

North Dakota Board of Addiction Counseling Examiners

April 16, 2010

To: Tribal and State Relationship Committee

From: Anna M. (Andi) Johnson, LAC, LADC – President – North Dakota Board of Addiction Counseling Examiners

RE: Licensing of Tribal Addiction Counselors

The North Dakota Board of Addiction Counseling Examiner's has been in existence since 1987 and has set standards for Licensing in the field for North Dakota with interest in the protection of the public. In 2008-2009 the Administrative Rules governing licensure rules and guidelines were amended from previous standards:

- NAADAC written Examination
- Oral Examination
- Master's degree for private practice
- 1400 training hours in both public and private facilities

The Administrative Rules have been amended to include:

- ICRC written Examination which includes competency based questions
- Moving the Oral Examination to the training consortium
- Bachelors degree for private practice with 5 years of experience in the field of addiction counseling
- 1400 training hours that does not have to include a public provider
- Allowing Mental Health professional's experience to attribute to all but 500 hours of addiction counseling training.

Currently, if the tribal or federal government standards by which tribal addiction counselors are recognized are substantially similar to the standards listed above, reciprocity may be granted. If substantially dissimilar, licensure at this time may not be granted.

The North Dakota Board of Addiction Counseling Examiners is willing to work with the Tribes across the state of North Dakota to maintain high standards in addiction counseling for the protection of the public.

Respectfully Submitted,

Anna M. (Andi) Johnson, LAC, LADC

President, North Dakota Board of Addiction Counseling Examiners



Wayne Stenehjem
ATTORNEY GENERAL

STATE OF NORTH DAKOTA
OFFICE OF ATTORNEY GENERAL
STATE CAPITOL
600 E BOULEVARD AVE DEPT 125
BISMARCK, ND 58505-0040
(701) 328-2210 FAX (701) 328-2226
www.ag.nd.gov

CIVIL LITIGATION
500 NORTH 9TH STREET
BISMARCK, ND 58501-4509
(701) 328-3640 FAX (701) 328-4300

MEMORANDUM

TO: Anna Johnson, Chairperson, and Michael Froemke, Vice Chairperson,
Board of Addiction Counseling Examiners

FROM: Bill Peterson, Assistant Attorney General *BP*

DATE: March 29, 2010

RE: April 16, 2010, meeting of the Legislative Management Tribal and State
Relations Committee

The Legislative Management Tribal and State Relations Committee ("Committee") requested the Board of Addiction Counseling Examiners ("Board") to present the Board's position on recognition of tribal addiction counselors licensed by tribal or federal government. Perhaps the issue can best be stated as whether tribal addiction counselors can and should be licensed by the Board by reciprocity.

Initially, it should be understood that a license issued by the Board is not required to practice addiction counseling on a reservation. A license issued by the Board is only required to practice in North Dakota outside the reservations. See N.D.C.C. § 43-45-05.2(1).

The Board may only grant a license by reciprocity in accordance with N.D.C.C. § 43-45-05.1(2) which provides:

The board may grant reciprocity, on such terms and conditions as it may determine necessary, to an applicant for licensure who is in good standing as a licensed, approved, or certified addiction counselor under the laws of another jurisdiction that imposes substantially the same requirements that are imposed under this chapter.

That law is consistent with the laws concerning licensure by reciprocity for nearly all professional licensing boards in North Dakota. See, e.g., N.D.C.C. §§ 43-51-01(4), 43-51-06.

Thus, to be licensed by reciprocity, a tribal addiction counselor must be licensed "under the laws of another jurisdiction." This means the applicant must be licensed by the tribal or federal government. Certification by NAADAC or another nongovernmental certification board is not licensure "under the laws of another jurisdiction." It is not clear that tribal addiction counselors are licensed by the tribal or federal government.

If tribal addiction counselors are licensed by the tribal or federal government, the requirements for that license must be at least "substantially the same requirements that are imposed under [N.D.C.C. ch. 43-45]." N.D.C.C. § 43-45-05.1(2). Generally, North Dakota requires a bachelor's degree in addiction studies or a closely related social science or health care field including 32 credit hours of certain content. See N.D. Admin. Code § 4.5-02.1-01-03. Completion of 1,400 hours in a clinical training program is required. See N.D. Admin. Code § 4.5-02.1-01-04. North Dakota also requires a written examination offered by ICRC. See N.D. Admin. Code § 4.5-02.1-01-05. If the requirements for licensure of tribal addiction counselors are at least substantially the same as North Dakota's requirements, the Board may grant licenses. If not, the Board must deny the applications.

I do not know if or what legislation the Committee may propose. If the Legislature passed a bill creating an exception to the reciprocity requirements for tribal addiction counselors, there would be implications of which you should be aware. Tribal addiction counselors might be licensed without meeting the requirements for a license that other addiction counselors must meet. With a license from the Board, tribal addiction counselors could practice anywhere in the state. It might be possible for any potential addiction counselor, unable to meet the requirements for a license, to circumvent the requirements. A potential addiction counselor, unable to meet the requirements for a license, might be able to become a tribal addiction counselor, and then be licensed by the Board by reciprocity.

jjs

e:\dix.e\cl\peterson\boards\addict cn\licensure bd mem.docx