

Legislative Council, Administrative Rules Committee Meeting
Thursday, June 10, 2010 3:40 PM

Marriage and Family Therapy Licensure Board
Rev. Larry J. Giese, President
3910 Lewis Road NW
Mandan, ND 58554, District #31

Senator Jerry Klein, Chairman, and Members of the Administrative Rules Committee,

I am Rev. Larry J. Giese, President of the North Dakota Marriage and Family Therapy Licensure Board. I am here today to present testimony to the Administrative Rules Committee describing the procedures for adoption of the rules for Title 111 and to answer questions outlined in a letter from the Legislative Council dated May 26, 2010 written by John Walstad, Code Revisor.

1. The rules adopted by the Board in Title 111 are the result of the Legislature's creation of the Marriage and Family Therapy Licensure Board in 2005 and comply with the changes made by an agency bill during the 2009 legislative session.
2. These rules do not relate to any federal statutes or regulations.
3. The Board followed the procedures for adopting rules found in the Administrative Agencies Practice Act, N.D.C.C. ch. 28-32. Additionally, the Board consulted with practitioners, staff from the N.D.S.U. Marriage and Family Therapy Program, the Minnesota Marriage and Family Therapy Board, the American Marriage and Family Therapy Regulatory Board, and consultants from American Association for Marriage and Family Therapy when developing these rules.
4. No written or oral comments were received during the promulgation process beginning January 29, 2010 and ending on February 9, 2010.
5. The cost of publishing the notice of the public hearing held on January 29, 2010 was \$1,730.54 through the North Dakota Newspaper Association. Notices were published in newspapers from late December 2009 through early January 2010. Attorney fees billed through the Attorney General's office were \$1,369.08. These fees

included administrative rules editing, hearing prep., attending the hearing, forward rules to legal counsel and letter, and the Attorney General's review. Total of administrative rules fees, \$3, 099.62.

6. The adopted rules are a means for the Board to interpret North Dakota Century Code Chapter 43-53 and provide a means of protecting the public and regulating and supervising licensees in North Dakota. The North Dakota Title 111 rules meet or exceed acceptable guidelines for licensure by the American Marriage and Family Therapy Regulatory Board. Title 111 includes:

- A. Organization of the Board, pages 593-594
- B. Licensure and Fees, pages 595-631

The body of Part B is comprised of five primary sections:

- a. Title 111-02-01-05 Code of Ethics, pages 600-607
- b. Title 111-02-01-06 Continuing Education Requirements, pages 607-613
- c. Title 111-02-02-02 Educational Requirements, pages 614-616
- d. Title 111-02-02-03 Experience Requirements, pages 616-619
- e. Title 111-02-03-01 Licensing Process, pages 620-631

7. A regulatory analysis was not required under N.D.C.C. section 28-32-08 because these rules do not affect the regulated community in excess of \$50,000 and the Board did not receive a request for such analysis from the Governor or a member of the Legislature.
8. The Board is a professional licensing board, therefore the Board is exempt from the small entity regulatory analysis and economic impact statement under N.D.C.C. 28-32-08.1(5), and did not prepare this statement.
9. A constitutional takings assessment regarding real property was not required to be prepared under N.D.C.C. section 28-32-09 because these rules do not limit the use of private real property.
10. Title 111 rules were not prepared as emergency rules.