

CHAPTER 97-02-01 LICENSING REQUIREMENTS

Section	
97-02-01-01	Requirements to Become a Licensed Professional Counselor
97-02-01-01.1	Fees
97-02-01-02	Academic Programs
97-02-01-03	Requirements to Become a Licensed Associate Professional Counselor
97-02-01-03.1	Fees
97-02-01-04	Waiving Formal Examination
97-02-01-05	Renewal of License
97-02-01-05.1	Late Renewal [Repealed effective July 1, 2014]
97-02-01-06	Continued Professional Growth Education
97-02-01-07	Grandfather Provisions [Repealed]
<u>97-02-01-08</u>	<u>Certification of Supervisors</u>

The following amendment to section 97-02-01-01 becomes effective on July 1, 2016:

97-02-01-01. Requirements to become a licensed professional counselor. In order for an applicant to become a licensed professional counselor, an individual must make application to the board, supplying, at a minimum, the following information:

1. A copy of a master's degree transcript from an accredited school or college that meets the academic standards set forth in section 97-02-01-02.
2. Three recommendations as follows:
 - a. One from the counselor educator who provided direct supervision in the applicant's counseling practicum or internship;
 - b. One from an employer who provided general supervision of the applicant's work since receipt of the master's degree; and
 - c. One from the professional who provided direct supervision of the applicant's counseling experience.
3. Certification that the individual has a minimum of two years of supervised experience under a licensed professional counselor or ~~its equivalent~~. ~~Equivalency has been determined to be a duly credentialed human service professional or other individual approved by the board for supervision;~~ licensed professional clinical counselor certified as a supervisor under section 97-02-01-08. The supervision must include individual, face-to-face meetings that occur at regular intervals over a two-year period. Supervision in a group setting may also be provided, such as

in the case of a conference among members of a professional staff or other arrangement. A total of one hundred hours over the two-year period of supervision through individual and group methods must be documented. At least sixty hours must be individual face-to-face supervision. The supervised experience may not be in a practice in which the applicant holds an ownership interest.

4. Provides a statement of intent to practice, describing proposed use of the license, the intended client population, and the counseling procedures that the applicant intends to use in serving the client population.
5. Showing successful completion of the national counselor examination as distributed and administered under the auspices of the national board of certified counselors.

History: Effective June 1, 1991; amended effective February 1, 1995; February 1, 1998; July 1, 2016.

General Authority: NDCC 28-32-02, 43-47-03

Law Implemented: NDCC 43-47-03, 43-47-06

97-02-01-01.1. Fees. The following fees have been established by the board for the licensed professional counselor:

1. Application fee, one hundred fifty dollars.
2. Renewal fee, one hundred fifty dollars.

History: Effective February 1, 1998; amended effective _____, 2013.

General Authority: NDCC 28-32-02, 43-47-03

Law Implemented: NDCC 43-47-03, 43-47-06

97-02-01-02. Academic programs. Academic programs are programs identified specifically as counseling programs in the graduate bulletin of the accredited school or college. These programs include counseling, counselor education, counseling and guidance, ~~and counseling and development, and counseling psychology.~~ In addition to the master's degree in counseling, ~~the applicant's graduate transcript must indicate coursework in the following areas: counseling methods, group counseling, counseling theories, counseling practicum, individual appraisal or testing, and statistics or research methods.~~ Effective July 1, 1995, in addition to the master's degree, the applicant's graduate transcript must indicate a minimum of forty-eight semester credits (or seventy-two quarter hours) credits, including coursework in ~~the following areas: counseling theories, counseling methods, group counseling, individual appraisal or testing, statistics or research methods,~~ human growth and development, social and cultural foundations, career and lifestyle development, professional orientation and ethics, and

counseling practicum or internship. The practica of internships must consist of seven hundred hours of training in supervised practica and internships in settings relevant to the practice of counseling. These hours may be within the required graduate semester hours. The research methods coursework must include content on statistical analysis of data sets pertaining to topics in counseling. The professional orientation and ethics coursework must be at least three semester credits or five quarter credits, and include content on the profession of counseling and the American counseling association code of ethics. Effective July 1, 2017, the applicant's graduate transcript must indicate a minimum of sixty semester credits or ninety quarter credits, including the same coursework.

