

2009 SENATE JUDICIARY

SB 2152

# 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2152

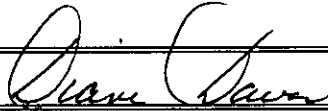
Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: January 21, 2009

Recorder Job Number: 7440

Committee Clerk Signature



Minutes: **Senator Nething, Chairman**

**Relating to criminal history record checks, Relating to marriage and family therapy licensure and practice.**

**Rev. Frank L. Picard**, Chairperson of the Marriage and Family Therapist Licensure Board, Pastor of Congregational United Church of Christ, Minot. See written testimony.

**Rev. Larry J. Giese** – Lord of Life Lutheran Church – See written testimony.

**Senator Nething** - Asks Rev. Giese why the fiscal note doesn't reflect the fees they will charge.

**Rev. Picard** - Answers that he may have filled out the fiscal note incorrectly but his understanding was cost to the state. Here the licensee pays the fee for the background check.

**Rev. Giese** – Explains the testing process and they follow the Association of Marriage and Family Therapists, which is agreed across the United States.

**Senator Nelson** – Asks him to define associate person, and if they need 2000 supervised hours who supervises them.

**Rev. Giese** – Replies the supervision is done by someone who is determined by the Association of Marriage and Family to be an approved supervisor. They would need at least 3

years of experience, largely 3000 hours accumulated experience before they would be allowed

to do that.

**Senator Nelson** – Asks how do they graduate to a real license.

**Rev. Giese** – Describes how many hours they would need under a supervisor, they are then given a temporary license, which gives them credibility that they have written the examination and the expertise of what the program has taught them and is in the process of receiving those hours. He said there is a fee for that.

**Senator Nelson** – Asks if ministers need to be qualified under this.

**Rev. Giese** – Responds, that clergy are exempt under the Marriage and Family Therapy Practice Bill.

**Senator Fiebger** – Asks if the board decides who has a background check and wouldn't it be better if they had mandatory background checks.

**Rev. Giese** – Replies, he would hope all would get background checks, but it would be their standard.

**Senator Olafson** – Suggests they change the language to read "background checks mandatory."

**Senator Nelson** – Asks how does this keep NDSU grads in the state.

**Rev. Giese** – Said in the original bill the language used deals with intern, once you graduate he is not sure if the word intern addresses accumulating that post graduate supervision. In the profession there is the term associate. Graduates can go elsewhere now and get the accumulated hours under the right terminology. Rev. Giese said they are presently working on their administrative rules and will be outlined in their proposal to Legislative Council.

**Senator Nething** – Asks about licensing provisions. He mentions there are two big things being addressed here, criminal history record check option and the other is the associate marriage and family therapist. He asks why this is needed now.

**Rev. Giese** – He said as they present their chapter rules that they consistently reflect what is in chapter 4353 of the licensing bill.

**Senator Nething** – Goes through the changes in the bill and the fines to be assessed.

Discussion continues on what the intent of the bill is.

**Tom Trenbeth** - Chief Deputy for Attorney General – he talks of the bill referenced by this bill, 1260-24 of the Century Code, which is the vehicle for by which all these requests for background checks are funneled through to the FBI. He said the language in this bill is a patterned language from 1260-24.

**Dixie Potratz Lehman** – Executive Director of American Association of Marriage and Family Therapist Approved Supervisor. See written testimony. States they want to be pro-active instead of re-active. She would like to see background checks on all licensees.

**Senator Nething** – Asks about the associate. Who would be covered today that is not covered currently?

**Lehman** – Right now they just volunteer their time, which is very hard financially for them.

People also don't trust someone; they need validation on why they should listen to these people.

**Senator Nething** – Understands they still need hours so there is a void.

**Lehman** – This is what other states are doing.

**Edward Erickson** – Attorney General's Office – Said he worked on this bill and it is the same as other board licensing bills. Associate Marriage and Family – allows NDSU to get their hours without going out of state. He talks of another bill coming out that will change all licensing bills with this language.

Close hearing on 2152

# 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2152

Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 1/21/09, committee work 1/26/09

Recorder Job Number: 7754

Committee Clerk Signature

*Deann Davis*

Minutes: **Senator Nething, Chairman**

Committee work

Committee discusses the amendments. Senator Fiebiger mentions the language he discussed with the licensure board that he would add and they were agreeable.

