

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill establishes a licensure and oversight procedure for professional counselors and establishes a board of licensed professional counselors to implement the requirements and procedures. The bill also codifies certain rules and amends certain licensure requirements for alcohol and drug counselors. The bill consolidates regulation of licensed professional counselors, marriage and family therapists, and alcohol and drug counselors under the auspices of the newly created board of licensed professional counseling.

#### Section

- 1 Exclusion from term "business license."** Excludes licensed professional counselors from the definition of business license for purposes of department of trade and economic development oversight.
- 2 Definition of "psychotherapist."** Includes licensed professional counselors in the definition of psychotherapist for purposes of the statutory cause of action against psychotherapists for sexual exploitation.
- 3 Definitions.** For purposes of new sections 148B.50 to 148B.593, defines the terms "approved supervisor," "board," "licensed professional counseling," and "scope of practice."
- 4 Board established.** Composition of the board of licensed professional counselors to include six professional counselors and three public members, all appointed by the governor. Counselor members must represent counselors and counselor education. Chair and vice-chair to be annually elected from the membership and the board shall employ a non-member executive director. Board covered by chapter 214, governing examining and licensing boards generally.

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- 5 **Duties of board.** Sets forth duties of the board, including: establish means of determining applicant qualifications and standards of professional conduct, issue licenses, establish standards for initial education and continuing education, establish disciplinary procedures, maintain and publish list of licenses and approved supervisors, establish fees sufficient to cover expenses, educate public about laws pertaining to professional counselors, establish rules pertaining to treatment of impaired practitioners and re-evaluate rules pertaining to standards for licensure.
- 6 **Requirements for licensure.** Identifies general requirements for licensure. Applicant must be at least 18, of good moral character, have completed a master's degree program meeting certain requirements, have submitted a plan for initial supervision, and passed the National Counseling Exam. Board must also be satisfied that applicant will abide by standards for professional conduct. Applicant must declare areas of professional competencies and agree to continue to make such declarations. Applicant's degree must be from a program or institution approved by specified accrediting councils and coursework must have included specified subject areas. Application fee to be set by board.
- 7 **License renewals.** Board to set time and manner of renewal. Twelve hours of continuing education required during the first two years of licensure. Forty hours required for each subsequent two-year period.
- 8 **Transition period.** Provides for licensure without examination for two years provided all other requirements are met, or if the applicant is a licensed psychological practitioner.
- 9 **Reciprocity.** Board may issue license to applicant who holds license from another jurisdiction if requirements are substantially similar.
- 10 **Specialty designations.** Provides for specialty designations of mental health counselor, marriage and family therapist, and alcohol and drug counselor, if applicants meet standards provided. A counselor may not advertise a specialty unless approved by the board.
- 11 **Nontransferability.** Licenses are not transferable.
- 12 **Discipline.** Establishes grounds for disciplinary action by the board and identifies range of possible disciplinary actions which may be imposed.
- 13 **Unlicensed practice prohibited.** After board adopts rules, the unlicensed practice of professional counseling and the use of titles including the words "licensed professional counselor" or "LPC" by unlicensed persons are prohibited.
- 14 **Exceptions to license requirement.** Exceptions provided to licensing requirement for members of certain other professions, students in supervised coursework, employees of any government agency or public or private educational institution within the scope of their employment, unlicensed mental health practitioners, nonresidents for up to 30 days per calendar year, members of the clergy, and persons offering volunteer or professional services for public or private nonprofit organizations.
- 15 **Confidential communications.** Licensees may not disclose client communications without written consent.
- 16 **Definition amended.** The definition of an unlicensed mental health practitioner is amended to exclude persons licensed under the new law.
- 17 **Definition added.** Defines "board" as the board of licensed professional counseling for purposes of alcohol and drug counselor licensing.
- 18 **Definition.** Adds a definition for an "accrediting association" (from rules).
- 19 **Definition.** Technical change.
- 20 **Definition.** Adds a definition for "alcohol and drug counselor academic course work" (from

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rules).

