

**ARTICLE 97-01
GENERAL ORGANIZATION**

Chapter
97-01-01 Organization of The Board

**CHAPTER 97-01-01
ORGANIZATION OF THE BOARD**

Section
97-01-01-01 Organization of the Board of Counseling Examiners

97-01-01-01. Organization of the board of counseling examiners.

1. **History.** The 1989 legislative assembly passed legislation establishing the board of counselor examiners, codified as North Dakota Century Code chapter 43-47. The board of counselor examiners licenses counselors who practice or intend to practice in North Dakota.
2. **Board membership.** The board consists of five members including two practicing counselors, one counselor educator, and two members of the public. The members are appointed by the governor. Members of the board are appointed for terms of three years. Each member holds office until the member's successor is duly appointed.
3. **Board officers.** The board annually elects from its members a chairperson and secretary-treasurer.
4. **Board functions.** The board is responsible for licensing qualified applicants for the practice of counseling and for ensuring that licensees comply with the laws and rules of that practice.
5. **Inquiries.** Information concerning the licensing of counselors may be obtained from, and submissions and requests may be made to:

North Dakota Board of Counselor Examiners
2112 10th Avenue SE
Mandan, ND 58554
Telephone: (701) 667-5969

History: Effective February 1, 1995; amended effective October 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02.1

ARTICLE 97-02 LICENSING REQUIREMENTS

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CHAPTER 97-02-01 LICENSING REQUIREMENTS

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97-02-01-01. Requirements to become a licensed professional counselor.

In order for an applicant to become a licensed professional counselor, an individual must make application to the board, supplying, at a minimum, the following information:

1. A copy of a master's degree transcript from an accredited school or college that meets the academic standards set forth in section 97-02-01-02.
2. Three recommendations as follows:
 - a. One from the counselor educator who provided direct supervision in the applicant's counseling practicum or internship;
 - b. One from an employer who provided general supervision of the applicant's work since receipt of the master's degree; and
 - c. One from the professional who provided direct supervision of the applicant's counseling experience.
3. Certification that the individual has a minimum of two years of supervised experience under a licensed professional counselor or licensed professional clinical counselor certified as a supervisor under section 97-02-01-08, or under a supervision authorized under subdivision c of subsection 2 of North Dakota Century Code section 43-47-06. The supervision must include individual, face-to-face meetings that occur at regular intervals over a two-year period. Supervision in a group setting may also be provided, such as in the case of a conference among members of a professional staff or other arrangement. A total of one hundred hours over the two-year period of supervision through individual and group methods must be documented. At least sixty hours must be individual face-to-face supervision. The supervised experience may not be in a practice in which the applicant holds an ownership interest. Face to face includes electronic video communications that are secure and Health Insurance Portability and Accountability Act compliant on a secure server.

4. Provides a statement of intent to practice, describing proposed use of the license, the intended client population, and the counseling procedures that the applicant intends to use in serving the client population.
5. Showing successful completion of the national counselor examination as distributed and administered under the auspices of the national board of certified counselors.

History: Effective June 1, 1991; amended effective February 1, 1995; February 1, 1998; July 1, 2014; July 1, 2018.

General Authority: NDCC 28-32-02, 43-47-03

Law Implemented: NDCC 43-47-03, 43-47-06

97-02-01-01.1. Fees.

The following fees have been established by the board for the licensed professional counselor:

1. Application fee, one hundred fifty dollars.
2. If the applicant's transcript requires review to determine whether the academic program and coursework meet the requirements of section 97-02-01-02, the board may submit the transcript for review to the national board for certified counselors and the fee assessed by the national board for certified counselors will be paid by the applicant.
3. Renewal fee, one hundred fifty dollars.

History: Effective February 1, 1998; amended effective July 1, 2014; July 1, 2018.

General Authority: NDCC 28-32-02, 43-47-03

Law Implemented: NDCC 43-47-03, 43-47-06

97-02-01-02. Academic programs.

