

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 753**

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DATE	D-PG	OFFICIAL STATUS
03/14/2011	496	Introduction and first reading Referred to Health and Human Services
03/01/2012	4055a	Comm report: To pass as amended and re-refer to Judiciary and Public Safety
03/19/2012	4518a	Comm report: To pass as amended
	4548	Second reading
04/02/2012	5498a	Special Order: Amended
	5537	Third reading Passed
04/18/2012	5912	Returned from House Presentment date 04/18/12
04/23/2012	5998	Governor's action Approval 04/20/12
	5998	Secretary of State Chapter 197 04/20/12 Effective date Art. 1-2, Art. 3, Sec. 1, 3-5 08/01/12; Art. 3, Sec. 2 08/01/11 (retroactive)

A bill for an act

1.1 relating to health occupations; modifying provisions for licensure of social
1.2 workers; changing provisions for alcohol and drug counselors and licensed
1.3 professional counseling; setting certain fees; amending Minnesota Statutes 2010,
1.4 sections 13.383, subdivision 11a; 148B.5301, subdivisions 1, 4, by adding a
1.5 subdivision; 148B.54, subdivisions 2, 3; 148E.055, subdivision 1; 148E.060,
1.6 subdivisions 1, 2, 3, 5, by adding a subdivision; 148E.065, subdivisions 2,
1.7 4, 5, by adding subdivisions; 148E.120; 148E.195, subdivision 2, by adding a
1.8 subdivision; 148E.280; proposing coding for new law in Minnesota Statutes,
1.9 chapter 148E; proposing coding for new law as Minnesota Statutes, chapter
1.10 148F; repealing Minnesota Statutes 2010, sections 148C.01, subdivisions 1, 1a,
1.11 2, 2a, 2b, 2c, 2d, 2e, 2f, 2g, 4, 4a, 5, 7, 9, 10, 11, 11a, 12, 12a, 13, 14, 15, 16,
1.12 17, 18; 148C.015; 148C.03, subdivisions 1, 4; 148C.0351, subdivisions 1, 3, 4;
1.13 148C.0355; 148C.04, subdivisions 1, 2, 3, 4, 5a, 6, 7; 148C.044; 148C.045;
1.14 148C.05, subdivisions 1, 1a, 5, 6; 148C.055; 148C.07; 148C.075; 148C.08;
1.15 148C.09, subdivisions 1, 1a, 2, 4; 148C.091; 148C.093; 148C.095; 148C.099;
1.16 148C.10, subdivisions 1, 2, 3; 148C.11; 148C.12, subdivisions 1, 2, 3, 5, 6, 7,
1.17 8, 9, 10, 11, 12, 13, 14, 15; 148E.065, subdivision 3; Minnesota Rules, parts
1.18 4747.0010; 4747.0020; 4747.0030, subparts 1, 2, 3, 4, 5, 7, 8, 9, 10, 15, 17, 18,
1.19 20, 21, 22, 24, 29; 4747.0040; 4747.0050; 4747.0060; 4747.0070, subparts 1,
1.20 2, 3, 6; 4747.0200; 4747.0400, subpart 1; 4747.0700; 4747.0800; 4747.0900;
1.21 4747.1100, subparts 1, 4, 5, 6, 7, 8, 9; 4747.1400, subparts 1, 2, 3, 4, 5, 6, 7, 8, 10,
1.22 11, 12, 13; 4747.1500; 6310.3100, subpart 2; 6310.3600; 6310.3700, subpart 1.

1.23
1.24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

SOCIAL WORKERS

1.25
1.26
1.27 Section 1. Minnesota Statutes 2010, section 148E.055, subdivision 1, is amended to
1.28 read:

1.29 Subdivision 1. **License required.** (a) In order to practice social work, an individual
1.30 must have a social work license under this section or section 148E.060, except when the
1.31 individual is exempt from licensure according to section 148E.065.

2.1 (b) Individuals who teach professional social work knowledge, skills, and values to
2.2 students and who have a social work degree from a program accredited by the Council
2.3 on Social Work Education, the Canadian Association of Schools of Social Work, or a
2.4 similar ~~accreditation~~ accrediting body designated by the board must have a social work
2.5 license under this section or section 148E.060, except when the individual is exempt from
2.6 licensure according to section 148E.065.

2.7 (c) Effective July 1, 2016, an individual who is newly employed by a city or
2.8 state agency or a private nonprofit nontribal agency previously exempt from licensure
2.9 under Minnesota Statutes 2010, section 148D.065, subdivision 5, and section 148E.065,
2.10 subdivision 5, must be licensed if:

2.11 (1) the individual is presented to the public by any title incorporating the words
2.12 "social work" or "social worker"; or

2.13 (2) the individual has a baccalaureate or graduate degree in social work from a
2.14 program accredited by the Council on Social Work Education, the Canadian Association
2.15 of Schools of Social Work, or a similar accrediting body designated by the board, and the
2.16 individual provides social work services, including clinical social work services, as those
2.17 services are defined in section 148E.010, subdivisions 6 and 11.

2.18 **EFFECTIVE DATE.** This section is effective August 1, 2012.

2.19 Sec. 2. **[148E.0555] LICENSE REQUIREMENTS; GRANDFATHERING.**

2.20 Subdivision 1. **Grandfathering period.** (a) The board shall issue a license to an
2.21 applicant who meets all the requirements in this section and has submitted a completed,
2.22 signed application and the required fee between January 1, 2013, and December 31, 2014.

2.23 (b) If the applicant does not provide all of the information requested by the board
2.24 by December 31, 2015, the applicant is considered ineligible and the application for
2.25 licensure is closed.

2.26 Subd. 2. **Eligible agency personnel.** When submitting the application for licensure,
2.27 the applicant must provide evidence satisfactory to the board that the applicant is currently
2.28 employed by a:

2.29 (1) Minnesota city or state agency, and:

2.30 (i) at any time within three years of the date of submitting an application for
2.31 licensure was presented to the public by any title incorporating the words "social work" or
2.32 "social worker," while employed by that agency for a minimum of six months; or

2.33 (ii) at any time within three years of the date of submitting an application for
2.34 licensure was engaged in the practice of social work, including clinical social work, as

3.1 described in section 148E.010, subdivisions 6 and 11, while employed by that agency
3.2 for a minimum of six months; or

3.3 (2) private nonprofit, nontribal agency whose primary service focus addresses ethnic
3.4 minority populations, and the applicant is a member of an ethnic minority population
3.5 within the agency, previously exempt from licensure under Minnesota Statutes 2010,
3.6 section 148D.065, subdivision 5, and section 148E.065, subdivision 5, and:

3.7 (i) at any time within three years of the date of submitting an application for
3.8 licensure was presented to the public by any title incorporating the words "social work" or
3.9 "social worker," while employed by that agency for a minimum of six months; or

3.10 (ii) at any time within three years of the date of submitting an application for
3.11 licensure was engaged in the practice of social work, including clinical social work, as
3.12 described under section 148E.010, subdivisions 6 and 11, while employed by that agency
3.13 for a minimum of six months.

3.14 **Subd. 3. Qualifications during grandfathering for licensure as LSW. (a) To**
3.15 **be licensed as a licensed social worker, an applicant for licensure under this section**
3.16 **must provide evidence satisfactory to the board that the individual has completed a**
3.17 **baccalaureate degree:**

3.18 (1) in social work from a program accredited by the Council on Social Work
3.19 Education, the Canadian Association of Schools of Social Work, or a similar accrediting
3.20 body designated by the board; or

3.21 (2) in psychology, sociology, human services, or social and behavioral sciences
3.22 from an accredited college or university; or

3.23 (3) with a major in any field from an accredited college or university, and one year of
3.24 experience in the practice of social work as described in section 148E.010, subdivision 11.

3.25 (b) To be licensed as a licensed social worker, an applicant for licensure under this
3.26 section must provide evidence satisfactory to the board that the individual has:

3.27 (1) submitted a completed, signed application and the license fee in section
3.28 148E.180;

3.29 (2) for applications submitted electronically, provided an attestation as specified
3.30 by the board;

3.31 (3) submitted the criminal background check fee and a form provided by the board
3.32 authorizing a criminal background check;

3.33 (4) paid the applicable license fee in section 148E.180; and

3.34 (5) not engaged in conduct that was or would be in violation of the standards
3.35 of practice specified in Minnesota Statutes 2010, sections 148D.195 to 148D.240, and
3.36 sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or

4.1 would be in violation of the standards of practice, the board may take action according to
4.2 sections 148E.255 to 148E.270.

4.3 (c) An application that is not completed and signed, or that is not accompanied by
4.4 the correct license fee, must be returned to the applicant, along with any fee submitted,
4.5 and is void.

4.6 (d) By submitting an application for licensure, an applicant authorizes the board to
4.7 investigate any information provided or requested in the application. The board may
4.8 request that the applicant provide additional information, verification, or documentation.

4.9 (e) Within one year of the time the board receives an application for licensure, the
4.10 applicant must meet all the requirements and provide all of the information requested by
4.11 the board according to paragraphs (a) and (b).

4.12 (f) Prelicensure supervised practice hours may be applied to meet the requirements
4.13 of this section. Hours obtained prior to August 1, 2011, must meet the supervised practice
4.14 requirements in Minnesota Statutes 2010, sections 148D.100 to 148D.125, and hours
4.15 obtained on or after August 1, 2011, must meet the supervised practice requirements in
4.16 sections 148E.100 to 148E.125.

4.17 (g) In addition to the required supervisors listed in Minnesota Statutes 2010,
4.18 section 148D.120 and section 148E.120, an alternate supervisor may include a qualified
4.19 professional who has a bachelor's or graduate degree, and the authority to direct the
4.20 practice of the applicant, including, but not limited to, an agency director, or agency or
4.21 consulting supervisor, as determined appropriate by the board.

4.22 (h) Unless completed at the time of application for licensure, a licensee granted a
4.23 license by the board under this section must meet the supervised practice requirements
4.24 in sections 148E.100 to 148E.125. If a licensee does not meet the supervised practice
4.25 requirements, the board may take action according to sections 148E.255 to 148E.270.

4.26 **Subd. 4. Qualifications during grandfathering for licensure as LGSW.** (a) To
4.27 be licensed as a licensed graduate social worker, an applicant for licensure under this
4.28 section must provide evidence satisfactory to the board that the individual has completed
4.29 a graduate degree:

4.30 (1) in social work from a program accredited by the Council on Social Work
4.31 Education, the Canadian Association of Schools of Social Work, or a similar accrediting
4.32 body designated by the board; or

4.33 (2) in psychology, sociology, marriage and family therapy, human services, or social
4.34 and behavioral sciences from an accredited college or university; or

5.1 (3) with a major in any field from an accredited college or university, and one year
5.2 of experience in the practice of social work as described in section 148E.010, subdivisions
5.3 6 and 11.

5.4 (b) To be licensed as a licensed graduate social worker, an applicant for licensure
5.5 under this section must provide evidence satisfactory to the board that the individual has:

5.6 (1) submitted a completed, signed application and the license fee in section
5.7 148E.180;

5.8 (2) for applications submitted electronically, provided an attestation as specified
5.9 by the board;

5.10 (3) submitted the criminal background check fee and a form provided by the board
5.11 authorizing a criminal background check;

5.12 (4) paid the applicable license fee in section 148E.180; and

5.13 (5) not engaged in conduct that was or would be in violation of the standards
5.14 of practice specified in Minnesota Statutes 2010, sections 148D.195 to 148D.240, and
5.15 sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or
5.16 would be in violation of the standards of practice, the board may take action according to
5.17 sections 148E.255 to 148E.270.

5.18 (c) An application that is not completed and signed, or that is not accompanied by
5.19 the correct license fee, must be returned to the applicant, along with any fee submitted,
5.20 and is void.

5.21 (d) By submitting an application for licensure, an applicant authorizes the board to
5.22 investigate any information provided or requested in the application. The board may
5.23 request that the applicant provide additional information, verification, or documentation.

5.24 (e) Within one year of the time the board receives an application for licensure, the
5.25 applicant must meet all the requirements and provide all of the information requested by
5.26 the board according to paragraphs (a) and (b).

5.27 (f) Prelicensure supervised practice hours may be applied to meet the requirements
5.28 of this section. Hours obtained prior to August 1, 2011, must meet the supervised practice
5.29 requirements in Minnesota Statutes 2010, sections 148D.100 to 148D.125, and hours
5.30 obtained on or after August 1, 2011, must meet the supervised practice requirements in
5.31 sections 148E.100 to 148E.125.

5.32 (g) In addition to the required supervisors listed in Minnesota Statutes 2010, section
5.33 148D.120, and section 148E.120, an alternate supervisor of nonclinical practice may
5.34 include a qualified professional who has a bachelor's or graduate degree, and the authority
5.35 to direct the practice of the applicant, including, but not limited to, an agency director, or
5.36 agency or consulting supervisor, as determined appropriate by the board.

6.1 (h) Unless completed at the time of application for licensure, a licensee granted a
6.2 license by the board under this section must meet the supervised practice requirements
6.3 specified in sections 148E.100 to 148E.125. If a licensee does not meet the supervised
6.4 practice requirements, the board may take action according to sections 148E.255 to
6.5 148E.270.

6.6 Subd. 5. **Qualifications during grandfathering for licensure as LISW.** (a) To be
6.7 licensed as a licensed independent social worker, an applicant for licensure under this
6.8 section must provide evidence satisfactory to the board that the individual has completed
6.9 a graduate degree:

6.10 (1) in social work from a program accredited by the Council on Social Work
6.11 Education, the Canadian Association of Schools of Social Work, or a similar accrediting
6.12 body designated by the board; or

6.13 (2) in psychology, sociology, marriage and family therapy, human services, or social
6.14 and behavioral sciences from an accredited college or university; or

6.15 (3) with a major in any field from an accredited college or university, and one year
6.16 of experience in the practice of social work according to section 148E.010, subdivision 11.

6.17 (b) To be licensed as a licensed independent social worker, an applicant for licensure
6.18 under this section must provide evidence satisfactory to the board that the individual has:

6.19 (1) practiced social work as defined in section 148E.010, subdivision 11, and has
6.20 met the supervised practice requirements as follows: (i) for hours obtained prior to
6.21 August 1, 2011, has met the requirements in Minnesota Statutes 2010, sections 148D.100
6.22 to 148D.125; (ii) for hours obtained after August 1, 2011, has met the requirements in
6.23 sections 148E.100 to 148E.125; and (iii) in addition to the supervisors listed in Minnesota
6.24 Statutes 2010, section 148D.120, or section 148E.120, an alternate supervisor of
6.25 nonclinical practice may include a qualified professional who has a bachelor's or graduate
6.26 degree and the authority to direct the practice of the applicant, including but not limited to
6.27 an agency director, or agency or consulting supervisor as determined by the board.

6.28 (2) submitted a completed, signed application and the license fee in section
6.29 148E.180;

6.30 (3) for applications submitted electronically, provided an attestation as specified
6.31 by the board;

6.32 (4) submitted the criminal background check fee and a form provided by the board
6.33 authorizing a criminal background check;

6.34 (5) paid the applicable license fee specified in section 148E.180; and

6.35 (6) not engaged in conduct that was or would be in violation of the standards
6.36 of practice specified in Minnesota Statutes 2010, sections 148D.195 to 148D.240, and

7.1 sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or
7.2 would be in violation of the standards of practice, the board may take action according to
7.3 sections 148E.255 to 148E.270.

7.4 (c) An application that is not completed, signed, and accompanied by the correct
7.5 license fee must be returned to the applicant, along with any fee submitted, and is void.

7.6 (d) By submitting an application for licensure, an applicant authorizes the board to
7.7 investigate any information provided or requested in the application. The board may
7.8 request that the applicant provide additional information, verification, or documentation.

7.9 (e) Within one year of the time the board receives an application for licensure, the
7.10 applicant must meet all the requirements and provide all of the information requested by
7.11 the board according to paragraphs (a) and (b).

7.12 (f) Upon licensure, a licensed independent social worker who practices clinical
7.13 social work must meet the supervised practice requirements specified in sections 148E.100
7.14 to 148E.125. If a licensee does not meet the supervised practice requirements, the board
7.15 may take action according to sections 148E.255 to 148E.270.

7.16 **Subd. 6. Qualifications during grandfathering for licensure as LICSW.** (a) To be
7.17 licensed as a licensed independent clinical social worker, an applicant for licensure under
7.18 this section must provide evidence satisfactory to the board that the individual has:

7.19 (1) completed a graduate degree in social work from a program accredited by the
7.20 Council on Social Work Education, the Canadian Association of Schools of Social Work,
7.21 or a similar accrediting body designated by the board; or

7.22 (2) completed a graduate degree and is a mental health professional according to
7.23 section 245.462, subdivision 18, clauses (1) to (6).