Senator Fiebiger proposes and amendment, Senator Olafson seconds

Verbal vote, all yes

Motion do pass as amended by Senator Olafson, seconded by Senator Schneider

Vote, 6 yes, 0 no

Senator Schneider will carry

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/22/2009

**REVISION**

Bill/Resolution No.: SB 2152

**1A. State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$1,750	\$0	\$1,750
<b>Expenditures</b>	\$0	\$0	\$0	\$1,750	\$0	\$1,750
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

**1B. County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2A. Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This is referenced on page one lines 9-11 in the bill

**B. Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

We will charge the licensee the same exact amount we have to pay out for criminal background checks. the \$1750.00 represents an estimated fifty applicants every two years and estimates a cost of \$35.00 per background check.

**3. State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

**A. Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Revenue amounts are based on fifty applicants every two years and based on a \$35.00 charge by a law enforcement agency.

**B. Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditures will be identical to the revenue. This is not designed to make money, we just want to prevent paying for it from other revenues.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

NA

<b>Name:</b>	Frank Picard, chairperson	<b>Agency:</b>	Marriage and Family Licensure Board of ND
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Phone Number: 7012402491

Date Prepared: 01/06/2009

**FISCAL NOTE**  
**Requested by Legislative Council**  
01/05/2009

Bill/Resolution No.: SB 2152

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
<b>Revenues</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0	\$0	\$0	\$0
<b>Appropriations</b>	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill should have no impact on state funds what so ever. As a licencing board our income will come from licencees, not state funds.

The previous legislation also has had no financial impact.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

There should be no impact. The bill merely allows us to do our work a little more effciently and closes a few gaps.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

The State revenue amounts will be 00.00 Our revenue will come from License fees.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

The expenditure of state dollars will be 00.00.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

NA

<b>Name:</b>	Frank Picard, chairperson	<b>Agency:</b>	Marriage and Family Licensure Board of ND
<b>Phone Number:</b>	7012402491	<b>Date Prepared:</b>	01/06/2009



PROPOSED AMENDMENTS TO SENATE BILL NO. 2152

Page 6, line 25, after "its" insert "reasonable" and after "and" insert "reasonable"

Page 6, line 26, after "matter" insert "resulting in disciplinary action"

Renumber accordingly



**REPORT OF STANDING COMMITTEE**

**SB 2152: Judiciary Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Sixth order on the calendar.

Page 6, line 25, after "its" insert "reasonable" and after "and" insert "reasonable"

Page 6, line 26, after "matter" insert "resulting in disciplinary action"

Renumber accordingly

2009 HOUSE HUMAN SERVICES

SB 2152

(TD)

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2152

House Human Services Committee

Check here for Conference Committee

Hearing Date: February 25, 2009

Recorder Job Number: 9692

Committee Clerk Signature

*Vicky Crabtree*

Minutes:

**Chairman Weisz opened the hearing on SB 2152.**

**Rev. Frank Picard, Chairman of ND Marriage & Family Therapists Licensure Board testified in support of bill: See Testimony #1.**

**Rev. Larry Giese, licensed family therapist testified in support: See Testimony #2.**

**Rep. Porter:** Are there any program in the country that have bacheloerates?

**Rev. Giese:** I don't believe so.

**Chairman Weisz:** Expand on how fee on line 12 works.

**Rev. Giese:** They have to send a check to the board and it could compromise who is writing the exam so it is better if we did that.

**Rep. Hofstad:** On page 1, Section 2, paragraph 2, is it standard procedure for someone to practice or take the examination without the 2,000 hours of work experience? Does that happen?

**Rev. Giese:** Yes, it is. Pretty standard practice.

**Rep. Porter:** I don't see the continuing education requirements in this bill. Do you know them offhand?

**Rev. Giese:** Thirty hours of continuing education, six of which must be ethics.

**Rep. Porter:** On page 5, Section 7, a lot of the licensing board's legislature has put a maximum dollar amount or language that says, up to \$100, \$150, \$250 to charge a licensee. It is pretty wide open. What is the current license fee is?

**Rev. Giese:** Original licensing fee is \$190. Renewal fee is \$140.

**Chairman Weisz:** How many licensed currently?

**Rev. Giese:** Our board and some applicants in process. Currently 4.

**Rep. Holman:** Your pool of applicants, typically clergy or do you expand beyond that.

**Rev. Giese:** Have been contacted by some who are moving to ND and graduates from the ND State program which is the masters program interested in practicing in ND.

