

Introduced by

Senators Anderson, J. Lee

Representatives Seibel, Westlind

1 A BILL for an Act to create and enact a new section to chapter 43-45 of the North Dakota  
2 Century Code, relating to licensed clinical addiction counselors; and to amend and reenact  
3 sections 43-45-01, 43-45-02, 43-45-03, 43-45-04, 43-45-05, 43-45-05.1, 43-45-05.2,  
4 43-45-05.3, 43-45-05.4, 43-45-06, 43-45-07, 43-45-07.1, 43-45-07.2, and 43-45-07.3 of the  
5 North Dakota Century Code, relating to the scope of practice for addiction counselors and the  
6 licensure authority of the board of addiction counseling examiners.

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

8 **SECTION 1. AMENDMENT.** Section 43-45-01 of the North Dakota Century Code is  
9 amended and reenacted as follows:

10 **43-45-01. Definitions.**

11 As used in this chapter, unless the context or subject matter otherwise requires:

12 1. "Addiction counseling" means the provision of counseling or assessment of  
13 ~~persons~~individuals regarding ~~their~~the use;

14 ~~a. Use or abuse of tobacco, nicotine, alcohol, or a controlled~~other harmful  
15 substance; or

16 ~~b. Gambling, or other behavior identified by the board by rule which like gambling,~~  
17 ~~activates reward systems similar to those activated by drugs of abuse and~~  
18 ~~produces some behavioral symptoms that appear comparable to those produced~~  
19 ~~by the substance use disorders, as provided under the engagement in gambling;~~  
20 or the use of any harmful substance or engagement in any harmful behavior  
21 identified by the board by rule. A substance or behavior identified by the board by  
22 rule must appear comparable to disorders recognized by the "Diagnostic and  
23 Statistical Manual of Mental Disorders" (5th edition, text revision; American

1                    psychiatric association, 2010) fifth edition, text revision (2013), or a future edition  
2                    adopted by the board.

- 3            2. "Board" means the board of addiction counseling examiners.
- 4            3. "Clinical training" means training in addiction counseling, approved by the board.
- 5            4. "Internship" means work experience in a licensed addiction treatment facility under the  
6            supervision of a clinical supervisor registered by the board.
- 7            5. "Licensee" means an individual licensed by the board to practice addiction counseling.
- 8            6. "Private practice of addiction counseling" means the independent practice of addiction  
9            counseling by a qualified individual who is self-employed on a full-time or part-time  
10            basis and is responsible for that independent practice. Consultation services provided  
11            to an organization or agency are not the private practice of addiction counseling.

12            **SECTION 2. AMENDMENT.** Section 43-45-02 of the North Dakota Century Code is  
13            amended and reenacted as follows:

14            **43-45-02. Board of addiction counseling examiners - Composition.**

15            The governor shall appoint a seven-member board of addiction counseling examiners. The  
16            ~~members shall~~ membership must include:

- 17            1. Five members who are ~~licensed addiction counselors~~ licensees actively engaged in the  
18            practice of addiction counseling, one of whom must be actively engaged in the private  
19            practice of addiction counseling.
- 20            2. Two members who are laypersons.

21            **SECTION 3. AMENDMENT.** Section 43-45-03 of the North Dakota Century Code is  
22            amended and reenacted as follows:

23            **43-45-03. Board member terms.**

24            The governor shall appoint new board members. Appointments must be for three-year  
25            terms, but ~~no person~~ an individual may not be appointed to serve for more than two consecutive  
26            terms. Terms begin on the first day of the calendar year and end on the last day of the calendar  
27            year or until successors are appointed.

28            **SECTION 4. AMENDMENT.** Section 43-45-04 of the North Dakota Century Code is  
29            amended and reenacted as follows:

30            **43-45-04. Board power, duties, and authority.**

- 31            1. The board shall:

- 1 a. Administer and enforce the provisions of this chapter.
- 2 b. Evaluate the qualifications of applicants for a license to practice addiction
- 3 counseling and issue addiction counselor, licensed clinical addiction counselor,
- 4 and masters addiction counselor licenses under this chapter.
- 5 c. Establish ethical standards of practice for ~~persons holding a license~~ licensee to
- 6 practice addiction counseling in this state.
- 7 d. Establish continuing education requirements and approve providers of continuing
- 8 education.
- 9 e. Approve clinical training programs.
- 10 f. Register clinical trainees and addiction counselor trainees.
- 11 g. Register interns.
- 12 h. Register clinical supervisors.
- 13 i. Register licensees for private practice.
- 14 j. Approve and administer examinations.
- 15 k. Periodically evaluate initial licensure coursework requirements and clinical
- 16 training requirements to ensure the requirements are up to date and do not serve
- 17 as an undue barrier to licensure.
- 18 2. The board may:
  - 19 a. Adopt rules under chapter 28-32 to implement this chapter.
  - 20 b. Issue subpoenas, examine witnesses, and administer oaths, and may investigate
  - 21 allegations of practices violating the provisions of this chapter.
  - 22 c. Recommend prosecution for violations of this chapter to the appropriate state's
  - 23 attorney.
  - 24 d. Recommend ~~that~~ the attorney general bring civil actions to seek injunctive and
  - 25 other relief against violations of this chapter.
  - 26 e. Collect fees for examinations, initial licensures, renewal of licenses, late
  - 27 renewals, private practice registrations, renewal of private practice registrations,
  - 28 approval of continuing education providers, and administrative fees. The fees
  - 29 must be established by rule in amounts necessary to compensate the board for
  - 30 administration and enforcement of this chapter.