7.24 (b) To be licensed as a licensed independent clinical social worker, an applicant
7.25 for licensure under this section must provide evidence satisfactory to the board that the
7.26 individual has:

7.27 (1) practiced clinical social work as defined in section 148E.010, subdivision 6,
7.28 including both diagnosis and treatment, and has met the supervised practice requirements
7.29 specified in sections 148E.100 to 148E.125, excluding the 1,800 hours of direct clinical
7.30 client contact specified in section 148E.115, subdivision 1, except that supervised practice
7.31 hours obtained prior to August 1, 2011, must meet the requirements in Minnesota Statutes
7.32 2010, sections 148D.100 to 148D.125;

7.33 (2) submitted a completed, signed application and the license fee in section
7.34 148E.180;

7.35 (3) for applications submitted electronically, provided an attestation as specified
7.36 by the board;

8.1 (4) submitted the criminal background check fee and a form provided by the board
8.2 authorizing a criminal background check;

8.3 (5) paid the license fee in section 148E.180; and

8.4 (6) not engaged in conduct that was or would be in violation of the standards
8.5 of practice specified in Minnesota Statutes 2010, sections 148D.195 to 148D.240, and
8.6 sections 148E.195 to 148E.240. If the applicant has engaged in conduct that was or
8.7 would be in violation of the standards of practice, the board may take action according to
8.8 sections 148E.255 to 148E.270.

8.9 (c) An application which is not completed, signed, and accompanied by the correct
8.10 license fee must be returned to the applicant, along with any fee submitted, and is void.

8.11 (d) By submitting an application for licensure, an applicant authorizes the board to
8.12 investigate any information provided or requested in the application. The board may
8.13 request that the applicant provide additional information, verification, or documentation.

8.14 (e) Within one year of the time the board receives an application for licensure, the
8.15 applicant must meet all the requirements and provide all of the information requested
8.16 by the board.

8.17 Subd. 7. **Criminal background checks.** The provisions of section 148E.055,
8.18 subdivision 8, apply to criminal background checks described under this section.

8.19 **EFFECTIVE DATE.** This section is effective August 1, 2012.

8.20 **Sec. 3. [148E.0556] LISW TRANSITION PERIOD EXCEPTION.**

8.21 At any time on or after January 1, 2013, until December 31, 2017, to qualify for a
8.22 licensed independent social worker license, an applicant must submit an application to the
8.23 board for a licensed independent social worker license and:

8.24 (1) hold a current licensed graduate social worker license issued through
8.25 grandfathering under section 148E.0555, subdivision 4, and:

8.26 (i) meet all requirements in effect at the time of application according to section
8.27 148E.055, subdivision 4, paragraph (a), excluding clause (1); and

8.28 (ii) meet the supervised practice requirements according to section 148E.055,
8.29 subdivision 4, paragraph (a), clause (2); or

8.30 (2) hold a current licensed graduate social worker license issued through
8.31 grandfathering prior to July 1, 1996, and:

8.32 (i) meet all requirements in effect at the time of application according to section
8.33 148E.055, subdivision 4, paragraph (a), excluding clause (1); and

8.34 (ii) meet the supervised practice requirements according to section 148E.055,
8.35 subdivision 4, paragraph (a), clause (2).

9.1 EFFECTIVE DATE. This section is effective August 1, 2012.

9.2 Sec. 4. [148E.0557] LICSW TRANSITION PERIOD EXCEPTION.

9.3 At any time on or after January 1, 2013, until December 31, 2017, to qualify for
9.4 a licensed independent clinical social worker license, an applicant must submit an
9.5 application to the board for a licensed independent clinical social worker license and:

9.6 (1) hold a current licensed graduate social worker or licensed independent social
9.7 worker license issued through grandfathering under section 148E.0555, subdivision 4
9.8 or 5, and:

9.9 (i) meet all requirements in effect at the time of application according to section
9.10 148E.055, subdivision 5, paragraph (a), excluding clause (1); and

9.11 (ii) meet the supervised practice requirements according to section 148E.055,
9.12 subdivision 5, paragraph (a), clause (3); or

9.13 (2) hold a current licensed graduate social worker or licensed independent social
9.14 worker license issued through grandfathering prior to July 1, 1996, and:

9.15 (i) meet all requirements in effect at the time of application according to section
9.16 148E.055, subdivision 5, paragraph (a), excluding clause (1); and

9.17 (ii) meet the supervised practice requirements according to section 148E.055,
9.18 subdivision 5, paragraph (a), clause (3).

9.19 EFFECTIVE DATE. This section is effective August 1, 2012.

9.20 Sec. 5. Minnesota Statutes 2010, section 148E.060, subdivision 1, is amended to read:

9.21 Subdivision 1. **Students and other persons not currently licensed in another**
9.22 **jurisdiction.** (a) The board may issue a temporary license to practice social work to an
9.23 applicant who is not licensed or credentialed to practice social work in any jurisdiction
9.24 but has:

9.25 (1) applied for a license under section 148E.055;

9.26 (2) applied for a temporary license on a form provided by the board;

9.27 (3) submitted a form provided by the board authorizing the board to complete a
9.28 criminal background check;

9.29 (4) passed the applicable licensure examination provided for in section 148E.055;

9.30 (5) attested on a form provided by the board that the applicant has completed the

9.31 requirements for a baccalaureate or graduate degree in social work from a program

9.32 accredited by the Council on Social Work Education, the Canadian Association of Schools

9.33 of Social Work, or a similar accreditation accrediting body designated by the board, or a

9.34 doctorate in social work from an accredited university; and

10.1 (6) not engaged in conduct that was or would be in violation of the standards of
10.2 practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in
10.3 conduct that was or would be in violation of the standards of practice, the board may take
10.4 action according to sections 148E.255 to 148E.270.

10.5 (b) A temporary license issued under this subdivision expires after six months.

10.6 **EFFECTIVE DATE.** This section is effective August 1, 2012.

10.7 Sec. 6. Minnesota Statutes 2010, section 148E.060, subdivision 2, is amended to read:

10.8 Subd. 2. **Emergency situations and persons currently licensed in another**
10.9 **jurisdiction.** (a) The board may issue a temporary license to practice social work to an
10.10 applicant who is licensed or credentialed to practice social work in another jurisdiction,
10.11 may or may not have applied for a license under section 148E.055, and has:

10.12 (1) applied for a temporary license on a form provided by the board;

10.13 (2) submitted a form provided by the board authorizing the board to complete a
10.14 criminal background check;

10.15 (3) submitted evidence satisfactory to the board that the applicant is currently
10.16 licensed or credentialed to practice social work in another jurisdiction;

10.17 (4) attested on a form provided by the board that the applicant has completed the
10.18 requirements for a baccalaureate or graduate degree in social work from a program
10.19 accredited by the Council on Social Work Education, the Canadian Association of Schools
10.20 of Social Work, or a similar ~~accreditation~~ accrediting body designated by the board, or a
10.21 doctorate in social work from an accredited university; and

10.22 (5) not engaged in conduct that was or would be in violation of the standards of
10.23 practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in
10.24 conduct that was or would be in violation of the standards of practice, the board may take
10.25 action according to sections 148E.255 to 148E.270.

10.26 (b) A temporary license issued under this subdivision expires after six months.

10.27 **EFFECTIVE DATE.** This section is effective August 1, 2012.

10.28 Sec. 7. Minnesota Statutes 2010, section 148E.060, is amended by adding a subdivision
10.29 to read:

10.30 Subd. 2a. **Programs in candidacy status.** (a) The board may issue a temporary
10.31 license to practice social work to an applicant who has completed the requirements for a
10.32 baccalaureate or graduate degree in social work from a program in candidacy status with

11.1 the Council on Social Work Education, the Canadian Association of Schools of Social
11.2 Work, or a similar accrediting body designated by the board, and has:

11.3 (1) applied for a license under section 148E.055;

11.4 (2) applied for a temporary license on a form provided by the board;

11.5 (3) submitted a form provided by the board authorizing the board to complete a
11.6 criminal background check;

11.7 (4) passed the applicable licensure examination provided for in section 148E.055;

11.8 and

11.9 (5) not engaged in conduct that is in violation of the standards of practice specified
11.10 in sections 148E.195 to 148E.240. If the applicant has engaged in conduct that is in
11.11 violation of the standards of practice, the board may take action according to sections
11.12 148E.255 to 148E.270.

11.13 (b) A temporary license issued under this subdivision expires after 12 months but
11.14 may be extended at the board's discretion upon a showing that the social work program
11.15 remains in good standing with the Council on Social Work Education, the Canadian
11.16 Association of Schools of Social Work, or a similar accrediting body designated by the
11.17 board. If the board receives notice from the Council on Social Work Education, the
11.18 Canadian Association of Schools of Social Work, or a similar accrediting body designated
11.19 by the board that the social work program is not in good standing, or that the accreditation
11.20 will not be granted to the social work program, the temporary license is immediately
11.21 revoked.

11.22 **EFFECTIVE DATE.** This section is effective August 1, 2012.

11.23 Sec. 8. Minnesota Statutes 2010, section 148E.060, subdivision 3, is amended to read:

11.24 Subd. 3. **Teachers.** (a) The board may issue a temporary license to practice social
11.25 work to an applicant whose permanent residence is outside the United States, who is
11.26 teaching social work at an academic institution in Minnesota for a period not to exceed
11.27 12 months, who may or may not have applied for a license under section 148E.055, and
11.28 who has:

11.29 (1) applied for a temporary license on a form provided by the board;

11.30 (2) submitted a form provided by the board authorizing the board to complete a
11.31 criminal background check;

11.32 (3) attested on a form provided by the board that the applicant has completed the
11.33 requirements for a baccalaureate or graduate degree in social work; and

11.34 (4) has not engaged in conduct that was or would be in violation of the standards
11.35 of practice specified in sections 148E.195 to 148E.240. If the applicant has engaged in

12.1 conduct that was or would be in violation of the standards of practice, the board may take
12.2 action according to sections 148E.255 to 148E.270.

12.3 (b) A temporary license issued under this subdivision expires after 12 months.

12.4 **EFFECTIVE DATE.** This section is effective August 1, 2012.

12.5 Sec. 9. Minnesota Statutes 2010, section 148E.060, subdivision 5, is amended to read:

12.6 Subd. 5. **Temporary license term.** (a) A temporary license is valid until expiration,
12.7 or until the board issues or denies the license according to section 148E.055, or until
12.8 the board revokes the temporary license, whichever comes first. A temporary license is
12.9 nonrenewable.

12.10 ~~(b) A temporary license issued according to subdivision 1 or 2 expires after six~~
12.11 ~~months.~~

12.12 ~~(c) A temporary license issued according to subdivision 3 expires after 12 months.~~

12.13 **EFFECTIVE DATE.** This section is effective August 1, 2012.

12.14 Sec. 10. Minnesota Statutes 2010, section 148E.065, subdivision 2, is amended to read:

12.15 Subd. 2. **Students.** An internship, externship, or any other social work experience
12.16 that is required for the completion of an accredited program of social work does not
12.17 constitute the practice of social work under this chapter. Students exempted under this
12.18 section may use the title "social work intern."

12.19 **EFFECTIVE DATE.** This section is effective August 1, 2012.

12.20 Sec. 11. Minnesota Statutes 2010, section 148E.065, subdivision 4, is amended to read:

12.21 Subd. 4. **City, county, and state agency social workers.** The licensure of city,
12.22 county, and state agency social workers is voluntary. City, county, and state agencies
12.23 employing social workers are not required to employ licensed social workers.

12.24 This subdivision expires July 1, 2016.

12.25 **EFFECTIVE DATE.** This section is effective August 1, 2012.

12.26 Sec. 12. Minnesota Statutes 2010, section 148E.065, is amended by adding a
12.27 subdivision to read:

12.28 Subd. 4a. **City, county, and state social workers.** (a) Beginning July 1, 2016, the
12.29 licensure of city, county, and state agency social workers is voluntary, except an individual
12.30 who is newly employed by a city or state agency after July 1, 2016, must be licensed

13.1 if the individual who provides social work services, as those services are defined in
13.2 section 148E.010, subdivision 11, paragraph (b), is presented to the public by any title
13.3 incorporating the words "social work" or "social worker."

13.4 (b) City, county, and state agencies employing social workers are not required to
13.5 employ licensed social workers.

13.6 **EFFECTIVE DATE.** This section is effective August 1, 2012.

13.7 Sec. 13. Minnesota Statutes 2010, section 148E.065, subdivision 5, is amended to read:

13.8 Subd. 5. **Tribes and private nonprofit agencies; voluntary licensure.** The
13.9 licensure of social workers who are employed by federally recognized tribes, or by private
13.10 nonprofit agencies whose primary service focus addresses ethnic minority populations,
13.11 and who are themselves members of ethnic minority populations within those agencies, is
13.12 voluntary.

13.13 This subdivision expires July 1, 2016.

13.14 **EFFECTIVE DATE.** This section is effective August 1, 2012.

13.15 Sec. 14. Minnesota Statutes 2010, section 148E.065, is amended by adding a
13.16 subdivision to read:

13.17 Subd. 5a. **Tribes and private nonprofit agencies; voluntary licensure.** (a) The
13.18 licensure of social workers who are employed by federally recognized tribes is voluntary.

13.19 (b) The licensure of private, nonprofit, nontribal agency social workers whose
13.20 primary service focus addresses ethnic minority populations, and who are themselves
13.21 members of ethnic minority populations within those agencies, is voluntary until July 1,
13.22 2016, when newly employed individuals who practice social work must be licensed as
13.23 required under section 148E.055, subdivision 1.

13.24 **EFFECTIVE DATE.** This section is effective August 1, 2012.

13.25 Sec. 15. Minnesota Statutes 2010, section 148E.120, is amended to read:

13.26 **148E.120 REQUIREMENTS OF SUPERVISORS.**

13.27 Subdivision 1. **Supervisors licensed as social workers.** (a) Except as provided in
13.28 ~~paragraph (d)~~ subdivision 2, to be eligible to provide supervision under this section, a
13.29 social worker must:

14.1 (1) have completed 30 hours of training in supervision through coursework from
14.2 an accredited college or university, or through continuing education in compliance with
14.3 sections 148E.130 to 148E.170;

14.4 (2) be competent in the activities being supervised; and

14.5 (3) attest, on a form provided by the board, that the social worker has met the
14.6 applicable requirements specified in this section and sections 148E.100 to 148E.115. The
14.7 board may audit the information provided to determine compliance with the requirements
14.8 of this section.

14.9 (b) A licensed independent clinical social worker providing clinical licensing
14.10 supervision to a licensed graduate social worker or a licensed independent social worker
14.11 must have at least 2,000 hours of experience in authorized social work practice, including
14.12 1,000 hours of experience in clinical practice after obtaining a licensed independent
14.13 clinical social worker license.

14.14 (c) A licensed social worker, licensed graduate social worker, licensed independent
14.15 social worker, or licensed independent clinical social worker providing nonclinical
14.16 licensing supervision must have completed the supervised practice requirements specified
14.17 in section 148E.100, 148E.105, 148E.106, 148E.110, or 148E.115, as applicable.

14.18 ~~(d) If the board determines that supervision is not obtainable from an individual~~
14.19 ~~meeting the requirements specified in paragraph (a), the board may approve an alternate~~
14.20 ~~supervisor according to subdivision 2.~~

14.21 Subd. 2. **Alternate supervisors.** ~~(a) The board may approve an alternate supervisor~~
14.22 ~~if:~~ The board may approve an alternate supervisor as determined in this subdivision. The
14.23 board shall approve up to 25 percent of the required supervision hours by a licensed mental
14.24 health professional who is competent and qualified to provide supervision according to the
14.25 mental health professional's respective licensing board, as established by section 245.462,
14.26 subdivision 18, clauses (1) to (6), or 245.4871, subdivision 27, clauses (1) to (6).

