

## **FULL NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES**

TAKE NOTICE that the North Dakota Board of Addiction Counselor Examiners will hold a public hearing to address proposed amendments to N.D. Admin. Code § 4.5-02.1-01-04 (1) and § 4.5-02.1-01-04 (6)(c)(2)(a) at 10:00am on Wednesday, February 10, at 1601 North 12th Street, 6th Floor Conference Room, Bismarck, ND 58501. The purpose of the proposed amendment is to abate imminent peril that threatens the health, safety, or welfare of the public if we are unable to train qualified addiction counselors in North Dakota. The proposed amendment changes the effective end date of supervision privileges of registered clinical supervisors over clinical trainees and interns from December 31, 2023 to December 31, 2024.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

These rules are emergency rules with an effective date of December 18, 2023.

The proposed rules may be reviewed at the office of the North Dakota Board of Addiction Counselor Examiners. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address, e-mailing [board@ndbace.org](mailto:board@ndbace.org) or calling (701) 805-5244.

Written or oral comments on the proposed rules sent to the above address or telephone number and received by February 21, 2024 will be fully considered. If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Board of Addiction Counselor Examiners at the above telephone number or address at least 10 days prior to the public hearing.

Dated this 18 day of December, 2023.

Jeremy Traen  
Board Chair  
North Dakota Board of  
Addiction Counselor Examiners



**Friday, October 27, 2023**  
9:00am  
1601 N 12th Street, Bismarck, ND 58501  
6th Floor Conference Room

## MEETING MINUTES

**Board Attendees:** Jeremy Traen, Leslie Bakken Oliver, Karalee Harper, Elsie Motter, Peggy Stenehjem Titus, Patti Senn

**Other Attendees:** Josh Amundson, Terry Effertz, Bert Cline, Laura Helbling, James Knopik, Tудie Crosby, Leah Hoffman, Kurt Snyder, Robert Hansen

- I. **Call to Order** - Chair Traen called the meeting to order at 9:03am.
- II. **Review of Meeting Minutes** - Vice Chair Bakken Oliver moved to approve the meeting minutes from September 22, 2023. Karalee seconded the motion. It was approved unanimously through a voice vote.
- III. **Financial Report** - Administrator Effertz provided information regarding the current financial status of the board, remarking that the current bank balance is approximately \$102,480, an additional \$17,923 is being transferred from the PayPal Account, and that expenses have remained steady but for an additional \$1152.96 for postage for the renewal period. Additional information regarding the revenue from the renewal period was discussed, including the approximate total of \$126,000 that can be expected every two years.
- IV. **Consent Agenda** - The following items were given Board Member approval for conditional approval. Member Motter moved to approve all items on the consent agenda. Member Senn seconded the motion. The motion passed with a 6-0-0 vote.
  - A. Clinical Training
    1. Abby Jorgenson
    2. Michael (Tony) Kirsch
    3. Molly Mac Arthur
    4. Heather Travnicek
    5. Ashley Rudolph
    6. Kylee Cline
    7. Cressy Liljenquist
  - B. Licensed Addiction Counselor



1. Taren Staudinger 10/5/2023
2. Kendra Miller 10/25/2023
- C. Licensed Master Addiction Counselor
  1. Kristi Ridl
- D. Licensed Clinical Addiction Counselors
  1. Losinski, Tara
- E. Registered Clinical Supervisor
  1. Natalee Storey
  2. Tanner Grimsley

#### **V. Application Discussions**

- A. Licensed Addiction Counselor
  1. Tudie Crosby - Tudie completed training but some of the class credits appearing on the transcript were not for the amount of hours as required by administrative code. The Board discussed and decided CEU hours could not qualify as rules are currently written, but encouraged Tudie to pursue a one-off course with a college that could satisfy the missing credits. Tudie was also instructed to complete the internship application in order to be placed as an intern until the class is completed.

**VI. University of Mary Crosswalk Update** - Member Motter advised that an updated transcript was received the morning before this meeting and she has not had time to review the matter. The UMary Crosswalk update will be added to the next meeting agenda.

**VII. Letter from Labor Commissioner** - Administrator Effertz explained the licensing board study and advised the Labor Commissioner has requested to meet with the Board during 2024 to determine if any legislation should be brought forward regarding licensing functions in our state.