~~Graduates from master's degree programs in other human services fields may also meet the academic and training standards for licensure. In addition to the master's degree, the applicant's transfer must indicate coursework that is equivalent to the coursework in the following areas: counseling methods, group counseling, counseling theories, counseling practicum, individual appraisal or testing, and statistics or research methods. Effective July 1, 1995, in addition to the master's degree, the applicant's graduate transcripts must indicate a minimum of forty-eight semester credits (or seventy-two quarter hours), including coursework in the following areas: counseling theories, counseling methods, group counseling, individual appraisal or testing, statistics or research methods, human growth and development, social and cultural foundations, career and lifestyle developments, professional orientation and ethics, and counseling practicum or internship.~~

History: Effective June 1, 1991; amended effective February 1, 1995; February 1, 1998; _____, 2013.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-06

The following amendment to section 97-02-01-03 becomes effective on July 1, 2014:

97-02-01-03. Requirements to become a licensed associate professional counselor. In order for an applicant to become a licensed associate professional counselor, an individual must make application to the board, supplying, at a minimum, the following information:

1. A copy of a master's degree from an accredited school or college that meets the academic standards set forth in section 97-02-01-02.
2. Three recommendations as follows:
 - a. One from the practicum agency contact person;
 - b. One from the applicant's master's degree program advisor; and

- c. One from an additional counselor educator.
3. A written plan which at a minimum must include an estimated number of client contact hours per week and must specify the supervision received. The supervision must include individual, face-to-face meetings that occur at regular intervals over the two-year period. Supervision in a group setting may also be provided such as in case conference among members of a professional staff or other arrangement. A total of one hundred hours over the two-year period of supervision through individual and group methods must be documented. At least sixty hours must be individual face-to-face supervision. The supervised experience may not be in a practice in which the applicant holds an ownership interest. The supervisor shall be a licensed professional counselor or licensed professional clinical counselor certified as a supervisor under section 97-02-01-08.
 4. Showing successful completion of the national counselor examination as distributed and administered under the auspices of the national board of certified counselors.

History: Effective June 1, 1991; amended effective February 1, 1995; February 1, 1998; July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06

The following amendment to section 97-02-01-05 becomes effective on July 1, 2014:

97-02-01-05. Renewal of license. ~~A professional counselor may renew his license every two years by use of the prescribed form and documentation of thirty hours of continuing education requirements for a two-year period. One continuing education hour will be based upon a fifty-minute hour. Notification of renewals will be made in the month prior to the anniversary date of each license and each applicant will be given thirty days to respond.~~

1. Counselor licenses expire two years after originally granted or last renewed.
2. At least two months before expiration, the board will notify the counselor of the requirement for renewal. The notice will be made to the address last provided to the board by the counselor.
3. A license shall be renewed if the counselor meets all of the following requirements:

- a. The counselor shall file the complete application for renewal form prescribed by the board.
 - b. The counselor shall pay the renewal fee required by section 97-02-01-01.1 or section 97-02-01-03.1.
 - c. The counselor shall provide proof of completion of the continued professional education required by section 97-02-01-06.
 - d. Grounds for denial of the application under North Dakota Century section 43-47-07 do not exist.
4. If the completed application for renewal, renewal fee, and proof of completion of continued professional education is not filed at least thirty days before the expiration of the license, the counselor shall pay a late fee of one hundred dollars.
 5. If the completed application for renewal, renewal fee, proof of completion of continued professional education, and late fee is not filed before the expiration of the license, the license expires, and the individual may not practice counseling.
 6. If the completed application for renewal, renewal fee, proof of completion of continued professional education, and late fee is not filed within one year of the expiration, the license shall not be renewed. The individual must apply and meet the requirements for a license to be granted a license.
 7. The board may extend the expiration date and the deadlines for filing the application for renewal, renewal fee, proof of completion of continued professional education, and late fee upon proof of medical or other hardship preventing the individual from meeting the deadlines.

History: Effective June 1, 1991; amended effective February 1, 1998; July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06, 43-47-06.2

The following repeal of section 97-02-01-05.1 becomes effective on July 1, 2014:

97-02-01-05.1. Late renewal. ~~A license that has not been renewed because of the failure to pay the annual license fee must be reinstated and the license renewed if within one year from the date of nonrenewal the licenseholder pays the amount of annual license fee in default and a late fee of one hundred dollars. If a license is not~~

renewed within one year from the date of nonrenewal, the applicant must apply for a new license.