14.27 ~~(1) the board determines that supervision is not obtainable according to paragraph~~
14.28 ~~(b);~~

14.29 ~~(2) the licensee requests in the supervision plan submitted according to section~~
14.30 ~~148E.125, subdivision 1, that an alternate supervisor conduct the supervision;~~

14.31 ~~(3) the licensee describes the proposed supervision and the name and qualifications~~
14.32 ~~of the proposed alternate supervisor; and~~

14.33 ~~(4) the requirements of paragraph (d) are met.~~

14.34 ~~(b) The board may determine that supervision is not obtainable if:~~

14.35 ~~(1) the licensee provides documentation as an attachment to the supervision plan~~
14.36 ~~submitted according to section 148E.125, subdivision 1, that the licensee has conducted a~~

15.1 ~~thorough search for a supervisor meeting the applicable licensure requirements specified~~
15.2 ~~in sections 148E.100 to 148E.115;~~

15.3 ~~(2) the licensee demonstrates to the board's satisfaction that the search was~~
15.4 ~~unsuccessful; and~~

15.5 ~~(3) the licensee describes the extent of the search and the names and locations of~~
15.6 ~~the persons and organizations contacted.~~

15.7 ~~(c) The requirements specified in paragraph (b) do not apply to obtaining licensing~~
15.8 ~~supervision for social work practice if the board determines that there are five or fewer~~
15.9 ~~supervisors meeting the applicable licensure requirements in sections 148E.100 to~~
15.10 ~~148E.115 in the county where the licensee practices social work.~~

15.11 ~~(d) An alternate supervisor must:~~

15.12 ~~(1) be an unlicensed social worker who is employed in, and provides the supervision~~
15.13 ~~in, a setting exempt from licensure by section 148E.065, and who has qualifications~~
15.14 ~~equivalent to the applicable requirements specified in sections 148E.100 to 148E.115;~~

15.15 ~~(2) be a social worker engaged in authorized practice in Iowa, Manitoba, North~~
15.16 ~~Dakota, Ontario, South Dakota, or Wisconsin, and has the qualifications equivalent to the~~
15.17 ~~applicable requirements specified in sections 148E.100 to 148E.115; or~~

15.18 ~~(3) be a licensed marriage and family therapist or a mental health professional~~
15.19 ~~as established by section 245.462, subdivision 18, or 245.4871, subdivision 27, or an~~
15.20 ~~equivalent mental health professional, as determined by the board, who is licensed or~~
15.21 ~~credentialed by a state, territorial, provincial, or foreign licensing agency.~~

15.22 ~~(e) In order to qualify to provide clinical supervision of a licensed graduate social~~
15.23 ~~worker or licensed independent social worker engaged in clinical practice, the alternate~~
15.24 ~~supervisor must be a mental health professional as established by section 245.462,~~
15.25 ~~subdivision 18, or 245.4871, subdivision 27, or an equivalent mental health professional,~~
15.26 ~~as determined by the board, who is licensed or credentialed by a state, territorial,~~
15.27 ~~provincial, or foreign licensing agency.~~

15.28 (b) The board shall approve up to 100 percent of the required supervision hours by
15.29 an alternate supervisor if the board determines that:

15.30 (1) there are five or fewer supervisors in the county where the licensee practices
15.31 social work who meet the applicable licensure requirements in subdivision 1;

15.32 (2) the supervisor is an unlicensed social worker who is employed in, and provides
15.33 the supervision in, a setting exempt from licensure by section 148E.065, and who has
15.34 qualifications equivalent to the applicable requirements specified in sections 148E.100 to
15.35 148E.115;

16.1 (3) the supervisor is a social worker engaged in authorized social work practice
16.2 in Iowa, Manitoba, North Dakota, Ontario, South Dakota, or Wisconsin, and has the
16.3 qualifications equivalent to the applicable requirements in sections 148E.100 to 148E.115;
16.4 or

16.5 (4) the applicant or licensee is engaged in nonclinical authorized social work
16.6 practice outside of Minnesota and the supervisor meets the qualifications equivalent to
16.7 the applicable requirements in sections 148E.100 to 148E.115, or the supervisor is an
16.8 equivalent mental health professional, as determined by the board, who is credentialed by
16.9 a state, territorial, provincial, or foreign licensing agency; or

16.10 (5) the applicant or licensee is engaged in clinical authorized social work practice
16.11 outside of Minnesota and the supervisor meets qualifications equivalent to the applicable
16.12 requirements in section 148E.115, or the supervisor is an equivalent mental health
16.13 professional as determined by the board, who is credentialed by a state, territorial,
16.14 provincial, or foreign licensing agency.

16.15 (c) In order for the board to consider an alternate supervisor under this section,
16.16 the licensee must:

16.17 (1) request in the supervision plan and verification submitted according to section
16.18 148E.125, that an alternate supervisor conduct the supervision; and

16.19 (2) describe the proposed supervision and the name and qualifications of the
16.20 proposed alternate supervisor. The board may audit the information provided to determine
16.21 compliance with the requirements of this section.

16.22 **EFFECTIVE DATE.** This section is effective August 1, 2012.

16.23 Sec. 16. Minnesota Statutes 2010, section 148E.195, subdivision 2, is amended to read:

16.24 Subd. 2. **Representations.** (a) No applicant or other individual may be represented
16.25 to the public by any title incorporating the words "social work" or "social worker" unless
16.26 the individual holds a license according to sections 148E.055 and 148E.060 or practices in
16.27 a setting exempt from licensure according to section 148E.065.

16.28 (b) In all professional use of a social worker's name, the social worker must use
16.29 the license designation "LSW" or "licensed social worker" for a licensed social worker,
16.30 "LGSW" or "licensed graduate social worker" for a licensed graduate social worker,
16.31 "LISW" or "licensed independent social worker" for a licensed independent social worker,
16.32 or "LICSW" or "licensed independent clinical social worker" for a licensed independent
16.33 clinical social worker.

17.1 (c) Public statements or advertisements must not be untruthful, misleading, false,
17.2 fraudulent, deceptive, or potentially exploitative of clients, former clients, interns,
17.3 students, supervisees, or the public.

17.4 (d) A social worker must not:

17.5 (1) use licensure status as a claim, promise, or guarantee of successful service;

17.6 (2) obtain a license by cheating or employing fraud or deception;

17.7 (3) make false statements or misrepresentations to the board or in materials
17.8 submitted to the board; or

17.9 (4) engage in conduct that has the potential to deceive or defraud a social work
17.10 client, intern, student, supervisee, or the public.

17.11 (e) This subdivision expires July 1, 2016.

17.12 **EFFECTIVE DATE.** This section is effective August 1, 2012.

17.13 Sec. 17. Minnesota Statutes 2010, section 148E.195, is amended by adding a
17.14 subdivision to read:

17.15 Subd. 2a. **Representations.** Effective July 1, 2016:

17.16 (a) No applicant or other individual may be represented to the public by any title
17.17 incorporating the words "social work" or "social worker" unless the individual is employed
17.18 by a county or holds a license according to this chapter.

17.19 (b) In all professional use of a social worker's name, the social worker must use
17.20 the license designation "LSW" or "licensed social worker" for a licensed social worker,
17.21 "LGSW" or "licensed graduate social worker" for a licensed graduate social worker,
17.22 "LISW" or "licensed independent social worker" for a licensed independent social worker,
17.23 or "LICSW" or "licensed independent clinical social worker" for a licensed independent
17.24 clinical social worker.

17.25 (c) Public statements or advertisements must not be untruthful, misleading, false,
17.26 fraudulent, deceptive, or potentially exploitative of clients, former clients, interns,
17.27 students, supervisees, or the public.

17.28 (d) A social worker must not:

17.29 (1) use licensure status as a claim, promise, or guarantee of successful service;

17.30 (2) obtain a license by cheating or employing fraud or deception;

17.31 (3) make false statements or misrepresentations to the board or in materials
17.32 submitted to the board; or

17.33 (4) engage in conduct that has the potential to deceive or defraud a social work
17.34 client, intern, student, supervisee, or the public.

18.1 EFFECTIVE DATE. This section is effective August 1, 2012.

18.2 Sec. 18. Minnesota Statutes 2010, section 148E.280, is amended to read:

18.3 **148E.280 USE OF TITLES.**

18.4 (a) No individual may be presented to the public by any title incorporating the words
18.5 "social work" or "social worker" or in the titles in section 148E.195, unless that individual
18.6 holds a license under sections 148E.055 and 148E.060, or practices in a setting exempt
18.7 from licensure under section 148E.065.

18.8 This paragraph expires July 1, 2016.

18.9 (b) Effective July 1, 2016, no individual may be presented to the public by any
18.10 title incorporating the words "social work" or "social worker" or in the titles in section
18.11 148E.195, unless that individual is employed by a county or holds a license under this
18.12 chapter.

18.13 EFFECTIVE DATE. This section is effective August 1, 2012.

18.14 Sec. 19. **REPEALER.**

18.15 Minnesota Statutes 2010, section 148E.065, subdivision 3, is repealed August 1,
18.16 2012.

18.17 **ARTICLE 2**

18.18 **ALCOHOL AND DRUG COUNSELORS**

18.19 Section 1. Minnesota Statutes 2010, section 13.383, subdivision 11a, is amended to
18.20 read:

18.21 Subd. 11a. **Alcohol and drug counselor licensing; sharing.** (a) Sharing of data
18.22 collected for licensing of alcohol and drug counselors is governed by section 148C.099,
18.23 subdivision 2.

18.24 (b) Information obtained as part of an investigation or evaluation of a drug
18.25 and alcohol counselor is governed by section 148F.025, subdivision 4, or 148F.090,
18.26 subdivision 6.

18.27 Sec. 2. **[148F.001] SCOPE.**

18.28 This chapter applies to all applicants and licensees, all persons who use the title
18.29 alcohol and drug counselor, and all persons in or out of this state who provide alcohol
18.30 and drug counseling services to clients who reside in this state unless there are specific
18.31 applicable exemptions provided by law.

19.1 Sec. 3. [148F.010] DEFINITIONS.

19.2 Subdivision 1. **Scope.** For purposes of this chapter, the terms in this section have
19.3 the meanings given.

19.4 Subd. 2. **Abuse.** "Abuse" means a maladaptive pattern of substance use leading to
19.5 clinically significant impairment or distress, as manifested by one or more of the following
19.6 occurring at any time during the same 12-month period:

19.7 (1) recurrent substance use resulting in a failure to fulfill major role obligations at
19.8 work, school, or home;

19.9 (2) recurrent substance use in situations in which it is physically hazardous;

19.10 (3) recurrent substance-related legal problems; and

19.11 (4) continued substance use despite having persistent or recurrent social or
19.12 interpersonal problems caused or exacerbated by the effects of the substance.

19.13 Subd. 3. **Accredited school or educational program.** "Accredited school or
19.14 educational program" means a school of alcohol and drug counseling, university, college,
19.15 or other postsecondary education program that, at the time the student completes
19.16 the program, is accredited by a regional accrediting association whose standards are
19.17 substantially equivalent to those of the North Central Association of Colleges and
19.18 Postsecondary Education Institutions or an accrediting association that evaluates schools
19.19 of alcohol and drug counseling for inclusion of the education, practicum, and core function
19.20 standards in this chapter.

19.21 Subd. 4. **Alcohol and drug counseling practicum.** "Alcohol and drug counseling
19.22 practicum" means formal experience gained by a student and supervised by a person either
19.23 licensed under this chapter or exempt under its provisions, as part of an accredited school
19.24 or educational program of alcohol and drug counseling.

19.25 Subd. 5. **Alcohol and drug counselor.** "Alcohol and drug counselor" means a
19.26 person who holds a valid license issued under this chapter to engage in the practice of
19.27 alcohol and drug counseling.

19.28 Subd. 6. **Applicant.** "Applicant" means a person seeking a license or temporary
19.29 permit under this chapter.

19.30 Subd. 7. **Board.** "Board" means the Board of Behavioral Health and Therapy
19.31 established in section 148B.51.

19.32 Subd. 8. **Client.** "Client" means an individual who is the recipient of any of the
19.33 alcohol and drug counseling services described in this section. Client also means "patient"
19.34 as defined in section 144.291, subdivision 2, paragraph (g).

19.35 Subd. 9. **Competence.** "Competence" means the ability to provide services within
19.36 the practice of alcohol and drug counseling as defined in subdivision 18, that:

20.1 (1) are rendered with reasonable skill and safety;

20.2 (2) meet minimum standards of acceptable and prevailing practice as described
20.3 in section 148F.120; and

20.4 (3) take into account human diversity.

20.5 Subd. 10. Core functions. "Core functions" means the following services provided
20.6 in alcohol and drug treatment:

20.7 (1) "screening" means the process by which a client is determined appropriate and
20.8 eligible for admission to a particular program;

20.9 (2) "intake" means the administrative and initial assessment procedures for
20.10 admission to a program;

20.11 (3) "orientation" means describing to the client the general nature and goals of the
20.12 program; rules governing client conduct and infractions that can lead to disciplinary
20.13 action or discharge from the program; in a nonresidential program, the hours during which
20.14 services are available; treatment costs to be borne by the client, if any; and client's rights;

20.15 (4) "assessment" means those procedures by which a counselor identifies and
20.16 evaluates an individual's strengths, weaknesses, problems, and needs to develop a
20.17 treatment plan or make recommendations for level of care placement;

20.18 (5) "treatment planning" means the process by which the counselor and the client
20.19 identify and rank problems needing resolution; establish agreed upon immediate and
20.20 long-term goals; and decide on a treatment process and the sources to be utilized;

20.21 (6) "counseling" means the utilization of special skills to assist individuals, families,
20.22 or groups in achieving objectives through exploration of a problem and its ramifications;
20.23 examination of attitudes and feelings; consideration of alternative solutions; and decision
20.24 making;

20.25 (7) "case management" means activities that bring services, agencies, resources,
20.26 or people together within a planned framework of action toward the achievement of
20.27 established goals;

20.28 (8) "crisis intervention" means those services which respond to an alcohol or other
20.29 drug user's needs during acute emotional or physical distress;

20.30 (9) "client education" means the provision of information to clients who are
20.31 receiving or seeking counseling concerning alcohol and other drug abuse and the available
20.32 services and resources;

20.33 (10) "referral" means identifying the needs of the client which cannot be met by the
20.34 counselor or agency and assisting the client to utilize the support systems and available
20.35 community resources;

21.1 (11) "reports and record keeping" means charting the results of the assessment
21.2 and treatment plan and writing reports, progress notes, discharge summaries, and other
21.3 client-related data; and

21.4 (12) "consultation with other professionals regarding client treatment and services"
21.5 means communicating with other professionals in regard to client treatment and services
21.6 to assure comprehensive, quality care for the client.

21.7 Subd. 11. **Credential.** "Credential" means a license, permit, certification,
21.8 registration, or other evidence of qualification or authorization to engage in the practice of
21.9 an occupation in any state or jurisdiction.

21.10 Subd. 12. **Dependent on the provider.** "Dependent on the provider" means that the
21.11 nature of a former client's emotional or cognitive condition and the nature of the services
21.12 by the provider are such that the provider knows or should have known that the former
21.13 client is unable to withhold consent to sexually exploitative behavior by the provider.

21.14 Subd. 13. **Familial.** "Familial" means of, involving, related to, or common to a
21.15 family member as defined in subdivision 14.

21.16 Subd. 14. **Family member or member of the family.** "Family member" or
21.17 "member of the family" means a spouse, parent, offspring, sibling, grandparent,
21.18 grandchild, uncle, aunt, niece, or nephew, or an individual who serves in the role of one of
21.19 the foregoing.

21.20 Subd. 15. **Group clients.** "Group clients" means two or more individuals who are
21.21 each a corecipient of alcohol and drug counseling services. Group clients may include,
21.22 but are not limited to, two or more family members, when each is the direct recipient of
21.23 services, or each client receiving group counseling services.

21.24 Subd. 16. **Informed consent.** "Informed consent" means an agreement between
21.25 a provider and a client that authorizes the provider to engage in a professional activity
21.26 affecting the client. Informed consent requires:

21.27 (1) the provider to give the client sufficient information so the client is able to decide
21.28 knowingly whether to agree to the proposed professional activity;

21.29 (2) the provider to discuss the information in language that the client can reasonably
21.30 be expected to understand; and

21.31 (3) the client's consent to be given without undue influence by the provider.

21.32 Subd. 17. **Licensee.** "Licensee" means a person who holds a valid license under
21.33 this chapter.

21.34 Subd. 18. **Practice of alcohol and drug counseling.** "Practice of alcohol and
21.35 drug counseling" means the observation, description, evaluation, interpretation, and
21.36 modification of human behavior by the application of core functions as it relates to the

22.1 harmful or pathological use or abuse of alcohol or other drugs. The practice of alcohol
22.2 and drug counseling includes, but is not limited to, the following activities, regardless of
22.3 whether the counselor receives compensation for the activities:

22.4 (1) assisting clients who use alcohol or drugs, evaluating that use, and recognizing
22.5 dependency if it exists;

22.6 (2) assisting clients with alcohol or other drug problems to gain insight and
22.7 motivation aimed at resolving those problems;

22.8 (3) providing experienced professional guidance, assistance, and support for the
22.9 client's efforts to develop and maintain a responsible functional lifestyle;

22.10 (4) recognizing problems outside the scope of the counselor's training, skill, or
22.11 competence and referring the client to other appropriate professional services;

22.12 (5) diagnosing the level of alcohol or other drug use involvement to determine the
22.13 level of care;

22.14 (6) individual planning to prevent a return to harmful alcohol or chemical use;

22.15 (7) alcohol and other drug abuse education for clients;

22.16 (8) consultation with other professionals;

22.17 (9) gaining diversity awareness through ongoing training and education; and

22.18 (10) providing the above services, as needed, to family members or others who are
22.19 directly affected by someone using alcohol or other drugs.

22.20 Subd. 19. **Practice foundation.** "Practice foundation" means that an alcohol and
22.21 drug counseling service or continuing education activity is based upon observations,
22.22 methods, procedures, or theories that are generally accepted by the professional
22.23 community in alcohol and drug counseling.

22.24 Subd. 20. **Private information.** "Private information" means any information,
22.25 including, but not limited to, client records as defined in section 148F.150, test results,
22.26 or test interpretations developed during a professional relationship between a provider
22.27 and a client.

