2025 SENATE WORKFORCE DEVELOPMENT
SB 2357

#### 2025 SENATE STANDING COMMITTEE MINUTES

#### **Workforce Development Committee**

Fort Lincoln Room, State Capitol

SB 2357 2/13/2025

Relating to the state board of psychologist examiners, board of social work examiners, board of addiction counseling examiners, board of counselor examiners, and marriage and family therapy licensure board; to provide a penalty; to provide for a transfer; and to provide for application.

2:48 p.m. Chairman Wobbema Convened the meeting.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

#### **Discussion Topics:**

- Occupational Licensing Reform.
- Authority of State Board of Psychologist Examiners
- Delays due to administrative code

2:48 p.m. Senator K Roers, District 27, introduced the bill and submitted testimony in favor #37512.

- 2:59 p.m. Renee Boomgaarden, President, ND State Board of Psychologist Examiners, testified in opposition and submitted testimony #37433.
- 3:13 p.m. Mallory Schaefer, ND Marriage and Family Therapy Licensing Board, testified in opposition.
- 3:20 p.m. Jeremy Traen, Chair of ND Board Addiction Counseling Examiners, testified in opposition and submitted testimony #37402.
- 3:26 p.m. Emma Quinn testified in neutral.
- 3:30 p.m. Terry Effertz testified in neutral.

#### Additional written testimony:

#36363, #37032, #37043, #37064, #37284, #37093, #37369, #37400, #37401, #37406, #37409, #37438, #37474, #37489, #37590, #37653

3:32 p.m. Chairman Wobbema Adjourned the meeting.

Andrew Ficek, Committee Clerk

#### Workforce Development Committee SB 2357 Testimony in Opposition

Chair Wobbema and members of the Workforce Development committee,

I write today **in opposition to SB 2357** relating to the consolidation of the multiple mental health licensing boards into one composite board. I am a Licensed Professional Clinical Counselor, Certified Supervisor, and have been licensed and practicing in North Dakota since 2016.

I have the utmost respect for my colleagues across the disciplines and deep appreciation for the work they do to provide care for the citizens of our state. My opposition to this consolidation should not be misconstrued as opposition to the other professions.

There are several reasons that I am opposed to consolidating our licensing boards into one composite board:

Firstly, there is the issue with diminished specialization. While there is some overlap in our orientations and ethics, the different mental health disciplines do have unique training, scopes of practice, and ethical considerations. A consolidated board risks diluting this specialized knowledge, potentially leading to inconsistent or inadequate oversight. Specialized boards are better equipped to understand nuanced issues within their specific field, ensuring greater accountability to practice and ethical standards, and to public safety. By consolidating the boards, you introduce risk for less thorough review of complaints and disciplinary actions.

Secondly, each mental health profession has unique concerns and needs. Consolidating these boards would diminish the individual voice and advocacy of each profession, potentially impacting their ability to shape regulations and policies relevant to their field.

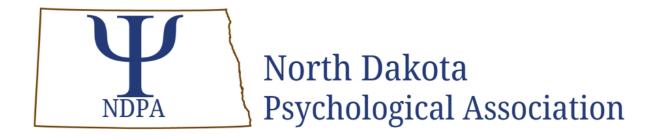
Lastly, as far as I am aware, each of the boards in our state are active, meet regularly, and provide the appropriate support to the practitioners they oversee. There are more than 3,500 licensed mental health professionals in our state, and that is just considering Professional Counselors, Marriage and Family Therapists, and Social Workers, since the remaining two boards do not have their list of licensees posted for the public. A board of 11 individuals is inadequate to meet the needs of current and prospective licensees.

Acknowledging that SB 2357 was introduced by two of the members of this committee, I respectfully ask you to reconsider this proposed consolidation, and recommend a **DO NOT PASS**, so that the mental health licensing boards retain their independence and integrity as separate entities.

Thank you for your consideration.

Sincerely,

Stephanie Schafer Fargo



To: Senate Workforce Development Committee

From: Sky Overbo, North Dakota Psychological Association President Elect

Date: 2/11/2025

Re: SB 2357 - a bill to create a composite mental health licensing board

Chairman Wobbema and Senate Workforce Development Committee members, my name is Dr. Sky Overbo. I represent the North Dakota Psychological Association (NDPA), a membership organization that provides advocacy and leadership for North Dakota psychologists. The **North Dakota Psychological Association opposes SB 2357.** SB2357 establishes a composite board for mental health professionals, eliminating the boards for psychologists, social workers, addiction counselors, professional counselors, and marriage and family therapists. It falls short in multiple ways.

The legislatively established behavioral health professional Tier system places psychologists with psychiatrists in Tier 1a. Psychologist and psychiatrist training is approximately equivalent and at the doctoral level. Clinical social workers, mental health professionals and addiction counselors are in Tier 2. Composite boards for licensees with similar levels of education and autonomy may simplify and streamline licensing procedures. However, psychologists, with their extensive and specialized training, do not fit within this proposed composite board.

Further, not all licensed psychologists are mental health professionals. Licensed industrial organization psychologists are not clinical psychologists and do not offer mental health services. Clinical psychologists are trained to diagnose and treat behavioral health disorders. However, all psychologists possess additional expertise in using psychometric testing instruments to diagnose mental health disorders and measure a person's intelligence, aptitude, cognitive capacity, personality characteristics, and risk factors for violent behaviors. Measuring the competence of these unique skills requires training specific to psychologists.

Psychologists' doctoral-level training and unique skills, only some of which are mental health-specific, make them ill-fit for this proposed mental health professional composite board. NDPA urges the committee to vote no on SB2357.

Dr. Sky Overbo, Licensed Psychologist

Eva Beeker, Phd. LPCC-S 2/11/2025

To: Senate Workforce Development Committee

Subject: Testimony in Opposition to Bill SB 2357

Dear Chair Wobbema and Members of the Workforce Development Committee

I am writing to express my opposition to SB 2357. As a Licensed Professional Clinical Counselor and Supervisor, licensed and practicing in the state of North Dakota since 2018, this bill impacts my profession directly.

My opposition to a consolidated licensing board is rooted in a deep respect and appreciation for the unique differences and complexities of each mental health profession—including their distinct ethical codes, specialized education, and training requirements.

There are several reasons I strongly oppose merging our licensing boards into a single composite entity:

#### 1. Public Protection and Professional Standards

Licensing boards exist primarily to protect the public by upholding the ethical and practice standards of each profession. Each mental health discipline has specific guidelines for identifying, disciplining, and addressing unfit professionals. A composite board may lack the specialized expertise necessary to thoroughly investigate ethical violations and malpractice claims. Without this depth of knowledge, disciplinary actions may become overly generalized and fail to reflect best practices within each profession, leaving clients vulnerable to inadequate protection. Additionally, merging boards could lead to a dilution of professional standards, as licensing requirements vary significantly based on ethical codes and best practices. Competency is defined differently for each field, and this must be respected to maintain public safety.

#### 2. Efficiency and Professional Oversight

Each profession has distinct training requirements, ethical standards, and best practices. A composite board may inadvertently slow down licensing and disciplinary processes rather than improve efficiency. With fewer board members possessing specialized knowledge in each discipline, applications and complaints would be reviewed by individuals with limited expertise, creating bottlenecks in decision-making. Furthermore, professionals representing their specialties would likely spend more time educating their fellow board members on the nuances of their field rather than directly addressing concerns, further delaying processes.

#### 3. Power Imbalances and Conflicts of Interest

A composite board also raises concerns about conflicts of interest and potential imbalances of power. Larger or more politically influential professions may dominate decision-making, leading to regulations that do not align with the best practices of smaller disciplines. This

could result in policies that disproportionately benefit the most represented groups rather than ensuring fair and equitable oversight for all professions.

I urge you to oppose bill SB 2357 so that the mental health licensing boards retain their independence and integrity as separate entities to serve in protecting the public. Thank you for your time and consideration. Please feel free to contact me at <a href="mailto:eva.beeker@und.edu">eva.beeker@und.edu</a> if you have any questions.

Sincerely,

Eva Beeker, Ph.d., LPCC-S

Eva M Beeker

(Grand Forks)

Jessica Danielson Counselor educator and counselor PO Box 5474 MLLC East #105 Fargo, ND 58105

February 11, 2025

Subject: Testimony Regarding Senate Bill

Dear Senate Workforce Development Committee,

I am writing to express my opposition for Senate Bill 2357, which proposes a mental health licensing composite board including psychologists, counselors, social workers, substance abuse counselors, and marriage and family therapists. I oppose this bill because it will significantly impact each profession's integrity and require a large financial burden for the state and licensees.

Each profession is distinctly different including educational background, ethical codes, licensure requirements, roles of service, and licensure examination. By merging these five separate professions together in one composite board it will decrease the efficacy and integrity of each profession because each profession will have marginal representation of their licensure process, state statues, navigating complaints, and advocating for their profession's needs. In addition, with multiple mental health professions moving towards licensure portability (compacts) a composite board could negatively impact the ability to adopt and maintain compact regulations. For example, counseling has already signed the counseling compact into legislation and is in the process of navigating implementation (e.g., jurisprudence examination, converting licensee records to electronic format, vetting compact compliant database). Decisions made for a composite board might compromise the progression of the counseling compact, as system needs may compete and create noncompliance between different the different professions in the proposed composite board.

Furthermore, a composite board will drastically increase the time it takes to get licensed in North Dakota. Currently, it takes an average of 30 days or less for counselors (e.g., LAPC, LPCC) who meet requirements to obtain licensure. While with a composite board, Minnesota for example, takes 4-6 months to obtain licensure. Lastly, implementing a composite board will create a large burden financially on the state and licensees (e.g., increasing licensure costs) due to changes in state statues to accommodate

composite board, vetting databases to meet the individual needs of each profession, and funding staff support for a larger composite board (e.g., attorney, executive assistants).

I urge you to OPPOSE this bill. Kindly contact me at <a href="Jessica.daneilson@outlook.com">Jessica.daneilson@outlook.com</a>.if you have questions about or interested in clarification on the impact of the bill on North Dakota counselors. I appreciate your consideration and representation of the counseling profession and counselors of North Dakota.

Cordially, Jessica Danielson, PhD, LPCC-S, NCC Ian Linn PO Box 6050 212 Ceres Hall Fargo, ND 58108

February 11, 2025

Subject: Testimony Regarding Senate Bill

Dear Senate Workforce Development Committee,

I am writing to express my opposition for Senate Bill 2357, which proposes a mental health licensing composite board including psychologists, counselors, social workers, substance abuse counselors, and marriage and family therapists. I oppose this bill because it will significantly impact each profession's integrity and require a large financial burden for the state and licensees.

Each profession is distinctly different including educational background, ethical codes, licensure requirements, roles of service, and licensure examination. By merging these five separate professions together in one composite board it will decrease the efficacy and integrity of each profession because each profession will have marginal representation of their licensure process, state statues, navigating complaints, and advocating for their profession's needs. In addition, with multiple mental health professions moving towards licensure portability (compacts) a composite board could negatively impact the ability to adopt and maintain compact regulations. For example, counseling has already signed the counseling compact into legislation and is in the process of navigating implementation (e.g., jurisprudence examination, converting licensee records to electronic format, vetting compact compliant database). Decisions made for a composite board might compromise the progression of the counseling compact, as system needs may compete and create noncompliance between the different professions in the proposed composite board.

Furthermore, a composite board will drastically increase the time it takes to get licensed in North Dakota. Currently, it takes an average of 30 days or less for counselors (e.g., LAPC, LPCC) who meet requirements to obtain licensure. While with a composite board, Minnesota for example, takes 4-6 months to obtain licensure. Lastly, implementing a composite board will create a large burden financially on the state and licensees (e.g., increasing licensure costs) due to changes in state statues to accommodate composite board, vetting databases to meet the individual needs of each profession, and funding staff support for a larger composite board (e.g., attorney, executive assistants).

I urge you to OPPOSE this bill. I appreciate your consideration and representation of the counseling profession and counselors of North Dakota.

Cordially,

Ian Linn, M.Ed., LAPC

To: Senate Workforce Development Committee

From:

Date: February 10, 2025

Re: SB2357 - a bill establishing a composite board for mental health professionals

My name is Brenda King.

I am a licensed psychologist in North Dakota and practice I provide written testimony in opposition to Senate Bill 2357

SB2357 establishes a composite board for mental health professionals, eliminating the boards for psychologists, social workers, addiction counselors, professional counselors, and marriage and family therapists. It falls short in multiple ways.