Academic programs are programs identified specifically as counseling programs in the graduate bulletin of the accredited school or college. These programs include counseling, counselor education, counseling and guidance, counseling and development, and counseling psychology. In addition to the master's degree in counseling, the applicant's graduate transcript or transcripts must indicate a minimum of sixty semester credits or ninety quarter credits relating to counseling, including coursework in:

1. Counseling theories;
2. Counseling methods;
3. Group counseling;
4. Individual appraisal, assessment, or testing;
5. Counseling-related research methods;
6. Human growth and development;
7. Multicultural counseling;
8. Career and lifestyle development;
9. Professional orientation and ethics; and
10. Counseling practicum and internship.

The practica must consist of one hundred hours of training in supervised practica in settings relevant to the practice of counseling. The internship must consist of six hundred hours of training in supervised internship settings relevant to the practice of counseling. The practica and internship hours may be within the required graduate semester hours. The research methods coursework must include content on statistical analysis of data sets pertaining to topics in counseling. The professional orientation and ethics coursework must be at least three semester credits or five quarter credits, and include content on the profession of counseling and the American counseling association code of ethics.

History: Effective June 1, 1991; amended effective February 1, 1995; February 1, 1998; July 1, 2014; July 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-06

97-02-01-03. Requirements to become a licensed associate professional counselor.

In order for an applicant to become a licensed associate professional counselor, an individual must make application to the board, supplying, at a minimum, the following information:

1. A copy of a master's degree from an accredited school or college that meets the academic standards set forth in section 97-02-01-02.
2. Three recommendations as follows:
 - a. One from the practicum agency contact person;
 - b. One from the applicant's master's degree program advisor; and
 - c. One from an additional counselor educator.
3. A written plan which at a minimum must include an estimated number of client contact hours per week and must specify the supervision received. The supervision must include individual, face-to-face meetings that occur at regular intervals over the two-year period. Supervision in a group setting may also be provided such as in case conference among members of a professional staff or other arrangement. A total of one hundred hours over the two-year period of supervision through individual and group methods must be documented. At least sixty hours must be individual face-to-face supervision. The supervised experience may not be in a practice in which the applicant holds an ownership interest. The supervisor shall be a licensed professional counselor or licensed professional clinical counselor certified as a supervisor under section 97-02-01-08, or under a supervision authorized under subdivision c of subsection 2 of North Dakota Century Code section 43-47-06. Face to face includes electronic video communications that are secure and Health Insurance Portability and Accountability Act compliant on a secure server.
4. Showing successful completion of the national counselor examination as distributed and administered under the auspices of the national board of certified counselors.

History: Effective June 1, 1991; amended effective February 1, 1995; February 1, 1998; July 1, 2014; July 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06

97-02-01-03.1. Fees.

The following fees have been established by the board for the licensed associate professional counselor:

1. Application fee, one hundred fifty dollars.
2. If the applicant's transcript requires review to determine whether the academic program and coursework meet the requirements of section 97-02-01-02, the board may submit the transcript for review to the national board for certified counselors and the fee assessed by the national board for certified counselors will be paid by the applicant.
3. Application fee for advancement to licensed professional counselor, one hundred fifty dollars.
4. Extension fee, one hundred dollars.

History: Effective February 1, 1998; amended effective July 1, 2018.

General Authority: NDCC 28-32-02, 43-47-03

Law Implemented: NDCC 43-47-03, 43-47-06

97-02-01-04. Reciprocity.

An applicant for license by reciprocity shall also submit the following items to the board:

1. An application form completed in a manner prescribed by the board accompanied by the required fee.
2. A photostatic copy of the license from the other state.
3. A copy of the licensing statute and rules of the state issuing the license in the other state.
4. The name and address of the licensing committee, agency, or board of the other state.
5. Proof of passing a counselor examination approved by the board.

The board or its designee shall verify that the licensing state imposes substantially the same requirements as North Dakota, and that there is no other reason constituting good cause for refusing to issue such license.

History: Effective June 1, 1991; amended effective July 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06

97-02-01-05. Renewal of license.