22.28 Subd. 21. **Provider.** "Provider" means a licensee, a temporary permit holder, or an
22.29 applicant.

22.30 Subd. 22. **Public statement.** "Public statement" means any statement,
22.31 communication, or representation, by a provider to the public regarding the provider or
22.32 the provider's professional services or products. Public statements include, but are not
22.33 limited to, advertising, representations in reports or letters, descriptions of credentials
22.34 and qualifications, brochures and other descriptions of services, directory listings,
22.35 personal resumes or curricula vitae, comments for use in the media, Web sites, grant and
22.36 credentialing applications, or product endorsements.

23.1 Subd. 23. **Report.** "Report" means any written or oral professional communication,
23.2 including a letter, regarding a client or subject that includes one or more of the following:
23.3 historical data, behavioral observations, opinions, diagnostic or evaluative statements,
23.4 or recommendations. The testimony of a provider as an expert or fact witness in a
23.5 legal proceeding also constitutes a report. For purposes of this chapter, letters of
23.6 recommendation for academic or career purposes are not considered reports.

23.7 Subd. 24. **Significant risks and benefits.** "Significant risks and benefits" means
23.8 those risks and benefits that are known or reasonably foreseeable by the provider,
23.9 including the possible range and likelihood of outcomes, and that are necessary for the
23.10 client to know in order to decide whether to give consent to proposed services or to
23.11 reasonable alternative services.

23.12 Subd. 25. **Student.** "Student" means an individual who is enrolled in a program in
23.13 alcohol and drug counseling at an accredited educational institution, or who is taking an
23.14 alcohol and drug counseling course or practicum for credit.

23.15 Subd. 26. **Supervisee.** "Supervisee" means an individual whose supervision is
23.16 required to obtain credentialing by a licensure board or to comply with a board order.

23.17 Subd. 27. **Supervisor.** "Supervisor" means a licensed alcohol and drug counselor
23.18 licensed under this chapter or other licensed professional practicing alcohol and drug
23.19 counseling under section 148F.110, who meets the requirements of section 148F.040,
23.20 subdivision 3, and who provides supervision to persons seeking licensure under section
23.21 148F.025, subdivision 3, paragraph (2), clause (ii).

23.22 Subd. 28. **Test.** "Test" means any instrument, device, survey, questionnaire,
23.23 technique, scale, inventory, or other process which is designed or constructed for the
23.24 purpose of measuring, evaluating, assessing, describing, or predicting personality,
23.25 behavior, traits, cognitive functioning, aptitudes, attitudes, skills, values, interests,
23.26 abilities, or other characteristics of individuals.

23.27 Subd. 29. **Unprofessional conduct.** "Unprofessional conduct" means any conduct
23.28 violating sections 148F.001 to 148F.205, or any conduct that fails to conform to the
23.29 minimum standards of acceptable and prevailing practice necessary for the protection
23.30 of the public.

23.31 Subd. 30. **Variance.** "Variance" means board-authorized permission to comply with
23.32 a law or rule in a manner other than that generally specified in the law or rule.

23.33 **Sec. 4. [148F.015] DUTIES OF THE BOARD.**

23.34 The board shall:

- 24.1 (1) adopt and enforce rules for licensure and regulation of alcohol and drug
24.2 counselors and temporary permit holders, including a standard disciplinary process and
24.3 rules of professional conduct;
- 24.4 (2) issue licenses and temporary permits to qualified individuals under sections
24.5 148F.001 to 148F.205;
- 24.6 (3) carry out disciplinary actions against licensees and temporary permit holders;
- 24.7 (4) educate the public about the existence and content of the regulations for alcohol
24.8 and drug counselor licensing to enable consumers to file complaints against licensees who
24.9 may have violated the rules; and
- 24.10 (5) collect nonrefundable license fees for alcohol and drug counselors.

24.11 **Sec. 5. [148F.020] DUTY TO MAINTAIN CURRENT INFORMATION.**

24.12 All individuals licensed as alcohol and drug counselors, all individuals with
24.13 temporary permits, and all applicants for licensure must notify the board within 30 days
24.14 of the occurrence of any of the following:

- 24.15 (1) a change of name, address, place of employment, and home or business
24.16 telephone number; and
- 24.17 (2) a change in any other application information.

24.18 **Sec. 6. [148F.025] REQUIREMENTS FOR LICENSURE.**

24.19 Subdivision 1. **Form; fee.** Individuals seeking licensure as a licensed alcohol and
24.20 drug counselor shall fully complete and submit a notarized written application on forms
24.21 provided by the board together with the appropriate fee in the amount set under section
24.22 148F.115. No portion of the fee is refundable.

24.23 Subd. 2. **Education requirements for licensure.** An applicant for licensure must
24.24 submit evidence satisfactory to the board that the applicant has:

24.25 (1) received a bachelor's degree from an accredited school or educational program;
24.26 and

24.27 (2) received 18 semester credits or 270 clock hours of academic course work and
24.28 880 clock hours of supervised alcohol and drug counseling practicum from an accredited
24.29 school or education program. The course work and practicum do not have to be part of
24.30 the bachelor's degree earned under clause (1). The academic course work must be in
24.31 the following areas:

24.32 (i) an overview of the transdisciplinary foundations of alcohol and drug counseling,
24.33 including theories of chemical dependency, the continuum of care, and the process of
24.34 change;

- 25.1 (ii) pharmacology of substance abuse disorders and the dynamics of addiction,
25.2 including medication-assisted therapy;
25.3 (iii) professional and ethical responsibilities;
25.4 (iv) multicultural aspects of chemical dependency;
25.5 (v) co-occurring disorders; and
25.6 (vi) the core functions defined in section 148F.010, subdivision 10.

25.7 Subd. 3. **Examination requirements for licensure.** (a) To be eligible for licensure,
25.8 the applicant must:

25.9 (1) satisfactorily pass the International Certification and Reciprocity Consortium
25.10 Alcohol and Other Drug Abuse Counselor (IC&RC AODA) written examination adopted
25.11 June 2008, or other equivalent examination as determined by the board; or

25.12 (2) satisfactorily pass a written examination for licensure as an alcohol and drug
25.13 counselor, as determined by the board, and one of the following:

25.14 (i) complete a written case presentation and pass an oral examination that
25.15 demonstrates competence in the core functions as defined in section 148F.010, subdivision
25.16 10; or

25.17 (ii) complete 2,000 hours of postdegree supervised professional practice under
25.18 section 148F.040.

25.19 Subd. 4. **Background investigation.** The applicant must sign a release authorizing
25.20 the board to obtain information from the Bureau of Criminal Apprehension, the
25.21 Department of Human Services, the Office of Health Facilities Complaints, and other
25.22 agencies specified by the board. After the board has given written notice to an individual
25.23 who is the subject of a background investigation, the agencies shall assist the board with
25.24 the investigation by giving the board criminal conviction data, reports about substantiated
25.25 maltreatment of minors and vulnerable adults, and other information. The board may
25.26 contract with the commissioner of human services to obtain criminal history data from the
25.27 Bureau of Criminal Apprehension. Information obtained under this subdivision is private
25.28 data on individuals as defined in section 13.02, subdivision 12.

25.29 Sec. 7. **[148F.030] RECIPROCITY.**

25.30 (a) An individual who holds a current license or national certification as an alcohol
25.31 and drug counselor from another jurisdiction must file with the board a completed
25.32 application for licensure by reciprocity containing the information required in this section.

25.33 (b) The applicant must request the credentialing authority of the jurisdiction in
25.34 which the credential is held to send directly to the board a statement that the credential
25.35 is current and in good standing, the applicant's qualifications that entitled the applicant

26.1 to the credential, and a copy of the jurisdiction's credentialing laws and rules that were
26.2 in effect at the time the applicant obtained the credential.

26.3 (c) The board shall issue a license if the board finds that the requirements which
26.4 the applicant met to obtain the credential from the other jurisdiction were substantially
26.5 similar to the current requirements for licensure in this chapter and that the applicant is not
26.6 otherwise disqualified under section 148F.090.

26.7 Sec. 8. **[148F.035] TEMPORARY PERMIT.**

26.8 (a) The board may issue a temporary permit to practice alcohol and drug counseling
26.9 to an individual prior to being licensed under this chapter if the person:

26.10 (1) received an associate degree, or an equivalent number of credit hours, completed
26.11 880 clock hours of supervised alcohol and drug counseling practicum, and 18 semester
26.12 credits or 270 clock hours of academic course work in alcohol and drug counseling from
26.13 an accredited school or education program; and

26.14 (2) completed academic course work in the following areas:

26.15 (i) overview of the transdisciplinary foundations of alcohol and drug counseling,
26.16 including theories of chemical dependency, the continuum of care, and the process of
26.17 change;

26.18 (ii) pharmacology of substance abuse disorders and the dynamics of addiction,
26.19 including medication-assisted therapy;

26.20 (iii) professional and ethical responsibilities;

26.21 (iv) multicultural aspects of chemical dependency;

26.22 (v) co-occurring disorders; and

26.23 (vi) core functions defined in section 148F.010, subdivision 10.

26.24 (b) An individual seeking a temporary permit shall fully complete and submit
26.25 a notarized written application on forms provided by the board together with the
26.26 nonrefundable temporary permit fee specified in section 148F.115, subdivision 3, clause
26.27 (1).

26.28 (c) An individual practicing under this section:

26.29 (1) must be supervised by a licensed alcohol and drug counselor or other licensed
26.30 professional practicing alcohol and drug counseling under section 148F.110, subdivision 1;

26.31 (2) is subject to all statutes and rules to the same extent as an individual who is
26.32 licensed under this chapter, except the individual is not subject to the continuing education
26.33 requirements of section 148F.075; and

26.34 (3) must use the title "Alcohol and Drug Counselor-Trainee" or the letters "ADC-T"
26.35 in professional activities.

27.1 (d)(1) An individual practicing with a temporary permit must submit a renewal
27.2 application annually on forms provided by the board with the renewal fee required in
27.3 section 148F.115, subdivision 3.

27.4 (2) A temporary permit is automatically terminated if not renewed, upon a change in
27.5 supervision, or upon the granting or denial by the board of the applicant's application for
27.6 licensure as an alcohol and drug counselor.

27.7 (3) A temporary permit may be renewed no more than five times.

27.8 **Sec. 9. [148F.040] SUPERVISED POSTDEGREE PROFESSIONAL PRACTICE.**

27.9 Subdivision 1. **Supervision.** For the purposes of this section, "supervision" means
27.10 documented interactive consultation, which, subject to the limitations of subdivision 4,
27.11 paragraph (b), may be conducted in person, by telephone, or by audio or audiovisual
27.12 electronic device by a supervisor with a supervisee. The supervision must be adequate to
27.13 ensure the quality and competence of the activities supervised. Supervisory consultation
27.14 must include discussions on the nature and content of the practice of the supervisee,
27.15 including, but not limited to, a review of a representative sample of alcohol and drug
27.16 counseling services in the supervisee's practice.

27.17 Subd. 2. **Postdegree professional practice.** "Postdegree professional practice"
27.18 means paid or volunteer work experience and training following graduation from an
27.19 accredited school or educational program that involves professional oversight by a
27.20 supervisor approved by the board and that satisfies the supervision requirements in
27.21 subdivision 4.

27.22 Subd. 3. **Supervisor requirements.** For the purposes of this section, a supervisor
27.23 shall:

27.24 (1) be a licensed alcohol and drug counselor or other qualified professional as
27.25 determined by the board;

27.26 (2) have three years of experience providing alcohol and drug counseling services;

27.27 and

27.28 (3) have received a minimum of 12 hours of training in clinical and ethical
27.29 supervision, which may include course work, continuing education courses, workshops,
27.30 or a combination thereof.

27.31 Subd. 4. **Supervised practice requirements for licensure.** (a) The content of
27.32 supervision must include:

27.33 (1) knowledge, skills, values, and ethics with specific application to the practice
27.34 issues faced by the supervisee, including the core functions in section 148F.010,
27.35 subdivision 10;

28.1 (2) the standards of practice and ethical conduct, with particular emphasis given to
28.2 the counselor's role and appropriate responsibilities, professional boundaries, and power
28.3 dynamics; and

28.4 (3) the supervisee's permissible scope of practice, as defined in section 148F.010,
28.5 subdivision 18.

28.6 (b) The supervision must be obtained at the rate of one hour of supervision per 40
28.7 hours of professional practice, for a total of 50 hours of supervision. The supervision must
28.8 be evenly distributed over the course of the supervised professional practice. At least 75
28.9 percent of the required supervision hours must be received in person. The remaining 25
28.10 percent of the required hours may be received by telephone or by audio or audiovisual
28.11 electronic device. At least 50 percent of the required hours of supervision must be received
28.12 on an individual basis. The remaining 50 percent may be received in a group setting.

28.13 (c) The supervision must be completed in no fewer than 12 consecutive months
28.14 and no more than 36 consecutive months.

28.15 (d) The applicant shall include with an application for licensure a verification of
28.16 completion of the 2,000 hours of supervised professional practice. Verification must be
28.17 on a form specified by the board. The supervisor shall verify that the supervisee has
28.18 completed the required hours of supervision according to this section. The supervised
28.19 practice required under this section is unacceptable if the supervisor attests that the
28.20 supervisee's performance, competence, or adherence to the standards of practice and
28.21 ethical conduct has been unsatisfactory.

28.22 **Sec. 10. [148F.045] ALCOHOL AND DRUG COUNSELOR TECHNICIAN.**

28.23 An alcohol and drug counselor technician may perform the screening, intake, and
28.24 orientation services described in section 148F.010, subdivision 10, clauses (1), (2), and
28.25 (3), while under the direct supervision of a licensed alcohol and drug counselor.

28.26 **Sec. 11. [148F.050] LICENSE RENEWAL REQUIREMENTS.**

28.27 Subdivision 1. **Biennial renewal.** A license must be renewed every two years.

28.28 Subd. 2. **License renewal notice.** At least 60 calendar days before the renewal
28.29 deadline date, the board shall mail a renewal notice to the licensee's last known address
28.30 on file with the board. The notice must include instructions for accessing an online
28.31 application for license renewal, the renewal deadline, and notice of fees required for
28.32 renewal. The licensee's failure to receive notice does not relieve the licensee of the
28.33 obligation to meet the renewal deadline and other requirements for license renewal.

29.1 Subd. 3. **Renewal requirements.** (a) To renew a license, a licensee must submit to
29.2 the board:

29.3 (1) a completed, signed, and notarized application for license renewal;

29.4 (2) the renewal fee required under section 148F.115, subdivision 2; and

29.5 (3) evidence satisfactory to the board that the licensee has completed 40 clock
29.6 hours of continuing education during the preceding two year renewal period that meet the
29.7 requirements of section 148F.075.

29.8 (b) The application must be postmarked or received by the board by the end of the
29.9 day on which the license expires or the following business day if the expiration date
29.10 falls on a Saturday, Sunday, or holiday. An application which is not completed, signed,
29.11 notarized, or which is not accompanied by the correct fee, is void and must be returned
29.12 to the licensee.

29.13 Subd. 4. **Pending renewal.** If a licensee's application for license renewal is
29.14 postmarked or received by the board by the end of the business day on the expiration date
29.15 of the license, the licensee may continue to practice after the expiration date while the
29.16 application for license renewal is pending with the board.

29.17 Subd. 5. **Late renewal fee.** If the application for license renewal is postmarked or
29.18 received after the expiration date, the licensee shall pay a late fee as specified by section
29.19 148F.115, subdivision 5, clause (1), in addition to the renewal fee, before the application
29.20 for license renewal will be considered by the board.

29.21 Sec. 12. **[148F.055] EXPIRED LICENSE.**

29.22 Subdivision 1. **Expiration of license.** A licensee who fails to submit an application
29.23 for license renewal, or whose application for license renewal is not postmarked or received
29.24 by the board as required, is not authorized to practice after the expiration date and is
29.25 subject to disciplinary action by the board for any practice after the expiration date.

29.26 Subd. 2. **Termination for nonrenewal.** (a) Within 30 days after the renewal date, a
29.27 licensee who has not renewed the license shall be notified by letter sent to the last known
29.28 address of the licensee in the board's file that the renewal is overdue and that failure to
29.29 pay the current fee and current late fee within 60 days after the renewal date will result in
29.30 termination of the license.

29.31 (b) The board shall terminate the license of a licensee whose license renewal is at
29.32 least 60 days overdue and to whom notification has been sent as provided in paragraph
29.33 (a). Failure of a licensee to receive notification is not grounds for later challenge of the
29.34 termination. The former licensee shall be notified of the termination by letter within seven
29.35 days after the board action, in the same manner as provided in paragraph (a).

