7. Recommend the attorney general bring civil actions to seek injunctive and other~~
2 ~~relief against violations of this chapter.~~

3 ~~9.8. Establish continuing education requirements for license renewal.~~

4 ~~10.9. Adopt a code of social work ethics.~~

5 ~~**SECTION 14. AMENDMENT.** Section 43-41-11.1 of the North Dakota Century Code is~~
6 ~~amended and reenacted as follows:~~

7 ~~**43-41-11.1. Permission to report - Immunity.**~~

8 ~~An individual who has knowledge of conduct by an applicant or a licensee which may~~
9 ~~constitute grounds for disciplinary action under this chapter or chapter 43-56 or the rules of the~~
10 ~~board or of any unlicensed practice under this chapter may report the violation to the board. An~~
11 ~~individual is immune from civil liability or criminal prosecution for submitting in good faith a~~
12 ~~report under this chapter or for otherwise reporting, providing information, or testifying about~~
13 ~~violations or alleged violations of this chapter or chapter 43-56.~~

14 ~~**SECTION 15. AMENDMENT.** Subsection 2 of section 43-45-01 of the North Dakota~~
15 ~~Century Code is amended and reenacted as follows:~~

16 ~~2. "Board" means the board of addiction counseling examiners composite mental~~
17 ~~health licensing board under chapter 43-56.~~

18 ~~**SECTION 16. AMENDMENT.** Section 43-45-04 of the North Dakota Century Code is~~
19 ~~amended and reenacted as follows:~~

20 ~~**43-45-04. Board power, duties, and authority.**~~

21 ~~1. The board shall:~~

22 ~~a. Administer and enforce the provisions of this chapter and chapter 43-56.~~

23 ~~b. Evaluate the qualifications of applicants for a license to practice addiction~~
24 ~~counseling and issue addiction counselor, licensed clinical addiction counselor,~~
25 ~~and masters addiction counselor licenses under this chapter 43-56.~~

26 ~~c. Establish ethical standards of practice for a licensee to practice addiction~~
27 ~~counseling in this state.~~

28 ~~d. Establish continuing education requirements and approve providers of continuing~~
29 ~~education.~~

30 ~~e. Approve clinical training programs.~~

31 ~~f. Register clinical trainees and addiction counselor trainees.~~

- 1 ~~g. Register interns.~~
- 2 ~~h. Register clinical supervisors.~~
- 3 ~~i. Register licensees for private practice.~~
- 4 ~~j. Approve and administer examinations.~~
- 5 ~~k. Periodically evaluate initial licensure coursework requirements and clinical~~
- 6 ~~training requirements to ensure the requirements are up to date and do not serve~~
- 7 ~~as an undue barrier to licensure.~~
- 8 ~~2. The board may:~~
 - 9 ~~a. Adopt rules under chapter 28-32 to implement this chapter and chapter 43-56.~~
 - 10 ~~b. Issue subpoenas, examine witnesses, and administer oaths, and may investigate~~
 - 11 ~~allegations of practices violating the provisions of this chapter and chapter 43-56.~~
 - 12 ~~c. Recommend prosecution for violations of this chapter and chapter 43-56 to the~~
 - 13 ~~appropriate state's attorney.~~
 - 14 ~~d. Recommend the attorney general bring civil actions to seek injunctive and other~~
 - 15 ~~relief against violations of this chapter and chapter 43-56.~~
 - 16 ~~e. Collect fees for examinations, initial licensures, renewal of licenses, late~~
 - 17 ~~renewals, private practice registrations, renewal of private practice registrations,~~
 - 18 ~~approval of continuing education providers, and administrative fees. The fees~~
 - 19 ~~must be established by rule in amounts necessary to compensate the board for~~
 - 20 ~~administration and enforcement of this chapter and chapter 43-56.~~
 - 21 ~~f. Employ persons to assist the board in carrying out the board's duties under this~~
 - 22 ~~chapter and chapter 43-56.~~
- 23 ~~**SECTION 17. AMENDMENT.** Section 43-45-05.1 of the North Dakota Century Code is~~
- 24 ~~amended and reenacted as follows:~~
 - 25 ~~**43-45-05.1. Initial licenses – Licensure of applicant licensed in another jurisdiction.**~~
 - 26 ~~1. The board shall issue an initial license under chapter 43-56 as an addiction counselor,~~
 - 27 ~~licensed clinical addiction counselor, or masters addiction counselor to an applicant~~
 - 28 ~~who has met all of the following requirements:~~
 - 29 ~~a. Successfully completed board-approved coursework at an accredited college or~~
 - 30 ~~university.~~