1. Counselor licenses expire two years after originally granted or last renewed.
2. At least two months before expiration, the board will notify the counselor of the requirement for renewal. The notice will be made to the address last provided to the board by the counselor.
3. A license shall be renewed if the counselor meets all of the following requirements:
 - a. The counselor shall file the complete application for renewal form prescribed by the board.
 - b. The counselor shall pay the renewal fee required by section 97-02-01-01.1 or 97-02-01-03.1.
 - c. The counselor shall provide proof of completion of the continued professional education required by section 97-02-01-06.
 - d. Grounds for denial of the application under North Dakota Century Code section 43-47-07 do not exist.

4. If the completed application for renewal, renewal fee, and proof of completion of continued professional education is not filed at least thirty days before the expiration of the license, the counselor shall pay a late fee of one hundred dollars.
5. If the completed application for renewal, renewal fee, proof of completion of continued professional education and late fee is not filed before the expiration of the license, the license expires and the individual may not practice counseling.
6. If the completed application for renewal, renewal fee, proof of completion of continued professional education, and late fee is not filed within one year of the expiration, the license shall not be renewed. The individual must apply and meet the license requirements to be granted a license.
7. The board may extend the expiration date and the deadlines for filing the application for renewal, renewal fee, proof of completion of continued professional education, and late fee upon proof of medical or other hardship preventing the individual from meeting the deadlines.

History: Effective June 1, 1991; amended effective February 1, 1998; July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06, 43-47-06.2

97-02-01-05.1. Late renewal.

Repealed effective July 1, 2014.

97-02-01-06. Continued professional education.

A licensed professional counselor shall complete at least thirty hours of continued professional education in the two years preceding the date of expiration of the license. At least three of the hours shall primarily focus on counselor ethics. A continued professional education hour is fifty minutes. Examples of items meeting continuing professional educational requirements include attending professional meetings, conferences, and workshops or taking graduate courses in counseling or other mental health fields.

History: Effective June 1, 1991; amended effective July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06

97-02-01-07. Grandfather provisions.

Repealed effective February 1, 1998.

97-02-01-08. Certification of supervisors.

1. To be certified as a supervisor an applicant shall meet all of the following requirements:
 - a. The applicant shall be a licensed professional counselor or licensed professional clinical counselor.
 - b. The applicant shall have five years of experience as a licensed counselor.
 - c. For applications received after July 1, 2016, the applicant shall have completed thirty hours of continuing education concerning supervision in the five years preceding the application.
 - d. The applicant shall pay an application fee of one hundred dollars.

- e. Grounds for denial of the application under North Dakota Century Code section 43-47-07 do not exist.
2. Supervisor certifications expire five years after originally granted or last renewed. Certifications shall be renewed if the certified supervisor meets all of the following requirements:
- a. The certified supervisor shall complete at least thirty hours of continuing education primarily focused on clinical supervision in the five years preceding the expiration date of the certification.
 - b. The certified supervisor shall pay a renewal fee of one hundred dollars.
 - c. Grounds for denial of renewal under North Dakota Century Code section 43-47-07 do not exist.

History: Effective July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-01, 43-47-03, 43-47-06, 43-47-06.1, 43-47-07

**CHAPTER 97-02-01.1
LICENSED PROFESSIONAL CLINICAL COUNSELOR**

Section

97-02-01.1-01	Requirements to Become a Licensed Professional Clinical Counselor
97-02-01.1-02	Renewal of a Licensed Professional Clinical Counselor License
97-02-01.1-03	Reciprocity
97-02-01.1-04	Fees
97-02-01.1-05	Grandparenting Provisions [Repealed]
97-02-01.1-06	Definitions
97-02-01.1-07	Representation to the Public
97-02-01.1-08	Continued Professional Education for Licensed Professional Clinical Counselors

97-02-01.1-01. Requirements to become a licensed professional clinical counselor.