30.1 Sec. 13. **[148F.060] VOLUNTARY TERMINATION.**

30.2 A license may be voluntarily terminated by the licensee at any time upon written
30.3 notification to the board, unless a complaint is pending against the licensee. The
30.4 notification must be received by the board prior to termination of the license for failure to
30.5 renew. A former licensee may be licensed again only after complying with the relicensure
30.6 following termination requirements under section 148F.065. For purposes of this section,
30.7 the board retains jurisdiction over any licensee whose license has been voluntarily
30.8 terminated and against whom the board receives a complaint for conduct occurring during
30.9 the period of licensure.

30.10 Sec. 14. **[148F.065] RELICENSURE FOLLOWING TERMINATION.**

30.11 Subdivision 1. **Relicensure.** For a period of two years, a former licensee whose
30.12 license has been voluntarily terminated or terminated for nonrenewal as provided in
30.13 section 148F.055, subdivision 2, may be relicensed by completing an application for
30.14 relicensure, paying the applicable fee, and verifying that the former licensee has not
30.15 engaged in the practice of alcohol and drug counseling in this state since the date of
30.16 termination. The verification must be accompanied by a notarized affirmation that the
30.17 statement is true and correct to the best knowledge and belief of the former licensee.

30.18 Subd. 2. **Continuing education for relicensure.** A former licensee seeking
30.19 relicensure after license termination must provide evidence of having completed at least
30.20 20 hours of continuing education activities for each year, or portion thereof, that the
30.21 former licensee did not hold a license.

30.22 Subd. 3. **Cancellation of license.** The board shall not renew, reissue, reinstate,
30.23 or restore the license of a former licensee which was terminated for nonrenewal, or
30.24 voluntarily terminated, and for which relicensure was not sought for more than two years
30.25 from the date the license was terminated for nonrenewal, or voluntarily terminated. A
30.26 former licensee seeking relicensure after this two-year period must obtain a new license
30.27 by applying for licensure and fulfilling all requirements then in existence for an initial
30.28 license to practice alcohol and drug counseling in Minnesota.

30.29 Sec. 15. **[148F.070] INACTIVE LICENSE STATUS.**

30.30 Subdivision 1. **Request for inactive status.** Unless a complaint is pending against
30.31 the licensee, a licensee whose license is in good standing may request, in writing, that the
30.32 license be placed on the inactive list. If a complaint is pending against a licensee, a license
30.33 may not be placed on the inactive list until action relating to the complaint is concluded.
30.34 The board must receive the request for inactive status before expiration of the license, or

31.1 the person must pay the late fee. A licensee may renew a license that is inactive under this
31.2 subdivision by meeting the renewal requirements of subdivision 2. A licensee must not
31.3 practice alcohol and drug counseling while the license is inactive.

31.4 Subd. 2. **Renewal of inactive license.** A licensee whose license is inactive must
31.5 renew the inactive status by the inactive status expiration date determined by the board,
31.6 or the license will expire. An application for renewal of inactive status must include
31.7 evidence satisfactory to the board that the licensee has completed 40 clock hours of
31.8 continuing education required in section 148F.075. Late renewal of inactive status must be
31.9 accompanied by a late fee as required in section 148F.115, subdivision 5, paragraph (2).

31.10 Sec. 16. **[148F.075] CONTINUING EDUCATION REQUIREMENTS.**

31.11 Subdivision 1. **Purpose.** (a) The purpose of mandatory continuing education is to
31.12 promote the professional development of alcohol and drug counselors so that the services
31.13 they provide promote the health and well-being of clients who receive services.

31.14 (b) Continued professional growth and maintaining competence in providing alcohol
31.15 and drug counseling services are the ethical responsibilities of each licensee.

31.16 Subd. 2. **Requirement.** Every two years, all licensees must complete a minimum
31.17 of 40 clock hours of continuing education activities that meet the requirements in this
31.18 section. The 40 clock hours shall include a minimum of nine clock hours on diversity,
31.19 and a minimum of three clock hours on professional ethics. Diversity training includes,
31.20 but is not limited to, the topics listed in Minnesota Rules, part 4747.1100, subpart 2.
31.21 A licensee may be given credit only for activities that directly relate to the practice
31.22 of alcohol and drug counseling.

31.23 Subd. 3. **Standards for approval.** In order to obtain clock hour credit for a
31.24 continuing education activity, the activity must:

31.25 (1) constitute an organized program of learning;

31.26 (2) reasonably be expected to advance the knowledge and skills of the alcohol
31.27 and drug counselor;

31.28 (3) pertain to subjects that directly relate to the practice of alcohol and drug
31.29 counseling;

31.30 (4) be conducted by individuals who have education, training, and experience and
31.31 are knowledgeable about the subject matter; and

31.32 (5) be presented by a sponsor who has a system to verify participation and maintains
31.33 attendance records for three years, unless the sponsor provides dated evidence to each
31.34 participant with the number of clock hours awarded.

31.35 Subd. 4. **Qualifying activities.** Clock hours may be earned through the following:

32.1 (1) attendance at educational programs of annual conferences, lectures, panel
32.2 discussions, workshops, in-service training, seminars, and symposia;

32.3 (2) successful completion of college or university courses offered by a regionally
32.4 accredited school or education program, if not being taken in order to meet the educational
32.5 requirements for licensure under this chapter. The licensee must obtain a grade of at least
32.6 a "C" or its equivalent or a pass in a pass/fail course in order to receive the following
32.7 continuing education credits:

32.8 (i) one semester credit equals 15 clock hours;

32.9 (ii) one trimester credit equals 12 clock hours;

32.10 (iii) one quarter credit equals 10 clock hours;

32.11 (3) successful completion of home study or online courses offered by an accredited
32.12 school or education program and that require a licensee to demonstrate knowledge
32.13 following completion of the course;

32.14 (4) teaching a course at a regionally accredited institution of higher education. To
32.15 qualify for continuing education credit, the course must directly relate to the practice of
32.16 alcohol and drug counseling, as determined by the board. Continuing education hours may
32.17 be earned only for the first time the licensee teaches the course. Ten continuing education
32.18 hours may be earned for each semester credit hour taught; or

32.19 (5) presentations at workshops, seminars, symposia, meetings of professional
32.20 organizations, in-service trainings, or postgraduate institutes. The presentation must be
32.21 related to alcohol and drug counseling. A presenter may claim one hour of continuing
32.22 education for each hour of presentation time. A presenter may also receive continuing
32.23 education hours for development time at the rate of three hours for each hour of
32.24 presentation time. Continuing education hours may be earned only for the licensee's
32.25 first presentation on the subject developed.

32.26 **Subd. 5. Activities not qualifying for continuing education clock hours.**

32.27 Approval shall not be given for courses that do not meet the requirements of this section
32.28 or are limited to the following:

32.29 (1) any subject contrary to the rules of professional conduct;

32.30 (2) supervision of personnel;

32.31 (3) entertainment or recreational activities;

32.32 (4) employment orientation sessions;

32.33 (5) policy meetings;

32.34 (6) marketing;

32.35 (7) business;

32.36 (8) first aid, CPR, and similar training classes; and

33.1 (9) training related to payment systems, including covered services, coding, and
33.2 billing.

33.3 Subd. 6. **Documentation of reporting compliance.** (a) When the licensee applies
33.4 for renewal of the license, the licensee must complete and submit an affidavit of continuing
33.5 education compliance showing that the licensee has completed a minimum of 40 approved
33.6 continuing education clock hours since the last renewal. Failure to submit the affidavit
33.7 when required makes the licensee's renewal application incomplete and void.

33.8 (b) All licensees shall retain original documentation of completion of continuing
33.9 education hours for a period of five years. For purposes of compliance with this section, a
33.10 receipt for payment of the fee for the course is not sufficient evidence of completion of the
33.11 required hours of continuing education. Information retained shall include:

33.12 (1) the continuing education activity title;

33.13 (2) a brief description of the continuing education activity;

33.14 (3) the sponsor, presenter, or author;

33.15 (4) the location and the dates attended;

33.16 (5) the number of clock hours; and

33.17 (6) the certificate of attendance, if applicable.

33.18 (c) Only continuing education obtained during the two-year reporting period may be
33.19 considered at the time of reporting.

33.20 Subd. 7. **Continuing education audit.** (a) At the time of renewal, the board may
33.21 randomly audit a percentage of its licensees for compliance with continuing education
33.22 requirements.

33.23 (b) The board shall mail a notice to a licensee selected for an audit of continuing
33.24 education hours. The notice must include the reporting periods selected for audit.

33.25 (c) Selected licensees shall submit copies of the original documentation of completed
33.26 continuing education hours. Upon specific request, the licensee shall submit original
33.27 documentation. Failure to submit required documentation shall result in the renewal
33.28 application being considered incomplete and void and constitute grounds for nonrenewal
33.29 of the license and disciplinary action.

33.30 Subd. 8. **Variance of continuing education requirements.** (a) If a licensee is
33.31 unable to meet the continuing education requirements by the renewal date, the licensee
33.32 may request a time-limited variance to fulfill the requirements after the renewal date. A
33.33 licensee seeking a variance is considered to be renewing late and is subject to the late
33.34 renewal fee, regardless of when the request is received or whether the variance is granted.

33.35 (b) The licensee shall submit the variance request on a form designated by the board,
33.36 include the variance fee subject to section 14.056, subdivision 2, and the late fee for

34.1 license renewal under section 148F.115. The variance request is subject to the criteria for
34.2 rule variances in section 14.055, subdivision 4, and must include a written plan listing
34.3 the activities offered to meet the requirement. Hours completed after the renewal date
34.4 pursuant to the written plan count toward meeting only the requirements of the previous
34.5 renewal period.

34.6 (c) A variance granted under this subdivision expires six months after the license
34.7 renewal date. A licensee who is granted a variance but fails to complete the required
34.8 continuing education within the six-month period may apply for a second variance
34.9 according to this subdivision.

34.10 (d) If an initial variance request is denied, the license of the licensee shall not be
34.11 renewed until the licensee completes the continuing education requirements. If an initial
34.12 variance is granted, and the licensee fails to complete the required continuing education
34.13 within the six-month period, the license shall be administratively suspended until the
34.14 licensee completes the required continuing education, unless the licensee has obtained a
34.15 second variance according to paragraph (c).

34.16 **Sec. 17. [148F.080] SPONSOR'S APPLICATION FOR APPROVAL.**

34.17 Subdivision 1. **Content.** Individuals, organizations, associations, corporations,
34.18 educational institutions, or groups intending to offer continuing education activities for
34.19 approval must submit to the board the sponsor application fee and a completed application
34.20 for approval on a form provided by the board. The sponsor must comply with the
34.21 following to receive and maintain approval:

34.22 (1) submit the application for approval at least 60 days before the activity is
34.23 scheduled to begin; and

34.24 (2) include the following information in the application for approval to enable the
34.25 board to determine whether the activity complies with section 148F.075:

34.26 (i) a statement of the objectives of the activity and the knowledge the participants
34.27 will have gained upon completion of the activity;

34.28 (ii) a description of the content and methodology of the activity which will allow the
34.29 participants to meet the objectives;

34.30 (iii) a description of the method the participants will use to evaluate the activity;

34.31 (iv) a list of the qualifications of each instructor or developer that shows the
34.32 instructor's or developer's current knowledge and skill in the activity's subject;

34.33 (v) a description of the certificate or other form of verification of attendance
34.34 distributed to each participant upon successful completion of the activity;

35.1 (vi) the sponsor's agreement to retain attendance lists for a period of five years
35.2 from the date of the activity; and

35.3 (vii) a copy of any proposed advertisement or other promotional literature.

35.4 Subd. 2. **Approval expiration.** If the board approves an activity it shall assign the
35.5 activity a number. The approval remains in effect for one year from the date of initial
35.6 approval. Upon expiration, a sponsor must submit a new application for activity approval
35.7 to the board as required by subdivision 1.

35.8 Subd. 3. **Statement of board approval.** Each sponsor of an approved activity shall
35.9 include in any promotional literature a statement that "This activity has been approved by
35.10 the Minnesota Board of Behavioral Health and Therapy for ... hours of credit."

35.11 Subd. 4. **Changes.** The activity sponsor must submit proposed changes in an
35.12 approved activity to the board for its approval.

35.13 Subd. 5. **Denial of approval.** The board shall not approve an activity if it does not
35.14 meet the continuing education requirements in section 148F.075. The board shall notify
35.15 the sponsor in writing of its reasons for denial.

35.16 Subd. 6. **Revocation of approval.** The board shall revoke its approval of an activity
35.17 if a sponsor falsifies information contained in its application for approval, or if a sponsor
35.18 fails to notify the board of changes to an approved activity as required in subdivision 4.

35.19 Sec. 18. **[148F.085] NONTRANSFERABILITY OF LICENSES.**

35.20 An alcohol and drug counselor license is not transferable.

35.21 Sec. 19. **[148F.090] DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.**

35.22 Subdivision 1. **Grounds.** The board may impose disciplinary action as described
35.23 in subdivision 2 against an applicant or licensee whom the board, by a preponderance of
35.24 the evidence, determines:

35.25 (1) has violated a statute, rule, or order that the board issued or is empowered to
35.26 enforce;

35.27 (2) has engaged in fraudulent, deceptive, or dishonest conduct, whether or not the
35.28 conduct relates to the practice of licensed alcohol and drug counseling that adversely
35.29 affects the person's ability or fitness to practice alcohol and drug counseling;

35.30 (3) has engaged in unprofessional conduct or any other conduct which has the
35.31 potential for causing harm to the public, including any departure from or failure to
35.32 conform to the minimum standards of acceptable and prevailing practice without actual
35.33 injury having to be established;

36.1 (4) has been convicted of or has pled guilty or nolo contendere to a felony or gross
36.2 misdemeanor reasonably related to the provision of alcohol and drug counseling services,
36.3 or has been shown to have engaged in acts or practices tending to show that the applicant
36.4 or licensee is incompetent or has engaged in conduct reflecting adversely on the applicant's
36.5 or licensee's ability or fitness to engage in the practice of alcohol and drug counseling;

36.6 (5) has employed fraud or deception in obtaining or renewing a license, or in
36.7 passing an examination;

36.8 (6) has had any license, certificate, registration, privilege to take an examination,
36.9 or other similar authority denied, revoked, suspended, canceled, limited, or not renewed
36.10 for cause in any jurisdiction or has surrendered or voluntarily terminated a license or
36.11 certificate during a board investigation of a complaint, as part of a disciplinary order, or
36.12 while under a disciplinary order;

36.13 (7) has failed to meet any requirement for the issuance or renewal of the person's
36.14 license. The burden of proof is on the applicant or licensee to demonstrate the
36.15 qualifications or satisfy the requirements for a license under this chapter;

36.16 (8) has failed to cooperate with an investigation by the board;

36.17 (9) has demonstrated an inability to practice alcohol and drug counseling with
36.18 reasonable skill and safety as a result of illness, use of alcohol, drugs, chemicals, or any
36.19 other materials, or as a result of any mental, physical, or psychological condition;

36.20 (10) has engaged in conduct with a client that is sexual or may reasonably be
36.21 interpreted by the client as sexual, or in any verbal behavior that is seductive or sexually
36.22 demeaning to a client;

36.23 (11) has been subject to a corrective action or similar, nondisciplinary action in
36.24 another jurisdiction or by another regulatory authority;

36.25 (12) has been adjudicated as mentally incompetent, mentally ill, or developmentally
36.26 disabled or as a chemically dependent person, a person dangerous to the public, a sexually
36.27 dangerous person, or a person who has a sexual psychopathic personality by a court
36.28 of competent jurisdiction within this state or an equivalent adjudication from another
36.29 state. Adjudication automatically suspends a license for the duration thereof unless the
36.30 board orders otherwise;

36.31 (13) fails to comply with a client's request for health records made under sections
36.32 144.291 to 144.298, or to furnish a client record or report required by law;

36.33 (14) has engaged in abusive or fraudulent billing practices, including violations of
36.34 the federal Medicare and Medicaid laws or state medical assistance laws; or

36.35 (15) has engaged in fee splitting. This clause does not apply to the distribution
36.36 of revenues from a partnership, group practice, nonprofit corporation, or professional

37.1 corporation to its partners, shareholders, members, or employees if the revenues consist
37.2 only of fees for services performed by the licensee or under a licensee's administrative
37.3 authority. Fee splitting includes, but is not limited to:

37.4 (i) dividing fees with another person or a professional corporation, unless the
37.5 division is in proportion to the services provided and the responsibility assumed by
37.6 each professional;

37.7 (ii) referring a client to any health care provider as defined in sections 144.291 to
37.8 144.298 in which the referring licensee has a significant financial interest, unless the
37.9 licensee has disclosed in advance to the client the licensee's own financial interest; or

37.10 (iii) paying, offering to pay, receiving, or agreeing to receive a commission, rebate,
37.11 or remuneration, directly or indirectly, primarily for the referral of clients.