History: Effective February 1, 1998.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-06, 43-47-06.2 Repeal effective July 1, 2014.

The following amendment to section 97-02-01-06 becomes effective on July 1, 2015:

97-02-01-06. Continued professional education. A licensed professional counselor shall complete at least thirty hours of continued professional education in the two years preceding the date of expiration of the license. At least three of the hours shall primarily focus on counselor ethics. A continued professional education hour is fifty minutes. Examples of items meeting continuing professional educational requirements include attending professional meetings, conferences, and workshops or taking graduate courses in counseling or human service other mental health fields.

History: Effective June 1, 1991; amended effective July 1, 2015.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06

The following amendment to section 97-02-01-08 becomes effective on July 1, 2014:

97-02-01-08. Certification of supervisors.

1. To be certified as a supervisor an applicant shall meet all of the following requirements:
 - a. The applicant shall be a licensed professional counselor or licensed professional clinical counselor.
 - b. The applicant shall have five years of appropriate experience as a licensed counselor.
 - c. For applications received after July 1, 2016, the applicant shall have completed thirty hours of continuing education concerning supervision in the five years preceding the application.
 - d. The applicant shall pay an application fee of one hundred dollars.
 - e. Grounds for denial of the application under North Dakota Century Code section 43-47-07 do not exist.

2. Supervisor certifications expire five years after originally granted or last renewed. Certifications shall be renewed if the certified supervisor meets all of the following requirements:
 - a. The certified supervisor shall complete at least thirty hours of continuing education primarily focused on clinical supervision in the five years preceding the expiration date of the certification.
 - b. The certified supervisor shall pay a renewal fee of one hundred dollars.
 - c. Grounds for denial of renewal under North Dakota Century Code section 43-47-07 do not exist.

History: Effective _____, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-01, 43-47-03, 43-47-06, 43-47-06.1, 43-47-07

CHAPTER 97-02-01.1 LICENSED PROFESSIONAL CLINICAL COUNSELOR

Section

97-02-01.1-01	Requirements to Become a Licensed Professional Clinical Counselor
97-02-01.1-02	Renewal of a Licensed Professional Clinical Counselor License
97-02-01.1-03	Reciprocity
97-02-01.1-04	Fees
97-02-01.1-05	Grandparenting Provisions <u>[Repealed]</u>
97-02-01.1-06	Definitions
97-02-01.1-07	Representation to the Public
<u>97-02-01.1-08</u>	<u>Continued Professional Education for Licensed Professional Clinical Counselors</u>

97-02-01.1-01. Requirements to become a licensed professional clinical counselor. For an applicant to become a licensed professional clinical counselor, the individual must be a licensed professional counselor under North Dakota Century Code chapter 43-47 for at least two years, and:

1. Have at least a master's degree from an accredited school or college in counseling or other program that meets the academic and training standards adopted by the board;
2. Have sixty semester graduate hours, twelve of which may be obtained in documented training or clinical experience or courses consistent with

national board for certified counselors guidelines for the clinical mental health counselor certification. A minimum of fifteen contact hours in each of the following three coursework categories must be included within the sixty semester credits required for the licensed professional clinical counselor. The three categories are:

- a. Abnormal psychology and psychopathology;
 - b. Appraisal and diagnostic evaluation; and
 - c. Clinical counseling skills;
3. Have two years of post-master's clinical experience, including:
- a. ~~Eight~~ Seven hundred hours of clinical training in supervised practica and internships in settings relevant to the practice of clinical counseling. These hours may be within the required sixty graduate semester hours.
 - b. Two years (three thousand hours) of post-master's clinical experience in a clinical setting. This must include one hundred hours of face-to-face supervision (a minimum of sixty hours of individual supervision) by a ~~board-approved~~ certified under section 97-02-01-08 supervisor. The certified supervisor must be a licensed professional clinical counselor, ~~psychiatrist, clinical psychologist, or other qualified professional;~~
4. Provide three professional letters of reference. One must be from the post-master's clinical supervisor. The other two must be from professionals familiar with the applicant's clinical experience;
5. Have passed the clinical mental health counseling examination as offered by the national board for certified counseling; and
6. Provide a demonstration of clinical skills in a videotaped counseling session of no less than thirty minutes duration. This tape may involve either individual or group settings.

