

ARTICLE 97-02 LICENSING REQUIREMENTS

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CHAPTER 97-02-01 LICENSING REQUIREMENTS

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97-02-01-01. Definitions

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

1. "Applicant" means an individual seeking licensure as a licensed professional counselor by the board.
2. "Board" means the North Dakota Board of Counseling Examiners.
3. "Counseling compact" means the interstate counseling compact enacted pursuant to section 43-47.1-01 of the North Dakota Century Code.
4. "Face-to-face supervision" means individual, interactive consultation, which may be conducted in-person or by electronic video communication by a supervisor certified under section 97-02-01-08, which is conducted securely and Health and Insurance Portability and Accountability Act compliant.
5. "Supervision" means documented interactive consultation, which may be conducted in person, by telephone, or by audio or audiovisual electronic device, between a supervisor certified under section 97-02-01-08, and a licensed professional counselor. The supervision must be adequate to ensure the quality and competence of the activities

supervised. Supervisory consultation must include discussions on the nature and content of the practice of the supervisee, including, but not limited to, a review of a representative sample of counseling services in the supervisee's practice.

6. "Supervisor applicant" means an individual who seeks certification as a certified counselor supervisor.

7. "Supervisee" shall mean an individual who is being supervised by a certified counselor supervisor.

History:

General Authority: NDCC 43-47-03, 43-47-06, 43-47-06.1

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

97-02-01-01.1. 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. Two of the three~~Three~~ following recommendations, as follows with no more than one from each category:
 - a. One from the counselor educator who provided direct supervision in the applicant's counseling practicum or internship;
~~a.~~
 - b. One from an employer who provided general supervision of the applicant's work since receipt of the master's degree; and
~~b. d~~
 - c. One from the professional who provided direct supervision of the applicant's counseling experience.
3. Certification that the applicant~~individual~~ has asatisfied the supervised practice requirements as set forth under section 97-02-01-01.2.~~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

97-02-01-01.2. Supervised Practice Requirements.

1. An applicant must obtain supervision by a licensed professional counselor, licensed professional clinical counselor, or licensed psychologist, certified as a supervisor under the provisions of section 97-02-01-08.
2. An applicant must obtain supervision for the first 2,000 hours of professional practice. This section does not prohibit applicants from participating in other supervisory relationships for purposes other than meeting the requirements of this section.
3. The content of supervision under this section must include:
 - a. Professional counseling knowledge, skills, values, and ethics with specific application to the issues faced by the supervisee;
 - b. The standards of practice and ethical conduct, with particular emphasis given to the professional counselor's role and appropriate responsibilities, professional boundaries, and power dynamics; and
 - c. The applicant's permissible scope of practice.
4. A total of one hundred hours of supervision through individual and group methods must be documented through the two-year period of supervision. The supervision must be evenly distributed over the course of the supervised professional practice. At least sixty hours must be individual face-to-face supervision.
5. The supervised experience under this section may not be in a practice where the applicant holds an ownership interest.

~~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~~

History:

General Authority: NDCC 43-47-06

Law Implemented: NDCC 43-47-06

97-02-01-01.34. Fees.

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

1. Application fee, one hundred seventy-five 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 seventy-five 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 internship must include experiences commiserate with clinical mental health counseling, including diagnosis.

treatment, assessment, treatment planning, and 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. Two of the three following recommendations, with no more than one from each category.~~Three recommendations as follows:~~
 - a. A recommendation from the applicant's internship agency contact person;~~One from the practicum agency contact person;~~
 - b. A recommendation from the applicant's master's degree program advisor; or~~One from the applicant's master's degree program advisor; and~~
 - c. A recommendation from a counselor educator who provided education to the applicant.~~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 how the applicant intends to satisfy the requirements of the supervised practice requirements as set forth in section 97-02-01-01.2. ~~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 written plan shall be submitted by a supervisor who is ~~The supervisor shall be a licensed professional counselor, or licensed professional clinical counselor, or licensed psychologist and 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 ~~seventy-five~~ ~~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 ~~seventy-five~~ ~~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, or other education or training approved by the board.~~

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 ~~of an applicant, the supervisor applicant~~ ~~an applicant~~ shall meet all of the following requirements:
 - a. The ~~supervisor applicant~~ ~~applicant~~ shall be a licensed professional counselor, ~~or~~ licensed professional clinical counselor, ~~or licensed psychologist in the state of North Dakota. An inactive, provisional, expired, temporary, retired, probated, or suspended license shall not meet this requirement.~~
 - b. The ~~supervisor applicant~~ ~~applicant~~ shall have five years of ~~experience~~ ~~counseling experience as the term "counseling" is defined by subsection 2 of section 43-47-01 of the North Dakota Century Code. as a licensed counselor.~~
 - c. For applications received after July 1, 2016, the ~~supervisor applicant~~ ~~applicant~~ shall have completed thirty hours of continuing education ~~related to the supervision of counselors concerning supervision~~ in the five years ~~preceding the application for certification.~~
 - d. The applicant shall pay an application fee of one hundred fifty dollars.
 - e. ~~Grounds for denial of the application under North Dakota Century Code section 43-47-07 do not exist.~~
 - e. ~~Any first-time supervisor applicant shall successfully complete a jurisprudence examination administered by the board. The jurisprudence examination shall contain information regarding the American Counseling Association Code of Ethics as approved by the board, applicable provisions of the North Dakota Century Code, and these rules.~~
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 fifty dollars.
- ~~e.~~ 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

97-02-01-08.1. Application for counselor supervisor certification.