- 1           f.   Employ persons to assist the board in carrying out ~~its~~the board's duties under this  
2           chapter.

3           **SECTION 5. AMENDMENT.** Section 43-45-05 of the North Dakota Century Code is  
4 amended and reenacted as follows:

5           **43-45-05. Board meetings.**

- 6           1.   The board shall meet at least quarterly. A majority of the members constitute a  
7           quorum.  
8           2.   Each board member shall serve without compensation but shall is entitled to receive  
9           expenses as provided in section 54-06-09.

10       ~~**SECTION 6. AMENDMENT.** Section 43-45-05.1 of the North Dakota Century Code is  
11 amended and reenacted as follows:~~

12       ~~**43-45-05.1. Initial licenses.**~~

- 13       ~~1.   The board shall issue an initial license as an addiction counselor or masters addiction  
14       counselor to an applicant who has met all of the following requirements:~~  
15       ~~— a.   Has successfully completed coursework, approved by the board, at an accredited  
16       college or university.~~  
17       ~~— b.   Has successfully completed one or more oral or written examinations approved  
18       by the board for this purpose.~~  
19       ~~— c.   Has successfully completed a clinical training program approved by the board or  
20       accumulated experience as established by the board by rule.~~  
21       ~~— d.   Has satisfied the board that the applicant agrees to adhere to the code of  
22       professional conduct adopted by the board.~~  
23       ~~2.   The board may grant reciprocity, issue a license on such the terms and conditions as it  
24       may determine the board determines necessary, to an applicant for licensure who is in  
25       good standing as is licensed, approved, or certified addiction counselor to perform  
26       addiction counseling under the laws of another jurisdiction that imposes at least  
27       substantially the same requirements that are imposed under this chapter.~~  
28       ~~3.   An if an applicant who is denied licensure must be notified, the board shall notify  
29       that applicant in writing of the reasons for denial and of the right to a hearing before  
30       the board, under chapter 28-32, if a hearing is requested within thirty days.~~

1       **SECTION 6. AMENDMENT.** Section 43-45-05.1 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3       **43-45-05.1. Initial licenses.**

- 4       1. The board shall issue an initial license as an addiction counselor, licensed clinical  
5 addiction counselor, or masters addiction counselor to an applicant who has met all of  
6 the following requirements:
- 7       a. ~~Has successfully~~Successfully completed board-approved coursework, ~~approved~~  
8 ~~by the board~~, at an accredited college or university.
  - 9       b. ~~Has successfully~~Successfully completed one or more oral or written  
10 examinations approved by the board for this purpose.
  - 11       c. ~~Has successfully~~Successfully completed a clinical training program approved by  
12 the board or accumulated experience as established by the board by rule.
  - 13       d. ~~Has satisfied~~Satisfied to the board that the applicant agrees to adhere to the  
14 code of professional conduct adopted by the board.
- 15       2. For the clinical training program or accumulated experience required for initial  
16 licensure, at least fifty percent of the required supervision must be provided by a  
17 supervising licensed addiction counselor, and the additional supervision may be with  
18 other professionals designated by the supervising addiction counselor and competent  
19 in the area of practice being supervised.
- 20       3. The board may grant reciprocity, on such terms and conditions as it may determine  
21 necessary, to an applicant for licensure who is in good standing as a licensed,  
22 approved, or certified addiction counselor, licensed clinical addiction counselor, or  
23 masters addiction counselor under the laws of another jurisdiction that imposes at  
24 least substantially the same requirements that are imposed under this chapter.
- 25       ~~3.4.~~ An applicant who is deniedIf the board denies a licensure ~~must be notified~~application,  
26 the board shall notify the applicant in writing of the reasons for denial and of the  
27 applicant's right to a hearing before the board, under chapter 28-32, if a hearing is  
28 requested within thirty days.