The legislatively established tier system for defining behavioral health and mental health professionals places clinical or counseling psychologists in Tier 1a with psychiatrists. Psychiatrist and psychologist training is roughly equivalent and at a doctoral level. Clinical social workers, addiction counselors, and professional counselors in Tier 2. While creating a composite licensing board with similarly tiered professionals may simplify and streamline processes, including psychologists in this mix does not.

Not all licensed psychologists qualify as mental health professionals. While industrialorganization psychologists hold licenses, they are not clinical psychologists and do not provide mental health services.

Like clinical social workers and other mental health counselors, many licensed psychologists are trained to diagnose and treat behavioral health disorders. However, psychologists possess additional expertise in using psychometric instruments to diagnose mental health disorders and to measure a persons intelligence, aptitude, cognitive capacity, personality characteristics, and risk factors for certain types of violent behaviors. This additional expertise makes measuring their competence and hearing grievances unique and requires oversight by other psychologists.

Psychologist education and expertise make their license and oversight unique among the identified other groups therefore, I urge the committee to vote no on SB2357 as written. Psychologists do not belong on this composite licensing board

Todd F. Lewis Counselor Educator and Counselor 6631 56<sup>th</sup> Ave. S. Fargo, ND 58104

February 12, 2025

Subject: Testimony Regarding Senate Bill

Dear Senate Workforce Development Committee,

I am writing to express my strong opposition for Senate Bill 2357, which proposes a mental health licensing composite board including psychologists, counselors, social workers, substance abuse counselors, and marriage and family therapists. I oppose this bill because it will significantly impact each profession's integrity and require a large financial burden for the state and licensees.

Each profession is distinctly different including educational background, ethical codes, licensure requirements, roles of service, and licensure examination. By merging these five separate professions together in one composite board it will decrease the efficacy and integrity of each profession because each profession will have marginal representation of their licensure process, state statues, navigating complaints, and advocating for their profession's needs. In addition, with multiple mental health professions moving towards licensure portability (compacts) a composite board could negatively impact the ability to adopt and maintain compact regulations. For example, counseling has already signed the counseling compact into legislation and is in the process of navigating implementation (e.g., jurisprudence examination, converting licensee records to electronic format, vetting compact compliant database). Decisions made for a composite board might compromise the progression of the counseling compact, as system needs may compete and create noncompliance between the different professions in the proposed composite board.

Furthermore, a composite board will drastically increase the time it takes to get licensed in North Dakota. Currently, it takes an average of 30 days or less for counselors (e.g., LAPC, LPC, LPCC) who meet requirements to obtain licensure. Whereas with a composite board, Minnesota for example, takes 4-6 months to obtain licensure. Lastly, implementing a composite board will create a large burden financially on the state and licensees (e.g., increasing licensure costs) due to changes in state statues to accommodate composite board, vetting databases to meet the individual needs of each profession, and funding staff support for a larger composite board (e.g., attorney, executive assistants).

I urge you to OPPOSE this bill. I appreciate your consideration and representation of the counseling profession and counselors of North Dakota.

Cordially,

Todd F. Lewis, PhD, LPC, NCC

todd.lewis@ndsu.edu



North Dakota Legislative Assembly 600 E Boulevard Ave Dept 14 Bismarck, ND 58505

Dear Members of the North Dakota Legislative Assembly,

I am writing to express my **opposition to SB 2357** regarding the proposed consolidation of the mental health boards in North Dakota into a single governing board. While I understand that this proposal aims to streamline operations and potentially enhance efficiency, it is essential to consider the implications such a change may have on the diverse needs of our communities and the effectiveness of mental health services across the state.

North Dakota is home to a wide range of communities, each with unique characteristics and varying mental health needs. The existing system of multiple mental health boards allows for localized governance and the ability to tailor services to meet the specific requirements of different populations. Consolidating these boards into a single entity could risk diminishing this localized approach, potentially leading to a one-size-fits-all model that may not adequately serve all communities.

Furthermore, it is important to recognize that different mental health professions adhere to their own ethical codes and standards of practice. These codes are designed to guide professionals in their work and ensure that they uphold the highest standards of care for their clients. A single governing board may face challenges in honoring the diverse ethical frameworks that exist within the mental health profession. This could lead to conflicts or inconsistencies in policy and practice, ultimately affecting the quality of care provided to individuals seeking mental health services.

Additionally, the transition to a consolidated board may lead to challenges during the implementation phase. Concerns regarding governance, accountability, and representation are vital to consider. License holders from diverse backgrounds and regions may feel their voices are not adequately represented in a larger, centralized system. The increase in efficiency does not always correlate with the improvement in healthcare.

I encourage you to thoroughly evaluate the potential consequences of this consolidation and recommend a **Do** Not Pass on SB 2357.

Thank you for your attention to this important matter. I appreciate your dedication to improving mental health services in our state and urge you to consider the diverse perspectives involved in this discussion.

Sincerely,

Ashley Thompson, M.Ed., LPCC-SUP C-AAIS President

3369 39th St S. Suite 2 | Fargo, ND 58104 Phone: 701.532.1353 | Fax: 701.532.1505

Web: www.birchwoodcounseling.com

February 12th, 2025

Dear Senate Workforce Development Committee,

I am a Licensed Professional Clinical Counselor in North Dakota, and have been licensed and practicing in North Dakota since 2021. I am writing to express my strong opposition to Senate Bill 2357, which proposes the consolidation of multiple mental health licensing boards into one composite board. While I deeply respect the work of professionals in various mental health fields, I believe this proposal would undermine the integrity of each profession and introduce significant challenges for both practitioners and the state.

Each mental health discipline—psychology, counseling, social work, substance abuse counseling, and marriage and family therapy—has distinct educational requirements, ethical codes, licensure processes, and scopes of practice. A composite board would dilute the specialized knowledge and focus that each profession requires to effectively oversee licensing, complaints, and advocacy. This could lead to inconsistent oversight, reduced accountability, and a lack of nuanced understanding of issues specific to each profession.

Additionally, as mental health professions move toward licensure portability through compacts, a composite board could hinder the adoption and implementation of these agreements. For example, counselors are already in the process of integrating the counseling compact, and a single board could introduce competing system needs, potentially leading to noncompliance.

The consolidation of boards would also increase the time it takes to get licensed. Currently, counselors in North Dakota can obtain licensure in an average of 30 days. By contrast, similar processes in Minnesota can take 4-6 months. A composite board would significantly delay this process, impacting new professionals and increasing the financial burden on both licensees and the state. Additionally, costs would rise due to the need for expanded administrative support and system modifications to accommodate the different licensing requirements of each profession.

Finally, each of the current boards is effective in providing support and oversight to its practitioners. With over 3,500 mental health professionals in the state, a single board of 11 members would be insufficient to manage the needs of such a large and diverse group.

I respectfully ask you to reconsider the consolidation proposed in SB 2357, and I urge you to oppose this bill. By retaining the independence of each profession's licensing board, we can ensure continued effective oversight, support for professionals, and the highest standards of care for the citizens of North Dakota. Thank you for your consideration.

Sincerely,

Jamie Newberger, LPCC, NCC

Jamie Newberger

Dear Chairman Wobbema and members of the committee,

I am giving written testimony on behalf of the North Dakota Board of Addiction

Counseling Examiners (NDBACE) to express opposition to Senate Bill 2357. This bill proposes
the creation of a composite mental health licensing board in North Dakota. While the intention to
streamline processes has validity, the potential negative impacts on our mental health system
warrant further consideration of the possible negative outcomes. This testimony will outline
several key concerns regarding this bill.

The consolidation of multiple licensing boards into a single entity, as proposed by SB 2357, risks increasing bureaucracy and inefficiencies. Each existing board currently operates with a specific focus, ensuring that licensure processes are tailored to the unique needs of each discipline. By merging these boards, we may introduce redundancies that complicate the licensure process, potentially delaying access to services for those in need. This could be particularly detrimental in a field where timely intervention is critical.

The distinct professional disciplines within mental health, such as psychology, social work, addiction counseling, and marriage and family therapy, each require specialized knowledge and tailored regulations. The proposed composite board could dilute this specialization, leading to a one-size-fits-all approach. Such an approach may fail to adequately address the unique challenges faced by each discipline, ultimately compromising the quality of care provided to clients.

SB 2357 allows for the governor to appoint board members from various mental health fields. This raises concerns about potential conflicts of interest, as board members might prioritize the interests of their profession over the equitable treatment of all licensed disciplines.

This could lead to biases in decision-making and regulation enforcement, undermining the integrity of the board's operations.

There is significant apprehension among current licensees regarding how the transition to a composite board will affect their existing licenses and the renewal process. Although the bill proposes that existing licensees retain their status without reapplication, uncertainties regarding the new board's policies and oversight might create confusion and anxiety. Clear guidelines and communication will be essential to mitigate these concerns.

The financial implications of establishing a new board, including administrative costs and the potential need for additional staff, are contentious. Arguments could be made that funds could be better utilized to enhance existing mental health services or improve access to care rather than creating a new administrative structure. It is important to consider whether the benefits of a composite board justify the financial investment required.

The merging of boards might affect public perception and trust in mental health professionals. Stakeholders may worry that a composite board could lead to a dilution of standards, resulting in a decrease in the overall quality of care provided to clients. Maintaining high standards is essential to preserving public confidence in mental health services.

Combining various licensing requirements and regulatory frameworks may create challenges in maintaining consistent standards across disciplines. This could lead to confusion among practitioners and clients alike regarding the qualifications and competencies required for different types of mental health professionals. Ensuring clarity and consistency in regulations will be vital to avoid such confusion.

Another aspect to consider is the quantitative impact of this bill. There are approximately 5,000 licensed individuals across the existing boards, each with an approximant average caseload of 10 people, impacting around 50,000 North Dakotans. However, according to the Department of Health and Human Services, 20.5% of citizens have a behavioral health condition, equating to 160,704 individuals potentially affected by this bill. A comprehensive study is necessary to fully understand the implications of this legislative change.

In conclusion, while Senate Bill 2357 aims to streamline mental health licensing processes, it raises significant concerns about specialization, potential conflicts of interest, and the impact on existing licensees, resource allocation, public trust, and the complexity of regulatory standards. These arguments warrant careful consideration in the legislative process. I urge the committee to thoroughly evaluate these concerns and consider the potential consequences before the advancement of this bill.

Respectfully,

Jeremy Traen LBSW, LCAC

Chairman

North Dakota Board of Addiction Counseling Examiners

Austin Williams
Doctoral Student and counselor
2766, 41<sup>st</sup> S
#416
Fargo, ND 58104

February 12, 2025

Subject: Testimony Regarding Senate Bill

Dear Senate Workforce Development Committee,

I am writing to express my opposition for Senate Bill 2357, which proposes a mental health licensing composite board including psychologists, counselors, social workers, substance abuse counselors, and marriage and family therapists. I oppose this bill because it will significantly impact each profession's integrity and require a large financial burden for the state and licensees.

Each profession is distinctly different including educational background, ethical codes, licensure requirements, roles of service, and licensure examination. By merging these five separate professions together in one composite board it will decrease the efficacy and integrity of each profession because each profession will have marginal representation of their licensure process, state statues, navigating complaints, and advocating for their profession's needs. In addition, with multiple mental health professions moving towards licensure portability (compacts) a composite board could negatively impact the ability to adopt and maintain compact regulations. For example, counseling has already signed the counseling compact into legislation and is in the process of navigating implementation (e.g., jurisprudence examination, converting licensee records to electronic format, vetting compact compliant database). Decisions made for a composite board might compromise the progression of the counseling compact, as system needs may compete and create noncompliance between different the different professions in the proposed composite board.

Furthermore, a composite board will drastically increase the time it takes to get licensed in North Dakota. Currently, it takes an average of 30 days or less for counselors (e.g., LAPC, LPCC) who meet requirements to obtain licensure. While with a composite board, Minnesota for example, takes 4-6 months to obtain licensure. Lastly, implementing a composite board will create a large burden financially on the state and licensees (e.g., increasing licensure costs) due to changes in state statues to accommodate

composite board, vetting databases to meet the individual needs of each profession, and funding staff support for a larger composite board (e.g., attorney, executive assistants).

I urge you to OPPOSE this bill. Kindly contact me at <a href="mailto:austinwilliamsc11@gmail.com">austinwilliamsc11@gmail.com</a> if you have questions about or interested in clarification on the impact of the bill on North Dakota counselors. I appreciate your consideration and representation of the counseling profession and counselors of North Dakota.