37.12 Subd. 2. **Forms of disciplinary action.** If grounds for disciplinary action exist
37.13 under subdivision 1, the board may take one or more of the following actions:

37.14 (1) refuse to grant or renew a license;

37.15 (2) revoke a license;

37.16 (3) suspend a license;

37.17 (4) impose limitations or conditions on a licensee's practice of alcohol and drug
37.18 counseling, including, but not limited to, limiting the scope of practice to designated
37.19 competencies, imposing retraining or rehabilitation requirements, requiring the licensee to
37.20 practice under supervision, or conditioning continued practice on the demonstration of
37.21 knowledge or skill by appropriate examination or other review of skill and competence;

37.22 (5) censure or reprimand the licensee;

37.23 (6) impose a civil penalty not exceeding \$10,000 for each separate violation,
37.24 the amount of the civil penalty to be fixed so as to deprive the applicant or licensee
37.25 of any economic advantage gained by reason of the violation charged, to discourage
37.26 similar violations or to reimburse the board for the cost of the investigation and
37.27 proceeding, including, but not limited to, fees paid for services provided by the Office of
37.28 Administrative Hearings, legal and investigative services provided by the Office of the
37.29 Attorney General, court reporters, witnesses, reproduction of records, board members' per
37.30 diem compensation, board staff time, and travel costs and expenses incurred by board staff
37.31 and board members; or

37.32 (7) any other action justified by the case.

37.33 Subd. 3. **Evidence.** In disciplinary actions alleging violations of subdivision 1,
37.34 clause (4), (12), or (14), a copy of the judgment or proceedings under the seal of the court
37.35 administrator or of the administrative agency that entered the judgment or proceeding

38.1 is admissible into evidence without further authentication and constitutes prima facie
38.2 evidence of its contents.

38.3 Subd. 4. **Temporary suspension.** (a) In addition to any other remedy provided by
38.4 law, the board may issue an order to temporarily suspend the credentials of a licensee after
38.5 conducting a preliminary inquiry to determine if the board reasonably believes that the
38.6 licensee has violated a statute or rule that the board is empowered to enforce and whether
38.7 continued practice by the licensee would create an imminent risk of harm to others.

38.8 (b) The order may prohibit the licensee from engaging in the practice of alcohol
38.9 and drug counseling in whole or in part and may condition the end of a suspension on
38.10 the licensee's compliance with a statute, rule, or order that the board has issued or is
38.11 empowered to enforce.

38.12 (c) The order shall give notice of the right to a hearing according to this subdivision
38.13 and shall state the reasons for the entry of the order.

38.14 (d) Service of the order is effective when the order is served on the licensee
38.15 personally or by certified mail, which is complete upon receipt, refusal, or return for
38.16 nondelivery to the most recent address of the licensee provided to the board.

38.17 (e) At the time the board issues a temporary suspension order, the board shall
38.18 schedule a hearing to be held before its own members. The hearing shall begin no later
38.19 than 60 days after issuance of the temporary suspension order or within 15 working
38.20 days of the date of the board's receipt of a request for hearing by a licensee, on the sole
38.21 issue of whether there is a reasonable basis to continue, modify, or lift the temporary
38.22 suspension. The hearing is not subject to chapter 14. Evidence presented by the board
38.23 or the licensee shall be in affidavit form only. The licensee or counsel of record may
38.24 appear for oral argument.

38.25 (f) Within five working days of the hearing, the board shall issue its order and, if the
38.26 suspension is continued, schedule a contested case hearing within 30 days of the issuance
38.27 of the order. Notwithstanding chapter 14, the administrative law judge shall issue a report
38.28 within 30 days after closing the contested case hearing record. The board shall issue a
38.29 final order within 30 days of receipt of the administrative law judge's report.

38.30 Subd. 5. **Automatic suspension.** (a) The right to practice is automatically
38.31 suspended when:

38.32 (1) a guardian of an alcohol and drug counselor is appointed by order of a district
38.33 court under sections 524.5-101 to 524.5-502; or

38.34 (2) the counselor is committed by order of a district court under chapter 253B.

39.1 (b) The right to practice remains suspended until the counselor is restored to capacity
39.2 by a court and, upon petition by the counselor, the suspension is terminated by the board
39.3 after a hearing or upon agreement between the board and the counselor.

39.4 Subd. 6. **Mental, physical, or chemical health evaluation.** (a) If the board has
39.5 probable cause to believe that an applicant or licensee is unable to practice alcohol and
39.6 drug counseling with reasonable skill and safety due to a mental or physical illness or
39.7 condition, the board may direct the individual to submit to a mental, physical, or chemical
39.8 dependency examination or evaluation.

39.9 (1) For the purposes of this section, every licensee and applicant is deemed to
39.10 have consented to submit to a mental, physical, or chemical dependency examination or
39.11 evaluation when directed in writing by the board and to have waived all objections to the
39.12 admissibility of the examining professionals' testimony or examination reports on the
39.13 grounds that the testimony or examination reports constitute a privileged communication.

39.14 (2) Failure of a licensee or applicant to submit to an examination when directed by
39.15 the board constitutes an admission of the allegations against the person, unless the failure
39.16 was due to circumstances beyond the person's control, in which case a default and final
39.17 order may be entered without the taking of testimony or presentation of evidence.

39.18 (3) A licensee or applicant affected under this subdivision shall at reasonable
39.19 intervals be given an opportunity to demonstrate that the licensee or applicant can resume
39.20 the competent practice of licensed alcohol and drug counseling with reasonable skill
39.21 and safety to the public.

39.22 (4) In any proceeding under this subdivision, neither the record of proceedings
39.23 nor the orders entered by the board shall be used against the licensee or applicant in
39.24 any other proceeding.

39.25 (b) In addition to ordering a physical or mental examination, the board may,
39.26 notwithstanding section 13.384 or sections 144.291 to 144.298, or any other law limiting
39.27 access to medical or other health data, obtain medical data and health records relating to a
39.28 licensee or applicant without the licensee's or applicant's consent if the board has probable
39.29 cause to believe that subdivision 1, clause (9), applies to the licensee or applicant. The
39.30 medical data may be requested from:

39.31 (1) a provider, as defined in section 144.291, subdivision 2, paragraph (h);

39.32 (2) an insurance company; or

39.33 (3) a government agency, including the Department of Human Services.

39.34 (c) A provider, insurance company, or government agency must comply with any
39.35 written request of the board under this subdivision and is not liable in any action for
39.36 damages for releasing the data requested by the board if the data are released pursuant to a

40.1 written request under this subdivision, unless the information is false and the provider
40.2 giving the information knew, or had reason to believe, the information was false.

40.3 (d) Information obtained under this subdivision is private data on individuals as
40.4 defined in section 13.02, subdivision 12.

40.5 Sec. 20. [148F.095] ADDITIONAL REMEDIES.

40.6 Subdivision 1. Cease and desist. (a) The board may issue a cease and desist order
40.7 to stop a person from violating or threatening to violate a statute, rule, or order which the
40.8 board has issued or has authority to enforce. The cease and desist order must state the
40.9 reason for its issuance and give notice of the person's right to request a hearing under
40.10 sections 14.57 to 14.62. If, within 15 days of service of the order, the subject of the order
40.11 fails to request a hearing in writing, the order is the final order of the board and is not
40.12 reviewable by a court or agency.

40.13 (b) A hearing must be initiated by the board not later than 30 days from the date
40.14 of the board's receipt of a written hearing request. Within 30 days of receipt of the
40.15 administrative law judge's report, and any written agreement or exceptions filed by the
40.16 parties, the board shall issue a final order modifying, vacating, or making permanent the
40.17 cease and desist order as the facts require. The final order remains in effect until modified
40.18 or vacated by the board.

40.19 (c) When a request for a stay accompanies a timely hearing request, the board may,
40.20 in the board's discretion, grant the stay. If the board does not grant a requested stay, the
40.21 board shall refer the request to the Office of Administrative Hearings within three working
40.22 days of receipt of the request. Within ten days after receiving the request from the board,
40.23 an administrative law judge shall issue a recommendation to grant or deny the stay. The
40.24 board shall grant or deny the stay within five working days of receiving the administrative
40.25 law judge's recommendation.

40.26 (d) In the event of noncompliance with a cease and desist order, the board may
40.27 institute a proceeding in district court to obtain injunctive relief or other appropriate
40.28 relief, including a civil penalty payable to the board, not to exceed \$10,000 for each
40.29 separate violation.

40.30 Subd. 2. Injunctive relief. In addition to any other remedy provided by law,
40.31 including the issuance of a cease and desist order under subdivision 1, the board may in
40.32 the board's own name bring an action in district court for injunctive relief to restrain an
40.33 alcohol and drug counselor from a violation or threatened violation of any statute, rule, or
40.34 order which the board has authority to administer, enforce, or issue.

41.1 Subd. 3. **Additional powers.** The issuance of a cease and desist order or injunctive
41.2 relief granted under this section does not relieve a counselor from criminal prosecution by
41.3 a competent authority or from disciplinary action by the board.

41.4 Sec. 21. [148F.100] COOPERATION.

41.5 An alcohol and drug counselor who is the subject of an investigation, or who
41.6 is questioned in connection with an investigation, by or on behalf of the board, shall
41.7 cooperate fully with the investigation. Cooperation includes responding fully to any
41.8 question raised by or on behalf of the board relating to the subject of the investigation,
41.9 whether tape recorded or not. Challenges to requests of the board may be brought before
41.10 the appropriate agency or court.

41.11 Sec. 22. [148F.105] PROHIBITED PRACTICE OR USE OF TITLES; PENALTY.

41.12 Subdivision 1. **Practice.** No person shall engage in alcohol and drug counseling
41.13 without first being licensed under this chapter as an alcohol and drug counselor. For
41.14 purposes of this chapter, an individual engages in the practice of alcohol and drug
41.15 counseling if the individual performs or offers to perform alcohol and drug counseling
41.16 services as defined in section 148F.010, subdivision 18, or if the individual is held out as
41.17 able to perform those services.

41.18 Subd. 2. **Use of titles.** (a) No individual shall present themselves or any other
41.19 individual to the public by any title incorporating the words "licensed alcohol and drug
41.20 counselor," "alcohol and drug counselor," or otherwise hold themselves out to the public
41.21 by any title or description stating or implying that they are licensed or otherwise qualified
41.22 to practice alcohol and drug counseling, unless that individual holds a valid license.

41.23 (b) An individual issued a temporary permit must use titles consistent with section
41.24 148F.035, subdivisions 1 and 2, paragraph (c), clause (3).

41.25 (c) An individual who is participating in an alcohol and drug counseling practicum
41.26 for purposes of licensure by the board may be designated an "alcohol and drug counselor
41.27 intern."

41.28 (d) Individuals who are trained in alcohol and drug counseling and employed by an
41.29 educational institution recognized by a regional accrediting organization, by a federal,
41.30 state, county, or local government institution, by agencies, or research facilities, may
41.31 represent themselves by the titles designated by that organization provided the title does
41.32 not indicate the individual is licensed by the board.

41.33 Subd. 3. **Penalty.** A person who violates sections 148F.001 to 148F.205 is guilty
41.34 of a misdemeanor.

42.1 Sec. 23. [148F.110] EXCEPTIONS TO LICENSE REQUIREMENT.

42.2 Subdivision 1. **Other professionals.** (a) Nothing in this chapter prevents members
42.3 of other professions or occupations from performing functions for which they are qualified
42.4 or licensed. This exception includes, but is not limited to: licensed physicians; registered
42.5 nurses; licensed practical nurses; licensed psychologists and licensed psychological
42.6 practitioners; members of the clergy provided such services are provided within the scope
42.7 of regular ministries; American Indian medicine men and women; licensed attorneys;
42.8 probation officers; licensed marriage and family therapists; licensed social workers; social
42.9 workers employed by city, county, or state agencies; licensed professional counselors;
42.10 licensed professional clinical counselors; licensed school counselors; registered
42.11 occupational therapists or occupational therapy assistants; Upper Midwest Indian Council
42.12 on Addictive Disorders (UMICAD) certified counselors when providing services to
42.13 Native American people; city, county, or state employees when providing assessments
42.14 or case management under Minnesota Rules, chapter 9530; and individuals defined in
42.15 section 256B.0623, subdivision 5, clauses (1) and (2), providing integrated dual-diagnosis
42.16 treatment in adult mental health rehabilitative programs certified by the Department of
42.17 Human Services under section 256B.0622 or 256B.0623.

42.18 (b) Nothing in this chapter prohibits technicians and resident managers in programs
42.19 licensed by the Department of Human Services from discharging their duties as provided
42.20 in Minnesota Rules, chapter 9530.

42.21 (c) Any person who is exempt from licensure under this section must not use a
42.22 title incorporating the words "alcohol and drug counselor" or "licensed alcohol and drug
42.23 counselor" or otherwise hold themselves out to the public by any title or description
42.24 stating or implying that they are engaged in the practice of alcohol and drug counseling, or
42.25 that they are licensed to engage in the practice of alcohol and drug counseling, unless that
42.26 person is also licensed as an alcohol and drug counselor. Persons engaged in the practice
42.27 of alcohol and drug counseling are not exempt from the board's jurisdiction solely by the
42.28 use of one of the titles in paragraph (a).

42.29 Subd. 2. **Students.** Nothing in sections 148F.001 to 148F.110 shall prevent students
42.30 enrolled in an accredited school of alcohol and drug counseling from engaging in the
42.31 practice of alcohol and drug counseling while under qualified supervision in an accredited
42.32 school of alcohol and drug counseling.

42.33 Subd. 3. **Federally recognized tribes.** Alcohol and drug counselors practicing
42.34 alcohol and drug counseling according to standards established by federally recognized
42.35 tribes, while practicing under tribal jurisdiction, are exempt from the requirements of this
42.36 chapter. In practicing alcohol and drug counseling under tribal jurisdiction, individuals

43.1 practicing under that authority shall be afforded the same rights, responsibilities, and
43.2 recognition as persons licensed under this chapter.

43.3 Sec. 24. **[148F.115] FEES.**

43.4 Subdivision 1. **Application fee.** The application fee is \$295.

43.5 Subd. 2. **Biennial renewal fee.** The license renewal fee is \$295. If the board
43.6 establishes a renewal schedule, and the scheduled renewal date is less than two years,
43.7 the fee may be prorated.

43.8 Subd. 3. **Temporary permit fee.** Temporary permit fees are as follows:

43.9 (1) initial application fee is \$100; and

43.10 (2) annual renewal fee is \$150. If the initial term is less or more than one year,
43.11 the fee may be prorated.

43.12 Subd. 4. **Inactive license renewal fee.** The inactive license renewal fee is \$150.

43.13 Subd. 5. **Late fees.** Late fees are as follows:

43.14 (1) biennial renewal late fee is \$74;

43.15 (2) inactive license renewal late fee is \$37; and

43.16 (3) annual temporary permit late fee is \$37.

43.17 Subd. 6. **Fee to renew after expiration of license.** The fee for renewal of a license
43.18 that has been expired for less than two years is the total of the biennial renewal fee in
43.19 effect at the time of late renewal and the late fee.

43.20 Subd. 7. **Fee for license verification.** The fee for license verification is \$25.

43.21 Subd. 8. **Surcharge fee.** Notwithstanding section 16A.1285, subdivision 2, a
43.22 surcharge of \$99 shall be paid at the time of initial application for or renewal of an alcohol
43.23 and drug counselor license until June 30, 2013.

43.24 Subd. 9. **Sponsor application fee.** The fee for a sponsor application for approval
43.25 of a continuing education course is \$60.

43.26 Subd. 10. **Order or stipulation fee.** The fee for a copy of a board order or
43.27 stipulation is \$10.

43.28 Subd. 11. **Duplicate certificate fee.** The fee for a duplicate certificate is \$25.

43.29 Subd. 12. **Supervisor application processing fee.** The fee for licensure supervisor
43.30 application processing is \$30.

43.31 Subd. 13. **Nonrefundable fees.** All fees in this section are nonrefundable.

43.32 Sec. 25. **[148F.120] CONDUCT.**

44.1 Subdivision 1. **Scope.** Sections 148F.120 to 148F.205 apply to the conduct of all
44.2 alcohol and drug counselors, licensees, and applicants, including conduct during the
44.3 period of education, training, and employment that is required for licensure.

44.4 Subd. 2. **Purpose.** Sections 148F.120 to 148F.205 constitute the standards by which
44.5 the professional conduct of alcohol and drug counselors is measured.

44.6 Subd. 3. **Violations.** A violation of sections 148F.120 to 148F.205 is unprofessional
44.7 conduct and constitutes grounds for disciplinary action, corrective action, or denial of
44.8 licensure.

44.9 Subd. 4. **Conflict with organizational demands.** If the organizational policies at
44.10 the provider's work setting conflict with any provision in sections 148F.120 to 148F.205,
44.11 the provider shall discuss the nature of the conflict with the employer, make known the
44.12 requirement to comply with these sections of law, and attempt to resolve the conflict
44.13 in a manner that does not violate the law.

44.14 Sec. 26. **[148F.125] COMPETENT PROVISION OF SERVICES.**

44.15 Subdivision 1. **Limits on practice.** Alcohol and drug counselors shall limit their
44.16 practice to the client populations and services for which they have competence or for
44.17 which they are developing competence.