**VIII. Contract Rate for Board Administration** - Administrator Effertz advised Olson Effertz has hired additional staff that works on the NDBACE Contract and the amount of hours that go into the board administration is currently greater than what was contracted. A contract increase was requested, but the Board would like to see a copy of the existing contract and a breakdown of hours before approving any additional funds. This information will be sent by Effertz and this item will be added to the next agenda.

**IX. Legislation & Rules** - Past Chair Snyder presented on the historical perspective of the rule changes, including the LAC-RCS licensees losing their ability to supervise come January 1, 2024. The Board discussed whether licensees would reapply if there was a lapse in ability to supervise, what the standards are for emergency rulemaking, executive



orders, and Attorney General Opinions, and the Board clarified their intent is for those licensees to keep their ability to supervise. The next steps moving forward will be for staff to meet with Snyder and Chair Traen to draft an emergency rule for consideration. Ideas regarding removing the dates in admin rules or shifting the date to the following year were both discussed.

Additionally, a discussion was held about students wishing to be dual-licensed not having a clear expectation of their training requirements, and how the board can make it clear that internships do not have to be separate. A subcommittee consisting of staff, Motter, and Harper will meet and report back to the next quarterly meeting in January.

**X. Audit**

- A. Robert Hansen - Robert Hansen appeared regarding the audit for the 2020-2021 cycle. The Board discussed the proper outcome, and Member Harper moved for a settlement agreement to be issued to Robert with the following conditions: Robert must obtain the 5.5 credits he was missing within the next six months, those credits will not apply towards the next audit cycle, and he will automatically be included in the 2022-2023 audit cycle. Member Senn seconded the motion and it was approved in a 6-0-0 vote.

**XI. Complaints\***

- A. Korie Stockie - Tabled - This is an issue between employee/employer and we have not received any notice that there has been any movement in the dispute.
- B. Megan Hoss - Tabled from last meeting - Effertz advised she did not see that the response went to Megan so it was resent on 10/26 and this item will have to be tabled until the December meeting.
- C. Wanda Crowe - Admin Effertz advised she is working to provide the AG with the information required for the settlement agreement. If Crowe applies for license renewal the Board advised to hold on issuing the 2024-2025 license.

**XII. Board Officers** - The following Board officers were nominated and confirmed in separate votes. The result of every vote was 6-0-0 in favor of confirmation.

- A. Chair - Jeremy Traen nominated by Bakken Oliver, seconded by Stenehjem Titus.
- B. Vice Chair - Leslie Bakken Oliver nominated by Traen, seconded by Harper.
- C. Treasurer - Patti Senn nominated by Bakken Oliver, seconded by Harper.



**XIII. Board Duties** - The following table indicates which party will be responsible for Board duties for 2024.

Transcript Reviews	Staff completes if the institution is on the crosswalk. Motter completes with assistance from the Academic Review Committee (as needed) if it is an institution not appearing on the crosswalk
Initial Licensure Applications	Karalee Harper
Reciprocity Licensure	Jeremy Traen
Application for Private Practice	Jeremy Traen
Applications for Clinical Training	Jeremy Traen
Applications for Grandfathered LMAC (Licensed Masters Addiction Counselor)	Elsie Motter
Applications for Grandfathered LCAC (Licensed Clinical Addictions Counselor)	Patti Senn
Clinical Supervisor Application	Patti Senn
Approved Provider Applications	Peggy Stenehjem Titus
Approved Program Applications	Peggy Stenehjem Titus
Consortium Review	Board
NDCTOC/NDBACE Workgroup	Karalee Harper
Licensee requests for CEs	Peggy Stenehjem Titus
Complaints	Leslie Bakken Oliver, Elsie Motter
CE Audits	Karalee Harper, Elsie Motter, Peggy Stenehjem-Titus

**XIV. 2024 Proposed Meeting Dates** - Member Bakken Oliver moved for the following meeting schedule to be adopted for the 2024 cycle. Member Motter seconded the motion and it was unanimously approved in a 6-0-0 vote.



January 12 - 9am	February 9 - Noon	March 8 - Noon
April 12 - 9am	May 10 - Noon	June 14 - Noon
July 12 - 9am	August 9 - Noon	September 13 - Noon
October 11 - 9am	November 8 - Noon	December 13 - Noon

**XV. CE Broker** - Admin Effertz advised CE Broker is available at no cost to the Board and licensees as a tool for tracking and approving providers and programs. Member Harper moved to engage in a contract with CE Broker, Stenehjem Titus seconded, and it was approved in a 6-0-0 vote.