For an applicant to become a licensed professional clinical counselor, the individual must be a licensed professional counselor under North Dakota Century Code chapter 43-47 and:

1. Have at least a master's degree from an accredited school or college in counseling that meets the academic and training standards adopted by the board;
2. Have sixty semester graduate hours. A minimum of one semester credit-hour in each of the following two coursework categories must be included within the sixty semester credits required for the licensed professional clinical counselor. The two categories are:
 - a. Current classification methods in the diagnostic evaluation of psychopathology; and
 - b. Clinical counseling skills;
3. Have two years of post-master's clinical experience, including:
 - a. Seven hundred hours of supervised practica and internships in settings relevant to the practice of counseling. These hours may be within the required sixty graduate semester hours.
 - b. Two years (three thousand hours) of post-master's clinical experience in a clinical setting. This must include one hundred hours of face-to-face supervision (a minimum of sixty hours of individual supervision) by a supervisor certified under section 97-02-01-08, or a supervisor authorized under subdivision c of subsection 2 of North Dakota Century Code section 43-47-06. The certified supervisor must be a licensed professional clinical counselor or a supervisor authorized under subdivision c of subsection 2 of North Dakota Century Code section 43-47-06. Face to face includes electronic video communications that are secure and Health Insurance Portability and Accountability Act compliant on a secure server.
4. Provide three professional letters of reference. One must be from the post-master's clinical supervisor. The other two must be from professionals familiar with the applicant's clinical experience;
5. Have passed the clinical mental health counseling examination as offered by the national board for certified counseling; and
6. Provide a copy of a form completed by the applicant's clinical experience supervisor attesting to the applicant's successful demonstration of clinical counseling skills consistent with the scope of practice of a licensed professional clinical counselor. The form and areas for evaluation shall be approved by the board and made available to the applicant.

History: Effective August 1, 1996; amended effective July 1, 2014; July 1, 2018.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06.1

97-02-01.1-02. Renewal of a licensed professional clinical counselor license.

1. Licensed professional clinical counselor licenses expire on the date the licensed professional clinical counselor's licensed professional counselor license expires.
2. At least two months before expiration, the board will notify the licensed professional clinical counselor of the requirement for renewal. The notice will be made to the address last provided to the board by the licensed professional clinical counselor.
3. A license shall be renewed if the licensed professional clinical counselor meets all of the following requirements
 - a. The licensed professional clinical counselor shall file the complete application for renewal form prescribed by the board.
 - b. The licensed professional clinical counselor shall pay the renewal fee of seventy-five dollars.
 - c. The licensed professional clinical counselor shall provide proof of completion of the continued professional education required by section 97-02-01.1-08.
 - d. Grounds for denial of the application under North Dakota Century Code section 43-47-07 do not exist.
4. If the completed application for renewal, renewal fee, and proof of completion of continued professional education is not filed at least thirty days before the expiration of the license, the licensed professional clinical counselor shall pay a late fee of one hundred dollars.
5. If the completed application for renewal, renewal fee, proof of completion of continued professional education, and late fee is not filed before the expiration of the license, the license expires and the individual may not practice clinical counseling.
6. If the completed application for renewal, renewal fee, proof of completion of continued professional education, and late fee is not filed within one year of the expiration, the license shall not be renewed. The individual must apply and meet the license requirements to be granted a license.
7. The board may extend the expiration date and the deadlines for filing the application for renewal, renewal fee, proof of completion of continued professional education, and late fee upon proof of medical or other hardship preventing the individual from meeting the deadlines.

History: Effective August 1, 1996; amended effective July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06.1, 43-47-06.2

97-02-01.1-03. Reciprocity.

An applicant may be granted reciprocity upon satisfactory proof to the board that the applicant is currently licensed as a licensed professional clinical counselor under the laws of a state or territory of the United States that imposes requirements equal to or more stringent than this chapter.

History: Effective August 1, 1996.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-06.1

97-02-01.1-04. Fees.

The following fees have been established by the board for the licensed professional clinical counselor license:

1. Application fee, one hundred fifty dollars.
2. Renewal fee, seventy-five dollars.

History: Effective August 1, 1996; amended effective December 1, 2001; July 1, 2014.

General Authority: NDCC 28-32-02(1), 43-47-03(3)

Law Implemented: NDCC 43-47-03(3)

97-02-01.1-05. Grandparenting provisions.

Repealed effective July 1, 2014.

97-02-01.1-06. Definitions.