Cordially, Austin Williams, M.Ed, LAPC, NCC 701.557.1500 » info.naswnd@socialworkers.org » naswnd.socialworkers.org



# Testimony on SB 2357 North Dakota Chapter of the National Association of Social Workers 13 February, 2025 Senate Workforce Development Committee

Chairman Wobbema and Members of the Senate Workforce Development Committee,

My name is Alison Traynor, and I am president of the board of the North Dakota Chapter of the National Association of Social Workers (NASW-ND). We respectfully oppose Senate Bill 2357, which seeks to dissolve existing professional mental health licensing boards to create a composite mental health board.

While we recognize the intent behind streamlining regulatory processes, this proposal would undermine the integrity of individual professions and create unintended consequences that weaken consumer protections and professional accountability.

Each profession—social work, psychology, addiction counseling, professional counseling, and marriage and family therapy—operates under distinct ethical frameworks, education requirements, and best practices. A one-size-fits-all regulatory approach ignores these differences, potentially compromising the quality of care for North Dakotans.

Merging these boards would mean:

- Licensure decisions would be diluted, with fewer representatives speaking to the nuances of each profession.
- Board members would be stretched thin, requiring them to understand and enforce regulations across multiple complex disciplines.
- Ethical considerations would be generalized, rather than upheld within the specialized frameworks that have long ensured the highest standards of care.

Rather than dismantling well-functioning professional boards, we encourage the Legislature to explore solutions that improve efficiency while maintaining the integrity of each profession. Targeted investments in staffing, technology, and administrative support could reduce licensure delays and modernize processes without compromising professional oversight.

We believe that North Dakota's workforce challenges should be addressed in ways that protect public safety, maintain strong professional standards, and ensure timely access to mental health services.

On behalf of NASW-ND, we urge a DO NOT PASS recommendation on SB 2357. Thank you for your time and consideration.

Respectfully,

Alison Traynor, MSW, MPH, LCSW President, North Dakota Chapter of the National Association of Social Workers

# Opposed Testimony ND State Board of Psychologist Examiners Senate Bill No. 2357 Senate Workforce Development Committee Senator Michael Wobbema, Chair February 13, 2025 - 2:45 pm

Chairman Wobbma, members of the Workforce Development Committee, I am Dr. Renee Boomgaarden, representing your Board of Psychologist Examiners. I am a Psychologist, licensed under Chapter 43-32 of the ND Century Code. The Board asked that I appear today to express our extreme concerns about SB2357 for the likely adverse impact this legislation will have on the regulation of psychology and the other four mental health disciplines it affects. We are concerned specifically for the field of psychology, the effective practice of clinical psychology for the citizens of North Dakota, and the potential disruption of behavioral health services throughout North Dakota.

Let me be brief as we know there are a number of other regulatory boards and professional associations waiting to speak to the bill's serious disadvantages. The Board of Psychologist Examiners has voted to express opposition when our usual posture is to present neutral testimony. However, when a bill has specific features to undermine the safety of the citizens of North Dakota it is our duty to advise you in as clear a voice as possible.

Regulatory boards, such as the Board of Psychologist Examiners, are not created by the legislature and appointed by the Governor to promote specific disciplines – instead, their sole purpose is to protect the citizens of North Dakota. These protections are accomplished in 3 fundamental ways, briefly:

- Protection from unethical actors
- Ensure quality professional ongoing services by the discipline
- Ensure those entering the profession meet professional standards.

#### **Composite Board**

The proposed 'composite' board reduces all the functions the North Dakota legislature, historically assigned to the Psychology regulatory board, to that of administrative functionaries.

- The proposed legislation summarily removes access to the Administrative Code necessary to apply the specific Ethical Standards which governs the practice of psychology, and does the same for the other disciplines and their specific Ethics Codes.
- Passing this bill will immediately hamstring normal operations of licensing psychologists and other disciplines as it will take months to establish the required Administrative Code. During this time:
  - No new professionals of the five disciplines will be issued as there is not any Administrative Code to direct issuing licenses.
    - Web-based application software is required to be developed, tested, and implemented in the bill.
    - Administrative staff will need to be hired and trained in Primary Source Verification for each of the disciplines. For Psychology, this is already addressed (web-based application and Primary Source Verification) through use of the professional PLUS Application Service.
    - Oral Jurisprudence Examination, expressly included in the bill, will need to be done monthly and by the two psychologist appointees resulting extreme workload.
  - Ethical complaint investigations will not be able to be acted upon until the Administrative Code is in place. Administrative

- code requires time to develop, hold hearings, and receive approval for implementation which will be at least 3 to 6 months at the fastest.
- License renewals of all disciplines, especially psychology, will be unable to be issued until
  - Administrative Code is in place,
  - staff are hired and trained across the disciplines, and
  - required web-based software is created from scratch.
- Transition costs will be devastating to hire the multiple staff that will be needed to replace the free, voluntary board members of each discipline currently in place.
- Staff-operated processes of a combined board across 5
  disciplines will likely require at least 3, if not 5 or more, fulltime staffers. This replaces part-time board support staff and
  appointed (no per diem cost) board members, currently.
- Board operations across disciplines will be handled by paid administrative staff with only summary discipline-specific oversight by 5 different disciplines with 5 different Ethics Codes.
  - This serious oversight fails to recognize the substantial differences of the varying professional practices, roles, responsibilities, and training levels and requirements.
- Psychology is a doctoral level profession, in contrast to the masters-preparation levels required to meet the standards of Social Work, Counseling, Marriage and Family Therapy and Addiction Counselor.
  - Complicated cross-discipline leveling will occur (for supposed efficiencies) within the administration of the

- board which devastates any capacity to sustain psychology-specific standards.
- Psychology licenses non-mental health psychologists. This
  regulatory management (non-clinical and
  industrial/organizational psychologists) will be coordinated by
  disciplines unfamiliar with the breadth of psychology as a
  discipline.

The most significant concern is where Section 38 repeals several sections of existing law for all five of these licensing boards. Specifically, as it relates to the Psychologists, Section 38 repeals N.D.C.C. § 43-32-08, which contains the general authority for the Board to adopt administrative rules including a code of ethics and certain educational programs.

Almost all disciplinary complaints submitted to the Board, beyond compliance with the statutory criteria, are violations of compliance with the Professional Code of Ethics. Repealing this section would invalidate all existing rules created under this authority including the authority of the Professional Code of Ethics. Although the Board may reenact administrative rules under the additional statutory authority, there are several provisions of administrative rules that are critical to the board's day-to-day function that are seriously disrupted. Administrative code generally takes several months to a year to get into place, especially when highly complicated.

#### **Conclusions:**

The legislature has studied professional regulatory boards every session for at least the last 20 years and has consistently found existing boards are as efficient, consistent, and effective as can be expected for professional regulation.

- Such studies have been by legislative hearings, the department of defense, Secretary of Labor, and interim legislative committees.
   Findings have consistently reported the boards to be highly efficient and effective, and that adjustments to existing regulatory statutes have resolved all areas of concern for timeliness and efficiency.
- People with appropriate credentials are often provided with a license allowing practice within a few days of being submitted, also allowing the applicant to practice while awaiting the Oral Exam.
- The specialized boards deliver appropriate protections to the people of North Dakota to ensure continuous delivery of quality, ethical practices.
- These 5 distinct boards address the diverse and unique disciplines at no cost to the taxpayer.
- The professional regulatory boards services are voluntary with costs absorbed by the licensees, with no taxpayer funding involved.

I would be happy to answer any questions.

# Prepared Testimony of the North Dakota Board of Marriage and Family Therapy Testimony in Opposition to SB 2357

Chairman Wobbema and Members of the Committee:

This testimony is prepared on behalf of the North Dakota Board of Marriage and Family Therapists following a special meeting to discuss this bill. We, the board, are asking you to vote in opposition to SB 2357. Our board has multiple concerns over what moving towards a composite board would mean for the citizens of North Dakota to be outlined below.

- 1. Each Board is made up of separate and distinct professions. Although we each provide mental health services, the education, path to licensure, ethical codes, and foundations of practice vary dramatically. It would be a disservice to try to meld professions into a single board that have such varied pathways to each distinct field. We must preserve the boards to preserve the integrity of each profession, code of ethics, and ensure North Dakotans have the monitoring they deserve in regard to something as sacred as their mental health providers. SB 2357 would jeopardize this.
- 2. The composite board would create a scope of practice issue. As marriage and family therapists (MFTs) we are not able to advise on the other boards' procedures, processes, and competencies including but not limited to licensing process, disciplinary actions, and continued education management, nor can the other professions of ours. Thus making a composite board a misuse of board time.
- 3. Our boards are made up of volunteers that have expertise in the subject matter of the profession, statutes, and ethics in order to protect North Dakotans. To move into a composite board, specifically in the unreasonable amount of time in SB 2357, would place North Dakotans at risk with the volume of ethical and disciplinary issues to be managed by a single board with fewer subject matter experts of each distinct field.
- 4. Moreover, our ND MFT board does not cost the state any money, thus to disrupt this and other boards seems nonsensical paired with the above issues, and would put undue burden on the volunteers giving their time to boards to serve our state and our residents. Their focus should be able to remain on monitoring each profession to ensure North Dakotans have access to safe and ethical mental health services.
- 5. Although our professions may vary, our allied professions we consulted with are also in opposition of such for similar concerns of protecting the public, field preservation, and lack of similarity in board processes and regulations related to licensure. We all aim to serve North Dakotans, but please allow us to continue to do that in our unique routes of doing so.

We owe it to our board members to keep these efficient and inexpensive boards in place so that they can focus on keeping North Dakotans safe via their expertise in each unique professions' board versus creating increased chaos and rushed disarray by trying to meld boards that do not have the same professional ethics, statutes, and procedures. Please vote against SB 2357.

Respectfully,

Shauna Erickson-Abou Zahr M.S., LMFT on behalf of North Dakota Board of Marriage and Family Therapy

Vice President of the North Dakota Board of Marriage and Family Therapy



To: Senate Workforce Development Committee

From: Rosalie Etherington, PhD, Licensed Psychologist

Date: February 12, 2025

RE: SB 2357 - a bill to create a composite mental health licensing board

Chairtman Wobbema and Senate Workforce Development Committee members. My name is Rosalie Etherington. I am a licensed psychologist and business owner in North Dakota. I am providing this written testimony in opposition to SB 2357.

SB2357 establishes a composite board for mental health professionals, eliminating the boards for psychologists, social workers, addiction counselors, professional counselors, and marriage and family therapists. It falls short in multiple ways and psychologists, for the reasons I describe below, do not belong in this proposed composite board.

Psychologists and psychiatrists are Tier 1a professionals in the legislatively established behavioral health professional Tier system. Psychologist and psychiatrist training is roughly equivalent and at a doctoral level. The other clinicians identified in the proposed mental health composite board are Tier 2 professionals. Composite boards for licensees with similar levels of education and autonomy may simplify licensing procedures. However, the fact that the education and autonomy of psychologists is different from the other professionals in the proposed board makes the psychologists ill-fit within this group.

Not all psychologists are mental health professionals. Licensed industrial-organization psychologists, and some experimental psychologists, are not clinical psychologists and do not offer mental health services.

Clinical psychologists are trained to diagose and treat behavioral health disorders. These skills are roughly similar to the Tier 2 professionals in the proposed composite board. However, all psychologists possess additional expertise in the use of psychometric testing instruments to diagnose mental health conditions and measure a person's intelligence, aptitude, cognitive capacity, personality characteristics, and risk factors for violent behaviors. Specialty trained psychologists also use psychometric testing instruments to determine sexual dangerousness, criminal competency, criminal responsibility, and fitness for duty.

Psychologists' doctoral level training and unique skills, only some of which are mental health-specific, make them ill-fit for this proposed mental health professional composite board. I ask the committee to consider voting no on SB2357. Thank you for your time and consideration.

#### Testimony Prepared for the Senate Workforce Development Committee

#### February 13, 2025

By: Jennifer Boeckel

Chairperson of the North Dakota Board of Social Work Examiners

#### RE: Senate Bill 2357

Chairperson Roers, and Senate Workforce Development Committee members: On behalf of the North Dakota Board of Social Work Examiners, we respectfully submit our opposition to Senate Bill 2357, which proposes the creation of a composite mental health licensing board. We understand the intent behind the bill, which aims to streamline regulation and oversight of various mental health professionals. However, we believe that the establishment of a composite board, as outlined in the bill, presents significant challenges to effective and specialized regulation of each profession and does not account for the unique needs and requirements of the various professions involved. We respectfully ask that this bill be moved to a study instead of proceeding with its current form.