**XVI. Open Board Position** - Admin Effertz reminded everyone there is currently an open Board position for a layman and discussed some of the individuals she has approached about serving. Others indicated they will reach out to contacts and encourage them to apply with the Governor's office if they are interested.

**XVII. Other Board Business** - Member Motter indicated a licensee approached her at a conference to remark that ND's addiction counselor licenses are not transferable because they use the NAADAC Exam instead of IC & RC. The Board reviewed the IC & RC website and Admin Effertz reached out to the organization to see if ND could be considered despite using a different exam. She will report back to the Board after she receives a reply.

**XVIII. Adjourn** - The meeting was adjourned at 12:49pm.



Governor Doug Burgum  
600 E Boulevard Ave  
Bismarck, ND 58501

Dear Governor Burgum,

The North Dakota Board of Addiction Counselor Examiners writes today to request Emergency Rulemaking Authority to amend N.D. Admin. Code § 4.5-02.1-01-04 (1) and N.D. Admin. Code § 4.5-02.1-01-04 (6)(c)(a), relating to the supervision of clinical trainees and interns entering the addiction counseling profession. The purpose of the proposed rule is to allow current registered clinical supervisors to continue supervising trainees and interns past December 31, 2023, which is when their supervisor authority currently ends. The NDBACE would like to make a simple date change to December 31, 2024, which would allow us additional time to complete these changes through the regular administrative rulemaking process. Further, our board believes without this change there is imminent peril to public health because the law, as currently written, will make it more difficult for professionals to enter the field of addiction counseling because we would lose access to qualified supervisors.

### **BACKGROUND**

North Dakota is facing a workforce crisis in the arena of substance abuse treatment stemming from declining numbers of licensed professionals. This crisis has resulted from a number of factors including a reduction in clinical supervisors licensed to provide training, education and supervision. The North Dakota Board of Addiction Counselor Examiners (NDBACE) has identified two areas in Administrative Rule that will strip Licensed Addiction Counselors (LAC) from being able to be Registered Clinical Supervisors (this designation is required to provide clinical training) on December 31, 2023. All trainees entering the field of addiction counselor are required to receive a minimum number of hours of training supervised by a RCS. This would remove 23 counselors that are LACs with a Registered Clinical Supervisor (RCS) status from being able to supervise trainees and would stop any new LACs from becoming RCS when they are eligible. Eligibility for RCS is 3 years' experience and 20 CEUs in clinical supervision, but with the present admin rule set to be implemented in January, only Licensed Master Addiction Counselors and Licensed Clinical Addiction Counselors would be eligible for RCS starting January 1, 2024.

The abuse of legal and illegal substances continues to plague the citizens of ND with increased number in need of treatment and increased deaths attributed to overdose. This does not include the number of related injuries/deaths attributed to Substance Use Disorder (SUD) such as motor vehicle accidents, suicide, domestic violence, child abuse, etc.

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North Dakota Board of Addiction Counselor Examiners  
1601 N 12th Street, Suite 609  
Bismarck, ND 58501



Opioid Use Disorder, an increasing problem in our state, increased the risk of premature death 10-fold compared to the general population and 1 in 20 people who survive an opioid overdose die within a year. For individuals released from incarceration, the risk of dying by overdose is 56-129 times higher than prior to the incarceration, depending on various studies. American Indian/Alaska Natives are more likely to have a substance use disorder than any other group. There are five federally recognized Tribes and one Indian community in ND all with limited access to treatment services because of workforce challenges. Overdose deaths are truly an epidemic in our tribal communities.

In 2021, 21.5% of adults in ND were estimated to have a substance use disorder, and 113,000 individuals in ND needed, but did not receive treatment last year (SAMHSA). The number of untreated community members who meet the criteria for SUD appears to have reached the level of 9.5% of ND workforce.