**Rep. Porter:** Looking at the disciplinary proceedings, currently you have 4 on the board, if you would have a complaint against one of you, how would that be handled.

**Rev. Giese:** Through the Governor's office.

**Rep. Porter:** How would board discipline itself?

**Rev. Giese:** Very creatively.

**Edward Erickson:** The board member would have to abstain from any discussion of the complaint. Instead of making a recommended decision after the hearing to come back to the board, where the board votes to accept or to amend it or change it. The board to request the administrative law judge issue the final order and that removes the board from consideration of the actions taken by one of their own board members. The board member complained of would have to be isolated from any conducted investigation and decision would have to be made by the ALJ.

**Rep. Porter:** This is a young board, wouldn't it be in our best interests to have that spelled out inside of this that it has to go to the ALJ process and the board can institute the proceedings, by has to be independent from the board from the beginning.

**Edward Erickson:** This is a very temporary situation. There will be a lot more licensees in the near future.

**Rep. Porter:** There were issues with the board of podiatry and they had 25-3- members and couldn't get past the conflict. The memberships fees went over \$800 to pay for the Attorney General's fees.

**Edward Erickson:** There's only been 2 situations, one with podiatry and one with audiology board that really went overboard.

**Rep. Porter:** Public knowledge with enough lawyer time you can bankrupt the board and then it falls back onto the taxpayers. It could bankrupt this board quite quickly.

**Edward Erickson:** I agree.

**Rep. Frantsvog:** On page 1 line 9-11, the record checks need not be made unless required by the board, but isn't the board going to have to make a decision either we are or are not going to do background checks?

**Edward Erickson:** Yes, need to do it consistently.

**Rev. Giese:** Problem of investigation of board member not foreign to us. We can work together with psychologist board and social workers board and see if we can't help each other out in these matters and workout a reciprocal agreement where they could sit in an examination of a complaint of ours and vice versa.

**Rep. Porter:** My big concern is that it will take one disciplinary action and you will be broke.

**Dixie Portratz Lehman, Pastoral Educator testified in support of bill: See Testimony #3.**

**NO OPPOSITION.**

**Chairman Weisz closed the hearing.**

## 2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2152

House Human Services Committee

Check here for Conference Committee

Hearing Date: March 18, 2009

Recorder Job Number: 11209

Committee Clerk Signature

*Dicky Crabtree*

Minutes:

**Chairman Weisz:** I would appreciate it if you would pass on to both Molissa and Ellen appreciation for helping at the hearing for 2278. It made the process move along a lot faster. I want to thank the committee for I think the hearing was civil on both sides. I do appreciate that.

Let's take up **SB 2152**. The board is not really a board I guess.

**Rep. Porter:** I guess it has been awhile since we heard this bill, but this is a board bill. There is a part in here I don't like on page 6, Section 8, lines 25 and 26. "The board may charge a licensee with its reasonable expenses and reasonable attorney fees for disciplinary matter resulting in disciplinary matter." This is the whole purpose of the bill, that's their job. It's their job to protect the public, it's also to license and discipline and make sure the people who are doing this job are doing it accordingly. Whether they win, lose, or draw, it just says they can do it in any case. I'm not very comfortable with that language being in this.

**Rep. Porter:** Move to amend the bill on page 6 removing lines 25 and 26.

**Rep. Pietsch:** Second.

**Voice Vote:** 13 yeas, 0 nays, 0 absent.

**Motion Carried a Do Pass on amendment.**

**Rep. Frantsvog:** Is this the board that only has 4 or 5 in the whole state.



**Chairman Weisz:** That's right.

**Rep. Conrad:** Motion Do Pass as Amended.

**Rep. Nathe:** Second.

**Roll Call Vote:** 11 yes, 2 no, 0 absent.

**MOTION CARRIED ON DO PASS AS AMENDED.**

**BILL CARRIER:** Rep. Frantsvog.

VR  
3/18/09

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2152

Page 6, remove lines 25 and 26

Renumber accordingly

Date: 3-18-09  
Roll Call Vote #: 1

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2152**

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep. Porter Seconded By Rep. Pietsch

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ			REP. TOM CONKLIN		
VICE-CHAIR VONNIE PIETSCH			REP. KARI L CONRAD		
REP. CHUCK DAMSCHEN			REP. RICHARD HOLMAN		
REP. ROBERT FRANTSGOG			REP. ROBERT KILICHOWSKI		
REP. CURT HOFSTAD			REP. LOUISE POTTER		
REP. MICHAEL R. NATHE					
REP. TODD PORTER					
REP. GERRY UGLEM					