- 1 ~~———— b. — Successfully completed one or more oral or written examinations approved by~~
2 ~~the board for this purpose.~~
- 3 ~~———— c. — Successfully completed a clinical training program approved by the board or~~
4 ~~accumulated experience as established by the board by rule.~~
- 5 ~~———— d. — Satisfied to the board that the applicant agrees to adhere to the code of~~
6 ~~professional conduct adopted by the board.~~
- 7 ~~———— 2. — For the clinical training program or accumulated experience required of an intern~~
8 ~~seeking initial licensure, at least fifty percent of the required supervision must be~~
9 ~~provided by a supervising licensed addiction counselor, and the additional supervision~~
10 ~~may be with other professionals who are designated by the supervising addiction~~
11 ~~counselor, approved by the board, and competent in the area of practice being~~
12 ~~supervised. The other professional must be registered as a clinical supervisor by the~~
13 ~~board that licenses the other professional.~~
- 14 ~~———— 3. — The board may issue a license under chapter 43-56 to an applicant for licensure who~~
15 ~~is in good standing as a licensed, approved, or certified addiction counselor, licensed~~
16 ~~clinical addiction counselor, or masters addiction counselor under the laws of another~~
17 ~~jurisdiction:~~
- 18 ~~———— a. — Upon satisfactory proof to the board the laws of the other jurisdiction impose at~~
19 ~~least substantially the same requirements imposed under this chapter and~~
20 ~~chapter 43-56; or~~
- 21 ~~———— b. — Upon a determination by the board the applicant possesses qualifications or~~
22 ~~experiences in the practice of addiction counseling which are substantially similar~~
23 ~~to the minimum requirements for licensure under this chapter and chapter 43-56.~~
- 24 ~~———— 4. — If the board denies a licensure application, the board shall notify the applicant in~~
25 ~~writing of the reasons for denial and of the applicant's right to a hearing before the~~
26 ~~board, under chapter 28-32, if a hearing is requested within thirty days.~~
- 27 ~~———— **SECTION 18. AMENDMENT.** Subsection 2 of section 43-45-05.2 of the North Dakota~~
28 ~~Century Code is amended and reenacted as follows:~~
- 29 ~~———— 2. — The license issued by the board under the provisions of this chapter 43-56 must~~
30 ~~be prominently displayed at the principal place of business where the licensee~~
31 ~~practices.~~

1 ~~— **SECTION 19. AMENDMENT.** Section 43-45-07.1 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 ~~— **43-45-07.1. Grounds for disciplinary proceedings.**~~

4 ~~— 1. The board may deny an application and may refuse to renew, suspend, revoke, or~~
5 ~~place on probationary status any license issued under this chapter 43-56 on proof at a~~
6 ~~hearing the applicant or holder of the license engaged in unprofessional conduct.~~

7 ~~Unprofessional conduct includes:~~

8 ~~— a. Obtaining an initial license or renewal by means of fraud, misrepresentation, or~~
9 ~~concealment of material facts.~~

10 ~~— b. Violating rules set by the board.~~

11 ~~— c. Violating a provision of this chapter or chapter 43-56.~~

12 ~~— d. Violating the professional code of conduct as adopted by the board.~~

13 ~~— e. Being adjudged guilty of an offense determined by the board to have a direct~~
14 ~~bearing on an applicant's or holder of the license's ability to provide addiction-~~
15 ~~counseling to the public as a licensee or being adjudged guilty of any offense and~~
16 ~~being insufficiently rehabilitated as determined by the board under section~~
17 ~~12.1-33-02.1.~~

18 ~~— 2. One year from the date of the revocation, a former licenseholder may make~~
19 ~~application for initial licensure.~~

20 ~~— **SECTION 20. AMENDMENT.** Subsection 1 of section 43-45-07.2 of the North Dakota~~
21 ~~Century Code is amended and reenacted as follows:~~