Each of the professions regulated by the existing boards—social work, psychology, addiction counseling, professional counseling, marriage and family therapy—has distinct and unique roles, responsibilities, and ethical standards. These professions differ in terms of their practice models, education requirements, licensure processes, and codes of ethics. Creating a single composite board to oversee all these areas of practice would be an immense challenge, as it would be difficult to ensure that the distinct regulatory requirements of each profession are properly adhered to.

For example, the scope of practice for each profession is unique, and so are the skills and knowledge required for licensure at different levels. Social work, for instance, has three distinct licensure levels—LBSW, LMSW, and LCSW—with specific educational, training, and experience requirements for each licensure level. Within the scope of practice for LBSW and LMSW licensure the emphasis is not always on mental health. A composite mental health board would have to be able to effectively represent each licensure level and the unique aspects of social work practice which can include but is not limited to: child and family social work, veteran social work, healthcare social work, international social work, social justice, disaster relief, administration and management, community organizations, public policy, and public welfare. The composition of any governing body would need to reflect this diversity in a manner that ensures all licensees are appropriately represented and that the ethical standards and practices specific to each licensure level are upheld. This would likely require subcommittees or specialized working groups for each profession, leading to a more complex and less efficient regulatory process.

In addition to the concerns about effective regulation, we must also consider the ongoing work on the Social Work Compact, HB1035, currently referred to workforce development. The compact, if enacted, would allow social workers to practice across state lines in participating states, and we believe North Dakota is likely to adopt this compact in the near future. The provisions of the compact will come with specific regulatory requirements that we must meet to fully participate in this interstate compact. It is essential that our existing structure, which is well-aligned with the compact's requirements, remains intact until we have a clear understanding of how those requirements will impact our licensure processes.

Without a comprehensive understanding of these new compact requirements, it is difficult to evaluate how a composite board would fit into this evolving regulatory framework. Creating a new composite board at this time could potentially complicate our ability to comply with the compact's standards or create conflicts with existing social work licensure rules.

Given the complexity of the issues raised by SB 2357 and the importance of understanding the long-term implications for each profession, we strongly urge that the bill be referred to a study rather than moving forward with its passage. A thorough study would allow stakeholders from each profession to have a deeper discussion about the potential impact of such a composite board and consider alternative solutions that could achieve the goal of more efficient regulation while preserving the integrity of each profession.

In conclusion, while we understand the desire to streamline regulatory processes, we believe that SB 2357, as it stands, could lead to significant challenges for the professions under its jurisdiction, particularly in ensuring that the unique needs of social work and other mental health professions are adequately met.

Thank you for your consideration of our concerns.



## North Dakota Senate

STATE CAPITOL 600 EAST BOULEVARD BISMARCK, ND 58505-0360



**Senator Kristin Roers** 

District 27 4415 53<sup>rd</sup> St S Fargo, ND 58104 kroers@ndlegis.gov

#### **COMMITTEES:**

Human Services State and Local Government (Chair) Majority Caucus Leader

2/13/2025

Mr Chair and members of the Senate Workforce Committee:

This proposed board would encompass counseling, addiction counseling, social work, family and marriage therapy, and psychology. The bill is modeled on Wyoming's legislation.

I believe it has significant potential benefits for the state and its mental health professionals:

- **Reduced Administrative Burden:** Many licensees currently provide duplicate information to multiple boards. A composite board could streamline this process and allow for shared data.
- **Improved Technology Solutions:** Pooled resources would enable investment in a modernized software system, such as a licensee portal allowing professionals to manage multiple licenses simultaneously.
- **Modernized Operations:** This would bring outdated processes up to current standards, eliminating inefficiencies (e.g., the reliance on physical records storage).
- **Economies of Scale:** Smaller licensing groups would benefit from shared resources, ensuring equity and efficiency.
- **Future Opportunities:** Eventually, the certification of peer support specialists could transition from DHHS to the composite board, allowing DHHS to focus on education and providing an ombudsman role for licensees.

This initiative is about doing the right thing for the state and the mental health professions.

I also had another profession reach out, wondering if it would make sense for them to be included in this board - and that is Peer Support Specialists. They are currently part of a different composite board and don't feel like it is as good of a fit as this composite board would be.

I understand that change is difficult - and this is just the beginning of this conversation - this bill may be ahead of its time, but I think it is a good conversation to have. In Senate Bill 2308, the Governor has requested that ALL boards be assessed; to decrease the number of boards and commissions we have in this state. These 5 boards have many similarities, and I think would be a prime example of the transformation Governor Armstrong is looking for.



## North Dakota Senate

STATE CAPITOL 600 EAST BOULEVARD BISMARCK, ND 58505-0360



**Senator Kristin Roers** 

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Marilyn Arechiga Quintero 3312 5<sup>th</sup> St West West Fargo, ND 58078

February 13, 2025

Subject: Testimony Regarding Senate Bill

Dear Senate Workforce Development Committee,

I strongly oppose Senate Bill 2357, which proposes a composite mental health licensing board. Combining psychologists, counselors, social workers, substance abuse counselors, and marriage and family therapists under one board would compromise the integrity of each profession, reduce representation in key licensure matters, and create unnecessary financial burdens on both the state and licensees.

Each profession has distinct educational, ethical, and licensure requirements. A composite board could also hinder licensure portability efforts, such as the Counseling Compact, by introducing conflicts between professional regulations. Additionally, this change would likely increase licensing wait times—North Dakota currently processes counseling licenses in about 30 days, whereas composite board states, like Minnesota, take four to six months. The financial costs of restructuring databases, adjusting statutes, and hiring additional staff would further strain resources.

I urge you to OPPOSE this bill. Please feel free to contact me at **marilyn.quintero@ndsu.edu** for any questions or further clarification. Thank you for your time and support of the counseling profession in North Dakota.

#### Sincerely,

Marilyn Quintero, LAPC, NCC, ME.d

Teresa BlackCloud

Counseling Graduate Student

teresa.blackcloud@ndus.edu

Fargo, ND 58104

February 12, 2025

Subject: Testimony Regarding Senate Bill

Dear Senate Workforce Development Committee:

I am writing to express my opposition for Senate Bill 2357, which proposes the creation of a composite mental health licensing board and removal of the specialized boards for counselors, psychologists, substance abuse counselors, social workers, and marriage and family therapists. As a future counselor in my final semester at North Dakota State University who will be applying for my own licensure soon, I OPPOSE this bill as it would weaken the meaningful action possible for professions in each unique area of mental health service as well as bring about undue prolonging of licensure for upcoming, progressing, and much needed providers.

First, in working to complete my degree as a clinical mental health counseling, I have needed to delve into the distinctive educational contexts and the code of ethics of the counseling profession, which has refined my abilities to provide psychotherapy techniques and approaches best suited to a wide range of individuals and needs, differing from that of a social worker who possesses crucial knowledge of social assistance or a psychologist who carries expertise in human psychology and assessment. While there are some similarities between mental health care providers, through collaboration I have come to value these different perspectives, each informed by their own distinctive educational contexts and code of ethics. If the licensing boards are dismantled, it would limit the meaningful action that could be taken to improve or address concerns according to their individual viewpoints. It is imperative that these boards remain led by those that understand the intricacies of and developments in their respective fields, increasing the likelihood of impactful decision-making and continued integrity that is desperately needed in our state.

Next, the bill would not only debilitate meaningful action for licensure reputability, but it would also create undue prolonging for licensing, increasing the demands onto a single board to manage and provide timely responses for all mental health professionals. The prospective mental health providers I have met through my program have made significant time and financial sacrifices in hopes of helping others in our communities. The idea that we would be unable to receive a license for many months, after years to complete this advanced degree, is troublesome. I have always appreciated the efficiency of our state's systems, a no-nonsense approach to securing the best people to work in our state. This bill would cause

excessive strain on mental health licensure, making it difficult to provide mental health services to North Dakota citizens.

In sum, I strongly urge you to OPPOSE Senate Bill 2357. Thank you for your time and consideration in support of mental health professionals and those we serve.

Sincerely,

Teresa BlackCloud

#### 2025 SENATE STANDING COMMITTEE MINUTES

#### **Workforce Development Committee**

Fort Lincoln Room, State Capitol

SB 2357 2/20/2025

Relating to the state board of psychologist examiners, board of social work examiners, board of addiction counseling examiners, board of counselor examiners, and marriage and family therapy licensure board; to provide a penalty; to provide for a transfer; and to provide for application.

9:29 a.m. Chairman Wobbema opened the hearing.

Members Present: Chairman Wobbema, Vice-Chairman Axtman, Senator Boschee, Senator Larson, Senator Powers.

#### **Discussion Topics:**

- Amendment to add Shall consider study
- Public access to care
- Boards opting for non-involvement

9:37 a.m. Senator Axtman moved amendment LC#25.1301.01001.

9:37 a.m. Senator Boschee seconded the motion.

Senators	Vote
Senator Mike Wobbema	Υ
Senator Michelle Axtman	Υ
Senator Josh Boschee	Υ
Senator Diane Larson	Υ
Senator Michelle Powers	Υ

Motion Passed 5-0-0.

9:38 a.m. Senator Axtman moved Do Pass as Amended.

9:38 a.m. Senator Boschee seconded the motion.

Senators	Vote
Senator Mike Wobbema	Υ
Senator Michelle Axtman	Υ
Senator Josh Boschee	Υ
Senator Diane Larson	Υ
Senator Michelle Powers	Υ

Motion Passed 5-0-0.

Senator Axtman will carry the bill.

Senate Workforce Development Committee SB 2357 02/20/2025 Page 2

9:39 a.m. Chairman Wobbema closed the hearing.

Andrew Ficek, Committee Clerk

25.1301.01001 Title.02000

Adopted by the Workforce Development Committee

February 20, 2025

Sixty-ninth Legislative Assembly of North Dakota

#### PROPOSED AMENDMENTS TO

2-20-25 AB 10028

SENATE BILL NO. 2357

Introduced by

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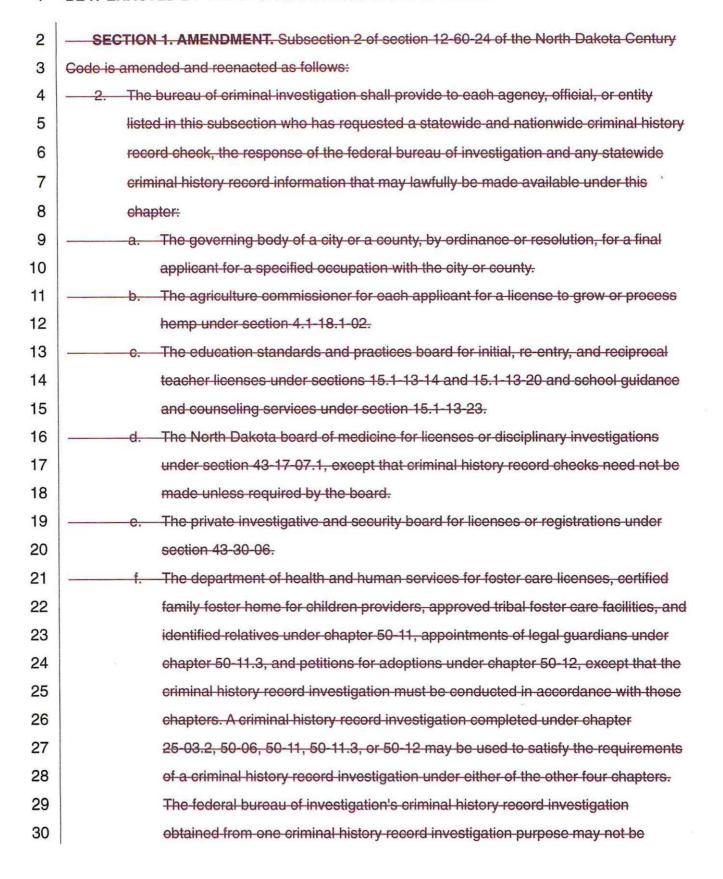
21

Senators Roers, Axtman, Wobbema

Representatives Richter, Louser, O'Brien

A BILL for an Act to create and enact chapter 43-56 of the North Dakota Century Code, relating to the composite mental health licensing board; to amend and reenact subsection 2 of section 12-60-24, subsections 1, 2, and 7 of section 43-32-01, sections 43-32-10, 43-32-16, 43-32-17, and 43-32-26, subsection 1 of section 43-41-01, sections 43-41-02, 43-41-03, subsection 1 of section 43-41-04, sections 43-41-05.1, 43-41-07, 43-41-09, and 43-41-11.1, subsection 2 of section 43-45-01, sections 43-45-04 and 43-45-05.1, subsection 2 of section 43-45-05.2, section 43-45-07.1, subsection 1 of section 43-45-07.2, subsection 1 of section 43-47-01, section 43-47-03, subsection 1 of section 43-47-06, sections 43-47-06.1, 43-47-06.3, 43-47-07, and 43-47-07.1, subsections 1 and 4 of section 43-47-08, section 43-47-09, subsections 3 and 4 of section 43-53-01, sections 43-53-02, 43-53-03, and 43-53-05, subsection 1 of section 43-53-06, subsection 1 of section 43-53-07, and section 43-53-12 of the North Dakota Century Code, relating to the state board of psychologist examiners, board of social work examiners, board of addiction counseling examiners, board of counselor examiners, and marriage and family therapy licensure board; to repeal sections 43-32-02, 43-32-03, 43-32-04, 43-32-05, 43-32-06, 43-32-07, 43-32-08, 43-32-11, 43-32-13, 43-32-14, 43-41-08, 43-41-12, 43-45-02, 43-45-03, 43-45-05, 43-45-07, 43-47-02, 43-47-03.1, 43-47-06.2, and 43-53-04 of the North Dakota Century Code, relating to the state board of psychologist examiners, board of social work examiners, board of addiction counseling examiners, board of counselor examiners, and marriage and family therapy licensure board; to provide a penalty; to provide for a transfer; and to provide for application. for an Act to provide for a legislative management study regarding the feasibility, benefits, and challenges of creating a composite mental health licensing board.