Total (Yes) 13 No 0

Absent 0

Bill Carrier \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

*Motion on Amendment Remove Lines 25 & 26  
Motion Carried*

Date: 3-18-09  
 Roll Call Vote #: 2

**2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 2152**

House HUMAN SERVICES Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken  Do Pass  Do Not Pass  Amended

Motion Made By Rep Conrad Seconded By Rep Nathe

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN ROBIN WEISZ		✓	REP. TOM CONKLIN	✓	
VICE-CHAIR VONNIE PIETSCH	✓		REP. KARI L CONRAD	✓	
REP. CHUCK DAMSCHEN		✓	REP. RICHARD HOLMAN	✓	
REP. ROBERT FRANTSVOG	✓		REP. ROBERT KILICHOWSKI	✓	
REP. CURT HOFSTAD	✓		REP. LOUISE POTTER	✓	
REP. MICHAEL R. NATHE	✓				
REP. TODD PORTER	✓				
REP. GERRY UGLEM	✓				

Total (Yes) 11 No 2

Absent \_\_\_\_\_

Bill Carrier Rep. FRANTSVOG

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

SB 2152, as engrossed: Human Services Committee (Rep. Welsz, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2152 was placed on the Sixth order on the calendar.

Page 6, remove lines 25 and 26

Renumber accordingly

2009 SENATE JUDICIARY

CONFERENCE COMMITTEE

SB 2152

## 2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB2152

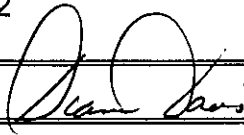
Senate Judiciary Committee

Check here for Conference Committee

Hearing Date: 4/20/09

Recorder Job Number: 12002

Committee Clerk Signature



Minutes:

**Senator Olafson, Chairman**

**Representative Frantsvog**

**Senator Nething**

**Representative Pietsch**

**Senator Schneider**

**Representative Conrad**

Senator Olafson asks Representative Frantsvog to explain the amended bill. Rep. Frantsvog said they had some problems with it and tried to tone it down a bit and ultimately took the language out. They thought the fees charged by the board in a disciplinary action would be excessive, especially if attorneys were involved. The licensee who had the action against him or her would have no say in those fees or who was, or how much, was involved. One of the other changes was the number of board members present to constitute a quorum for a board meeting was changed from 4 to 3. It is a very small board that is trying to get its feet off the ground. We thought it was in the best interest to remove the language and put it back to the original bill. Senator Nething asks if when the board goes through a revocation process and the individual loses is it fair for the board to have to pay for all the expenses or should the individual pay for the expenses. Senator Schneider mentions how would the board being so small, pay for an attorney's fee unless the charge the person who was disciplined. Rep.

Frantsvog said if there was going to such a hearing there is an initial charge of \$200. There was concern by the board as to what can cause this type of hearing to take place. A person could end up with tremendous expense when the charges aren't even a reality. Just seemed excessive to them. Senator Olafson asks if there was any testimony in the House hearing as to problems this language may create. Rep. Frantsvog said he didn't recall any. He said they changed the language to read reasonable but ultimately decided to take it out. Senator Nothing said the language the Senate amended says may, not mandatory, and it talked about reasonable expenses and reasonable attorney fees for any disciplinary manner. He feels if you have someone licensed out there you must have some teeth in it for the board to take action if in fact they are found to violate it. He feels you have to have this for the board to function. Senator Olafson said the fine can be up to \$200, all permissive language. Rep.

Pietsch said there is no definition of the word reasonable and had there been some clarification of what reasonable is. Senator Olafson said in the Century Code there are many references to reasonable fees. Representative Conrad said they came more from the Human Service perspective than from a legal perspective. Rep. Frantsvog said they had discussion about the size of the board and the service that was being performed. Senator Schneider said there is a multi-part task to determine whether attorney's fees are reasonable. Judges are pretty familiar with this. He asks if it would be a deterrent for the board when taking up disciplinary matters if they know they will probably accrue thousands of dollars in fees. He thinks they need to find something wrong before requiring someone to pay fees. Rep. Frantsvog motions for the House to recede from the House amendments. Rep. Conrad seconds. Roll call vote – 6 yes, 0 no, motion carried, hearing closed



Date: 4/20/09

Roll Call Vote #: 1

2009 SENATE CONFERENCE COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. **SB2152** as (re) engrossed

Senate Judiciary Committee

Check here for **Conference Committee**

- Action Taken  SENATE accede to House Amendments
- SENATE accede to House Amendments and further amend
- HOUSE recede from House Amendments
- HOUSE recede from House amendments and amend as follows

Senate/House Amendments on SJ/HJ pages(s) 932 --

Unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) \_\_\_\_\_ was placed on the Seventh order of business on the calendar.