22 ~~— 1. A person with knowledge of any conduct constituting grounds for discipline under this~~
23 ~~chapter or chapter 43-56 may report the violation to the board.~~

24 ~~— **SECTION 21. AMENDMENT.** Subsection 1 of section 43-47-01 of the North Dakota~~
25 ~~Century Code is amended and reenacted as follows:~~

26 ~~— 1. "Board" means the board of counselor examiners composite mental health~~
27 ~~licensing board under chapter 43-56.~~

28 ~~— **SECTION 22. AMENDMENT.** Section 43-47-03 of the North Dakota Century Code is~~
29 ~~amended and reenacted as follows:~~

1 ~~— **43-47-03. Duties and responsibilities of board.**~~

2 ~~— In addition to the duties set forth elsewhere in this chapter and chapter 43-56, the board~~
3 ~~shall:~~

4 ~~— 1. Publish an annual list of the names and addresses of all persons licensed under this~~
5 ~~chapter 43-56.~~

6 ~~— 2. Approve and administer an examination for counselors.~~

7 ~~— 3. Set, by rule, and collect a fee for the filing of each application for a license under this~~
8 ~~chapter 43-56 and set, by rule, and collect a fee for the renewal of a license under this~~
9 ~~chapter 43-56.~~

10 ~~— 4. Deposit and disburse all fees and moneys collected by the board in accordance~~
11 ~~with section 54-44-12.~~

12 ~~— 5. Establish continuing education requirements for license renewal.~~

13 ~~— 6.5. Issue provisional or probationary licenses.~~

14 ~~— 7.6. Establish a code of ethics for the practice of counseling.~~

15 ~~— **SECTION 23. AMENDMENT.** Subsection 1 of section 43-47-06 of the North Dakota~~
16 ~~Century Code is amended and reenacted as follows:~~

17 ~~— 1. Except as otherwise provided in this chapter and chapter 43-56, a person an~~
18 ~~individual may not engage in counseling in this state unless that person individual is a~~
19 ~~licensed professional counselor or licensed associate professional counselor.~~

20 ~~— **SECTION 24. AMENDMENT.** Section 43-47-06.1 of the North Dakota Century Code is~~
21 ~~amended and reenacted as follows:~~

22 ~~— **43-47-06.1. Board may establish specialty licenses.**~~

23 ~~— The board may provide a counselor specialty license to any licensed professional counselor~~
24 ~~who meets the standards established by the board for that particular specialty. The board shall~~
25 ~~adopt standards for specialty licenses equal to or greater than those established by the national~~
26 ~~board of certified counselors, which governs the standards for particular specialties. The board~~
27 ~~may not create a specialty license for which the scope of practice is defined under any other~~
28 ~~chapter in this title.~~

29 ~~— **SECTION 25. AMENDMENT.** Section 43-47-06.3 of the North Dakota Century Code is~~
30 ~~amended and reenacted as follows:~~

1 ~~— **43-47-06.3. Criminal history record checks.**~~

2 ~~— The board shall may require an applicant for licensure under subsections 2, 3, and 4 of~~
3 ~~section 43-47-06 and section 43-47-06.1 chapter 43-56 to submit to a statewide and nationwide~~
4 ~~criminal history record check and may require a licensee to submit to a statewide and~~
5 ~~nationwide criminal history record check. The nationwide criminal history record check must be~~
6 ~~conducted in the manner provided in section 12-60-24. All costs associated with obtaining a~~
7 ~~background check are the responsibility of the applicant or licensee.~~

8 ~~— **SECTION 26. AMENDMENT.** Section 43-47-07 of the North Dakota Century Code is~~
9 ~~amended and reenacted as follows:~~

10 ~~— **43-47-07. Disciplinary proceedings.**~~

11 ~~— The board may deny, refuse to renew, suspend, or revoke any license issued under this~~
12 ~~chapter 43-56 upon finding by a preponderance of the evidence that the applicant or~~
13 ~~licenseholder:~~

14 ~~— 1. — Has been convicted of an offense determined by the board to have a direct bearing~~
15 ~~upon the individual's ability to practice counseling and is not sufficiently rehabilitated~~
16 ~~as determined by the board in accordance with section 12.1-33-02.1;~~

17 ~~— 2. — Has been grossly negligent in the practice of counseling and has injured a client or~~
18 ~~other person to whom the individual owed a duty; or~~