44.18 Subd. 2. **Developing competence.** When an alcohol and drug counselor is
44.19 developing competence in a service, method, procedure, or to treat a specific client
44.20 population, the alcohol and drug counselor shall obtain professional education, training,
44.21 continuing education, consultation, supervision, or experience, or a combination thereof,
44.22 necessary to demonstrate competence.

44.23 Subd. 3. **Experimental, emerging, or innovative services.** Alcohol and drug
44.24 counselors may offer experimental services, methods, or procedures competently and
44.25 in a manner that protects clients from harm. However, when doing so, they have a
44.26 heightened responsibility to understand and communicate the potential risks to clients, to
44.27 use reasonable skill and safety, and to undertake appropriate preparation as required in
44.28 subdivision 2.

44.29 Subd. 4. **Limitations.** Alcohol and drug counselors shall recognize the limitations
44.30 to the scope of practice of alcohol and drug counseling. When the needs of clients appear
44.31 to be outside their scope of practice, providers shall inform the clients that there may be
44.32 other professional, technical, community, and administrative resources available to them.
44.33 Providers shall assist with identifying resources when it is in the best interests of clients to
44.34 be provided with alternative or complementary services.

45.1 Subd. 5. **Burden of proof.** Whenever a complaint is submitted to the board
45.2 involving a violation of this section, the burden of proof is on the provider to demonstrate
45.3 that the elements of competence have reasonably been met.

45.4 Sec. 27. [148F.130] **PROTECTING CLIENT PRIVACY.**

45.5 Subdivision 1. **Protecting private information.** The provider shall safeguard
45.6 private information obtained in the course of the practice of alcohol and drug counseling.
45.7 Private information may be disclosed to others only according to section 148F.135, or
45.8 with certain exceptions as specified in subdivisions 2 to 13.

45.9 Subd. 2. **Duty to warn; limitation on liability.** Private information may be
45.10 disclosed without the consent of the client when a duty to warn arises, or as otherwise
45.11 provided by law or court order. The duty to warn of, or take reasonable precautions to
45.12 provide protection from, violent behavior arises only when a client or other person has
45.13 communicated to the provider a specific, serious threat of physical violence to self or a
45.14 specific, clearly identified or identifiable potential victim. If a duty to warn arises, the duty
45.15 is discharged by the provider if reasonable efforts are made to communicate the threat to
45.16 law enforcement agencies, the potential victim, the family of the client, or appropriate
45.17 third parties who are in a position to prevent or avert the harm. No monetary liability
45.18 and no cause of action or disciplinary action by the board may arise against a provider
45.19 for disclosure of confidences to third parties, for failure to disclose confidences to third
45.20 parties, or for erroneous disclosure of confidences to third parties in a good faith effort to
45.21 warn against or take precautions against a client's violent behavior or threat of suicide.

45.22 Subd. 3. **Services to group clients.** Whenever alcohol and drug counseling
45.23 services are provided to group clients, the provider shall initially inform each client of the
45.24 provider's responsibility and each client's individual responsibility to treat any information
45.25 gained in the course of rendering the services as private information, including any
45.26 limitations to each client's right to privacy.

45.27 Subd. 4. **Obtaining collateral information.** Prior to obtaining collateral
45.28 information about a client from other individuals, the provider shall obtain consent from
45.29 the client unless the consent is not required by law or court order, and shall inform the
45.30 other individuals that the information obtained may become part of the client's records and
45.31 may therefore be accessed or released by the client, unless prohibited by law. For purposes
45.32 of this subdivision, "other individual" means any individual, except for credentialed health
45.33 care providers acting in their professional capacities, who participates adjunctively in
45.34 the provision of services to a client. Examples of other individuals include, but are not

46.1 limited to, family members, friends, coworkers, day care workers, guardians ad litem,
46.2 foster parents, or school personnel.

46.3 Subd. 5. **Minor clients.** At the beginning of a professional relationship, the provider
46.4 shall inform a minor client that the law imposes limitations on the right of privacy of the
46.5 minor with respect to the minor's communications with the provider. This requirement is
46.6 waived when the minor cannot reasonably be expected to understand the privacy statement.

46.7 Subd. 6. **Limited access to client records.** The provider shall limit access to client
46.8 records. The provider shall make reasonable efforts to inform individuals associated
46.9 with the provider's agency or facility, such as staff members, students, volunteers, or
46.10 community aides, that access to client records, regardless of their format, is limited only to
46.11 the provider with whom the client has a professional relationship, an individual associated
46.12 with the agency or facility whose duties require access, or individuals authorized to have
46.13 access by the written informed consent of the client.

46.14 Subd. 7. **Billing statements for services.** The provider shall comply with the
46.15 privacy wishes of clients regarding to whom and where statements for services are to be
46.16 sent.

46.17 Subd. 8. **Case reports.** The identification of the client shall be reasonably disguised
46.18 in case reports or other clinical materials used in teaching, presentations, professional
46.19 meetings, or publications.

46.20 Subd. 9. **Observation and recording.** Diagnostic interviews or therapeutic sessions
46.21 with a client may be observed or electronically recorded only with the client's written
46.22 informed consent.

46.23 Subd. 10. **Continued protection of client information.** The provider shall maintain
46.24 the privacy of client data indefinitely after the professional relationship has ended.

46.25 Subd. 11. **Court-ordered or other mandated disclosures.** The proper disclosure
46.26 of private client data upon a court order or to conform with state or federal law shall not be
46.27 considered a violation of sections 148F.120 to 148F.205.

46.28 Subd. 12. **Abuse or neglect of minors or vulnerable adults.** An applicant or
46.29 licensee must comply with the reporting of maltreatment of minors established in section
46.30 626.556 and the reporting of maltreatment of vulnerable adults established in section
46.31 626.557.

46.32 Subd. 13. **Initial contacts.** When an individual initially contacts a provider
46.33 regarding alcohol and drug counseling services, the provider or another individual
46.34 designated by the provider may, with oral consent from the potential client, contact third
46.35 parties to determine payment or benefits information, arrange for precertification of

47.1 services when required by the individual's health plan, or acknowledge a referral from
47.2 another health care professional.

47.3 Sec. 28. **[148F.135] PRIVATE INFORMATION; ACCESS AND RELEASE.**

47.4 Subdivision 1. Client right to access and release private information. A client has
47.5 the right to access and release private information maintained by the provider, including
47.6 client records as provided in sections 144.291 to 144.298, relating to the provider's
47.7 counseling services to that client, except as otherwise provided by law or court order.

47.8 Subd. 2. Release of private information. (a) When a client makes a request for
47.9 the provider to release the client's private information, the request must be in writing
47.10 and signed by the client. Informed consent is not required. When the request involves
47.11 client records, all pertinent information shall be released in compliance with sections
47.12 144.291 to 144.298.

47.13 (b) If the provider initiates the request to release the client's private information,
47.14 written authorization for the release of information must be obtained from the client
47.15 and must include, at a minimum:

47.16 (1) the name of the client;

47.17 (2) the name of the individual or entity providing the information;

47.18 (3) the name of the individual or entity to which the release is made;

47.19 (4) the types of information to be released, such as progress notes, diagnoses,
47.20 assessment data, or other specific information;

47.21 (5) the purpose of the release, such as whether the release is to coordinate
47.22 professional care with another provider, to obtain insurance payment for services, or for
47.23 other specified purposes;

47.24 (6) the time period covered by the consent;

47.25 (7) a statement that the consent is valid for one year, except as otherwise allowed by
47.26 statute, or for a lesser period that is specified in the consent;

47.27 (8) a declaration that the individual signing the statement has been told of and
47.28 understands the nature and purpose of the authorized release;

47.29 (9) a statement that the consent may be rescinded, except to the extent that the
47.30 consent has already been acted upon or that the right to rescind consent has been waived
47.31 separately in writing;

47.32 (10) the signature of the client or the client's legally authorized representative, whose
47.33 relationship to the client must be stated; and

47.34 (11) the date on which the consent is signed.

48.1 Subd. 3. **Group client records.** Whenever counseling services are provided to
48.2 group clients, each client has the right to access or release only that information in the
48.3 records that the client has provided directly or has authorized other sources to provide,
48.4 unless otherwise directed by law or court order. Upon a request by one client to access or
48.5 release group client records, that information in the records that has not been provided
48.6 directly or by authorization of the requesting client must be redacted unless written
48.7 authorization to disclose this information has been obtained from the other clients.

48.8 Subd. 4. **Board investigation.** The board shall be allowed access to any records of
48.9 a client provided services by an applicant or licensee who is under investigation. If the
48.10 client has not signed a consent permitting access to the client's records, the applicant or
48.11 licensee must delete any data that identifies the client before providing them to the board.
48.12 The board shall maintain any records as investigative data pursuant to chapter 13.

48.13 Sec. 29. **[148F.140] INFORMED CONSENT.**

48.14 Subdivision 1. **Obtaining informed consent for services.** The provider shall obtain
48.15 informed consent from the client before initiating services. The informed consent must be
48.16 in writing, signed by the client, and include the following, at a minimum:

48.17 (1) authorization for the provider to engage in an activity which directly affects
48.18 the client;

48.19 (2) the goals, purposes, and procedures of the proposed services;

48.20 (3) the factors that may impact the duration of the service;

48.21 (4) the applicable fee schedule;

48.22 (5) the limits to the client's privacy, including but not limited to the provider's duty
48.23 to warn pursuant to section 148F.130, subdivision 2;

48.24 (6) the provider's responsibilities if the client terminates the service;

48.25 (7) the significant risks and benefits of the service, including whether the service
48.26 may affect the client's legal or other interests;

48.27 (8) the provider's responsibilities under section 148F.125, subdivision 3, if the
48.28 proposed service, method, or procedure is of an experimental, emerging, or innovative
48.29 nature; and

48.30 (9) if applicable, information that the provider is developing competence in the
48.31 proposed service, method, or procedure, and alternatives to the proposed service, if any.

48.32 Subd. 2. **Updating informed consent.** If there is a substantial change in the nature
48.33 or purpose of a service, the provider must obtain a new informed consent from the client.

49.1 Subd. 3. **Emergency or crisis services.** Informed consent is not required when
49.2 a provider is providing emergency or crisis services. If services continue after the
49.3 emergency or crisis has abated, informed consent must be obtained.

49.4 Sec. 30. **[148F.145] TERMINATION OF SERVICES.**

49.5 Subdivision 1. **Right to terminate services.** Either the client or the provider may
49.6 terminate the professional relationship unless prohibited by law or court order.

49.7 Subd. 2. **Mandatory termination of services.** The provider shall promptly
49.8 terminate services to a client whenever:

49.9 (1) the provider's objectivity or effectiveness is impaired, unless a resolution can be
49.10 achieved as permitted in section 148F.155, subdivision 2; or

49.11 (2) the client would be harmed by further services.

49.12 Subd. 3. **Notification of termination.** When the provider initiates a termination
49.13 of professional services, the provider shall inform the client either orally or in writing.
49.14 This requirement shall not apply when the termination is due to the successful completion
49.15 of a predefined service such as an assessment, or if the client terminates the professional
49.16 relationship.

49.17 Subd. 4. **Recommendation upon termination.** (a) Upon termination of counseling
49.18 services, the provider shall make a recommendation for alcohol and drug counseling
49.19 services if requested by the client or if the provider believes the services are needed by
49.20 the client.

49.21 (b) A recommendation for alcohol and drug counseling services is not required if
49.22 the professional service provided is limited to an alcohol and drug assessment and a
49.23 recommendation for continued services is not requested.

49.24 Subd. 5. **Absence from practice.** Nothing in this section requires the provider to
49.25 terminate a client due to an absence from practice that is the result of a period of illness
49.26 or injury that does not affect the provider's ability to practice with reasonable skill and
49.27 safety, as long as arrangements have been made for temporary counseling services that
49.28 may be needed by the client during the provider's absence.

49.29 Sec. 31. **[148F.150] RECORD KEEPING.**

49.30 Subdivision 1. **Record-keeping requirements.** Providers must maintain accurate
49.31 and legible client records. Records must include, at a minimum:

49.32 (1) an accurate chronological listing of all substantive contacts with the client;

49.33 (2) documentation of services, including:

49.34 (i) assessment methods, data, and reports;

- 50.1 (ii) an initial treatment plan and any revisions to the plan;
50.2 (iii) the name of the individual providing services;
50.3 (iv) the name and credentials of the individual who is professionally responsible
50.4 for the services provided;
50.5 (v) case notes for each date of service, including interventions;
50.6 (vi) consultations with collateral sources;
50.7 (vii) diagnoses or presenting problems; and
50.8 (viii) documentation that informed consent was obtained, including written informed
50.9 consent documents;
50.10 (3) copies of all correspondence relevant to the client;
50.11 (4) a client personal data sheet;
50.12 (5) copies of all client authorizations for release of information;
50.13 (6) an accurate chronological listing of all fees charged, if any, to the client or
50.14 a third party payer; and
50.15 (7) any other documents pertaining to the client.

50.16 Subd. 2. **Duplicate records.** If the client records containing the documentation
50.17 required by subdivision 1 are maintained by the agency, clinic, or other facility where the
50.18 provider renders services, the provider is not required to maintain duplicate records of
50.19 client information.

50.20 Subd. 3. **Record retention.** The provider shall retain a client's record for a minimum
50.21 of seven years after the date of the provider's last professional service to the client, except
50.22 as otherwise provided by law. If the client is a minor, the record retention period does not
50.23 begin until the client reaches the age of 18, except as otherwise provided by law.

50.24 **Sec. 32. [148F.155] IMPAIRED OBJECTIVITY OR EFFECTIVENESS.**

50.25 Subdivision 1. **Situations involving impaired objectivity or effectiveness.** (a) An
50.26 alcohol and drug counselor must not provide alcohol and drug counseling services to a
50.27 client or potential client when the counselor's objectivity or effectiveness is impaired.

50.28 (b) The provider shall not provide alcohol and drug counseling services to a client
50.29 if doing so would create a multiple relationship. For purposes of this section, "multiple
50.30 relationship" means one that is both professional and:

- 50.31 (1) cohabitational;
50.32 (2) familial;
50.33 (3) one in which there has been personal involvement with the client or family
50.34 member of the client that is reasonably likely to adversely affect the client's welfare or
50.35 ability to benefit from services; or

51.1 (4) one in which there is significant financial involvement other than legitimate
51.2 payment for professional services rendered that is reasonably likely to adversely affect the
51.3 client's welfare or ability to benefit from services.

51.4 If an unforeseen multiple relationship arises after services have been initiated, the
51.5 provider shall promptly terminate the professional relationship.

51.6 (c) The provider shall not provide alcohol and drug counseling services to a client
51.7 who is also the provider's student or supervisee. If an unforeseen situation arises in which
51.8 both types of services are required or requested by the client or a third party, the provider
51.9 shall decline to provide the services.

51.10 (d) The provider shall not provide alcohol and drug counseling services to a client
51.11 when the provider is biased for or against the client for any reason that interferes with the
51.12 provider's impartial judgment, including where the client is a member of a class legally
51.13 protected from discrimination. The provider may provide services if the provider is
51.14 working to resolve the impairment in the manner required under subdivision 2.

51.15 (e) The provider shall not provide alcohol and drug counseling services to a client
51.16 when there is a fundamental divergence or conflict of service goals, interests, values,
51.17 or attitudes between the client and the provider that adversely affects the professional
51.18 relationship. The provider may provide services if the provider is working to resolve the
51.19 impairment in the manner required under subdivision 2.

51.20 Subd. 2. **Resolution of impaired objectivity or effectiveness.** (a) When an
51.21 impairment occurs that is listed in subdivision 1, paragraph (d) or (e), the provider may
51.22 provide services only if the provider actively pursues resolution of the impairment and is
51.23 able to do so in a manner that results in minimal adverse effects on the client or potential
51.24 client.

51.25 (b) If the provider attempts to resolve the impairment, it must be by means of
51.26 professional education, training, continuing education, consultation, psychotherapy,
51.27 intervention, supervision, or discussion with the client or potential client, or an appropriate
51.28 combination thereof.

51.29 **Sec. 33. [148F.160] PROVIDER IMPAIRMENT.**

51.30 The provider shall not provide counseling services to clients when the provider is
51.31 unable to provide services with reasonable skill and safety as a result of a physical or
51.32 mental illness or condition, including, but not limited to, substance abuse or dependence.
51.33 During the period the provider is unable to practice with reasonable skill and safety, the
51.34 provider shall either promptly terminate the professional relationship with all clients or

52.1 shall make arrangements for other alcohol and drug counselors to provide temporary
52.2 services during the provider's absence.

52.3 Sec. 34. **[148F.165] CLIENT WELFARE.**

52.4 Subdivision 1. **Explanation of procedures.** A client has the right to have, and a
52.5 counselor has the responsibility to provide, a nontechnical explanation of the nature and
52.6 purpose of the counseling procedures to be used and the results of tests administered to the
52.7 client. The counselor shall establish procedures to be followed if the explanation is to be
52.8 provided by another individual under the direction of the counselor.