#### 1 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:



1		reused to satisfy the requirements of another federal bureau of investigation's
2		criminal history record investigation for a different purpose.
3	<del>g.</del>	The department of health and human services for criminal history record checks
4		authorized under section 50-06-01.9.
5	——h.	The chief information officer of the information technology department for certain
6	×	individuals under section 54-59-20.
7	<del></del>	A public peace officer training school that has been approved by the peace officer
8		standards and training board for enrollees in the school. The school may only
9		disclose the criminal history record information as authorized by law. The school
10		shall pay the costs for securing the fingerprints, any criminal history record
11		information made available under this chapter, and for the nationwide criminal
12		history record check. This subdivision does not apply to the highway patrol law
13		enforcement training center and enrollees who have a limited license under
14		section 12-63-09.
15	j.	The North Dakota public employees retirement board for individuals first
16		employed by the public employees retirement board after July 31, 2005, who
17		have unescorted physical access to the office or any security-sensitive area of
18		the office as designated by the executive director.
19	k.	The executive director of the retirement and investment office for individuals first
20		employed by the retirement and investment office after July 31, 2005, who have
21		unescorted physical access to the office or any security-sensitive area of the
22		office as designated by the executive director.
23	<del></del>	The Bank of North Dakota for a final applicant for a specified occupation with the
24		Bank as designated by the president.
25	m.	Job service North Dakota for all employees, final applicants for employment with
26		job service, and contractors with access to federal tax information.
27	n.	The department of health and human services for a final applicant for a job
28		opening or a current employee with the department; an individual being
29		investigated by the department; or an applicant for registration as a designated
30		caregiver or a compassion center agent under chapter 19-24.1.

1	0.	The state board of nursing for applicants, licensees, registrants, or disciplinary
2		investigations under chapter 43-12.1, except that criminal history record checks
3		need not be made unless required by the board.
4	<del>p.</del>	The state board of pharmacy for applicants or disciplinary investigations under
5		chapter 43-15 and registrations, or revocation or suspension of registrations,
6		under chapter 19-03.1, except that criminal history record checks need not be
7		made unless required by the board.
8	<del>q.</del>	The state real estate commission for applicants, licensees, or investigations
9		under chapter 43-23, except that criminal history record checks need not be
10		made unless required by the commission.
11	****	r. The North Dakotacomposite mental health licensing board of social work
12		examiners for applicants for initial licensure or licensees under chapter
13		43-4143-56, except that criminal history record checks for licensees need not be
14		made unless required by the board.
15	<del></del>	All agencies, departments, bureaus, boards, commissions, or institutions of the
16		state, including the North Dakota university system, for all employees or final
17		applicants for employment as a security guard or to otherwise provide security.
18	t	The office of management and budget for each individual who has access to
19		personal information as designated by the director.
20	u.	The department of corrections and rehabilitation for all agents and employees
21		and a final applicant for employment designated by the director and for each
22		agent, employee, or a final applicant for employment of a privately operated
23		entity providing contract correctional services for the department who exercises
24		direct authority over juveniles, inmates, probationers, or parolees.
25	V.	A city, county, or combination of cities or counties that operates a correctional
26		facility subject to chapter 12-44.1, for each agent and employee and a final
27		applicant for employment of the correctional facility who has direct contact with or
28		exercises direct authority over any juvenile or inmate of the correctional facility,
29		and for each agent, employee, or a final applicant for employment of a privately
30		operated entity providing contract correctional services for the correctional facility
31		who exercises direct authority over juveniles, inmates, probationers, or parolees.

1		North Dakota university system for a final applicant for or employee in a
2	spec	ified position in the university system or a university system institution or for
3	each	student applying for or admitted to a specified program of study, as
4	desig	gnated by the chancellor.
5	x. (1)	The board of a school district, for employees designated by the board,
6		provided the board is responsible for paying the costs associated with
7		obtaining a criminal history record check;
8	<del>(2)</del>	The board of a multidistrict special education unit, for employees designated
9		by the board, provided the board is responsible for paying the costs
10		associated with obtaining a criminal history record check;
11	(3)	The board of an area career and technology center, for employees
12		designated by the board, provided the board is responsible for paying the
13		costs associated with obtaining a criminal history record check;
14	(4)	The board of a regional education association, for employees designated by
15		the board, provided the board is responsible for paying the costs associated
16		with obtaining a criminal history record check; and
17	(5)	The superintendent of public instruction in the case of a nonpublic school or
18		a state school with a superintendent appointed by or reporting to the
19		superintendent of public instruction, for employees designated by the
20		nonpublic or state school, provided the nonpublic or state school is
21		responsible for paying the costs associated with obtaining a criminal history
22		record check.
23	y. (1)	The board of a school district, for a final applicant seeking employment with
24		the district or otherwise providing services to the district, if that individual
25		has unsupervised contact with students, provided the board is responsible
26		for paying the costs associated with obtaining a criminal history record
27		check;
28	(2)	The board of a multidistrict special education unit, for a final applicant
29		seeking employment with the unit or otherwise providing services to the unit,
30		if that individual has unsupervised contact with students, provided the board

1	is responsible for paying the costs associated with obtaining a criminal	
2	history record cheek;	
3	(3) The board of an area career and technology center, for a final applicant	
4	seeking employment with the center or otherwise providing services to the	
5	center, if that individual has unsupervised contact with students, provided	
6	the board is responsible for paying the costs associated with obtaining a	
7	eriminal history record check;	
8	(4) The board of a regional education association, for a final applicant seeking	
9	employment with the association or otherwise providing services to the	
10	association if that individual has unsupervised contact with students,	
11	provided the board is responsible for paying the costs associated with	
12	obtaining a criminal history record check; and	
13	(5) The superintendent of public instruction in the case of a nonpublic school of	:
14	a state school with a superintendent appointed by or reporting to the	
15	superintendent of public instruction, for a final applicant seeking	
16	employment with the school or otherwise providing services to the school,	
17	that individual has unsupervised contact with students, provided the board	S
18	responsible for paying the costs associated with obtaining a criminal histor	
19	record check.	
20	(6) For purposes of this subdivision, "unsupervised contact" with students	
21	means being in proximity to one or more students, on school grounds or at	
22	school functions, outside the presence of an individual who has been	
23	subject to a criminal history record check.	
24	z. The racing commission for applicants for licenses under chapter 53-06.2, excep	
25	that criminal history record checks need not be made unless required by the	
26	commission.	
27	aa. A district court for a petition to change a name under chapter 32-28.	
28	bb. The state board of pharmacy for a wholesale drug distributor seeking licensure	
29	under chapter 43-15.3.	

1	<del></del>	The board of dental examiners for investigations of applicants or dentists under
2		section 43-28-11.2, except that criminal history record checks need not be made
3		unless required by the board.
4	<del>dd.</del>	The department of financial institutions for each applicant for a specified
5		occupation with the department as specified by the commissioner and principal
6		owners and managing officers of applicants for a license from the department of
7		financial institutions.
8	<del>ee.</del>	The office of tax commissioner for all employees, final applicants for employment
9		with the tax commissioner, and contractors with access to federal tax information.
10	ff.	The state board of examiners for nursing home administrators for applicants for
11		licensure or licensees under chapter 43-34, except that criminal history record
12		checks for licensees need not be made unless required by the board.
13	18901	gg. The marriage and family therapy licensure board for applicants,
14		licensees, or investigations under chapter 43-53, except that criminal history
15		record checks need not be made unless required by the board.
16		hh. The state board of chiropractic examiners for applicants, licensees,
17		certificates, or investigations under chapter 43-06, except that criminal history
18		record checks need not be made unless required by the board.
19	*	ii.hh. Workforce safety and insurance for a final applicant for a specified
20		occupation with workforce safety and insurance as designated by the director, or
21		for contractors who may have access to confidential information as designated by
22		the director.
23		jj. The board of counselor examiners for applicants for licensure or licensees
24		under chapter 43-47, except that criminal history record checks for licensees
25		need not be made unless required by the board.
26	-	kk. <u>ii.</u> The state board of respiratory care for applicants, licensees, or
27		investigations under chapter 43-42, except that criminal history record checks
28		need not be made unless required by the board.
29		II.jj. The North Dakota real estate appraiser qualifications and ethics
30		board for applicants for permits or registration or permittees, registrants, owners,
31		or controlling persons under chapters 43-23.3 and 43-23.5, except that criminal

1	history record checks for permittees, registrants, owners, or controlling persons
2	need not be made unless required by the board.
3	mm.kk. The insurance department for criminal history record checks
4	authorized under chapters 26.1-26 and 26.1-26.8.
5	nn. <u>ll.</u> The office of the adjutant general for employees and volunteers
6	working with the recruiting and retention, sexual assault, and youth programs.
7	oo.mm. The parks and recreation department for volunteers and final
8	applicants for employment, as determined by the director of the parks and
9	recreation department.
10	pp.nn. The North Dakota medical imaging and radiation therapy board of
11	examiners for licensure and licensees under chapter 43-62, except that criminal
12	history record checks for licensees need not be made unless required by the
13	<del>board.</del>
14	qq.00. The game and fish department for volunteers and final applicants
15	for employment, as determined by the director of the game and fish department.
16	rr.pp. The North Dakota board of massage for applicants, licensees, or
17	investigations under chapter 43-25.
18	ss.qq. The North Dakota board of physical therapy for physical therapist
19	and physical therapist assistant applicants and for licensees under investigation,
20	except that criminal history record checks need not be made unless required by
21	the board.
22	tt. <u>rr.</u> The department of commerce for volunteers and employees
23	providing services through eligible organizations, as determined by the
24	commissioner of commerce.
25	uu.ss. The state court administrator for a guardian ad litem who provides
26	direct services to youth.
27	vv.tt. The department of environmental quality for a final applicant for a
28	job opening or a current employee with the department, or an applicant for a
29	radioactive materials license under chapter 23.1-03 or a solid waste permit under
30	chapter 23.1-08 as provided in section 23.1-01-11.1.

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1	ww.uu. The housing finance agency for criminal history record checks
2	authorized under section 54-17-07.13.
3	xx. <u>vv.</u> The office of state treasurer for each individual who has access to
4	federal tax information.
5	yy.ww. The department of health and human services for a criminal history
6	record check for a children's advocacy center as authorized under section
7	<del>50-25.1-11.1.</del>
8	zz.xx. The state historical society for volunteers and final applicants for
9	employment, except that criminal history record checks need not be made unless
10	requested by the society.
11	aaa.yy. The department of transportation for volunteers and final
12	applicants for employment, as determined by the director of the department of
13	transportation.
14	bbb.zz. The commission on legal counsel for indigents for a volunteer or
15	final applicant for employment, as determined by the director of the commission
16	on legal counsel for indigents.
17	ccc.aaa. The board of dietetic practice for applications for licensure or
18	renewal under chapter 43-44, except that criminal history record checks need not
19	be made unless required by the board.
20	ddd.bbb. The secretary of state for employees with access to personally
21	identifying information of residents or businesses of the state or with access to
22	elections systems that are critical infrastructure under section 44-04-24.
23	eee.ccc. The department of health and human services for applicants for
24	initial licensure for emergency medical services personnel, such as emergency
25	medical technicians, advanced emergency medical technicians, and paramedics,
26	as required by subdivision d of subsection 3 of section 23-27.1-03.
27	SECTION 2. AMENDMENT. Subsections 1, 2, and 7 of section 43-32-01 of the North
28	Dakota Century Code are amended and reenacted as follows:
29	"Board" means the North Dakota state board of psychologist examiners composite
30	mental health licensing board under chapter 43-56.

