

Sixty-fourth  
Legislative Assembly  
of North Dakota

REENGROSSED HOUSE BILL NO. 1049

Introduced by

Legislative Management

(Human Services Committee)

1 A BILL for an Act to create and enact a new section to chapter 43-45 of the North Dakota  
 2 Century Code, relating to loans for certain behavioral health professions; to amend and reenact  
 3 ~~subsection 2 of section 43-45-01 and subsection 2 of section 45-45-04~~43-45-04 of the North  
 4 Dakota Century Code, relating to ~~the transfer of the authority~~duties of the board of addiction  
 5 counseling examiners ~~to the department of human services; to repeal sections 43-45-02,~~  
 6 ~~43-45-03, and 43-45-05 of the North Dakota Century Code, relating to the board of addiction-~~  
 7 ~~counseling examiners; to provide for a department of commerce and board of addiction~~  
 8 ~~counseling examiners study; to provide for reports to the legislative management;~~ to provide an  
 9 appropriation; to provide a continuing appropriation; ~~and~~ to provide for a transfer; and to provide  
 10 an expiration date.

11 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

12 ~~SECTION 1. AMENDMENT.~~ Subsection 2 of section 43-45-01 of the North Dakota Century  
 13 Code is amended and reenacted as follows:

14 ~~2.~~ "Board" means the ~~board~~department of addiction counseling examiners ~~human~~  
 15 ~~services.~~

16 ~~SECTION 2. AMENDMENT.~~ Subsection 2 of section 43-45-04 of the North Dakota Century  
 17 Code is amended and reenacted as follows:

18 ~~2.~~ The board may:

19 ~~a.~~ Adopt rules under chapter 28-32 to implement this chapter.

20 ~~b.~~ Issue subpoenas, examine witnesses, and administer oaths, and may investigate  
 21 allegations of practices violating the provisions of this chapter.

22 ~~c.~~ Recommend prosecution for violations of this chapter to the appropriate state's  
 23 attorney.

1 ~~d. Recommend that the attorney general bring civil actions to seek injunctive and~~  
2 ~~other relief against violations of this chapter.~~

3 ~~e. Collect fees for examinations, initial licensures, renewal of licenses, late~~  
4 ~~renewals, private practice registrations, renewal of private practice registrations,~~  
5 ~~approval of continuing education providers, and administrative fees. The fees~~  
6 ~~must be established by rule in amounts necessary to compensate the board for~~  
7 ~~administration and enforcement of this chapter.~~

8 ~~f. Employ persons to assist the board in carrying out its duties under this~~  
9 ~~chapter.~~

10 **SECTION 1. AMENDMENT.** Section 43-45-04 of the North Dakota Century Code is  
11 amended and reenacted as follows:

12 **43-45-04. Board power, duties, and authority.**

13 1. The board shall:

- 14 a. Administer and enforce the provisions of this chapter.
- 15 b. Evaluate the qualifications of applicants for a license to practice addiction  
16 counseling and issue licenses under this chapter.
- 17 c. Establish ethical standards of practice for persons holding a license to practice  
18 addiction counseling in this state.
- 19 d. Establish continuing education requirements and approve providers of continuing  
20 education.
- 21 e. Approve clinical training programs.
- 22 f. Register clinical trainees.
- 23 g. Register interns.
- 24 h. Register clinical supervisors.
- 25 i. Register licensees for private practice.
- 26 j. Approve and administer examinations.
- 27 k. Periodically evaluate initial licensure coursework requirements and clinical  
28 training requirements to ensure the requirements are up to date and do not serve  
29 as an undue barrier to licensure.

30 2. The board may:

- 31 a. Adopt rules under chapter 28-32 to implement this chapter.