As used in this title, unless the context otherwise requires:

1. "Clinical counseling" means providing clinical mental health counseling services involving the application of principles of human development, learning theory, psychotherapy, group dynamics, and the etiology of mental illness and dysfunctional behavior to individuals, couples, families, and groups for the purpose of promoting optimal mental health, dealing with normal problems of living, and treating psychopathic disorders. Clinical counseling includes diagnosis and treatment of emotional and mental disorders; psycho-educational techniques aimed at the prevention of emotional and mental disorders; consultations to individuals, couples, families, groups, organizations, and communities; and clinical research into more effective psycho-therapeutic modalities.
2. "Licensed professional clinical counselor" means a person who is licensed under this chapter to practice the specialty of clinical counseling.

History: Effective December 1, 2001

General Authority: NDCC 28-32-02(1), 43-47-06.1

Law Implemented: NDCC 43-47-06.1

97-02-01.1-07. Representation to the public.

Only persons licensed under this chapter may use the title "licensed professional clinical counselor" or the abbreviation "LPCC".

History: Effective December 1, 2001

General Authority: NDCC 28-32-02(1), 43-47-06.1

Law Implemented: NDCC 43-47-06.1

97-02-01.1-08. Continued professional education for licensed professional clinical counselors.

In addition to the thirty hours required for renewal of the licensed professional counselor license, a licensed professional clinical counselor shall complete at least ten hours of continued professional education primarily focused on clinical counseling in the two years preceding the date of expiration of the license. The continued professional education shall relate to the licensed professional clinical counselor's intent to practice, and be preapproved by the board. A continued professional education hour is fifty minutes. Examples of items meeting continuing professional educational requirements

include attending professional meetings, conferences, and workshops or taking graduate courses in clinical counseling.

History: Effective July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-03, 43-47-06.1

CHAPTER 97-02-02 DISCIPLINARY PROCEDURES

Section	
97-02-02-01	Disciplinary Actions
97-02-02-02	Reinstatement Following Disciplinary Action
97-02-02-03	Reporting Convictions and Discipline

97-02-02-01. Disciplinary actions.

All actions for disciplinary procedures must be in accordance with North Dakota Century Code chapter 28-32.

1. Action must be taken by the board upon finding that the applicant or licenseholder has engaged in unprofessional conduct. Unprofessional conduct includes:
 - a. Conviction of an offense determined by the board to have a direct bearing on the individual's ability to practice counseling.
 - b. Procuring of license by fraud or misrepresentation.
 - c. Misuse of drugs or alcohol.
 - d. Negligence in professional conduct or nonconformance with the code of ethics as adopted by the board.
 - e. Performance of functions outside the demonstrable areas of competency.
 - f. Mental, emotional, or physical incompetence to practice the profession.
 - g. Violation of or aid to another in violating any provision of North Dakota Century Code chapter 43-47, any other statute applicable to the practice of professional counseling, or any provision of this title.
2. Petition for rehearing. A petition may be made to the board for reinstatement upon good cause or as a result of additional evidence being obtained that would alter the determination reached in subsection 1.

History: Effective June 1, 1991; amended effective July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-14, 43-47-07

97-02-02-02. Reinstatement following disciplinary action.

1. Any person whose license has been revoked or whose renewal application has been denied renewal under section 97-02-02-01 may submit a new application to the board for licensure two years after the date of the revocation or denial.
2. The board may, after a hearing, grant or deny the reinstatement sought in subdivision a of subsection 1 of this section based upon the evidence presented.
3. If an application for reinstatement is approved, the applicant must be licensed upon payment of the appropriate fees applicable at the time of reinstatement.

History: Effective June 1, 1991.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-07, 43-47-08

97-02-02-03. Reporting convictions and discipline.

A licensee, convicted of an offense, except a minor traffic offense, or disciplined in another jurisdiction, shall report the conviction or discipline to the board within thirty days of the conviction or discipline.

History: Effective July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-07

**CHAPTER 97-02-03
CODE OF ETHICS**

Section
97-02-03-01 Code of Ethics

97-02-03-01. Code of ethics.

The board adopts the American counseling association Code of Ethics as approved by the American counseling association governing council in 2014 as its code of ethics for the practice of counseling. A copy may be obtained from the board.

History: Effective February 1, 1995; amended effective February 1, 1998; December 1, 2001; July 1, 2007; July 1, 2018.

General Authority: NDCC 28-32-02, 43-47-03

Law Implemented: NDCC 43-47-03