1	2. "Industrial-organizational psychologist" means an individual who is licensed under this
2	chapter 43-56 to engage in the practice of industrial-organizational psychology.
3	7. "Psychologist" means an individual who is licensed under this chapter 43-56 in the
4	practice of psychology.
5	SECTION 3. AMENDMENT. Section 43-32-10 of the North Dakota Century Code is
6	amended and reenacted as follows:
7	43-32-10. Power of board to administer oaths - Conduct hearings - Summon
8	witnesses - Take testimony.
9	The members of the board and the secretary may administer oaths. The board may
0	summon witnesses as provided in chapter 28-32 and take testimony in all matters relating to its
11	duties, including the enforcement of the provisions and purposes of this chapter and chapter
2	43-56, and the rules adopted by the board.
13	SECTION 4. AMENDMENT. Section 43-32-16 of the North Dakota Century Code is
14	amended and reenacted as follows:
15	43-32-16. Board to keep records.
16	1. The board shall keep a record of its proceedings and a register of all applicants for
17	licensing which must show:
18	a. The name, date of birth, and residence of each applicant.
19	b. The date of each applicant's application.
20	<ul> <li>C. The place of business of each applicant.</li> </ul>
21	<ul> <li>d. A summary of the educational and other qualifications of each applicant.</li> </ul>
22	e. Whether an examination was required of an applicant.
23	f. Whether a license was granted to an applicant.
24	g. The date of the action of the board.
25	h. Any information the board determines necessary or advisable in aid of the
26	requirements of this subsection.
27	2. Except as otherwise provided by law, the records of the board are public records
28	and evidence of the proceedings of the board, and a transcript of board proceedings,
29	duly certified by the secretary of the board is admissible in evidence with the same
30	effect as if the original were produced.

 SECTION 5. AMENDMENT. Section 43-32-17 of the North Dakota Century Code is amended and reenacted as follows:

#### 43-32-17. License required for practice - Titles.

- 1. Except as otherwise provided under this chapter and chapter 43-56, a personan individual may not engage in the practice of psychology unless that personindividual is licensed as a psychologist or is registered as a psychology resident under this chapter 43-56. Except as otherwise provided byunder this chapter and chapter 43-56, a personan individual may not engage in the practice of industrial-organizational psychology unless that personindividual is licensed as a psychologist or industrial-organizational psychologist or is registered as a psychology resident or industrial-organizational psychology resident under this chapter 43-56.
- 2. A personAn individual may not use the title "psychologist" or similar title unless that personindividual is licensed as a psychologist. A personAn individual may not use the titles "industrial psychologist", "organizational psychologist", or "industrial-organizational psychologist" unless that personindividual is licensed as a psychologist or industrial-organizational psychologist.
- 3. A personAn individual may not use the title "psychology resident" or similar title unless that personindividual is registered as a psychology resident. A personAn individual may not use the titles "industrial psychology resident", "organizational psychology resident", or "industrial organizational psychology resident" unless that personindividual is registered as a psychology resident or industrial organizational psychology resident.
- SECTION 6. AMENDMENT. Section 43-32-26 of the North Dakota Century Code is amended and reenacted as follows:
  - 43-32-26. Issuance and display of license.
- The board is the sole agency empowered to examine competence in the practice of psychology. A certificate of license or registration issued by the board must show the full name of the licensee, have a serial number, be signed by the president of the board, and be attested by the secretary another member of the board. The license issued by the board under this chapter 43-56 must be prominently displayed at the principal place of business at which the licensee practices.

1 SECTION 7. AMENDMENT. Subsection 1 of section 43-41-01 of the North Dakota Century 2 Code is amended and reenacted as follows: 3 "Board" means the North Dakota board of social work examiners composite mental 4 health licensing board under chapter 43-56. 5 SECTION 8. AMENDMENT. Section 43-41-02 of the North Dakota Century Code is 6 amended and reenacted as follows: 7 43-41-02. Social work practice - Exceptions. 8 1. Nothing in this This chapter may not be construed to prevent any personan 9 individual from doing work within the standards and ethics of that person's individual's 10 profession and calling, provided that the personindividual does not present to the 11 public, by title or description of services, that the personindividual is engaging in social 12 work practice. 13 2. This chapter maydoes not be construed to prevent students who are enrolled in 14 programs of study leading to social work degrees from interning with a licensed 15 baccalaureate social worker, a licensed master social worker, or a licensed clinical 16 social worker. 17 3. Nothing in this This chapter prevents does not prevent the employment of, or 18 volunteering by, individuals in nonprofit agencies or community organizations provided 19 these personsindividuals do not hold themselves out to the public as being social 20 workers. 21 4. Nothing in this This chapter prevents does not prevent the employment of social 22 work designees by hospitals, basic care facilities, or skilled nursing facilities, provided 23 these individuals work under the direction of a social worker or social work consultant 24 licensed under this chapter 43-56 and that the board beis notified of the name of the 25 designee's employer and the name of the licensee who is providing direction or 26 consultation to the designees. 27 5. This chapter does not require public or appointed officials or administrators, acting 28 in that capacity, or any other social or human service administrators who do not hold 29 themselves out to the public as social workers, by title or description of services, to be 30 licensed under this chapter 43-56.

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1	6. This chapter does not prevent individuals with master's or doctoral degrees in the field
2	of counseling with specialization in mental health from serving as counselors or
3	therapists in mental health in state institutions or regional human service centers, if
4	they do not hold themselves out to the public as social workers.
5	SECTION 9. AMENDMENT. Section 43-41-03 of the North Dakota Century Code is
6	amended and reenacted as follows:
7	43-41-03. Representation to the public.
8	1. Only those persons individuals licensed to practice under this chapter 43-56 may
9	represent themselves as a licensed baccalaureate social worker, licensed master
10	social worker, or licensed clinical social worker.
11	2. The license issued by the board under the provisions of this chapter 43-56 must
12	be prominently displayed at the principal place of business where the social worker
13	<del>practices.</del>
14	SECTION 10. AMENDMENT. Subsection 1 of section 43-41-04 of the North Dakota
15	Century Gode is amended and reenacted as follows:
16	1. Except as otherwise provided in this chapter and chapter 43-56, a personan
17	individual may not engage in social work practice in this state unless that
18	personindividual is a licensed baccalaureate social worker, a licensed master social
19	worker, or a licensed clinical social worker.
20	SECTION 11. AMENDMENT. Section 43-41-05.1 of the North Dakota Century Code is
21	amended and reenacted as follows:
22	43-41-05.1. Electronic social work services.
23	1. The practice of social work in this state through electronic social work services or other
24	means, regardless of the location of the practitioner, constitutes the practice of social
25	work and is subject to this chapter and chapter 43-56.
26	2. The practice of social work by a practitioner in this jurisdiction through electronic social
27	work services or other means, regardless of the location of the client, constitutes the
28	practice of social work and is subject to this chapter and chapter 43-56.
29	- 3. A social worker providing electronic social work services shall take all necessary
30	measures to ensure compliance with relevant practice standards as established by the
31	board.

1	SECTION 12. AMENDMENT. Section 43-41-07 of the North Dakota Century Code is		
2	amended and reenacted as follows:		
3	43-41-07. Qualification for licensure by an applicant licensed in another jurisdiction.		
4	1. An applicant may be granted a license upon:		
5	a. Satisfactory proof to the board that the applicant is licensed in good standing		
6	under the laws of another jurisdiction that imposes substantially the same		
7	requirements as this chapter and chapter 43-56; or		
8	b. Determination of the board that at the time of application for licensure		
9	under this section the applicant is licensed in good standing under the laws of		
10	another jurisdiction and possesses qualifications or experience in the practice of		
11	social work which are substantially similar to the minimum requirements for		
12	licensure under this chapter and chapter 43-56.		
13	2. The applicant shall pay the licensure fees specified by the board.		
14	SECTION 13. AMENDMENT. Section 43-41-09 of the North Dakota Century Code is		
15	amended and reenacted as follows:		
16	43-41-09. Duties and responsibilities of board.		
17	— In addition to the duties set forth elsewhere in this chapter and chapter 43-56, the board		
18	<del>shall:</del>		
19	Adopt rules to administer and carry out the provisions of this chapter and chapter		
20	<u>43-56.</u>		
21	2. Produce an annual list of the names and level of licensure of all persons licensed		
22	under this chapter 43-56 and make the list available upon request.		
23	- 3. At its discretion, employ staff and provide for staff compensation.		
24	4. License social workers. The board may:		
25	a. Suspend the use of an examination for licensure.		
26	b. Waive examination requirements and create a process under which an applicant		
27	may apply for a waiver to licensure examination requirements.		
28	c. Create alternative requirements that do not require an examination to ascertain		
29	the qualifications and fitness of a candidate for a license to engage in the practice		
30	of social work.		
21	5 Establish foos and receive all moneys collected under this chapter		

1	6. Deposit and disburse all fees and moneys collected by the board in accordance
2	with section 54-44-12.
3	7. Recommend prosecution for violations of this chapter to the appropriate state's
4	attorney.
5	8.7. Recommend the attorney general bring civil actions to seek injunctive and other
6	relief against violations of this chapter.
7	9.8. Establish continuing education requirements for license-renewal.
8	10.9. Adopt a code of social work ethics.
9	SECTION 14. AMENDMENT. Section 43-41-11.1 of the North Dakota Century Code is
10	amended and reenacted as follows:
11	43-41-11.1. Permission to report - Immunity.
12	An individual who has knowledge of conduct by an applicant or a licensee which may
13	constitute grounds for disciplinary action under this chapter or chapter 43-56 or the rules of the
14	board or of any unlicensed practice under this chapter may report the violation to the board. An
15	individual is immune from civil liability or criminal presecution for submitting in good faith a
16	report under this chapter or for otherwise reporting, providing information, or testifying about
17	violations or alleged violations of this chapter or chapter 43-56.
18	SECTION 15. AMENDMENT. Subsection 2 of section 43-45-01 of the North Dakota
19	Century Code is amended and reenacted as follows:
20	2. "Board" means the board of addiction counseling examiners composite mental
21	health licensing board under chapter 43-56.
22	SECTION 16. AMENDMENT. Section 43-45-04 of the North Dakota Century Code is
23	amended and reenacted as follows:
24	— 43-45-04. Board power, duties, and authority.
25	— 1. The board-shall:
26	a. Administer and enforce the provisions of this chapter and chapter 43-56.
27	b. Evaluate the qualifications of applicants for a license to practice addiction
28	counseling and issue addiction counselor, licensed clinical addiction counselor,
29	and masters addiction counselor licenses under this chapter 43-56.
30	e. Establish ethical standards of practice for a licensee to practice addiction
31	counseling in this state.