History: Effective August 1, 1996; _____, 2013.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06.1

97-02-01.1-02. Renewal of a licensed professional clinical counselor license. ~~The licensed professional clinical counselor license must be renewed every~~

~~two years on the expiration date of the individual's licensed professional counselor license. In addition to the thirty contact hours required for renewal of the licensed professional counselor license, ten additional hours of clinical professional development are required. These contact hours must be related to the person's intent to practice and must be preapproved by the board.~~

1. Licensed professional clinical counselor licenses expire on the date the licensed professional clinical counselor's licensed professional counselor license expires.
2. At least two months before expiration, the board will notify the licensed professional clinical counselor of the requirement for renewal. The notice will be made to the address last provided to the board by the licensed professional clinical counselor.
3. A license shall be renewed if the licensed professional clinical counselor meets all of the following requirements:
 - a. The licensed professional clinical counselor shall file the complete application for renewal form prescribed by the board.
 - b. The licensed professional clinical counselor shall pay the renewal fee of seventy-five dollars.
 - c. The licensed professional clinical counselor shall provide proof of completion of the continued professional education required by section 97-02-01.1-08.
 - d. Grounds for denial of the application under North Dakota Century section 43-47-07 do not exist.
4. If the completed application for renewal, renewal fee, and proof of completion of continued professional education is not filed at least thirty days before the expiration of the license, the licensed professional clinical counselor shall pay a late fee of one hundred dollars.
5. If the completed application for renewal, renewal fee, proof of completion of continued professional education, and late fee is not filed before the expiration of the license, the license expires, and the individual may not practice clinical counseling.
6. If the completed application for renewal, renewal fee, proof of completion of continued professional education, and late fee is not filed within one year of the expiration, the license shall not be renewed. The individual

must apply and meet the requirements for a license to be granted a license.

7. The board may extend the expiration date and the deadlines for filing the application for renewal, renewal fee, proof of completion of continued professional education, and late fee upon proof of medical or other hardship preventing the individual from meeting the deadlines.

History: Effective June 1, 1991; amended effective February 1, 1998; _____, 2013.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06, 43-47-06.2

97-02-01.1-04. Fees. The following fees have been established by the board for the licensed professional clinical counselor license:

1. Application fee, one hundred fifty dollars.
2. Renewal fee, fifty seventy-five dollars.

History: Effective August 1, 1996; amended effective December 1, 2001; _____, 2013.

General Authority: NDCC 28-32-02(1), 43-47-03(3)

Law Implemented: NDCC 43-47-03(3)

97-02-01.1-05. Grandparenting provisions. ~~The board shall issue, upon the application submitted prior to December 31, 1997, a license as a licensed professional clinical counselor, if the applicant satisfies subsection 1 or 2:~~

- ~~1. The applicant is currently licensed in this state as a licensed professional counselor; and~~
 - ~~a. Provides documentation of at least two thousand clinical contact hours within four of the last seven years. Supervision of counselors or counseling students may be included in contact hours provided the supervisor has written documented past clinical experience;~~
 - ~~b. Provides written verification of clinical practice by a supervisor or other clinical mental health professional; and~~
 - ~~c. Provides documentation of at least one hundred hours of clinical supervision. The clinical supervision may be obtained within any two-year post master's period, as collegial documented supervision within the last seven years, or a combination thereof.~~

2. ~~The applicant is currently licensed in this state as a licensed professional counselor and provides proof of clinical mental health certification by the national board for certified counselors.~~

History: Effective August 1, 1996.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-06.1 Repealed effective _____, 2013.

97-02-01.1-08. Continued professional education for licensed professional clinical counselors. In addition to the thirty hours required for renewal of the licensed professional counselor license, a licensed professional clinical counselor shall complete at least ten hours of continued professional education primarily focused on clinical counseling in the two years preceding the date of expiration of the license. The continued professional education shall relate to the licensed professional clinical counselor's intent to practice, and be preapproved by the board. A continued professional education hour is fifty minutes. Examples of items meeting continuing professional educational requirements include attending professional meetings, conferences, and workshops or taking graduate courses in clinical counseling.