29       **SECTION 7. AMENDMENT.** Section 43-45-05.2 of the North Dakota Century Code is  
30 amended and reenacted as follows:

1       **43-45-05.2. Representation to the public.**

- 2       1. A person may not represent to the public that the person is an addiction counselor, a  
3       licensed clinical addiction counselor, or a masters addiction counselor or engage in the  
4       practice of addiction counseling in this state unless the person is a ~~licensed addiction-~~  
5       ~~counselor~~licensee.
- 6       2. The license issued by the board under the provisions of this chapter must be  
7       prominently displayed at the principal place of business where the ~~addiction-~~  
8       ~~counselor~~licensee practices.

9       **SECTION 8. AMENDMENT.** Section 43-45-05.3 of the North Dakota Century Code is  
10      amended and reenacted as follows:

11      **43-45-05.3. Private practice of addiction counseling.**

12      A person may not engage in the private practice of addiction counseling unless that person  
13      is an individual registered with the board as eligible for private practice under criteria  
14      established by board rule.

15      **SECTION 9. AMENDMENT.** Section 43-45-05.4 of the North Dakota Century Code is  
16      amended and reenacted as follows:

17      **43-45-05.4. Addiction counseling internship - Loan program - Revolving fund -**  
18      **Continuing appropriation.**

- 19      1. a. The Bank of North Dakota shall develop and implement a program under which  
20           loans may be provided to qualified individuals participating in a paid or unpaid  
21           internship at a licensed substance abuse treatment facility in this state, in order to  
22           obtain licensure ~~as an addiction counselor~~by the board.
- 23           b. The Bank of North Dakota shall determine all terms applicable to the time and  
24           manner in which loans made under this section must be repaid.
- 25           c. Interest on outstanding loans under this section must accrue at the Bank of North  
26           Dakota's current base rate, but may not exceed six percent per annum.
- 27           d. The maximum loan for which an applicant may qualify under this section is seven  
28           thousand five hundred dollars.
- 29           e. This subsection is applicable only to individuals beginning an internship after  
30           June 30, 2015.

- 1           2.    The Bank of North Dakota shall maintain a revolving loan fund for the purpose of  
2                    making loans under this section. All moneys transferred into the fund, interest upon  
3                    moneys in the fund, and payments to the fund of principal and interest on loans under  
4                    this section are appropriated to the Bank on a continuing basis.

5           **SECTION 10. AMENDMENT.** Section 43-45-06 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7           **43-45-06. Addiction counseling practice - Exemptions.**

- 8           1.    ~~Nothing in this~~This chapter may not be construed to prevent ~~any person~~an individual  
9                    from doing work within the standards and ethics of that ~~person's~~individual's profession  
10                  and calling, ~~provided~~if that the ~~person~~individual does not represent to the public, by  
11                  title or by use of the initials L.A.C., L.C.A.C., or M.A.C., that the ~~person~~individual is  
12                  engaging in addiction counseling.
- 13           2.    ~~Nothing in this~~This chapter may not be construed to prevent addiction counseling  
14                  trainees or interns in board-approved programs from engaging in addiction counseling  
15                  related to training.

16           **SECTION 11. AMENDMENT.** Section 43-45-07 of the North Dakota Century Code is  
17 amended and reenacted as follows:

18           **43-45-07. Renewal of license.**

- 19           1.    All licenses are effective when granted by the board.
- 20           2.    All licenses ~~of licensed addiction counselors~~issued by the board expire on December  
21                  thirty-first of every odd-numbered year.
- 22           3.    A license may be renewed by payment of the renewal fee and completion of the  
23                  continuing education requirements set by the board, provided the applicant's license is  
24                  not currently revoked or grounds for denial under section 43-45-07.1 do not exist.
- 25           4.    At the time of renewal the board shall require each applicant to present satisfactory  
26                  evidence ~~that the applicant has~~ completed the continuing education requirements  
27                  specified by the board.
- 28           5.    If the completed application for renewal is not received by December first of the  
29                  odd-numbered year, a late fee will be charged.
- 30           6.    If the completed application for renewal is not received on or before the expiration  
31                  date, the license expires and the ~~person~~individual may not practice addiction

1 counseling. The license may be renewed within thirty days from the date of expiration  
2 of the license if the completed application for renewal and the late fee are received  
3 within thirty days from the date of expiration of the license.

4 7. If a completed application for renewal of license is not received within thirty days from  
5 the date of expiration of the license, relicensure requires the licensee must former  
6 licenseholder to reapply for licensure.

7 8. The board may extend the renewal deadline for an applicant having proof of medical  
8 or other hardship rendering the applicant unable to meet the renewal deadline.

