

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.