CHAPTER 43-45
ADDICTION COUNSELORS

43-45-01. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. "Addiction counseling" means the provision of counseling or assessment of an individual regarding a substance-related or addictive disorder identified by the "Diagnostic and Statistical Manual of Mental Disorders", American psychiatric association, fifth edition, text revision (2013).
2. "Board" means the board of addiction counseling examiners.
3. "Clinical training" means training in addiction counseling, approved by the board.
4. "Internship" means work experience in a licensed addiction treatment facility under the supervision of a clinical supervisor registered by the board.
5. "Licensee" means an individual licensed by the board to practice addiction counseling.
6. "Private practice of addiction counseling" means the independent practice of addiction counseling by a qualified individual who is self-employed on a full-time or part-time basis and is responsible for that independent practice. Consultation services provided to an organization or agency are not the private practice of addiction counseling.

43-45-02. Board of addiction counseling examiners - Composition.

The governor shall appoint a seven-member board of addiction counseling examiners. The membership must include:

1. 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.
2. Two members who are laypersons.

43-45-03. Board member terms.

The governor shall appoint new board members. Appointments must be for three-year terms, but an individual may not be appointed to serve for more than two consecutive terms. Terms begin on the first day of the calendar year and end on the last day of the calendar year or until successors are appointed.

43-45-04. Board power, duties, and authority.

1. The board shall:
   a. Administer and enforce the provisions of this chapter.
   b. Evaluate the qualifications of applicants for a license to practice addiction counseling and issue addiction counselor, licensed clinical addiction counselor, and masters addiction counselor licenses under this chapter.
   c. Establish ethical standards of practice for a licensee to practice addiction counseling in this state.
   d. Establish continuing education requirements and approve providers of continuing education.
   e. Approve clinical training programs.
   f. Register clinical trainees and addiction counselor trainees.
   g. Register interns.
   h. Register clinical supervisors.
   i. Register licensees for private practice.
   j. Approve and administer examinations.
   k. Periodically evaluate initial licensure coursework requirements and clinical training requirements to ensure the requirements are up to date and do not serve as an undue barrier to licensure.
2. The board may:
   a. Adopt rules under chapter 28-32 to implement this chapter.

b. Issue subpoenas, examine witnesses, and administer oaths, and may investigate allegations of practices violating the provisions of this chapter.
c. Recommend prosecution for violations of this chapter to the appropriate state's attorney.
d. Recommend the attorney general bring civil actions to seek injunctive and other relief against violations of this chapter.
e. Collect fees for examinations, initial licensures, renewal of licenses, late renewals, private practice registrations, renewal of private practice registrations, approval of continuing education providers, and administrative fees. The fees must be established by rule in amounts necessary to compensate the board for administration and enforcement of this chapter.
f. Employ persons to assist the board in carrying out the board's duties under this chapter.

43-45-05. Board meetings.

1. The board shall meet at least quarterly. A majority of the members constitute a quorum.
2. Each board member shall serve without compensation but is entitled to receive expenses as provided in section 54-06-09.

43-45-05.1. Initial licenses - Licensure of applicant licensed in another jurisdiction.

1. The board shall 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:
   a. Successfully completed board-approved coursework at an accredited college or university.
   b. Successfully completed one or more oral or written examinations approved by the board for this purpose.
   c. Successfully completed a clinical training program approved by the board or accumulated experience as established by the board by rule.
   d. Satisfied to the board that the applicant agrees to adhere to the code of professional conduct adopted by the board.
2. For the clinical training program or accumulated experience required of an intern seeking initial licensure, at least fifty 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.
3. 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:
   a. Upon satisfactory proof to the board the laws of the other jurisdiction impose at least substantially the same requirements imposed under this chapter; or
   b. 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 this chapter.
4. If the board denies a licensure 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.

43-45-05.2. Representation to the public.

1. A person may not represent to the public that the person is an addiction counselor, a licensed clinical addiction counselor, or a masters addiction counselor or engage in the practice of addiction counseling in this state unless the person is a licensee.

2. The license issued by the board under the provisions of this chapter must be prominently displayed at the principal place of business where the licensee practices.

43-45-05.3. Private practice of addiction counseling.

A person may not engage in the private practice of addiction counseling unless that person is an individual registered with the board as eligible for private practice under criteria established by board rule.

43-45-05.4. Addiction counseling internship - Loan program - Revolving fund - Continuing appropriation.

1. a. The Bank of North Dakota shall 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 this state, in order to obtain licensure by the board.
   b. The Bank of North Dakota shall determine all terms applicable to the time and manner in which loans made under this section must be repaid.
   c. Interest on outstanding loans under this section must accrue at the Bank of North Dakota's current base rate, but may not exceed six percent per annum.
   d. The maximum loan for which an applicant may qualify under this section is seven thousand five hundred dollars.
   e. This subsection is applicable only to individuals beginning an internship after June 30, 2015.
2. The Bank of North Dakota shall maintain a revolving loan fund for the purpose of making loans under this section. All moneys transferred into the fund, interest upon moneys 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.