Motion Made By Rep Frantvog Seconded By Rep Conrad

Senators				Representatives			
	Attend.	Y	N		Attend.	Y	N
		e	o			e	o
		s				s	
Senator Olafson-Chair	X	X		Rep. Frantvog	X	X	
Senator Nething	X	X		Rep. Pietsch	X	X	
Senator Schneider	X	X		Rep. Conrad	X	X	

Vote Count 6 Yes 0 No \_\_\_\_\_ Absent

Senate Carrier \_\_\_\_\_ House Carrier Rep Frantvog

LC NO. \_\_\_\_\_ of amendment

LC NO. \_\_\_\_\_ of engrossment

Emergency clause added or deleted \_\_\_\_\_

Statement of purpose of amendment \_\_\_\_\_

**REPORT OF CONFERENCE COMMITTEE**

**SB 2152, as engrossed:** Your conference committee (Sens. Olafson, Nething, Schneider and Reps. Frantsovog, Pietsch, Conrad) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 932 and place SB 2152 on the Seventh order.

Engrossed SB 2152 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

SB 2152

Senate Bill 2152

Chairman Nething

Mr. Chairman and Members of the Committee:

My name is Frank Picard, the Chairperson of the Marriage and Family Therapist Licensure Board. Thank you for the opportunity to appear before you today and lend our voices to the support of this Bill, SB2152. I would like to acknowledge the other members of the Board that are present today, Rev. Larry Giese and Rev. Dixie Potratz Lehman. They will each address specific points to the Bill. I would also like to thank Edward Erickson from the Attorney Generals office. His support and guidance has been invaluable to the Committee and we would be here today without his help.

Ladies and Gentlemen of the Committee the Bill before you clears up for us some language and time lines and additionally strengthens the overall goal of providing specialized care for families from highly educated, skilled and well prepared professionals.

We are honored to be the first Board, however, being first sometimes means the line between the points on the path are not always smooth and clear. Forgive us if we stumble at bit, but do know we are glad to be here and to help lay the foundations that will bring an additional level of high quality care with the highest of ethical standards to families of our great state. The graduates of the Masters Degree Program at NDSU will now have an avenue for licensure in North Dakota and we can keep these highly skilled folks caring for our people rather than having them go out of state for licensure.

I will allow other members of the Board to speak to individual points of the Bill and will at anytime be happy to answer any questions that may arise. Again, thank you for your time and consideration this morning.

Respectfully submitted,  
Rev. Frank L. Picard, MS, MA, LMFT  
Pastor  
Congregational United Church of Christ  
Minot and Granville, ND  
Chairperson, Marriage and Family Therapist Licensure Board

SB 2152, Sixty-first Legislative Assembly of North Dakota  
Senate Judiciary Committee Hearing, Wednesday, January 21, 2009

Rev. Larry J. Giese  
3910 Lewis Road NW  
Mandan, ND 58554, District #33

Mr. Chairman and Members of the Senate Judiciary Committee,

I am Rev. Larry J. Giese, Mandan, ND. I am a North Dakota native from Elgin, ND. I am an ordained pastor in the Evangelical Lutheran Church of America for 23 years, presently serving Lord of Life Lutheran Church, Bismarck, ND since September, 2007. Also, I am presently a licensed Marriage and Family Therapist in Texas since 1997 and in North Dakota since October of 2008. My call at Lord of Life is an associate pastor, with endorsement by the Evangelical Lutheran Church of America in specialized pastoral care in chaplaincy, pastoral counseling, and clinical education.

I speak in favor to the amendments of this bill. I am confident the public of North Dakota will be better served with these amendments and the North Dakota Marriage and Family Therapy Licensure Board will be more adequate in reaching the membership of Marriage and Family Therapy through their licensure in North Dakota. The following is a line by line approach to address these amendments.