19 ~~— 3. — Has violated any rule of the board.~~

20 ~~— **SECTION 27. AMENDMENT.** Section 43-47-07.1 of the North Dakota Century Code is~~
21 ~~amended and reenacted as follows:~~

22 ~~— **43-47-07.1. Costs of prosecution – Disciplinary proceedings.**~~

23 ~~— The board may impose a fee against any person an individual subject to regulation under~~
24 ~~this chapter and chapter 43-56 to reimburse the board for all or part of the costs of~~
25 ~~administrative actions resulting in disciplinary action, including the amount paid by the board for~~
26 ~~services from the office of administrative hearings, attorney's fees, court costs, witness fees,~~
27 ~~staff time, and other expenses.~~

28 ~~— **SECTION 28. AMENDMENT.** Subsections 1 and 4 of section 43-47-08 of the North Dakota~~
29 ~~Century Code are amended and reenacted as follows:~~

30 ~~— 1. — A person An individual aggrieved by the actions of a counselor licensed under this~~
31 ~~chapter 43-56 may file a written complaint with the board citing the specific allegations~~

1 of misconduct by the counselor. The board shall notify the counselor of the complaint
2 and require a written response from the counselor. Neither the initial complaint nor the
3 counselor's response is public record. The counselor's response must be made
4 available to the complainant.

5 ~~4. After review of the complaint, the counselor's response, and information obtained~~
6 ~~in the investigation, the board shall determine if there is a reasonable basis to believe~~
7 ~~that the allegations are true and that the allegations constitute a violation of this~~
8 ~~chapter, chapter 43-56, or the rules of the board. If the board determines that there is~~
9 ~~a reasonable basis to believe that the allegations are true and that the allegations~~
10 ~~constitute a violation of this chapter, chapter 43-56, or the rules of the board, the board~~
11 ~~shall take appropriate action. If a reasonable basis is not found by the board, the~~
12 ~~board shall so notify the complaining party and the counselor in writing.~~

13 ~~SECTION 29. AMENDMENT. Section 43-47-09 of the North Dakota Century Code is~~
14 ~~amended and reenacted as follows:~~

15 ~~43-47-09. Confidentiality.~~

16 ~~Except as authorized by law, no person individual licensed under this chapter 43-56 may~~
17 ~~not be required to disclose any information acquired in rendering counseling services without~~
18 ~~the consent of the person individual who received the counseling services.~~

19 ~~SECTION 30. AMENDMENT. Subsections 3 and 4 of section 43-53-01 of the North Dakota~~
20 ~~Century Code are amended and reenacted as follows:~~

21 ~~3. "Board" means the North Dakota marriage and family therapy licensure~~
22 ~~board composite mental health licensing board under chapter 43-56.~~

23 ~~4. "Licensed marriage and family therapist" means an individual who holds a valid~~
24 ~~license issued under this chapter 43-56.~~

25 ~~SECTION 31. AMENDMENT. Section 43-53-02 of the North Dakota Century Code is~~
26 ~~amended and reenacted as follows:~~

27 ~~43-53-02. Representation to the public.~~

28 ~~Effective January 1, 2006, except as specifically provided otherwise under this chapter~~
29 ~~43-56, only an individual licensed under this chapter 43-56 may use the title "marriage and~~
30 ~~family therapist" or the abbreviations "MFT". A licensee shall display prominently the licensee's~~
31 ~~license at the principal place of business of the licensee.~~

1 ~~— **SECTION 32. AMENDMENT.** Section 43-53-03 of the North Dakota Century Code is~~
2 ~~amended and reenacted as follows:~~

3 ~~— **43-53-03. Exemptions.**~~

4 ~~— 1. An individual is exempt from the requirements of this chapter and chapter 43-56 if:~~

5 ~~— a. The individual is practicing marriage and family therapy as part of that individual's~~
6 ~~duties as an employee of a recognized academic institution or a governmental~~
7 ~~institution or agency while performing those duties for which the individual is~~
8 ~~employed by such a facility, institution, or agency.~~

9 ~~— b. The individual is a marriage and family therapy intern or individual preparing for~~
10 ~~the practice of marriage and family therapy under qualified supervision in a~~
11 ~~training institution or facility or supervisory arrangement recognized and~~
12 ~~approved by the board if:~~