Increased demand for SUD professionals have exacerbated the SUD services shortfall. The state has seen an increase in the number of residents seeking SUD services and an increase in the wait times for those needing services. Some of this can be attributed to the opioid crisis, Free-Through-Recovery and Connection To Care. The COVID-19 pandemic has had an ongoing impact on those battling substance abuse including:

- o Social isolation including quarantining leading to loneliness and absence of structure
- o Treatment access decreased with need for social isolating and safety precautions
- o Changing economic conditions including job loss and financial concerns
- o Higher risk for virus transmission, contraction, and health complications (comorbidity) leading to higher rates of hospitalization

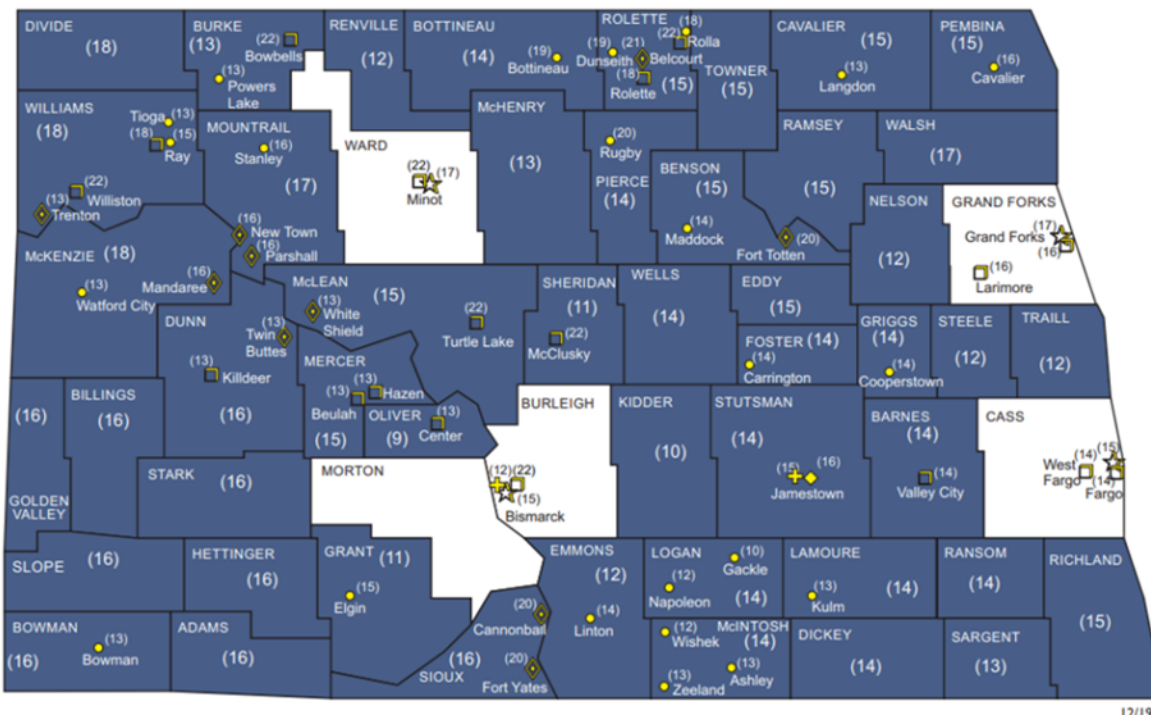
As noted in the North Dakota Behavioral Health System Study Final Report April 2018 by Human Services Research Institute, “Multiple stakeholders described challenges finding and retaining a qualified behavioral health workforce throughout the system.” (pg. 13) Also noted:

Approximately 92% of North Dakota counties have full or partial designations as medically underserved areas, and 96% of North Dakota counties are designated as mental health shortage areas. North Dakota ranks 37th in the nation in the number of mental health providers, with 165.4 providers per 100,000 population (compared with 218 providers per 100,000 population nationwide). Most of the state has been classified as being a Health Professional Shortage Area, the exceptions being the Minot, Bismarck, Fargo, and Grand Forks. Workforce shortages were a very common theme in stakeholder interviews. In particular, stakeholders remarked about a shortage of addictions counselors. (pg. 90)



North Dakota’s shortage of behavioral health professionals is well-documented with 48 of 53 counties designated as being Mental Health Professional Shortage Areas (UNDSMHS Center for Rural Health, 2020). Data provided by the Center for Rural Health show that shortages predominate in rural areas:

### North Dakota Mental Health Professional Shortage Areas



Hope and colleagues attribute shortages of behavioral health professionals to the chronic underfunding of behavioral health care service, specifically low reimbursement rates by Medicaid and Medicare. This results in low pay and a depleted resources environment. The work also identifies behavioral health professionals who have high rates of burnout and turnover due to the complexity and demands of providing behavioral health care services. (Journal of Health Affairs, 2013)

There are a limited number of addiction counselors available in the state and fewer individuals are entering the field. In 2020-2021 there were 427 LACs and 220 clinical supervisors, presently there are 411 total licenses in the licensing year of 2022, with 206 licensed clinical supervisors, leaving a gap in qualified staff. As treatment providers look to increase access to care, there are fewer individuals to provide those services.