- 1           b. Issue subpoenas, examine witnesses, and administer oaths, and may investigate
- 2           allegations of practices violating the provisions of this chapter.
- 3           c. Recommend prosecution for violations of this chapter to the appropriate state's
- 4           attorney.
- 5           d. Recommend that the attorney general bring civil actions to seek injunctive and
- 6           other relief against violations of this chapter.
- 7           e. Collect fees for examinations, initial licensures, renewal of licenses, late
- 8           renewals, private practice registrations, renewal of private practice registrations,
- 9           approval of continuing education providers, and administrative fees. The fees
- 10          must be established by rule in amounts necessary to compensate the board for
- 11          administration and enforcement of this chapter.
- 12          f. Employ persons to assist the board in carrying out its duties under this chapter.

13           **SECTION 2.** A new section to chapter 43-45 of the North Dakota Century Code is created  
14 and enacted as follows:

15           **Addiction counseling internship - Loan program - Revolving fund - Continuing**  
16 **appropriation.**

- 17           1.   a. The Bank of North Dakota shall develop and implement a program under which
- 18           loans may be provided to qualified individuals participating in ~~ana~~ paid or unpaid
- 19           internship at a licensed substance abuse treatment facility in this state, in order to
- 20           obtain licensure as an addiction counselor.
- 21           b. The Bank of North Dakota shall determine all terms applicable to the time and
- 22           manner in which loans made under this section must be repaid.
- 23           c. Interest on outstanding loans under this section must accrue at the Bank of North
- 24           Dakota's current base rate, but may not exceed six percent per annum.
- 25           d. The maximum loan for which an applicant may qualify under this section is five
- 26           thousand dollars.
- 27           e. This subsection is applicable only to individuals beginning an internship after
- 28           June 30, 2015.
- 29           2. The Bank of North Dakota shall maintain a revolving loan fund for the purpose of
- 30           making loans under this section. All moneys transferred into the fund, interest upon

1           moneys in the fund, and payments to the fund of principal and interest on loans under  
2           this section are appropriated to the Bank on a continuing basis.

3     ~~SECTION 2. REPEAL. Sections 43-45-02, 43-45-03, and 43-45-05 of the North Dakota~~  
4     ~~Century Code are repealed.~~

5           **SECTION 3. DEPARTMENT OF COMMERCE STUDY - LEGISLATIVE MANAGEMENT**  
6     **REPORT.** During the 2015-16 interim, the department of commerce shall work with the North  
7     Dakota university system to conduct a study on behavioral health internships. The study shall  
8     include ways to help host organizations, students, and other stakeholders facilitate behavioral  
9     health internships, the feasibility of giving tax benefits to nonprofit host organizations for  
10    participation in behavioral health internships, and the inclusion of the internship as part of  
11    coursework. Before July 1, 2016, the department of commerce shall report its findings and  
12    recommendations, together with any proposed legislation necessary to implement the  
13    recommendations, to the legislative management.

14          **SECTION 4. BOARD OF ADDICTION COUNSELING EXAMINERS - LEGISLATIVE**  
15    **MANAGEMENT REPORT.** The board of addiction counseling examiners shall evaluate the  
16    initial licensure coursework requirements and clinical training requirements noted in subsection  
17    1 of section 43-45-04. Before July 1, 2016, the board of addiction counseling examiners shall  
18    report on the status of the periodic evaluation of those requirements to the legislative  
19    management.

20          **SECTION 5. APPROPRIATION - TRANSFER - ADDICTION COUNSELOR INTERNSHIP**  
21    **LOAN PROGRAM - REVOLVING FUND.** There is appropriated out of any moneys in the  
22    student loan trust fund in the state treasury, not otherwise appropriated, the sum of  
23    ~~\$150,000~~\$500,000, or so much of the sum as may be necessary, which the director of the office  
24    of management and budget shall transfer to the Bank of North Dakota, for purposes of the  
25    addiction counselor internship loan program revolving fund, as created by section ~~32~~ of this Act.

26          **SECTION 6. EXPIRATION DATE.** Section 2 of this Act is effective through July 31, 2017,  
27    and after that date is ineffective.