13 ~~— (1) The individual is a student in a master's or doctorate program of marriage~~
14 ~~and family therapy; and~~

15 ~~— (2) The individual is designated by a title such as "marriage and family therapy~~
16 ~~intern", "marriage therapy intern", "family therapy intern", or other title clearly~~
17 ~~indicating such training status.~~

18 ~~— c. The individual is a member of the clergy of any religious denomination and~~
19 ~~providing services within the scope of ministerial duties.~~

20 ~~— d. The individual is a volunteer for or is employed by a nonprofit agency or~~
21 ~~community organization and the individual does not hold out to the public that the~~
22 ~~individual is a licensed marriage and family therapist.~~

23 ~~— 2. This chapter does and chapter 43-56 do not prevent any person an individual~~
24 ~~licensed by the state from doing work within the standards and scope of practice of~~
25 ~~that person's individual's profession, including the practice and advertising of marriage~~
26 ~~and family therapy services.~~

27 ~~— **SECTION 33. AMENDMENT.** Section 43-53-05 of the North Dakota Century Code is~~
28 ~~amended and reenacted as follows:~~

29 ~~— **43-53-05. Board powers and duties.**~~

30 ~~— 1. The board shall administer and enforce this chapter. The board shall adopt rules as~~
31 ~~the board determines necessary.~~

1 ~~2. The board shall examine and pass on the qualifications of all applicants and shall~~
2 ~~issue a license under chapter 43-56 to each successful applicant. The board shall~~
3 ~~adopt a seal which must be affixed to all licenses issued by the board.~~

4 ~~3. The board may authorize expenditures determined necessary to carry out this~~
5 ~~chapter.~~

6 ~~4. Three of the members of the board constitute a quorum. The board may employ~~
7 ~~attorneys, accountants, experts, and other employees as necessary for the proper~~
8 ~~performance of the board's duties.~~

9 ~~5. The board shall adopt a nationally recognized code of ethics for the practice of~~
10 ~~marriage and family therapy.~~

11 ~~6.4. The board shall establish continuing education requirements for license renewal.~~

12 ~~7.5. The board shall publish an annual list of the names and addresses of all individuals~~
13 ~~licensed under this chapter 43-56.~~

14 ~~**SECTION 34. AMENDMENT.** Subsection 1 of section 43-53-06 of the North Dakota~~
15 ~~Century Code is amended and reenacted as follows:~~

16 ~~1. Each individual desiring to obtain a license as a practicing marriage and family~~
17 ~~therapist shall submit an application to the board, upon such form and in such manner~~
18 ~~as the board prescribes. An applicant shall furnish evidence that the applicant:~~

19 ~~a. Is of good moral character;~~

20 ~~b. Has not engaged in any practice or conduct that would be a ground for discipline~~
21 ~~under this chapter or chapter 43-56; and~~

22 ~~c. Is qualified for licensure pursuant to the requirements of this chapter and chapter~~
23 ~~43-56.~~

24 ~~**SECTION 35. AMENDMENT.** Subsection 1 of section 43-53-07 of the North Dakota~~
25 ~~Century Code is amended and reenacted as follows:~~

26 ~~1. The board shall conduct an examination at least once a year at a time and place~~
27 ~~designated by the board. Examinations may be written or oral as determined by the~~
28 ~~board. The board may create its own examination or adopt a nationally recognized~~
29 ~~examination. In any written examination each applicant must be designated so that the~~
30 ~~applicant's name is not disclosed to the board until the examination has been graded.~~
31 ~~Examinations must include questions in such theoretical and applied fields as the~~

1 board determines most suitable to test an applicant's knowledge and competence to
2 engage in the practice of marriage and family therapy. An applicant is deemed to have
3 passed an examination upon affirmative vote of at least four members of the board.

4 ~~SECTION 36. AMENDMENT.~~ Section 43-53-12 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 ~~43-53-12. Penalty.~~

7 ~~Any person~~An individual who practices without a license in violation of this chapter and
8 ~~chapter 43-56~~ is guilty of a class B misdemeanor.