1. Page 1, lines 9-11 provides language to access criminal background checks into applicants and licensed therapists. These investigate activity from outside the therapeutic process which may undermine or inhibit the delivery of therapy to vulnerable clients who could become victims of predatory behaviors.
2. Page 1, line 19-23, defines an associate marriage and family therapist. The associate is in process toward licensure, post-graduate, has written the licensing exam, however, is under supervision to accumulate 2000 hours of logged work experience for licensure. This is a standard process of training in the American Association of Marriage and Family Therapy (AAMFT) across the country.
3. Page 2, line 17 is a change which reflects the necessary educational background for MFT therapists of a master's or doctoral degree.
4. Page 3, line 3. A quorum of three members is an easier number of board members to reach and is a majority of the five member board.
5. Page 3, line 4 is an amendment to include accountants who may be helpful in administering monies and audits as required by law.
6. Page 3, line 20 is an amendment to give the board flexibility in discipline of a licensee.

7. Page 3, lines 22-24 is an amendment to honor the grandfathering of any applicants who have been in practice of marriage and family therapy. It was difficult for the board to grandfather under the present dates as described in the bill passed in 2005. Page 4, line 4 amends language to the grandfathering provision.
8. Page 4, line 15 amendment allows the board flexibility to utilize the national examination of the Association of Marriage and Family Therapy Regulatory Boards in lieu of actually researching, writing, and administering our own examination. Website: [www.amftrb.org](http://www.amftrb.org)
9. Page 4, lines 16-30 amends the board's licensing process for licensees in process portability of licenses, and to recover costs to the board for background investigations.
10. Page 5, lines 6-7 is an amendment which helps the board with access to the Association of Marriage and Family Therapy Regulatory Boards examination under this section of "examinations."
11. Page 5, line 18 is an amendment of language to reflect the profession of Marriage and Family Therapy. Presently, "endorsement" is the term of choice emphasizing perceived equality in the levels of core experience and education across states or other jurisdictions.
12. Page 5, line 27 is an amendment which allows the board to collect an examination fee in care of an applicant in order to protect the confidential nature of examinations.
13. Page 5, lines 29-31 allows the board compensation for additional work of the board by duplicating licenses, following lapsed licenses, and certifying continuing education providers.
14. Page 6, line 2 is an amendment of clarification that a licensed therapist may not practice without a valid license.
15. Page 6 line 6 – page 7 line 12 amends disciplinary actions which allow flexibility to the board in disciplinary action of a licensed therapist and to recover expenses to the board.
16. Page 7, lines 15 amends language for clarification.

Thank you for your consideration of these points. I encourage a "do pass" on these amendments for the work of the ND Marriage and Family Therapy Licensure Board.

Rev. Larry J. Giese, Associate Pastor  
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Senate Bill No. 2152

Senate Judiciary Committee

Dixie Potratz Lehman

1115 30<sup>th</sup> Ave. S.

Fargo, ND 58103, District 46

Thank you for your work as Senators to help make North Dakota the great State that it is.

**Who Am I?** I grew up a Midwest Farmer's daughter in Iowa. I am a Pastoral Educator. I have been a Marriage and Family Therapist since 1984. I have practiced Marriage and Family Therapy in Alberta, South Dakota, and now North Dakota in which I have lived since 1997 or for 12 years. I moved to Fargo after the flood and began my work as a healer of the stories of both loss and rebuilding. As a supervisor of students I had students last fall in Carrington, Watford City, Ross, Bottineau, Dickinson, Mandaree, Lisbon, Milton, Fargo, and Bismarck to give me a pulse of North Dakota families. I am more convinced than ever that the standards for those working with families as healers need to be well written and stated clearly.

It is with this background. I speak in favor to the amendments of this bill. In working on the ND Regulations for Marriage and Family Therapy we realized that we needed amendments to the bill to better protect the citizens of ND. We wanted to learn from other state's issues and be proactive with our bill instead of reactive.

1. The first change on page 1, lines 9-11 provides for a background check. This needs to be standard operating procedure.
2. Page 1, line 19-23 defines an Associate Marriage and Family Therapist. An Associate designation allows persons to charge fees and have credentials for the public to see. They are under supervision while they gain experience and competence. Without this designation they cannot be paid for their work. We want to help our NDSU grads stay in our state and help others coming into our state to be able to practice while they gain hours of experience.
3. Some of the changes allow us flexibility as a board. We want to maintain the grandfathering clause in the spirit of the original law by changing the date.
4. Those of us who helped pass the original law promised that this board would not cost the state but would be self sustaining. We then need to

charge fees. Without changes in the law, we are unable to legally charge fees. Please consider these changes to the bill.