History: Effective _____, 2013.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06.1

CHAPTER 97-02-02 DISCIPLINARY PROCEDURES

Section

97-02-02-01	Disciplinary Actions
97-02-02-02	Reinstatement Following Disciplinary Action
<u>97-02-02-03</u>	<u>Reporting Convictions and Discipline</u>

97-02-02-01. Disciplinary actions. All actions for disciplinary procedures must be in accordance with North Dakota Century Code chapter 28-32.

1. ~~Action by the board to revoke, suspend, or decline to renew a license must be taken in accord with the following procedures for the situation to which they apply~~ Action may be taken by the board upon finding that the applicant or license holder has engaged in unprofessional conduct. Unprofessional conduct includes:
 - a. ~~Conviction of a felony~~ Conviction of an offense determined by the board to have a direct bearing on the individual's ability to practice counseling.

- ~~(1) Maximum action: Revocation.~~
 - ~~(2) Minimum action: Stayed revocation with two years probation under approved supervision. The board may condition the probation based upon the nature of the conviction and tailor it to educate the offender to avoid a recurrence. The conditions imposed may include a rehabilitation program tailored to the violation. In appropriate cases, treatment by a qualified professional and approved by the board may be required.~~
 - b. Procuring of license by fraud or misrepresentation.
 - ~~(1) Action: Revocation.~~
 - c. Misuse of drugs or alcohol.
 - ~~(1) Maximum action: Revocation.~~
 - ~~(2) Minimum action: Stayed revocation with two years probation under approved supervision.~~
 - ~~(3) Conditions of probation:
 - ~~(a) Misuse of drugs or alcohol:
 - ~~[1] An evaluation by qualified professionals as approved by the board.~~
 - ~~[2] Abstention from use of drugs or alcohol.~~
 - ~~[3] Treatment as recommended by a qualified professional approved by the board and a statement from the professional that the licensee is ready to resume professional responsibility.~~
 - ~~[4] Successful completion of an oral examination administered by the board or its designees.~~~~~~
- d. Negligence in professional conduct or nonconformance with the code of ethics as adopted by the board.
 - ~~(1) Maximum action: Revocation.~~
 - ~~(2) Minimum action: One year suspension, stayed, with two years probation with approved supervision.~~
 - ~~(3) Conditions of probation:~~

- ~~(a) Successful completion of a continuing education program related to the worker-client relationship and approved by the board.~~
 - ~~(b) Successful completion of an oral examination administered by the board or its designees.~~
 - ~~(c) If deemed appropriate by the trier of fact, practice only in a supervised, structured environment that is approved by the board.~~
- e. Performance of functions outside the demonstrable areas of competency.
 - ~~(1) Maximum action: One year suspension with two years probation with approved supervision.~~
 - ~~(2) Minimum action: One year suspension, stayed, with three years probation.~~
 - ~~(3) Conditions of probation:
 - ~~(a) Successful completion of a continuing education program approved by the board which bears a meaningful relationship to the violation.~~
 - ~~(b) If deemed appropriate by the trier of fact practice only in a supervised, structured environment that is approved by the board.~~
 - ~~(c) Successful completion of an oral examination administered by the board or its designees.~~~~
- f. Mental, emotional, or physical incompetence to practice the profession.
 - ~~(1) Maximum action: Revocation.~~
 - ~~(2) Minimum action: Suspension. Application for reinstatement may be made after:
 - ~~(a) Proof of termination of disability to the satisfaction of the board.~~~~

~~(b) Successful completion of an oral examination administered by the board or its designees.~~

~~(3) Upon reinstatement, if deemed appropriate by the board, practice only in a supervised, structured environment that is approved by the board.~~

g. Violation of or aid to another in violating any provision of North Dakota Century Code chapter 43-47, any other statute applicable to the practice of professional counseling, or any provision of this title.

~~(1) Maximum action: Revocation.~~

~~(2) Minimum action: One year suspension, stayed, with two years probation with approved supervision.~~

2. Petition for rehearing. A petition may be made to the board for reinstatement upon good cause or as a result of additional evidence being obtained that would alter the determination reached in subsection 1.

History: Effective June 1, 1991.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-14, 43-47-07, _____, 2013.

97-02-02-03. Reporting convictions and discipline. A licensee, convicted of an offense, except a minor traffic offense, or disciplined in another jurisdiction, shall report the conviction or discipline to the board within thirty days of the conviction or discipline.

History: Effective _____, 2013.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-07