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

1. This chapter may not be construed to prevent an individual from doing work within the standards and ethics of that individual's profession if that individual does not represent to the public, by title or by use of the initials L.A.C., L.C.A.C., or M.A.C., that the individual is engaging in addiction counseling.
2. This chapter may not be construed to prevent addiction counseling trainees or interns in board-approved programs from engaging in addiction counseling related to training.

43-45-07. Renewal of license.

1. All licenses are effective when granted by the board.
2. All licenses issued by the board expire on December thirty-first of every odd-numbered year.
3. A license may be renewed by payment of the renewal fee and completion of the continuing education requirements set by the board, provided the applicant's license is not currently revoked or grounds for denial under section 43-45-07.1 do not exist.
4. At the time of renewal the board shall require each applicant to present satisfactory evidence the applicant completed the continuing education requirements specified by the board.
5. If the completed application for renewal is not received by December first of the odd-numbered year, a late fee will be charged.
6. If the completed application for renewal is not received on or before the expiration date, the license expires and the individual may not practice addiction counseling. The license may be renewed within thirty days from the date of expiration of the license if the completed application for renewal and the late fee are received within thirty days from the date of expiration of the license.
7. If a completed application for renewal of license is not received within thirty days from the date of expiration of the license, relicensure requires the former licenseholder to reapply for licensure.

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

43-45-07.1. Grounds for disciplinary proceedings.

1. The board may deny an application and may refuse to renew, suspend, revoke, or place on probationary status any license issued under this chapter on proof at a hearing the applicant or holder of the license engaged in unprofessional conduct. Unprofessional conduct includes:
   a. Obtaining an initial license or renewal by means of fraud, misrepresentation, or concealment of material facts.
   b. Violating rules set by the board.
   c. Violating a provision of this chapter.
   d. Violating the professional code of conduct as adopted by the board.
   e. Being adjudged guilty of an offense determined by the board to have a direct bearing on an applicant's or holder of the license's ability to provide addiction counseling to the public as a licensee or being adjudged guilty of any offense and being insufficiently rehabilitated as determined by the board under section 12.1-33-02.1.
2. One year from the date of the revocation, a former licenseholder may make application for initial licensure.

43-45-07.2. Reporting obligations.

1. A person with knowledge of any conduct constituting grounds for discipline under this chapter may report the violation to the board.
2. A hospital, clinic, or other health care facility, institution, or organization shall report to the board any action taken by the hospital, clinic, or other health care facility, institution, or organization to revoke, suspend, restrict, or condition a licensee's privilege to practice or treat patients in the hospital, clinic, or other health care facility or institution, or as part of the organization, any denial of privileges or any other disciplinary action.

43-45-07.3. Complaints - Investigations.

1. A person may file a written complaint with the board citing specific allegations of unprofessional conduct by a licensee. The board shall notify the licensee of the complaint and request a written response from the licensee.
2. The board may investigate a complaint on its own motion, without requiring the identity of the complainant to be made a matter of public record, if the board concludes good cause exists for preserving the confidentiality of the complainant.
3. A licensee who is the subject of an investigation by the board shall cooperate fully with the investigation. Cooperation includes responding fully and promptly to any reasonable question raised by or on behalf of the board relating to the subject of the investigation, and providing copies of patient records when reasonably requested by the board and accompanied by the appropriate release.
4. In order to pursue the investigation, the board may subpoena and examine witnesses and records, including patient records, and copy, photograph, or take samples. The board may require the licensee to give statements under oath, to submit to a physical or mental examination, or both, by a physician or physicians and other qualified evaluation professionals selected by the board if it appears to be in the best interest of the public that this evaluation be secured. A written request from the board constitutes authorization to release information. The patient records released to the board are not public records.
5. Unless there is a patient release on file allowing the release of information at the public hearing, all patient records acquired by the board in the board's investigation are confidential. All board meetings at which patient testimony or records are taken or reviewed are confidential and closed to the public. If no patient testimony or records

are taken or reviewed, the remainder of the meeting is an open meeting unless a specific exemption is otherwise applicable.

43-45-07.4. Licensed clinical addiction counselor.

1. Under section 43-45-05.1, the board shall issue an initial license as a licensed clinical addiction counselor to a qualified applicant who:
   a. Applies for licensure under this section before January 1, 2024;
   b. On December 31, 2018, was licensed in this state as an addiction counselor; and
   c. Completed ten thousand hours of full-time clinical experience as a licensed addiction counselor.
2. The scope of practice of a licensed clinical addiction counselor is the same as the scope of practice of a masters addiction counselor.

43-45-08. Penalty.

Any person who violates subsection 1 of section 43-45-05.2 is guilty of a class B misdemeanor.