Thank you for your considerations of these points.

Rev. Dr. Dixie Potratz Lehman

Executive Director

American Association of Marriage and Family Therapist Approved Supervisor

Associate for Clinical Pastoral Education, Inc. Supervisor

Fargo-Moorhead CPE

Fargo, ND 58103



Re. SB 2152

Chairman Weize and members of the committee.

I am Rev. Frank L. Picard, Chairperson of the North Dakota Marriage and Family Therapists Licensure Board. I am an ordained Pastor in the United Church of Christ and serve Church's in Minot and Granville. I grew up on a farm east of Bottineau. Thank you for the opportunity to appear before you this morning. I am here to speak in favor of SB 2152. This bill cleared the Senate with all yea votes. We hope that it can have similar success in this body. With me today are two other board members, Rev. Larry Giese and Rev. Dixie Potratz Lehman, both of whom have been licensed in other states as Marriage Family Therapists, both have a longer history with the board and both have a fuller understanding of the individual pieces of this bill and each can speak to all or parts of this bill. I would also like to acknowledge Edward Erickson from the attorney Generals office, his help and expertise has been invaluable in this process.

This bill clears up some language from the original bill. It allows the board to better serve its members and the general public. It allows us to do criminal background checks on applicants, it allows for associate license, thus allowing for the possibility of an income stream for candidates after they have completed their graduate work and have passed the exam but have yet to complete the 2000 hours of supervision. The bill states the correct educational requirement of being that of a masters or doctorate degree. It allows an easier functioning of the board by changing the quorum numbers. There are several similar changes that others can speak to that do similar house-keeping and facilitation type things for us. Others can speak to individual pieces. I know your time is valuable so let me offer this summary.

This is the first board and as such we are tasked with getting these housekeeping things done so we have solid ground on which to stand as we grant licenses and encourage the highest possible set of ethical guidelines for those who seek to practice Marriage and Family Therapy in North Dakota thus protecting the public to the greatest extent possible. We are Pastors and clinicians not politicians so we may not be as familiar with the ins and outs of the legislative process as we will be when we have had a chance to function a while. I am certain that we are on the right track and that the completion of this work will allow some over arching goals to be furthered. We will be recognizing the highly specialized training that has long comprised marriage and family therapists who are a part of the American

Association of Marriage Therapists, we will do it with the highest of ethical standards possible and at long last the graduates of the masters program in Marriage and Family Therapy from NDSU will be able to stay in North Dakota rather than having to go out of state to practice their chosen profession.

Mr. Chairman and members of the committee, I seek a do pass on this bill. Now with your consent I would like to call on other members of the board to briefly share their thoughts on this Bill.

Respectfully submitted,

Rev. Frank L Picard, MS, MA, LMFT

Pastor, Congregational United Church of Christ of Minot and Granville  
Chairperson, ND Marriage and Family Therapists Licensure Board

#2

SB 2152, Sixty-first Legislative Assembly of North Dakota  
House Human Services Committee Hearing, Wednesday, February 25,  
2009

Rev. Larry J. Giese  
3910 Lewis Road NW  
Mandan, ND 58554, District #33

Mr. Chairman and Members of the House Human Services Committee,

I am Rev. Larry J. Giese, Mandan, ND. I am a North Dakota native from Elgin, ND. I am an ordained pastor in the Evangelical Lutheran Church of America for 23 years, presently serving Lord of Life Lutheran Church, Bismarck, ND since September, 2007. Also, I am presently a licensed Marriage and Family Therapist in Texas since 1997 and in North Dakota since October of 2008. My call at Lord of Life is an associate pastor, with endorsement by the Evangelical Lutheran Church of America in specialized pastoral care in chaplaincy, pastoral counseling, and clinical education.

I speak in favor to the amendments of this bill. I am confident the public of North Dakota will be better served with these amendments and the North Dakota Marriage and Family Therapy Licensure Board will be more adequate in reaching the membership of Marriage and Family Therapy through their licensure in North Dakota. The following is a line by line approach to address these amendments.