9 **SECTION 12. AMENDMENT.** Section 43-45-07.1 of the North Dakota Century Code is  
10 amended and reenacted as follows:

11 **43-45-07.1. Grounds for disciplinary proceedings.**

12 1. The board may deny an application; and may refuse to renew, suspend, revoke, or  
13 place on probationary status any license issued under this chapter on proof at a  
14 hearing ~~that~~ the applicant or holder of the license has engaged in unprofessional  
15 conduct. Unprofessional conduct includes:

16 ~~4.~~ a. Obtaining an initial license or renewal by means of fraud, misrepresentation, or  
17 concealment of material facts.

18 ~~2.~~ b. Violating rules set by the board.

19 ~~3.~~ c. Violating a provision of this chapter.

20 ~~4.~~ d. Violating the professional code of conduct as adopted by the board.

21 ~~5.~~ e. Being adjudged guilty of an offense determined by the board to have a direct  
22 bearing on an applicant's or holder of the license's ability to ~~serve~~provide  
23 addiction counseling to the public as ~~an addiction counselor~~a licensee or being  
24 adjudged guilty of any offense and being insufficiently rehabilitated as determined  
25 by the board under section 12.1-33-02.1.

26 2. One year from the date of the revocation, ~~the~~a former licenseholder may make  
27 application for initial licensure.

28 **SECTION 13. AMENDMENT.** Section 43-45-07.2 of the North Dakota Century Code is  
29 amended and reenacted as follows:



1       **43-45-07.2. Reporting obligations.**

- 2       1. A person ~~who has~~with knowledge of any conduct constituting grounds for discipline  
3       under this chapter may report the violation to the board.
- 4       2. ~~The~~A hospital, clinic, or other health care ~~institution~~, facility, institution, or organization  
5       shall report to the board any action taken by the hospital, clinic, or other health care  
6       facility, institution, or organization to revoke, suspend, restrict, or condition ~~an~~  
7       ~~addiction counselor's~~a licensee's privilege to practice or treat patients in the hospital,  
8       clinic, or other health care facility or institution, or as part of the organization, any  
9       denial of privileges or any other disciplinary action.

10       **SECTION 14. AMENDMENT.** Section 43-45-07.3 of the North Dakota Century Code is  
11       amended and reenacted as follows:

12       **43-45-07.3. Complaints - Investigations.**

- 13       1. A person may file a written complaint with the board citing ~~the~~ specific allegations of  
14       unprofessional conduct by ~~an addiction counselor~~a licensee. The board shall notify the  
15       ~~addiction counselor~~licensee of the complaint and request a written response from the  
16       ~~addiction counselor~~licensee.
- 17       2. The board may investigate a complaint on its own motion, without requiring the identity  
18       of the complainant to be made a matter of public record, if the board concludes ~~that~~  
19       good cause exists for preserving the confidentiality of the complainant.
- 20       3. ~~An addiction counselor~~A licensee who is the subject of an investigation by the board  
21       shall cooperate fully with the investigation. Cooperation includes responding fully and  
22       promptly to any reasonable question raised by or on behalf of the board relating to the  
23       subject of the investigation, and providing copies of patient records when reasonably  
24       requested by the board and accompanied by the appropriate release.
- 25       4. In order to pursue the investigation, the board ~~has the power to~~may subpoena and  
26       examine witnesses and records, including patient records, and ~~to~~ copy, photograph, or  
27       take samples. ~~†The board~~ may require the ~~licensed addiction counselor~~licensee to  
28       give statements under oath, to submit to a physical or mental examination, or both, by  
29       a physician or physicians and other qualified evaluation professionals selected by the  
30       board if it appears to be in the best interest of the public that this evaluation be

1           secured. A written request from the board constitutes authorization to release  
2           information. The patient records ~~that are~~ released to the board are not public records.  
3        5.   Unless there is a patient release on file allowing the release of information at the  
4           public hearing, ~~all data and information, including~~ patient records, acquired by the  
5           board in ~~its~~the board's investigation are confidential ~~and closed to the public~~. All board  
6           meetings ~~wherein~~at which patient testimony or records are taken or reviewed are  
7           confidential and closed to the public. If no patient testimony or records are taken or  
8           reviewed, the remainder of the meeting is an open meeting unless a specific  
9           exemption is otherwise applicable.

10        **SECTION 15.** A new section to chapter 43-45 of the North Dakota Century Code is created  
11        and enacted as follows:

12        **Licensed clinical addiction counselor.**

- 13        1.   Under section 43-45-05.1, the board shall issue an initial license as a licensed clinical  
14        addiction counselor to a qualified applicant who:  
15        a.   Applies for licensure under this section before January 1, 2023;  
16        b.   On December 31, 2017, was licensed in this state as an addiction counselor; and  
17        c.   Completed ten thousand hours of full-time clinical experience as a licensed  
18        addiction counselor.  
19        2.   The scope of practice of a licensed clinical addiction counselor is the same as the  
20        scope of practice of a masters addiction counselor.