

December 12, 2023

Ms. Liz Fordahl
Assistant Code Revisor
North Dakota Legislative Council
State Capitol
600 East Boulevard, 2nd Floor
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in cursive script, reading "Marge Ellefson", written over a horizontal line.

Marge Ellefson
Executive Secretary
North Dakota Board of Counselor Examiners

Enclosures

NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES RELATING TO N.D.
ADMIN CODE CHAPTER 97-02 COUNSELOR LICENSING REQUIREMENTS

TAKE NOTICE that the North Dakota Board of Counseling Examiners will hold a public hearing to address proposed amendments to N.D. Admin. Code chapters 97-02-01, 97-02-01.1, and 97-02-02 at 10:00 a.m., Tuesday, January 16, 2024 in the Ft. Union Room at the ND State Capitol, 600 E. Boulevard Ave., Bismarck, ND 58505.

The purpose of the proposed amendments is to clarify and update the laws regarding the practice of counselors in the State of North Dakota.

The proposed changes are as follows:

Chapter 97-02-01

Section 97-02-01-01 is amended to add definitions to the licensing requirements chapter.

Section 97-02-01-01.1 is enacted to renumber the subsection related to the requirements to become a licensed professional counselor and amended to modify the required information to submit with an application and to remove information related to supervised practice requirements for licensure.

Section 97-02-01-01.2 is enacted to replace and clarify information regarding supervised practice requirements as previously contained within Section 97-02-01-01.1.

Section 97-02-01-01.3 is enacted to renumber the subsection related to fees established by the Board for a licensed professional counselor and amended to increase application and renewal fees.

Section 97-02-01-02 is amended to clarify the experience requirements for participation in a counseling internship.

Section 97-02-01-03 is amended in response to 2023 Senate Bill 2187 to permit licensed psychologists to provide supervision for an individual seeking licensure as a licensed associate professional counselor. This section is further amended to modify the application requirements for a licensed associate professional counselor, to clarify supervision requirements for a licensed associate professional counselor, and to remove the definition of face-to-face supervision.

Section 97-02-01-03.1 is amended to increase the application fee for a licensed associate professional counselor and the application fee for a licensed professional counselor.

Section 97-02-01-06 is amended to allow licensees to receive credit for continuing education approved by the Board.

Section 97-02-01-08 is amended in response to 2023 Senate Bill 2187 to allow licensed psychologists to provide supervision for licensed associate professional counselors and to include a requirement for any first-time supervisor applicant to complete a jurisprudence examination. This subsection is further amended to clarify the requirements to be certified as a counselor supervisor and to increase the application fee and renewal fee for a counselor supervisor.

Section 97-02-01-08.1 is enacted to create a section regarding the application requirements for a counselor supervisor.

Section 97-02-01-08.2 is enacted to create a section regarding a counselor supervisor's responsibilities.

Section 97-02-01-09 is enacted to create a section regarding the Board's authority to commence disciplinary action against a counselor supervisor.

Chapter 97-02-01.1

Section 97-02-01.1-01 is amended to clarify the requirements to become a licensed professional clinical counselor.

Subdivision b of Subsection 3 of section 97-02-01.1-01 is amended in response to 2023 Senate Bill 2187 to allow licensed psychologists to provide supervision for licensed professional clinical counselor applicants and to clarify experience requirements.

Subsection 4 of section 97-02-01.1-01 is amended to reduce the number of professional references required for a licensed professional clinical counselor applicant and to clarify the source of the professional references.

Section 97-02-01.1-01.1 is enacted to require a report of supervision to be provided by the counselor supervisor upon the completion or termination of the supervisory relationship.

Section 97-02-01.1-02 is amended to increase the renewal fee for a licensed professional clinical counselor and licensed professional counselor and to clarify that a licensed professional clinical counselor must maintain an active license as a licensed professional counselor.

Section 97-02-01.1-02 is amended to increase the application and renewal fee for a licensed professional clinical counselor.

Section 97-02-01.1-06 is amended to add definitions related to this chapter.

Chapter 97-02-02

Section 97-02-02-01 is enacted in response to 2023 Senate Bill 2187 to incorporate definitions from the Counseling Compact into this chapter.

Section 97-02-02-1.1 is enacted to renumber the section and amended in response to 2023 Senate Bill 2187 to clarify that a remote licensee is subject to discipline by the Board and to add additional criteria which may constitute unprofessional conduct.

Section 97-02-02-03 is amended in response to 2023 Senate Bill 2187 to clarify reporting requirements for discipline imposed by the Board.

Section 97-02-02-04 is enacted in response to 2023 Senate Bill 2187 to clarify that the Board may take disciplinary action against a remote licensee or remove a remote licensee's privilege to practice who engages in unprofessional conduct.

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

Copies of the proposed rules are available for review at the Board's office at 2112 10th Avenue SE, Mandan, ND 58554. A copy of the proposed rules and/or regulatory analysis may be requested by writing the above address, e-mailing ndbce@outlook.com, or calling 701-667-5969.

Written data, views, or arguments may be entered at the hearing or sent to: North Dakota Board of Counselor Examiners, 2112 10th Avenue SE, Mandan, ND 58554, or by email to ndbce@outlook.com. Written data, views, or arguments on the proposed rules must be received no later than 5:00 p.m. Friday, January 26th, 2024.

ATTENTION PERSONS WITH DISABILITIES: If you plan to attend the hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota Board of Counselor Examiners at the above telephone number or address at least five (5) days prior to the public hearing.

DATED this 12th day of December, 2023.



Marge Ellefson
Executive Secretary
North Dakota Board of Counselor Examiners