

Legislative Council, Administrative Rules Committee Meeting
Tuesday, September 14, 2010, 10:40 AM

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 received a letter from Mr. John Walstad, Code Revisor, dated July 16, 2010, that Title 111 Administrative Rules for Marriage and Family Therapy were held over until today. I have personally reviewed Chapter 43-53 of the North Dakota Century Code and Title 111 Administrative Rules at least five times in their entirety and even more as questions of rules and regulations in specific areas of the Century Code and Title Rules arise. I have consulted with the North Dakota Marriage and Family Therapy Licensure Board since the June hearing. Furthermore, I have shared our Title 111 rules with two other disciplines in North Dakota, namely a Board member from the Social Work Board and a professor of Master's in Counseling at University of Mary, Bismarck, ND. Both disciplines found Title 111 rules well written and consistent in levels of expectations and discipline in regulating licensees. I have asked for review considerations from the American Marriage and Family Therapy Regulatory Board, and consultants from the American Association for Marriage and Family Therapy. All entities replied with a consistent word of encouragement and documents well done. Without any clear direction of the Administrative Rules Committee it is difficult to know precisely what to amend for today.

At this point I will address the questions the Committee raised in the letter Mr. Walstad wrote on July 16, 2010 for clarification.

1. Concerns for exemption for sexual contact between therapists who are spouses.

Title 111 rules concerning the definition of sexual contact and the corresponding ethics of sexual behavior apply only to the therapist and client relationship or the supervisor and supervisee relationships. It is unethical in any therapeutic setting for spouses to seek professional support from one another. Therefore, disciplines do not specifically make a "spousal exemption" rule. Title rules in Social Work and

Licensed Professional Counselors in North Dakota are consistent with the Marriage and Family Therapy rules here.

2. What standard applies to determine whether a therapist is practicing under the influence of alcohol.

Title 111.02.01.05.K clearly states that therapists cannot practice under the influence of alcohol. There is considerable discussion about impairment due to mental illness and other drug use in the Marriage and Family Therapy discipline as well as Social work at this time. However, to determine the case of “crossing the line” is a matter of fact. No other discipline outlines this beyond the clear prohibition of “being under the influence .”

3. Clergy Exemption.

The Clergy exemption is clearly stated in section 43-53-03 of the North Dakota MFT licensure law. It exempts by law, “members of the clergy of any religious denomination and providing services within the scope of ministerial duties.” These exemptions are found in licensure laws and not in regulations.

Thank you for your time. If you have further questions or concerns, please contact me.

Sincerely,

Rev. Larry J Giese, President
North Dakota Marriage and Family Therapy Licensure Board
3910 Lewis Road NW
Mandan, ND 58554-1361
701 223-2986