1	d. Establish continuing education requirements and approve providers of continuing
2	education.
3	e. Approve clinical training programs.
4	f. Register clinical trainees and addiction counselor trainees.
5	g. Register interns.
6	h. Register clinical supervisors.
7	i. Register licensees for private practice.
8	j. Approve and administer examinations.
9	k. Periodically evaluate initial licensure coursework requirements and clinical
10	training requirements to ensure the requirements are up to date and do not serve
11	as an undue barrier to licensure.
12	— 2. The board may:
13	a. Adopt rules under chapter 28-32 to implement this chapter and chapter 43-56.
14	b. Issue subpoenas, examine witnesses, and administer oaths, and may investigat
15	allegations of practices violating the provisions of this chapter and chapter 43-56
16	c. Recommend prosecution for violations of this chapter and chapter 43-56 to the
17	appropriate state's attorney.
18	d. Recommend the attorney general bring civil actions to seek injunctive and other
19	relief against violations of this chapter and chapter 43-56.
20	e. Collect fees for examinations, initial licensures, renewal of licenses, late
21	renewals, private practice registrations, renewal of private practice registrations,
22	approval of continuing education providers, and administrative fees. The fees
23	must be established by rule in amounts necessary to compensate the board for
24	administration and enforcement of this chapter and chapter 43-56.
25	f. Employ persons to assist the board in carrying out the board's duties under this
26	chapter and chapter 43-56.
27	SECTION 17. AMENDMENT. Section 43-45-05.1 of the North Dakota Century Code is
28	amended and reenacted as follows:

1	43-45-05.1. Initial licenses - Licensure of applicant	<del>licensed in another jurisdiction.</del>
2	21. The board-shall issue an initial license under cha	pter 43-56 as an addiction counselor,
3	3 licensed elinical addiction counselor, or masters a	addiction counselor to an applicant
4	4 who has met all of the following requirements:	
5	5 a. Successfully completed board-approved cou	ursework at an accredited college or
6	6 university.	
7	7 b. Successfully completed one or more oral or	written examinations approved by
8	8 the board for this purpose.	
9	9c. Successfully completed a clinical training pr	ogram approved by the board or
10	10 accumulated experience as established by t	he board by rule.
11	11d. Satisfied to the board that the applicant agree	ces to adhere to the code of
12	12 professional conduct adopted by the board.	
13	13 — 2. For the clinical training program or accumulated of	experience required of an intern
14	14 seeking initial licensure, at least fifty percent of the	ne required supervision must be
15	15 provided by a supervising licensed addiction cou	nselor, and the additional supervision
16	may be with other professionals who are designated	ted by the supervising addiction
17	17 counselor, approved by the board, and competer	nt in the area of practice being
18	18 supervised. The other professional must be regis	stered as a clinical supervisor by the
19	board that licenses the other professional.	
20	20 3. The board may issue a license under chapter 43	-56 to an applicant for licensure who
21	21 is in good standing as a licensed, approved, or c	ertified addiction counselor, licensed
22	22 elinical addiction counselor, or masters addiction	counselor under the laws of another
23	23 jurisdiction:	
24	24a. Upon satisfactory proof to the board the law	s of the other jurisdiction impose at
25	25 least substantially the same requirements in	mposed under this chapter and
26	26 <u>chapter 43-56;</u> or	
27	27 b. Upon a determination by the board the appl	icant possesses qualifications or
28	28 experiences in the practice of addiction cou	nseling which are substantially similar
29	29 to the minimum requirements for licensure to	under this chapter and chapter 43-56.

1	4. If the board denies a licensure application, the board shall notify the applicant in
2	writing of the reasons for denial and of the applicant's right to a hearing before the
3	board, under chapter 28-32, if a hearing is requested within thirty days.
4	SECTION 18. AMENDMENT. Subsection 2 of section 43-45-05.2 of the North Dakota
5	Century Code is amended and reenacted as follows:
6	2. The license issued by the board under the provisions of this chapter 43-56 must
7	be prominently displayed at the principal place of business where the licensee
8	<del>practices.</del>
9	SECTION 19. AMENDMENT. Section 43-45-07.1 of the North Dakota Century Code is
10	amended and reenacted as follows:
11	43-45-07.1. Grounds for disciplinary proceedings.
12	1. The board may deny an application and may refuse to renew, suspend, revoke, or
13	place on probationary status any license issued under this chapter 43-56 on proof at a
14	hearing the applicant or holder of the license engaged in unprofessional conduct.
15	Unprofessional conduct includes:
16	a. Obtaining an initial license or renewal by means of fraud, misrepresentation, or
17	concealment of material facts.
18	b. Violating rules set by the board.
19	<ul> <li>C. Violating a provision of this chapter or chapter 43-56.</li> </ul>
20	d. Violating the professional code of conduct as adopted by the board.
21	e. Being adjudged guilty of an offense determined by the board to have a direct
22	bearing on an applicant's or holder of the license's ability to provide addiction
23	counseling to the public as a licensee or being adjudged guilty of any offense and
24	being insufficiently rehabilitated as determined by the board under section
25	<del>12.1-33-02.1.</del>
26	2. One year from the date of the revocation, a former licenscholder may make
27	application for initial licensure.
28	SECTION 20. AMENDMENT. Subsection 1 of section 43-45-07.2 of the North Dakota
29	Century Code is amended and reenacted as follows:
30	1. A person with knowledge of any conduct constituting grounds for discipline under this
31	chapter or chapter 43-56 may report the violation to the board.

1	SECTION 21. AMENDMENT. Subsection 1 of section 43-47-01 of the North Dakota
2	Century Code is amended and reenacted as follows:
3	1. "Board" means the board of counselor examinerscomposite mental health
4	licensing board under chapter 43-56.
5	SECTION 22. AMENDMENT. Section 43-47-03 of the North Dakota Century Code is
6	amended and reenacted as follows:
7	43-47-03. Duties and responsibilities of board.
8	In addition to the duties set forth elsewhere in this chapter and chapter 43-56, the board
9	<del>shall:</del>
10	1. Publish an annual list of the names and addresses of all persons licensed under this
11	chapter <u>43-56</u> .
12	2. Approve and administer an examination for counselors.
13	3. Set, by rule, and collect a fee for the filing of each application for a license under this
14	chapter 43-56 and set, by rule, and collect a fee for the renewal of a license under this
15	<del>chapter <u>43-56</u>.</del>
16	4. Deposit and disburse all fees and moneys collected by the board in accordance
17	with section 54-44-12.
18	5. Establish continuing education requirements for license renewal.
19	6.5. Issue provisional or probationary licenses.
20	7.6. Establish a code of ethics for the practice of counseling.
21	SECTION 23. AMENDMENT. Subsection 1 of section 43-47-06 of the North Dakota
22	Century Code is amended and reenacted as follows:
23	1. Except as otherwise provided in this chapter and chapter 43-56, a personan
24	individual may not engage in counseling in this state unless that personindividual is a
25	licensed professional counselor or licensed associate professional counselor.
26	SECTION 24. AMENDMENT. Section 43-47-06.1 of the North Dakota Century Gode is
27	amended and reenacted as follows:
28	43-47-06.1. Board may establish specialty licenses.
29	The board may provide a counselor specialty license to any licensed professional counselor
30	who meets the standards established by the board for that particular specialty. The board shall
31	adopt standards for specialty licenses equal to or greater than those established by the national

1	board of certified counselors, which governs the standards for particular specialties. The board	
2	may not create a specialty license for which the scope of practice is defined under any other	
3	chapter in this title.	
4	SECTION 25. AMENDMENT. Section 43-47-06.3 of the North Dakota Century Code is	
5	amended and reenacted as follows:	
6	43-47-06.3. Criminal history record checks.	
7	— The board shallmay require an applicant for licensure under subsections 2, 3, and 4 of	
8	section 43-47-06 and section 43-47-06.1 chapter 43-56 to submit to a statewide and nationwide	
9	eriminal history record check and may require a licensee to submit to a statewide and	
10	nationwide criminal history record check. The nationwide criminal history record check must be	
11	conducted in the manner provided in section 12-60-24. All costs associated with obtaining a	
12	background check are the responsibility of the applicant or licensee.	
13	SECTION 26. AMENDMENT. Section 43-47-07 of the North Dakota Century Code is	
14	amended and reenacted as follows:	
15	— 43-47-07. Disciplinary proceedings.	
16	The board may deny, refuse to renew, suspend, or revoke any license issued under this	
17	chapter 43-56 upon finding by a preponderance of the evidence that the applicant or	
18	licenseholder:	
19	- 1. Has been convicted of an offense determined by the board to have a direct bearing	
20	upon the individual's ability to practice counseling and is not sufficiently rehabilitated	
21	as determined by the board in accordance with section 12.1-33-02.1;	
22	2. Has been grossly negligent in the practice of counseling and has injured a client or	
23	other person to whom the individual owed a duty; or	
24	- 3. Has violated any rule of the board.	
25	SECTION 27. AMENDMENT. Section 43-47-07.1 of the North Dakota Century Code is	
26	amended and reenacted as follows:	
27	43-47-07.1. Costs of prosecution - Disciplinary proceedings.	
28	The board may impose a fee against any personan individual subject to regulation under	
29	this chapter and chapter 43-56 to reimburse the board for all or part of the costs of	
30	administrative actions resulting in disciplinary action, including the amount paid by the board for	

1	services from the office of administrative nearings, attorney silves, court costs, withess ices,	
2	staff time, and other expenses.	
3	SECTION 28. AMENDMENT. Subsections 1 and 4 of section 43-47-08 of the North Dakota	
4	Century Code are amended and reenacted as follows:	
5	1. A personAn individual aggrieved by the actions of a counselor licensed under this	
6	chapter 43-56 may file a written complaint with the board citing the specific allegations	
7	of misconduct by the counselor. The board shall notify the counselor of the complaint	
8	and require a written response from the counselor. Neither the initial complaint nor the	
9	counselor's response is public record. The counselor's response must be made	
10	available to the complainant.	
11	4. After review of the complaint, the counselor's response, and information obtained	
12	in the investigation, the board shall determine if there is a reasonable basis to believe	
13	that the allegations are true and that the allegations constitute a violation of this	
14	chapter, chapter 43-56, or the rules of the board. If the board determines that there is	
15	a reasonable basis to believe that the allegations are true and that the allegations	
16	constitute a violation of this chapter, chapter 43-56, or the rules of the board, the board	
17	shall take appropriate action. If a reasonable basis is not found by the board, the	
18	board shall so notify the complaining party and the counselor in writing.	
19	SECTION 29. AMENDMENT. Section 43-47-09 of the North Dakota Century Code is	
20	amended and reenacted as follows:	
21	— 43-47-09. Confidentiality.	
22	Except as authorized by law, no personan individual licensed under this chapter 43-56 may	
23	not be required to disclose any information acquired in rendering counseling services without	
24	the consent of the personindividual who received the counseling services.	
25	SECTION 30. AMENDMENT. Subsections 3 and 4 of section 43-53-01 of the North Dakota	
26	Century Code are amended and reenacted as follows:	
27	3. "Board" means the North Dakota marriage and family therapy licensure	
28	boardcomposite mental health licensing board under chapter 43-56.	
29	4. "Licensed marriage and family therapist" means an individual who holds a valid	
30	license issued under this chapter 43-56	

1	SECTION 31. AMENDMENT. Section 43-53-02 of the North Dakota Century Code is	
2	amended and reenacted as follows:	
3	43-53-02. Representation to the public.	
4	- Effective January 1, 2006, except as specifically provided otherwise under this chapter	
5	43-56, only an individual licensed under this chapter 43-56 may use the title "marriage and	
6	family therapist" or the abbreviations "MFT". A licensee shall display prominently the licensee's	
7	license at the principal place of business of the licensee.	
8	SECTION 32. AMENDMENT. Section 43-53-03 of the North Dakota Century Code is	
9	amended and reenacted as follows:	
10	<del>43-53-03. Exemptions.</del>	
11	1. An individual is exempt from the requirements of this chapter and chapter 4356 if:	
12	a. The individual is practicing marriage and family therapy as part of that individual's	
13	duties as an employee of a recognized academic institution or a governmental	
14	institution or agency while performing those duties for which the individual is	
15	employed by such a facility, institution, or agency.	
16	b. The individual is a marriage and family therapy intern or individual preparing for	
17	the practice of marriage and family therapy under qualified supervision in a	
18	training institution or facility or supervisory arrangement recognized and	
19	approved by the board if:	
20	(1) The individual is a student in a master's or doctorate program of marriage	
21	and family therapy; and	
22	(2) The individual is designated by a title such as "marriage and family therapy	
23	intern", "marriage therapy intern", "family therapy intern", or other title clearly	
24	indicating such training status.	
25	c. The individual is a member of the clergy of any religious denomination and	
26	providing services within the scope of ministerial duties.	
27	d. The individual is a volunteer for or is employed by a nonprofit agency or	
28	community organization and the individual does not hold out to the public that the	
29	individual is a licensed marriage and family therapist.	
30	2. This chapter doesand chapter 43-56 do not prevent any personan individual	
31	licensed by the state from doing work within the standards and scope of practice of	

ı	that person's individual's profession, including the practice and advertising of marriage		
2	and family therapy services.		
3	SECTION 33. AMENDMENT. Section 43-53-05 of the North Dakota Century Code is		
4	amended and reenacted as follows:		
5	43-53-05. Board powers and duties.		
6	- 1. The board shall administer and enforce this chapter. The board shall adopt rules as		
7	the board determines necessary.		
8	- 2. The board shall examine and pass on the qualifications of all applicants and shall		
9	issue a license under chapter 43-56 to each successful applicant. The board shall		
10	adopt a seal which must be affixed to all licenses issued by the board.		
11	3. The board may authorize expenditures determined necessary to carry out this		
12	<del>chapter.</del>		
13	4. Three of the members of the board constitute a quorum. The board may employ		
14	attorneys, accountants, experts, and other employees as necessary for the proper		
15	performance of the board's duties.		
16	5. The board shall adopt a nationally recognized code of ethics for the practice of		
17	marriage and family therapy.		
18	-6.4. The board shall establish continuing education requirements for license renewal.		
19	- 7.5. The board shall publish an annual list of the names and addresses of all individuals		
20	licensed under this chapter <u>43-56</u> .		
21	SECTION 34. AMENDMENT. Subsection 1 of section 43-53-06 of the North Dakota		
22	Century Code is amended and reenacted as follows:		
23	Each individual desiring to obtain a license as a practicing marriage and family		
24	therapist shall submit an application to the board, upon such form and in such manner		
25	as the board prescribes. An applicant shall furnish evidence that the applicant:		
26	——————————————————————————————————————		
27	b. Has not engaged in any practice or conduct that would be a ground for discipline		
28	under this chapter or chapter 43-56; and		
29	c. Is qualified for licensure pursuant to the requirements of this chapter and chapter		
30	<del>43-56.</del>		