- 21** **Definition.** Adds a definition for "alcohol and drug counselor continuing education activity" (from rules).
- 22** **Definition.** Adds a definition for "alcohol and drug counselor technician" (this is new).
- 23** **Definition.** Adds a definition for "alcohol and drug counselor training" (from rules).
- 24** **Definition.** Adds a definition for "clock hour" (from rules).
- 25** **Definition.** Adds a definition for "credential" (from rules).
- 26** **Definition.** Adds a definition for "licensee" (from rules).
- 27** **Definition.** Adds a definition for "student" (this is new).
- 28** **Definition.** Adds a definition for "supervised alcohol and drug counselor" (this is new).
- 29** **Definition.** Adds a definition for "supervisor" (from rules with minor changes).
- 30** **Surcharges.** Strikes language relating to the surcharge (this language is moved to the fee section).
- 31** Makes conforming changes.
- 32** **Initial license term.** Codifies the rule relating to the initial license.
- 33** **Commissioner action on applications.** Codifies the rule relating on the commissioner = s action on applications for licensure.
- 34** Makes changes to the requirements for licensure.
- Subds. 1 and 2.** Make conforming changes.
- Subd. 3.** Changes the licensure requirements for licensure before July 1, 2008.
- Subd. 4.** Changes the licensure requirements for licensure after July 1, 2008. Makes other conforming changes.
- Subd. 5a.** Adds a new subdivision that defines minimum academic course work requirements for licensure and advanced academic course work.
- Subd. 6.** Makes changes to the temporary practice requirements: changes the name to A temporary permit; @ states the qualifications that must be met for a temporary permit to be issued; states that a person practicing under a temporary permit must practice under tribal jurisdiction or in a program under the direct, onsite supervision of a licensed alcohol and drug counselor; requires the person to use a title indicating that the person is a trainee; requires the person to annually submit a renewal application and that the permit may be renewed no more that five times; and states that the permit expires if it is not renewed, upon a change of employment, or upon the granting or denial by the commissioner of a license.
- 35** **Alcohol and drug counselor technician.** Permits an alcohol and drug counselor technician to perform screening, intake, and orientation functions while under the direct supervision of a licensed alcohol and drug counselor.
- 36** **License renewal.** Codifies the rule relating to license renewal.

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- 37 License renewal.** Codifies the rule relating to license renewal.
- 38 License renewal.** Codifies the rule relating to license renewal.
- 39 License renewal.** Codifies the rule relating to license renewal.
- 40 Lapsed license.** Codifies the rule relating to inactive license status.
- 41 Reciprocity.** Codifies the rule relating to reciprocity.
- 42 Continuing education.** Codifies the rule relating to continuing education requirements. Requires 18 hours of cultural diversity training within the first four years after the licensee = s initial license effective date. (This is a change from the current requirement of 36 hours of specified training.)
- 43** Conforming changes.
- 44 Use of titles.** Prohibits the use of the title incorporating the words "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title implying licensure or otherwise qualified unless the person is licensed as an alcohol and drug counselor.
- 45 Exceptions to license requirements.** Clarifies that this chapter does not prohibit a technician or resident manager in programs licensed by the Department of Human Services from performing their duties. States that any person who is exempt from this chapter but elects to obtain a license under this chapter is subject to the chapter to the same extent as other licensees. Requires alcohol and drug counselors who are employed by a hospital and city, county and state agency to be licensed effective January 1, 2006. Specifies that between July 1, 2003, and January 1, 2006, the commissioner must grant a license to any individual who has been employed at a Minnesota hospital or a city, county or state agency in Minnesota without licensure if the individual has 8,000 hours of alcohol and drug counselor work experience, has 270 clock hours of alcohol and drug counselor training with documentation that a minimum of 60 clock hours of the training occurred within the last five years, passes an oral and written examination, and meets the procedures for application.
- 46 Fees.** Codifies the rule relating to fees. Increases the application fee, the biennial renewal fee, the inactive renewal fee, and the surcharge. Creates a new fee for temporary permit, examination fee, fee to renew after expiration of license, and an additional fee for renewal following lapse in licensing status.
- 47 Definition amended.** The definition of health-related licensing board is amended to include the board of licensed professional counseling, effective July 1, 2005.
- 48 Status of board executive director.** Adds the board of professional counseling to the list of boards whose executive directors and executive secretaries are in the unclassified civil service.
- 49 Crimes against minors.** Adds persons licensed by the board of professional counseling to the list of professionals who are presumed unfit to practice their profession after conviction of a crime against a minor.
- 50 Criminal sexual conduct.** Adds licensed professional counselors to the definition of psychotherapist for purposes of certain criminal sexual conduct.
- 51 Initial board.** Exempts members of first board from licensure requirements provided that all qualifications for eligibility for licensure are met.
- 52 Interagency agreement.** Requires the board to enter an interagency agreement with the

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board of psychology for shared administrative services.

**53**     **Transfer of regulatory authority.** Transfers regulatory authority for licensed alcohol and drug counselors and licensed marriage and family therapists to the board of licensed professional counseling effective July 1, 2005.

**54**     **Appropriation.** Provides an appropriation from the special revenue fund for the board.

**55**     **Revisor instruction.**

**56**     **Repealer.** Repeals provisions relating to office of unlicensed mental health counseling effective July 1, 2004. Repeals certain provisions relating to licensure of alcohol and drug counselors.

**57**     **Effective date.** Effective July 1, 2003.