1. Any licensed professional counselor, licensed professional clinical counselor, or licensed psychologist seeking certification as a counselor supervisor shall complete the application form provided by the board.
2. In addition to the application form, the supervisor applicant shall provide the board with the following information:
 - a. A current resume or curriculum vitae detailing the supervisor applicant's educational background, professional experience, and other qualifications to become certified as a supervisor; and
 - b. A statement of intent detailing the supervisor applicant's rationale for becoming a certified supervisor and how the supervisor applicant's educational background and professional experience qualify the supervisor applicant for certification.
3. The supervisor applicant shall also provide verified documentation of the following:
 - a. Graduation from an accredited program in the degree level of the current licensure of the supervisor applicant;
 - b. Proof of successful completion of any national examination as a condition of any professional licensure currently held by the supervisor applicant; and
 - c. Documentation of all professional licensures held at any time in any field by the supervisor applicant and certification of the current status of those licenses, including an explanation and documentation of any disciplinary action taken against the supervisor applicant's license.
 - d. Any first-time supervisor applicant who is currently a licensed professional counselor or licensed professional clinical counselor shall be exempt from providing verified documentation of the information required under subdivisions a and b if the applicant's licensure was issued by the board.

History:

General Authority: NDCC 43-47-06, 43-47-06.1

Law Implemented: NDCC 43-47-01, 43,47.03, 43-47-06, 43-47-06.1

97-02-01-08.2. Responsibilities of counselor supervisor.

1. The certified supervisor shall evaluate and provide feedback to the supervisee regarding the supervised practice requirements contained within subsection 3 of 97-02-01-01.1.
2. The certified supervisor shall be able to provide counseling services in the event the supervisee is unable, for any reason, including lack of competence, to do so.
3. The certified supervisor shall review and cosign all reports of any supervisee. If the supervisor is unable to cosign the reports of the supervisee, it shall be acceptable to provide a brief memorandum or note to the file, signed by the certified supervisor documenting the supervisor has reviewed the information.
4. The certified supervisor shall provide certification to the board that the supervisee has complied with the supervised practice requirements contained within section 97-02-01-01.1.
5. A certified supervisor shall not supervise more than three supervisees at one time. Certified supervisors who desire to provide supervision to more than three supervisees at one time shall submit a written request to the board which explains the reason for providing supervision to more than three supervisees at one time.
6. A certified supervisor shall avoid conditions and multiple relationships with a supervisee which may impair professional objectivity or increase the risk of exploitation.
 - a. A certified supervisor shall not engage in any sexual relationship with a supervisee during the time of the supervisee's supervision.

History:

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

97-02-01-09. Disciplinary action against counselor supervisor.

1. Upon the board's determination that there is a reasonable basis to believe a certified supervisor has engaged in unprofessional conduct as defined by 97-02-02-01.1, committed a violation of chapter 43-07 of the North Dakota Century Code, or a violation of the rules of the board, the board may initiate disciplinary action against the certified supervisor.
2. Upon the board's finding that a certified supervisor has engaged in unprofessional conduct unprofessional conduct as defined by 97-02-02-01.1, committed a violation of chapter 43-07 of the North Dakota Century Code, or a violation of the rules of the board, the board may revoke the certification of the supervisor.

History:

General Authority: NDCC 28-32-02

Law Implemented: 43-47-07

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CHAPTER 97-02-01.1 LICENSED PROFESSIONAL CLINICAL COUNSELOR

Section

97-02-01.1-01 Requirements to Become a Licensed Professional Clinical Counselor

97-02-01.1-01.1 Report of Supervision

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 hold~~ and maintain an active license as 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 mental health setting relevant to the practice of clinical mental health counseling, setting. This must include one hundred hours of face-to-face supervision as defined by subsection 5 of 97-02-01-01 (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 licensed psychologist 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. ~~Face to face includes electronic video communications that are secure and Health Insurance Portability and Accountability Act compliant on a secure server.~~

4. Provide ~~two~~three professional letters of reference. One must be from the post-master's clinical supervisor. The other ~~one~~two must be from an applicant's employer or other licensee of the board who is ~~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

97-02-01.1-01.1. Report of supervision.

1. Upon the completion or termination of a supervisory relationship of an applicant, the certified supervisor shall provide the board with a report to document the completion or termination of a supervisory relationship with an applicant. If the supervisory relationship is terminated, the certified supervisor shall provide the board with an explanation as to why the relationship was terminated.