1	SECTION 35. AMENDMENT. Subsection 1 of section 43-53-07 of the North Dakota		
2	Century Code is amended and reenacted as follows:		
3	The board shall conduct an examination at least once a year at a time and place		
4	designated by the board. Examinations may be written or oral as determined by the		
5	board. The board may create its own examination or adopt a nationally recognized		
6	examination. In any written examination each applicant must be designated so that the		
7	applicant's name is not disclosed to the board until the examination has been graded.		
8	Examinations must include questions in such theoretical and applied fields as the		
9	board determines most suitable to test an applicant's knowledge and competence to		
10	engage in the practice of marriage and family therapy. An applicant is deemed to have		
11	passed an examination upon affirmative vote of at least four members of the board.		
12	SECTION 36. AMENDMENT. Section 43-53-12 of the North Dakota Century Code is		
13	amended and reenacted as follows:		
14	43-53-12. Penalty.		
15	Any personAn individual who practices without a license in violation of this chapter and		
16	chapter 43-56 is guilty of a class B misdemeanor.		
17	SECTION 37. Chapter 43-56 of the North Dakota Century Code is created and enacted as		
18	B follows:		
19	43-56-01. Composite mental health licensing board - Creation and composition.		
20	1. As used in this chapter, "board" means the composite mental health licensing board.		
21	2. The governor shall appoint eleven members to the board consisting of:		
22	a. Two licensed psychologists:		
23	<u>b. Two licensed social workers;</u>		
24	<u>c.</u> <u>Two licensed addiction counselors;</u>		
25	<u>d. Two licensed professional counselors:</u>		
26	e. Two licensed marriage and family therapists; and		
27	f. One peer support specialist.		
28	3. All licensed board members must have at least three years of professional experience.		
29	4. The governor shall appoint the board members to serve staggered terms. Members		
30	initially appointed shall serve as follows:		
31	a. Three members shall serve a term of one year;		

1 b. Four members shall serve a term of two years; and 2 Four members shall serve a term of three years. 3 Following the initial appointments under subsection 3, all board appointments must be 4 for a term of three years. 5 Members may not serve more than two consecutive terms. A member may be eligible 6 to serve two additional terms after a one year break from service. Each board member 7 shall demonstrate service on the board does not pose a conflict of interest, as 8 determined by the board. 9 The governor may remove any board member for good cause following the: 10 a. Issuance of a written statement that specifies the basis for removal; and 11 Opportunity for a hearing. 12 43-56-02. Meetings and officers. 13 The board annually shall elect a chair, vice chair, and treasurer from its members. A 14 member may serve in a chair, vice chair, or treasurer capacity for multiple terms. 15 The board shall meet at least quarterly. Additional meetings may be called by the chair 16 or by a majority of the board members. 17 A majority of the members constitutes a quorum. 18 43-56-03. Board powers and duties. 19 The board shall: 20 Administer and enforce the provisions of this chapter and chapters 43-32, 43-41, 21 43-45, 43-47, and 43-53. If a provision of this chapter is interpreted to be 22 inconsistent with a provision of chapter 43-32, 43-41, 43-45, 43-47, or 43-53, this 23 chapter controls. 24 Adopt rules to carry out this chapter and chapters 43-32, 4341, 43-45, 43-47, and 25 43-53. 26 Investigate a complaint, subpoena a witness, conduct a hearing, and take 27 disciplinary action as necessary. 28 Hire or contract administrative staff or external administrators as necessary to 29 carry out duties. 30 Approve participation in interstate compacts for professional licensing, as 31 determined appropriate, to facilitate multi-state practice for licensees.

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1	2. The board shall ensure any disciplinary action provides due process to the licensee,		
2	including notice and an opportunity for a hearing.		
3	SECTION 38. REPEAL. Sections 43-32-02, 43-32-03, 43-32-04, 43-32-05, 43-32-06,		
4	43-32-07, 43-32-08, 43-32-11, 43-32-13, 43-32-14, 43-41-08, 43-41-12, 43-45-02, 43-45-03,		
5	43-45-05, 43-45-07, 43-47-02, 43-47-03.1, 43-47-06.2, and 43-53-04 of the North Dakota		
6	Century Code are repealed.		
7	SECTION 39. TRANSFER - COMPOSITE MENTAL HEALTH LICENSING BOARD FUND.		
8	The office of management and budget shall transfer any moneys or balances remaining in the		
9	funds or accounts maintained by the North Dakota state board of psychologist examiners, North		
10	Dakota board of social work examiners, board of addiction counseling examiners, board of		
11	counselor examiners, and North Dakota marriage and family therapy licensure board, to the		
12	composite mental health licensing board fund on the effective date of this Act.		
13	SECTION 40. APPLICATION. An individual licensed under chapter 43-32, 43-41, 43-45,		
14	43-47, or 43-53, on the effective date of this Act, shall retain licensure without the need for initial		
15	reapplication. A licensee shall follow renewal requirements, as determined by the board, and		
16	consistent with the provisions of this Act.		
17	SECTION 1. LEGISLATIVE MANAGEMENT STUDY - CREATION OF A COMPOSITE		
18	MENTAL HEALTH LICENSING BOARD.		
19	1. During the 2025-26 interim, the legislative management shall consider studying the		
20	feasibility, benefits, and challenges of creating a composite mental health licensing		
21	board. The study must include:		
22	a. An evaluation of the impact of the creation of a composite mental health licensing		
23	board to oversee the licensing, regulation, and disciplinary procedures for		
24	psychologists, social workers, addiction counselors, professional counselors, and		
25	marriage and family therapists;		
26	b. A consideration of the addition of peer support certification and participation in		
27	the composite mental health licensing board;		
28	c. An analysis of the regulatory efficiencies that would result from the consolidation		
29	of multiple independent licensing boards into a single entity;		

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- d. A consideration of the fiscal impact that would result from the creation of a composite mental health licensing board, including administrative consolidation, fee structures, and operational efficiencies;
- e. An analysis of the effects of the creation of a composite mental health licensing board on licensing requirements, professional standards, and the disciplinary processes, including the maintenance and improvement of current oversight;
- f. A consideration of the perspectives of affected professionals, board members, industry associations, and the public regarding the creation of a composite mental health licensing board;
- g. A consideration of the influence of a composite mental health licensing board on the state's participation in professional licensure compacts, multistate practice agreements, and workforce mobility;
- A consideration of the impact of a composite mental health licensing board on the availability of qualified mental health professionals and public access to mental health care; and
- A review of best practices from other states that have created similar composite licensing boards.
- The legislative management shall report its findings and recommendations together
  with any legislation required to implement the recommendations, to the seventieth
  legislative assembly.

Module ID: s\_stcomrep\_31\_026 Carrier: Axtman Insert LC: 25.1301.01001 Title: 02000

# REPORT OF STANDING COMMITTEE SB 2357

Workforce Development Committee (Sen. Wobbema, Chairman) recommends AMENDMENTS (25.1301.01001) and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT OR EXCUSED AND NOT VOTING). SB 2357 was placed on the Sixth order on the calendar. This bill affects workforce development.

2025 HOUSE INDUSTRY, BUSINESS AND LABOR SB 2357

#### 2025 HOUSE STANDING COMMITTEE MINUTES

#### Industry, Business and Labor Committee

Room JW327C, State Capitol

SB 2357 3/18/2025

A BILL for an Act to provide for a legislative management study regarding the feasibility, benefits, and challenges of creating a composite mental health licensing board.

5:11 p. m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, C. Brown, T. Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schatz, Schauer, Vollmer

#### **Discussion Topics:**

- Streamline licensure process
- Part of the solution
- · Cheese being moved
- Ideas to improve

5:11 p.m. Senator Kristin Roers, District 27, Fargo, ND, introduced and testified.

#### Additional written testimony:

Elizabeth A. Muralt, Policy Advocacy Intern, ND Chapter of the National Association of Social Workers, submitted testimony in opposition #42746.

5:23 p.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

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# Testimony on SB 2357 North Dakota Chapter of the National Association of Social Workers 18 February, 2025 House Industry Business and Labor Committee

Chairman Warrey and Members of the House Industry Business and Labor Committee,

The North Dakota Chapter of the National Association of Social Workers (NASW-ND) respectfully opposes Senate Bill 2357. SB 2357 seeks to study the effectiveness of merging individual mental health boards into a single composite board. NASW-ND believes it would be more beneficial to provide a broader study with the goal of increasing efficiencies. An amended study could explore varying avenues to achieve efficiencies, such as making strategic investments in professional boards and reviewing partial composite boards.

The study could explore solutions through targeted investments in staffing, technology and administrative support. Solutions that support these areas could ultimately reduce licensure delays and modernize processes without compromising professional integrity.

Additionally, the study could explore other states board structures, like Illinois, that utilize a composite board for administrative purposes while still maintaining individual professional boards for issues that require specific knowledge – such as supervision or complaints.

Merging the boards has concerning, consequential risks for the various professions. Licensure decisions would be diluted, with fewer representatives speaking to the nuances of each profession. Board members would be burdened in their roles, requiring members to understand and enforce regulations across multiple complex disciplines. Ethical considerations would be generalized, rather than upheld within the specialized frameworks that have long ensured the highest standards of care. This study could impact the integrity of individual professions and create unintended consequences that weaken client protections and professional accountability.

Rather than dismantling well-functioning professional boards, NASW-ND recommends a broader study to analyze effective solutions, not a study that pushes the outcome in one direction. Such a study would seek to examine ways to resolve concerns around functionality, while maintaining the integrity of each profession.

NASW-ND believes in prioritizing public safety, maintaining professional standards, and the effective and timely access to mental health services. While we recommend a DO NOT PASS on SB 2357, we would support amendments broadening the scope of the study.

Thank you for your time and consideration.

Respectfully,

Elizabeth Muralt
Policy Advocacy Intern
North Dakota Chapter of the National Association of Social Workers

#### 2025 HOUSE STANDING COMMITTEE MINUTES

#### Industry, Business and Labor Committee

Room JW327C, State Capitol

SB 2357 3/25/2025

A BILL for an Act to provide for a legislative management study regarding the feasibility, benefits, and challenges of creating a composite mental health licensing board.

10:56 a.m. Chairman Warrey opened the meeting.

Members Present: Chairman Warrey, Vice Chairman Ostlie, Vice Chairman Johnson, Representatives Bahl, C. Brown, T. Brown, Finley-DeVille, Grindberg, Kasper, Koppelman, D. Ruby, Schauer, Vollmer

Member Absent: Representative Schatz

#### **Discussion Topics:**

- Committee action
- Task force format

10:59 a.m. Representative Koppelman moved Do Not Pass.

10:59 a.m. Representative Schauer seconded the motion.

Representatives	Vote
Representative Jonathan Warrey	Υ
Representative Mitch Ostlie	Υ
Representative Jorin Johnson	Υ
Representative Landon Bahl	Υ
Representative Collette Brown	N
Representative Timothy Brown	Υ
Representative Lisa Finley-DeVille	N
Representative Karen Grindberg	Υ
Representative Jim Kasper	Υ
Representative Ben Koppelman	Υ
Representative Dan Ruby	Υ
Representative Mike Schatz	AB
Representative Austin Schauer	Υ
Representative Daniel R. Vollmer	Υ

Motion passed 11-2-1.

11:01 a.m. Representative Bahl to carry the bill.

11:01 a.m. Chairman Warrey closed the meeting.

Diane Lillis, Committee Clerk

# REPORT OF STANDING COMMITTEE ENGROSSED SB 2357 (25.1301.02000)

Module ID: h\_stcomrep\_47\_004

Carrier: Bahl

Industry, Business and Labor Committee (Rep. Warrey, Chairman) recommends DO NOT PASS (11 YEAS, 2 NAYS, 1 ABSENT OR EXCUSED AND NOT VOTING). SB 2357 was placed on the Fourteenth order on the calendar.