9 ~~SECTION 37.~~ Chapter 43-56 of the North Dakota Century Code is created and enacted as
10 follows:

11 ~~43-56-01. Composite mental health licensing board - Creation and composition.~~

12 ~~1. As used in this chapter, "board" means the composite mental health licensing board.~~

13 ~~2. The governor shall appoint eleven members to the board consisting of:~~

14 ~~a. Two licensed psychologists;~~

15 ~~b. Two licensed social workers;~~

16 ~~c. Two licensed addiction counselors;~~

17 ~~d. Two licensed professional counselors;~~

18 ~~e. Two licensed marriage and family therapists; and~~

19 ~~f. One peer support specialist.~~

20 ~~3. All licensed board members must have at least three years of professional experience.~~

21 ~~4. The governor shall appoint the board members to serve staggered terms. Members~~
22 ~~initially appointed shall serve as follows:~~

23 ~~a. Three members shall serve a term of one year;~~

24 ~~b. Four members shall serve a term of two years; and~~

25 ~~c. Four members shall serve a term of three years.~~

26 ~~5. Following the initial appointments under subsection 3, all board appointments must be~~
27 ~~for a term of three years.~~

28 ~~6. Members may not serve more than two consecutive terms. A member may be eligible~~
29 ~~to serve two additional terms after a one year break from service. Each board member~~
30 ~~shall demonstrate service on the board does not pose a conflict of interest, as~~
31 ~~determined by the board.~~

1 ~~7. The governor may remove any board member for good cause following the:~~

2 ~~a. Issuance of a written statement that specifies the basis for removal; and~~

3 ~~b. Opportunity for a hearing.~~

4 ~~**43-56-02. Meetings and officers.**~~

5 ~~1. The board annually shall elect a chair, vice chair, and treasurer from its members. A~~
6 ~~member may serve in a chair, vice chair, or treasurer capacity for multiple terms.~~

7 ~~2. The board shall meet at least quarterly. Additional meetings may be called by the chair~~
8 ~~or by a majority of the board members.~~

9 ~~3. A majority of the members constitutes a quorum.~~

10 ~~**43-56-03. Board powers and duties.**~~

11 ~~1. The board shall:~~

12 ~~a. Administer and enforce the provisions of this chapter and chapters 43-32, 43-41,~~
13 ~~43-45, 43-47, and 43-53. If a provision of this chapter is interpreted to be~~
14 ~~inconsistent with a provision of chapter 43-32, 43-41, 43-45, 43-47, or 43-53, this~~
15 ~~chapter controls.~~

16 ~~b. Adopt rules to carry out this chapter and chapters 43-32, 43-41, 43-45, 43-47, and~~
17 ~~43-53.~~

18 ~~c. Investigate a complaint, subpoena a witness, conduct a hearing, and take~~
19 ~~disciplinary action as necessary.~~

20 ~~d. Hire or contract administrative staff or external administrators as necessary to~~
21 ~~carry out duties.~~

22 ~~e. Approve participation in interstate compacts for professional licensing, as~~
23 ~~determined appropriate, to facilitate multi-state practice for licensees.~~

24 ~~f. Deposit all funds collected into a single account managed by the board.~~

25 ~~2. For each profession governed by the board, the board shall:~~

26 ~~a. Issue licenses and certifications;~~

27 ~~b. Establish continuing education requirements for license renewal;~~

28 ~~c. Approve programs of study and clinical training necessary for licensure; and~~

29 ~~d. Assess and collect application and service fees for licensing, examination,~~
30 ~~certification, and other board activities.~~

1 ~~3. The board shall maintain any funds and accounts as necessary to administer this~~
2 ~~chapter and chapters 43-32, 43-41, 43-45, 43-47, and 43-53, in accordance with~~
3 ~~section 54-44-12.~~

4 ~~**43-56-04. Licensing requirements.**~~

5 ~~1. An applicant for licensure shall, as prescribed by the board:~~

6 ~~a. Submit an application for licensure or certification.~~

7 ~~b. Demonstrate compliance with educational and clinical training requirements.~~

8 ~~c. Comply with any applicable code of ethics and professional standards.~~

9 ~~d. Comply with application and licensing requirements under this chapter and~~
10 ~~chapter 43-32, 43-41, 43-45, 43-47, or 43-53, as applicable.~~

11 ~~2. An applicant from another jurisdiction may apply for licensure by endorsement, as~~
12 ~~prescribed by the board.~~

