

Introduced by

Senators Lee, Hogan, Mathern

Representatives Devlin, Kreidt

1 A BILL for an Act to amend and reenact sections 43-47-01, 43-47-04, 43-47-05, and 43-47-06 of
2 the North Dakota Century Code, relating to licensure of professional counselors designated
3 supervised; and to provide for application.

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

5 **SECTION 1. AMENDMENT.** Section 43-47-01 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-47-01. Definitions.**

8 As used in this chapter, unless the context otherwise requires:

- 9 1. "Board" means the board of counselor examiners.
- 10 2. "Counseling" means the application of human development and mental health
11 principles in a therapeutic process and professional relationship to assist individuals,
12 couples, families, and groups in achieving more effective emotional, mental, marital,
13 family, and social or educational development and adjustment. The goals of
14 professional counseling are to:
 - 15 a. Facilitate human development and adjustment throughout the lifespan;
 - 16 b. Prevent, assess, and treat emotional, mental, or behavioral disorder and distress
17 which interferes with mental health;
 - 18 c. Conduct assessments for the purpose of establishing treatment goals and
19 objectives; and
 - 20 d. Plan, implement, and evaluate treatment plans using professional counseling
21 strategies and interventions.
- 22 3. "Counselor" means ~~a person~~ an individual who has been granted either a professional
23 counselor ~~or associate professional counselor~~ license by the board.

1 4. ~~"Licensed associate professional counselor" means a person who has been granted~~
2 ~~an associate professional license by the board to offer and conduct counseling under~~
3 ~~the supervision of a licensed professional counselor or such other person meeting the~~
4 ~~requirements of supervising professional set by the board.~~

5 5. ~~"Licensed professional counselor" means a person who is an individual~~ trained in
6 counseling or a related human service field and ~~has been~~ granted a professional
7 counselor license by the board.

8 5. "Professional counselor-supervised" means an individual granted a professional
9 counselor license by the board to offer and conduct counseling under the supervision
10 of a licensed professional counselor or such other individual meeting the requirements
11 of supervising professional set by the board.

12 **SECTION 2. AMENDMENT.** Section 43-47-04 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **43-47-04. Representation to the public.**

15 ~~Only persons~~Only an individual licensed under this chapter may use the title "professional
16 counselor" or "~~associate professional counselor~~counselor-supervised", or the abbreviations
17 "LPC" or "~~LAPGLPC~~ *designated supervised". The license issued by the board must be
18 prominently displayed at the principal place of business of the counselor.

19 **SECTION 3. AMENDMENT.** Section 43-47-05 of the North Dakota Century Code is
20 amended and reenacted as follows:

21 **43-47-05. Counseling practice - Exceptions.**

22 1. This chapter does not prevent any person licensed by the state from doing work within
23 the standards and ethics of that person's profession, if that person does not represent
24 to the public that the person is a professional counselor ~~or associate professional~~
25 ~~counselor.~~

26 2. This chapter does not apply to the activities, services, or use of an official title on the
27 part of ~~a person~~an individual employed as a counselor by any federal, state, or local
28 political subdivision or by a private or public educational institution, if the
29 ~~person~~individual is performing counseling within the scope of employment.

- 1 3. This chapter does not prevent students or trainees who are enrolled in programs
- 2 leading to counseling degrees from interning within the limitations set by the rules
- 3 adopted by the board under chapter 28-32.
- 4 4. This chapter does not prevent a licensed attorney from providing services within the
- 5 scope of the practice of law.
- 6 5. This chapter does not prevent a member of the clergy of any religious denomination
- 7 from providing services within the scope of ministerial duties.
- 8 6. This chapter does not prevent the employment of, or volunteering by, individuals in
- 9 nonprofit agencies or community organizations if these ~~persons~~individuals do not hold
- 10 themselves out to the public as professional counselors or ~~associate professional~~
- 11 ~~counselors~~counselors-supervised.

12 **SECTION 4. AMENDMENT.** Section 43-47-06 of the North Dakota Century Code is
13 amended and reenacted as follows:

14 **43-47-06. Licenses - Qualifications - Reciprocity.**

- 15 1. Except as otherwise provided in this chapter, a person may not engage in counseling
- 16 in this state unless that person is a licensed professional counselor ~~or licensed-~~
- 17 ~~associate professional counselor.~~
- 18 2. The board shall issue a license as a licensed professional counselor to each applicant
- 19 who files an application upon a form and in a manner the board prescribes,
- 20 accompanied by the required fee, and who furnishes evidence to the board that the
- 21 applicant:
 - 22 a. Has a master's degree from an accredited school or college in counseling or
 - 23 other program that meets the academic and training standards adopted by the
 - 24 board;
 - 25 b. Provided personal and professional recommendations that meet the
 - 26 requirements adopted by the board and satisfied the board that the applicant will
 - 27 adhere to the highest standards of the profession of counseling;
 - 28 c. Has two years of supervised experience, at least fifty percent of which must have
 - 29 been under a licensed professional counselor, or its equivalent as determined by
 - 30 the board, and the additional supervised experience may have been with other
 - 31 qualified professionals designated by the board which are competent in the area

- 1 of practice being supervised, if barriers due to geographical location, disability, or
2 other factors determined by the board to create a hardship exist for the applicant.
3 The qualified professional must be registered or otherwise qualified as a clinical
4 supervisor by the board that licenses the other professional;
- 5 d. Provided a statement of professional intent to practice in this state describing the
6 applicant's proposed use of the license, the intended client population, and the
7 counseling procedures, as defined by the board, the applicant intends to use in
8 serving the client population; and
- 9 e. Has demonstrated knowledge in the field of counseling by successful completion
10 of an examination prescribed by the board.
- 11 3. The board shall issue a license as a licensed ~~associate~~ professional counselor
12 designated supervised to each applicant who files an application upon a form and in a
13 manner the board prescribes, accompanied by the required fee, and who furnishes
14 sufficient evidence to the board that the applicant:
- 15 a. Has a master's degree from an accredited school or college in counseling or
16 other program that meets the academic and training standards adopted by the
17 board;
- 18 b. Provided personal and professional recommendations that meet the
19 requirements adopted by the board and satisfied the board that the applicant will
20 adhere to the standards of the profession of counseling; and
- 21 c. Provided a written plan for supervised experience which meets the requirements
22 adopted by the board.
- 23 4. The board may waive the formal examination requirements for a professional
24 counselor license if the applicant has been licensed or certified to practice counseling
25 in another state under standards and qualifications similar to or greater than those set
26 by the board.
- 27 5. A professional counselor shall renew the license every two years. The board shall
28 renew a license upon payment of a fee set by the board and upon demonstration by
29 the licenseholder of completion of continuing education requirements set by the board.
- 30 6. ~~An associate~~A professional counselor designated supervised initially licensed under
31 this chapter may be licensed for no more than two years. The ~~associate~~ professional

1 counselor's license designated supervised may not be extended beyond two years,
2 except upon recommendation of the associate professional counselor's supervisor and
3 three other counselors, at least one of whom must be a professor from the associate-
4 professional counselor's training program.

5 **SECTION 5. APPLICATION.** The board of counselor examiners shall issue a professional
6 counselor license with the designation supervised to each holder of an associate professional
7 counselor license.