History:

General Authority: NDCC 28-32-02

Law Implemented: NDCC 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 ~~for the licensed professional clinical counselor license and the renewal fee for the licensed professional counselor license, of seventy-five dollars.~~
 - b.c. The renewal fee for a licensed professional clinical counselor is one hundred dollars and the renewal fee for a licensed professional counselor is one hundred seventy-five dollars.

e-d. The licensed professional clinical counselor shall provide proof of completion of the continued professional education required by section 97-02-01.1-08.

e. Grounds for denial of the application under North Dakota Century Code section 43-47-07 do not exist.

d-f. To renew a license as a licensed professional clinical counselor, renewal fees for a licensed professional clinical counselor and a licensed professional counselor must be paid simultaneously.

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 ~~seventy-five dollars~~ fifty dollars.
2. Renewal fee, ~~one hundredseventy-five~~ one hundred 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. "Applicant" means an individual seeking licensure as a licensed professional clinical counselor.
2. "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.
3. "Licensed professional clinical counselor" means a person who is licensed under this chapter to practice the specialty of clinical counseling.
- ~~3.4.~~ "Face-to-face supervision" means individual, interactive consultation, which may be conducted in-person or by electronic video communication by a supervisor certified under section 97-02-01-08, which is conducted securely and Health and Insurance Portability and Accountability Act compliant.

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 Definitions

97-02-02-01.1 Disciplinary Actions

97-02-02-02 Reinstatement Following Disciplinary Action

97-02-02-03 Reporting Convictions and Discipline

97-02-02-04 Disciplinary Action Against Remote Licensee's Privilege to Practice

97-02-02-01. Definitions.

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

1. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by licensing board or other authority against a licensed professional counselor, including actions against an individual's license or privilege to practice, such as revocation, suspension, probation, monitoring of the licensee, limitation on licensee's practice, or any other encumbrance on licensure affecting a licensed professional counselor's authorization to practice, including issuance of a cease and desist action.
2. "Applicant" means an individual seeking licensure as a licensed professional counselor by the board.
3. "Board" means the North Dakota Board of Counseling Examiners.
4. "Counseling compact" or "compact" means the interstate counseling compact enacted pursuant to section 43-47.1-01 of the North Dakota Century Code.
5. "Counseling compact commission" or "commission" means the national administrative body which membership consists of all states that have enacted the counseling compact.
6. "Encumbered license" means a license in which an adverse action restricts the practice of professional counseling by the licensee and the adverse action has been reported to the national practitioner data bank.
7. "Encumbrance" means a revocation or suspension of, or any limitation on. The full and unrestricted practice of licensed professional counseling by a licensing board.
8. "Home state" means the member state that is a licensee's primary state of residence and who has issued a license to any licensee.
9. "Licensee" means an individual who is a licensed professional counselor, licensed professional clinical counselor, or an individual who has been issued a privilege to practice issued by the board under North Dakota Century Code chapter 43-47.1.
10. "Licensing board" means the agency of a state, or equivalent, responsible for the licensing and regulation of licensed professional counselors.

11. "Member state" means a state that has enacted the compact.
12. "Privilege to practice" means a legal authorization, which is equivalent to a license, permitting the practice of counseling in North Dakota.
13. "Remote licensee" means an individual who has been issued a privilege to practice by the board under the terms of the counseling compact.
14. "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the privilege to practice.

History:

General Authority: NDCC 43-47-07, 43-47.1

Law Implemented: 43-47.1

97-02-02-01.1. 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 an applicant, licensee, or remote licensee ~~the applicant or license holder~~ 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.
 - h. Failure to report any criminal conviction, except a minor traffic offense, or any discipline imposed by another jurisdiction within thirty days of the conviction or discipline.
 - i. Any adverse action taken by any licensing board in any state against any individual's privilege to practice or license.

g-j. Participation or engagement in any sexual or inappropriate relationship between a certified supervisor and a supervisee during the time of the supervisee's supervision.

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.

1. 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.
2. Any disciplinary action taken against an individual who has been licensed by the board shall be reported to the counseling compact commission if such individual has applied for a privilege to practice in any other member state.
3. Any disciplinary action taken against a remote licensee by the board shall be reported to the counseling compact commission.

History: Effective July 1, 2014.

General Authority: NDCC 28-32-02

Law Implemented: NDCC 43-47-07

97-02-02-04. Disciplinary action against remote licensee's privilege to practice.

1. The board may take disciplinary action against a remote licensee upon the board's determination that the remote licensee has engaged in unprofessional conduct as defined by subsection 1 of 97-02-02-01.1.

2. Upon the board's determination the remote licensee has committed unprofessional conduct as defined by subsection 1 of 97-02-02-01.1, the board may remove the remote licensee's privilege to practice for a period of time, impose fines, or take any other necessary action to protect the health and safety of the citizens of the state of North Dakota.

History:

General Authority: 43-47-07, 43-47-07.1

Law Implemented: 43-47-07, 43-47-07.1