13 ~~3. A license issued by the board must be reviewed biennially.~~

14 ~~4. A licensee must complete continuing education requirements, as prescribed by the~~
15 ~~board.~~

16 ~~**43-56-05. Disciplinary actions.**~~

17 ~~1. The board may deny, suspend, revoke, or place conditions on a license for:~~

18 ~~a. Fraud or misrepresentation in obtaining a license;~~

19 ~~b. Violation of the profession's code of ethics or professional standards;~~

20 ~~c. Criminal convictions related to the licensee's practice;~~

21 ~~d. Violation of the requirements of this chapter or chapter 43-32, 43-41, 43-45,~~
22 ~~43-47, or 43-53, as applicable; or~~

23 ~~e. Failing to comply with a directive of the board.~~

24 ~~2. The board shall ensure any disciplinary action provides due process to the licensee,~~
25 ~~including notice and an opportunity for a hearing.~~

26 ~~**SECTION 38. REPEAL.** Sections 43-32-02, 43-32-03, 43-32-04, 43-32-05, 43-32-06,~~
27 ~~43-32-07, 43-32-08, 43-32-11, 43-32-13, 43-32-14, 43-41-08, 43-41-12, 43-45-02, 43-45-03,~~
28 ~~43-45-05, 43-45-07, 43-47-02, 43-47-03.1, 43-47-06.2, and 43-53-04 of the North Dakota~~
29 ~~Century Code are repealed.~~

30 ~~**SECTION 39. TRANSFER - COMPOSITE MENTAL HEALTH LICENSING BOARD FUND.**~~

31 ~~The office of management and budget shall transfer any moneys or balances remaining in the~~

1 ~~funds or accounts maintained by the North Dakota state board of psychologist examiners, North~~
2 ~~Dakota board of social work examiners, board of addiction counseling examiners, board of~~
3 ~~counselor examiners, and North Dakota marriage and family therapy licensure board, to the~~
4 ~~composite mental health licensing board fund on the effective date of this Act.~~

5 ~~— **SECTION 40. APPLICATION.** An individual licensed under chapter 43-32, 43-41, 43-45,~~
6 ~~43-47, or 43-53, on the effective date of this Act, shall retain licensure without the need for initial~~
7 ~~reapplication. A licensee shall follow renewal requirements, as determined by the board, and~~
8 ~~consistent with the provisions of this Act.~~

9 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CREATION OF A COMPOSITE**
10 **MENTAL HEALTH LICENSING BOARD.**

- 11 1. During the 2025-26 interim, the legislative management shall consider studying the
12 feasibility, benefits, and challenges of creating a composite mental health licensing
13 board. The study must include:
- 14 a. An evaluation of the impact of the creation of a composite mental health licensing
15 board to oversee the licensing, regulation, and disciplinary procedures for
16 psychologists, social workers, addiction counselors, professional counselors, and
17 marriage and family therapists;
 - 18 b. A consideration of the addition of peer support certification and participation in
19 the composite mental health licensing board;
 - 20 c. An analysis of the regulatory efficiencies that would result from the consolidation
21 of multiple independent licensing boards into a single entity;
 - 22 d. A consideration of the fiscal impact that would result from the creation of a
23 composite mental health licensing board, including administrative consolidation,
24 fee structures, and operational efficiencies;
 - 25 e. An analysis of the effects of the creation of a composite mental health licensing
26 board on licensing requirements, professional standards, and the disciplinary
27 processes, including the maintenance and improvement of current oversight;
 - 28 f. A consideration of the perspectives of affected professionals, board members,
29 industry associations, and the public regarding the creation of a composite
30 mental health licensing board;

- 1 g. A consideration of the influence of a composite mental health licensing board on
- 2 the state's participation in professional licensure compacts, multistate practice
- 3 agreements, and workforce mobility;
- 4 h. A consideration of the impact of a composite mental health licensing board on the
- 5 availability of qualified mental health professionals and public access to mental
- 6 health care; and
- 7 i. A review of best practices from other states that have created similar composite
- 8 licensing boards.
- 9 2. The legislative management shall report its findings and recommendations together
- 10 with any legislation required to implement the recommendations, to the seventieth
- 11 legislative assembly.