According to the ND Behavioral Health Planning Report, workforce shortages in ND are "**debilitating**" because licensed addiction counselors are close to retirement age, there are limited training opportunities, and counselor wages can't compete with high pay of oil work (Schulte, 2014). This will be compounded with a reduction in the number of registered clinical supervisors.

Resources available at the state and federal level were identified specifically to fund expansions of SUD treatment facilities. However, ND treatment facilities are unable to expand due to the dwindling number of individuals with Licensed Addiction Counselor licenses. To expand a program is to rob an LAC from another agency in our state. There are not enough students entering the field to fill the need in ND, nor enough clinical supervisors to support the training necessary for a license.

One of the most obvious solutions to the workforce crisis is the training of more individuals. Effective clinical supervision improves a SUD treatment program's ability to provide quality services, especially in environments dealing with staffing challenges and high staff turnover. Clinical supervision introduces the trainee to evidence-based competencies and practices. It provides a foundation for knowledge essential for clinical proficiency; roles and skills expected of licensed addiction counselors; the foundation, framework and goals of competencies and dissemination and implementation of these competencies. To have a quality workforce, we need high quality comprehensive training delivered by clinical supervisors.

## **CONCLUSION**

The shortage of addiction counselors will be compounded by the impending reduction in the number of licensed clinical supervisors proposed presently in the state administrative rules. It is the intention of the NDBACE to address this crisis with a request to amend N.D. Admin. Code § 4.5-02.1-01-04 (1) and N.D. Admin. Code § 4.5-02.1-01-04 (6)(c)(a) through the emergency rulemaking process, which would allow for the regular administrative rulemaking process to occur without impacting the current scope of work of our licensed practitioners.

Sincerely,

Jeremy Traen  
Chairman  
NDBACE



December 12, 2023

North Dakota State Board of Addiction Counseling Examiners  
1601 N 12<sup>th</sup> Street – Suite 609  
Bismarck, ND 58501

Dear members of the North Dakota Board of Addiction Counseling Examiners,

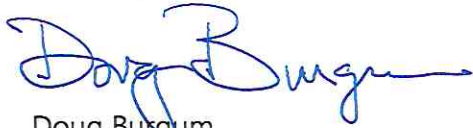
On Nov. 29, the North Dakota Board of Addiction Counseling Examiners sent a request to the Governor's Office for approval of emergency rulemaking to amend North Dakota Administrative Rule § 4.5-02.1-01-04 (1) and § 4.5-02.1-01-04 (6)(c)(a) regarding requirements for supervision of clinical trainees and interns entering the addiction counseling profession, specifically a request to change the effective date from Dec. 31, 2023, to Dec. 31, 2024.

The disease of addiction continues to be ever present in our communities across the state. According to the North Dakota Department of Health and Human Services, 15.2% of North Dakota adults who needed treatment for substance use did not receive this service. This means citizens are not getting timely services that are vital to support those with the disease of addiction, which is a chronic, progressive and potentially fatal brain disease. To address this shortage of service, a skilled workforce is critical to provide treatment and expertise to guide individuals through a path of recovery. Since July 2016, approximately 6,600 individuals have received services through the Substance Use Disorder (SUD) Voucher. These services rely on licensed professionals in the field to meet individuals where they are and ensure access to quality services and choice of providers.

Our administration has reviewed the request pursuant to N.D.C.C. § 28-32-03 and agree that emergency rulemaking is necessary and critical to ensure continuation of services to those who are seeking treatment and support in relation to their substance use. Therefore, your emergency rulemaking request to extend the date from Dec. 31, 2023, to Dec. 31, 2024, to allow supervisors to continue providing that oversight to trainees and interns is approved.

As was shared with the board chair and board administrator during a phone call with my office, we encourage the Board to continue to explore ways to reduce red tape and increase the avenues for licensure of addiction counselors. The new rules being proposed clearly increase barriers to licensure at a time when we have a dramatic shortage of providers. We strongly recommend the Board reconsider this action to ensure that we increase paths for the addiction counseling profession rather than reduce them.

Sincerely,

A handwritten signature in blue ink that reads "Doug Burgum". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Doug Burgum  
Governor