1. Page 1, lines 9-11 provides a background check into applicants and licensed therapists investigating activity outside the therapeutic process which may undermine or inhibit the delivery of therapy to vulnerable clients who could become victims of predatory behaviors.
2. Page 1, line 19-23, defines an associate marriage and family therapist. An associate is one who is described in the definition. The associate is in process toward licensure, has written the licensing exam, however, is under supervision to accumulate 2000 hours of work experience for licensure. This is a standard process of training in the American Association of Marriage and Family Therapy (AAMFT) across the country.
3. Page 2, line 17 is a change which reflects the necessary educational background for Marriage and Family Therapist (MFT) of a master's or doctoral degree.

4. Page 3, line 3. A quorum of three members is an easier number of board members to reach and is a majority of the five member board.
5. Page 3, line 4 is an amendment to include accountants who may be helpful in administering monies and audits as required by law.
6. Page 3, line 20 is an amendment to grant the board flexibility in discipline of a licensee.
7. Page 3, lines 22-24 is an amendment to honor the grandfathering of any applicants who have been in practice of marriage and family therapy. It was difficult for the board to grandfather under the present dates as described in the bill passed in 2005. Page 4, line 4 amends language to the grandfathering provision.
8. Page 4, line 15 amendment allows the board flexibility to utilize the national regulatory examination of the National Regulatory Board's Examination in lieu of administering our own examination.
9. Page 4, lines 16-30 amends the board's licensing process for licensees in process, portability of licenses, and to recover costs to the board for background investigations.
10. Page 5, lines 6-7 is an amendment which helps the board with access to the National Regulatory Board's Examination.
11. Page 5, line 18 is an amendment of language to reflect the profession of AAMFT. Endorsement is the term of choice emphasizing the equality in the levels of core experience and education across states or jurisdictions.
12. Page 5, line 27 is an amendment which allows the board to collect an examination fee in care of an applicant in order to protect the confidential nature of examinations.
13. Page 5, lines 29-31 allows the board compensation for additional work of the board by duplicating licenses, following lapsed licenses, and certifying continuing education providers.
14. Page 6, line 2 is an amendment of clarification that a licensee may not practice without a valid license.

15. Page 6 line 6 – page 7 line 12 amends disciplinary actions which allow flexibility to the board in disciplinary action of a licensee and to recover expenses to the board.
16. Page 6, lines 25-26 reflect the recommendation and amendment of the Senate Judiciary Committee which passed in the Senate on January 30, 2009.
17. Page 7, lines 15 amends language for clarification.

Thank you for your considerations of these points. I urge a “do pass” on these amendments for the ND Marriage and Family Therapy Licensure Board.

Rev. Larry J. Giese, Associate Pastor  
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SB 2152, Sixty-first Legislative Assembly of North Dakota  
House Human Services Committee Hearing, Wednesday,  
February 25, 2009

Dixie Potratz Lehman

1115 30<sup>th</sup> Ave. S.

Fargo, ND 58103, District 46

Thank you for your work as House Representatives to help make North Dakota the great State that it is.

**Who Am I?** I grew up a Midwest Farmer's daughter in Iowa. I am a Pastoral Educator supervising Clinical Pastoral Education. I have been a Marriage and Family Therapist since 1984 and an Approved Supervisor since 1995. I have practiced Marriage and Family Therapy in Alberta, South Dakota, and now North Dakota in which I have lived since 1997 or for 12 years. I moved to Fargo after the flood and began my work as a healer of the stories of both loss and rebuilding. As a supervisor of students I had students last fall in Carrington, Wafford City, Ross, Bottineau, Dickinson, Mandaree, Lisbon, Milton, Fargo, and Bismarck to give me a pulse of North Dakota families. I am more convinced than ever that the standards for those working with families as healers need to be well written and stated clearly.

It is with this background. I speak in favor to the amendments of this bill. In working on the ND Regulations for Marriage and Family Therapy we realized that we needed amendments to the bill to better protect the citizens of ND. In researching other state's legislative work we wanted to learn from other state's issues and be proactive with our bill instead of reactive.

You may notice that all three of us before you today are ministers. The Board needed persons who were licensed in another state. We each can practice and be paid in North Dakota as a minister but could not be in private practice until the licensure law was passed.

1. The first change on page 1, lines 9-11 provides for a background check. This needs to be standard operating procedure.
2. Page 1, line 19-23 defines an Associate Marriage and Family Therapist. An Associate designation allows persons to charge fees and have credentials for the public to see. They are under supervision while they gain experience and competence. Without this designation they cannot be paid for their work. We want to help our NDSU grads stay in our state and help others coming into our state to be able to practice while they gain hours of experience.

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Thank you for your considerations of these points.

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