52.9 Subd. 2. **Client bill of rights.** The client bill of rights required by section 144.652
52.10 shall be prominently displayed on the premises of the professional practice or provided
52.11 as a handout to each client. The document must state that consumers of alcohol and
52.12 drug counseling services have the right to:

52.13 (1) expect that the provider meets the minimum qualifications of training and
52.14 experience required by state law;

52.15 (2) examine public records maintained by the Board of Behavioral Health and
52.16 Therapy that contain the credentials of the provider;

52.17 (3) report complaints to the Board of Behavioral Health and Therapy;

52.18 (4) be informed of the cost of professional services before receiving the services;

52.19 (5) privacy as defined and limited by law and rule;

52.20 (6) be free from being the object of unlawful discrimination while receiving
52.21 counseling services;

52.22 (7) have access to their records as provided in sections 144.92 and 148F.135,
52.23 subdivision 1, except as otherwise provided by law;

52.24 (8) be free from exploitation for the benefit or advantage of the provider;

52.25 (9) terminate services at any time, except as otherwise provided by law or court
52.26 order;

52.27 (10) know the intended recipients of assessment results;

52.28 (11) withdraw consent to release assessment results, unless the right is prohibited by
52.29 law or court order or was waived by prior written agreement;

52.30 (12) a nontechnical description of assessment procedures; and

52.31 (13) a nontechnical explanation and interpretation of assessment results, unless this
52.32 right is prohibited by law or court order or was waived by prior written agreement.

52.33 Subd. 3. **Stereotyping.** The provider shall treat the client as an individual and
52.34 not impose on the client any stereotypes of behavior, values, or roles related to human
52.35 diversity.

53.1 Subd. 4. **Misuse of client relationship.** The provider shall not misuse the
53.2 relationship with a client due to a relationship with another individual or entity.

53.3 Subd. 5. **Exploitation of client.** The provider shall not exploit the professional
53.4 relationship with a client for the provider's emotional, financial, sexual, or personal
53.5 advantage or benefit. This prohibition extends to former clients who are vulnerable or
53.6 dependent on the provider.

53.7 Subd. 6. **Sexual behavior with client.** A provider shall not engage in any sexual
53.8 behavior with a client including:

53.9 (1) sexual contact, as defined in section 604.20, subdivision 7; or

53.10 (2) any physical, verbal, written, interactive, or electronic communication, conduct,
53.11 or act that may be reasonably interpreted to be sexually seductive, demeaning, or
53.12 harassing to the client.

53.13 Subd. 7. **Sexual behavior with a former client.** A provider shall not engage in any
53.14 sexual behavior as described in subdivision 6 within the two-year period following the
53.15 date of the last counseling service to a former client. This prohibition applies whether or
53.16 not the provider has formally terminated the professional relationship. This prohibition
53.17 extends indefinitely for a former client who is vulnerable or dependent on the provider.

53.18 Subd. 8. **Preferences and options for treatment.** A provider shall disclose to the
53.19 client the provider's preferences for choice of treatment or outcome and shall present other
53.20 options for the consideration or choice of the client.

53.21 Subd. 9. **Referrals.** A provider shall make a prompt and appropriate referral of the
53.22 client to another professional when requested to make a referral by the client.

53.23 Sec. 35. **[148F.170] WELFARE OF STUDENTS, SUPERVISEES, AND**
53.24 **RESEARCH SUBJECTS.**

53.25 Subdivision 1. **General.** Due to the evaluative, supervisory, or other authority that
53.26 providers who teach, evaluate, supervise, or conduct research have over their students,
53.27 supervisees, or research subjects, they shall protect the welfare of these individuals.

53.28 Subd. 2. **Student, supervisee, and research subject protections.** To protect the
53.29 welfare of their students, supervisees, or research subjects, providers shall not:

53.30 (1) discriminate on the basis of race, ethnicity, national origin, religious affiliation,
53.31 language, age, gender, physical disabilities, mental capabilities, sexual orientation or
53.32 identity, marital status, or socioeconomic status;

53.33 (2) exploit or misuse the professional relationship for the emotional, financial,
53.34 sexual, or personal advantage or benefit of the provider or another individual or entity;

- 54.1 (3) engage in any sexual behavior with a current student, supervisee, or research
54.2 subject, including sexual contact, as defined in section 604.20, subdivision 7, or any
54.3 physical, verbal, written, interactive, or electronic communication, conduct, or act that
54.4 may be reasonably interpreted to be sexually seductive, demeaning, or harassing. Nothing
54.5 in this part shall prohibit a provider from engaging in teaching or research with an
54.6 individual with whom the provider has a preexisting and ongoing sexual relationship;
54.7 (4) engage in any behavior likely to be deceptive or fraudulent;
54.8 (5) disclose evaluative information except for legitimate professional or scientific
54.9 purposes; or
54.10 (6) engage in any other unprofessional conduct.

54.11 Sec. 36. **[148F.175] MEDICAL AND OTHER HEALTH CARE**
54.12 **CONSIDERATIONS.**

54.13 **Subdivision 1. Coordinating services with other health care professionals.**
54.14 Upon initiating services, the provider shall inquire whether the client has a preexisting
54.15 relationship with another health care professional. If the client has such a relationship,
54.16 and it is relevant to the provider's services to the client, the provider shall, to the extent
54.17 possible and consistent with the wishes and best interests of the client, coordinate services
54.18 for the client with the other health care professional. This requirement does not apply if
54.19 brief crisis intervention services are provided.

54.20 **Subd. 2. Reviewing health care information.** If the provider determines that a
54.21 client's preexisting relationship with another health care professional is relevant to the
54.22 provider's services to the client, the provider shall, to the extent possible and consistent
54.23 with the wishes and best interests of the client, review this information with the treating
54.24 health care professional.

54.25 **Subd. 3. Relevant medical conditions.** If the provider believes that a client's
54.26 psychological condition may have medical etiology or consequence, the provider shall,
54.27 within the limits of the provider's competence, discuss this with the client and offer to
54.28 assist in identifying medical resources for the client.

54.29 Sec. 37. **[148F.180] ASSESSMENTS; TESTS; REPORTS.**

54.30 **Subdivision 1. Assessments.** Providers who conduct assessments of individuals
54.31 shall base their assessments on records, information, observations, and techniques
54.32 sufficient to substantiate their findings. They shall render opinions only after they
54.33 have conducted an examination of the individual adequate to support their statements
54.34 or conclusions, unless an examination is not practical despite reasonable efforts. An

55.1 assessment may be limited to reviewing records or providing testing services when an
55.2 individual examination is not necessary for the opinion requested.

55.3 Subd. 2. **Tests.** Providers may administer and interpret tests within the scope of the
55.4 counselor's training, skill, and competence.

55.5 Subd. 3. **Reports.** Written and oral reports, including testimony as an expert
55.6 witness and letters to third parties concerning a client, must be based on information and
55.7 techniques sufficient to substantiate their findings. Reports must include:

55.8 (1) a description of all assessments, evaluations, or other procedures, including
55.9 materials reviewed, which serve as a basis for the provider's conclusions;

55.10 (2) reservations or qualifications concerning the validity or reliability of the opinions
55.11 and conclusions formulated and recommendations made;

55.12 (3) a statement concerning any discrepancy, disagreement, or inconsistent or
55.13 conflicting information regarding the circumstances of the case that may have a bearing on
55.14 the provider's conclusions;

55.15 (4) a statement of the nature of and reason for the use of a test that is administered,
55.16 recorded, scored, or interpreted in other than a standard and objective manner; and

55.17 (5) a statement indicating when test interpretations or report conclusions are not
55.18 based on direct contact between the client and the provider.

55.19 Subd. 4. **Private information.** Test results and interpretations regarding an
55.20 individual are private information.

55.21 Sec. 38. **[148F.185] PUBLIC STATEMENTS.**

55.22 Subdivision 1. **Prohibition against false or misleading information.** Public
55.23 statements by providers must not include false or misleading information. Providers shall
55.24 not solicit or use testimonials by quotation or implication from current clients or former
55.25 clients who are vulnerable to undue influence. The provider shall make reasonable efforts
55.26 to ensure that public statements by others on behalf of the provider are truthful and shall
55.27 make reasonable remedial efforts to bring a public statement into compliance with sections
55.28 148F.120 to 148F.205 when the provider becomes aware of a violation.

55.29 Subd. 2. **Misrepresentation.** The provider shall not misrepresent directly or
55.30 by implication professional qualifications including education, training, experience,
55.31 competence, credentials, or areas of specialization. The provider shall not misrepresent,
55.32 directly or by implication, professional affiliations or the purposes and characteristics of
55.33 institutions and organizations with which the provider is professionally associated.

55.34 Subd. 3. **Use of specialty board designation.** Providers may represent themselves
55.35 as having an area of specialization from a specialty board, such as a designation as a

56.1 diplomate or fellow, if the specialty board used, at a minimum, the following criteria to
56.2 award such a designation:

- 56.3 (1) specified educational requirements defined by the specialty board;
56.4 (2) specified experience requirements defined by the specialty board;
56.5 (3) a work product evaluated by other specialty board members; and
56.6 (4) a face-to-face examination by a committee of specialty board members or a
56.7 comprehensive written examination in the area of specialization.

56.8 Sec. 39. **[148F.190] FEES; STATEMENTS.**

56.9 Subdivision 1. **Disclosure.** The provider shall disclose the fees for professional
56.10 services to a client before providing services.

56.11 Subd. 2. **Itemized statement.** The provider shall itemize fees for all services for
56.12 which the client or a third party is billed and make the itemized statement available to
56.13 the client. The statement shall identify the date the service was provided, the nature of
56.14 the service, the name of the individual who provided the service, and the name of the
56.15 individual who is professionally responsible for the service.

56.16 Subd. 3. **Representation of billed services.** The provider shall not directly or by
56.17 implication misrepresent to the client or to a third party billed for services the nature or the
56.18 extent of the services provided.

56.19 Subd. 4. **Claiming fees.** The provider shall not claim a fee for counseling services
56.20 unless the provider is either the direct provider of the services or is clinically responsible
56.21 for providing the services and under whose supervision the services were provided.

56.22 Subd. 5. **Referrals.** No commission, rebate, or other form of remuneration may be
56.23 given or received by a provider for the referral of clients for counseling services.

56.24 Sec. 40. **[148F.195] AIDING AND ABETTING UNLICENSED PRACTICE.**

56.25 A provider shall not aid or abet an unlicensed individual to engage in the practice of
56.26 alcohol and drug counseling. A provider who supervises a student as part of an alcohol
56.27 and drug counseling practicum is not in violation of this section. Properly qualified
56.28 individuals who administer and score testing instruments under the direction of a provider
56.29 who maintains responsibility for the service are not considered in violation of this section.

56.30 Sec. 41. **[148F.200] VIOLATION OF LAW.**

56.31 A provider shall not violate any law in which the facts giving rise to the violation
56.32 involve the practice of alcohol and drug counseling as defined in sections 148F.001 to
56.33 148F.205. In any board proceeding alleging a violation of this section, the proof of a

57.1 conviction of a crime constitutes proof of the underlying factual elements necessary to
57.2 that conviction.

57.3 Sec. 42. **[148F.205] COMPLAINTS TO BOARD.**

57.4 Subdivision 1. **Mandatory reporting requirements.** A provider is required to file a
57.5 complaint when the provider knows or has reason to believe that another provider:

57.6 (1) is unable to practice with reasonable skill and safety as a result of a physical or
57.7 mental illness or condition, including, but not limited to, substance abuse or dependence,
57.8 except that this mandated reporting requirement is deemed fulfilled by a report made
57.9 to the Health Professionals Services Program (HPSP) as provided by section 214.33,
57.10 subdivision 1;

57.11 (2) is engaging in or has engaged in sexual behavior with a client or former client in
57.12 violation of section 148F.165, subdivision 6 or 7;

57.13 (3) has failed to report abuse or neglect of children or vulnerable adults in violation
57.14 of section 626.556 or 626.557; or

57.15 (4) has employed fraud or deception in obtaining or renewing an alcohol and drug
57.16 counseling license.

57.17 Subd. 2. **Optional reporting requirements.** Other than conduct listed in
57.18 subdivision 1, a provider who has reason to believe that the conduct of another provider
57.19 appears to be in violation of sections 148F.001 to 148F.205 may file a complaint with
57.20 the board.

57.21 Subd. 3. **Institutions.** A state agency, political subdivision, agency of a local unit
57.22 of government, private agency, hospital, clinic, prepaid medical plan, or other health
57.23 care institution or organization located in this state shall report to the board any action
57.24 taken by the agency, institution, or organization or any of its administrators or medical
57.25 or other committees to revoke, suspend, restrict, or condition an alcohol and drug
57.26 counselor's privilege to practice or treat patients or clients in the institution, or as part of
57.27 the organization, any denial of privileges, or any other disciplinary action for conduct that
57.28 might constitute grounds for disciplinary action by the board under sections 148F.001
57.29 to 148F.205. The institution, organization, or governmental entity shall also report the
57.30 resignation of any alcohol and drug counselors before the conclusion of any disciplinary
57.31 action proceeding for conduct that might constitute grounds for disciplinary action under
57.32 this chapter, or before the commencement of formal charges but after the practitioner had
57.33 knowledge that formal charges were contemplated or were being prepared.

57.34 Subd. 4. **Professional societies.** A state or local professional society for alcohol and
57.35 drug counselors shall report to the board any termination, revocation, or suspension of

58.1 membership or any other disciplinary action taken against an alcohol and drug counselor.
58.2 If the society has received a complaint that might be grounds for discipline under this
58.3 chapter against a member on which it has not taken any disciplinary action, the society
58.4 shall report the complaint and the reason why it has not taken action on it or shall direct
58.5 the complainant to the board.

58.6 Subd. 5. **Insurers.** Each insurer authorized to sell insurance described in section
58.7 60A.06, subdivision 1, clause (13), and providing professional liability insurance to
58.8 alcohol and drug counselors or the Medical Joint Underwriting Association under chapter
58.9 62F, shall submit to the board quarterly reports concerning the alcohol and drug counselors
58.10 against whom malpractice settlements and awards have been made. The report must
58.11 contain at least the following information:

58.12 (1) the total number of malpractice settlements or awards made;

58.13 (2) the date the malpractice settlements or awards were made;

58.14 (3) the allegations contained in the claim or complaint leading to the settlements or
58.15 awards made;

58.16 (4) the dollar amount of each settlement or award;

58.17 (5) the address of the practice of the alcohol and drug counselor against whom an
58.18 award was made or with whom a settlement was made; and

58.19 (6) the name of the alcohol and drug counselor against whom an award was made or
58.20 with whom a settlement was made. The insurance company shall, in addition to the above
58.21 information, submit to the board any information, records, and files, including clients'
58.22 charts and records, it possesses that tend to substantiate a charge that a licensed alcohol
58.23 and drug counselor may have engaged in conduct violating this chapter.

58.24 Subd. 6. **Self-reporting.** An alcohol and drug counselor shall report to the board
58.25 any personal action that would require that a report be filed with the board by any person,
58.26 health care facility, business, or organization under subdivisions 1 and 3 to 5. The alcohol
58.27 and drug counselor shall also report the revocation, suspension, restriction, limitation,
58.28 or other disciplinary action in this state and report the filing of charges regarding the
58.29 practitioner's license or right of practice in another state or jurisdiction.

58.30 Subd. 7. **Permission to report.** A person who has knowledge of any conduct
58.31 constituting grounds for disciplinary action relating to the practice of alcohol and drug
58.32 counseling under this chapter may report the violation to the board.

58.33 Subd. 8. **Client complaints to the board.** A provider shall, upon request, provide
58.34 information regarding the procedure for filing a complaint with the board and shall, upon
58.35 request, assist with filing a complaint. A provider shall not attempt to dissuade a client

59.1 from filing a complaint with the board, or require that the client waive the right to file a
59.2 complaint with the board as a condition for providing services.

59.3 Subd. 9. **Deadlines; forms.** Reports required by subdivisions 1 and 3 to 6 must be
59.4 submitted no later than 30 days after the reporter learns of the occurrence of the reportable
59.5 event or transaction. The board may provide forms for the submission of the reports
59.6 required by this section and may require that reports be submitted on the forms provided.

59.7 Sec. 43. **REPORT; BOARD OF BEHAVIORAL HEALTH AND THERAPY.**

59.8 (a) The Board of Behavioral Health and Therapy shall convene a working group
59.9 to evaluate the feasibility of a tiered licensure system for alcohol and drug counselors in
59.10 Minnesota. This evaluation shall include proposed scopes of practice for each tier, specific
59.11 degree and other education and examination requirements for each tier, the clinical
59.12 settings in which each tier of practitioner would be utilized, and any other issues the
59.13 board deems necessary.

59.14 (b) Members of the working group shall include, but not be limited to, members of
59.15 the board, licensed alcohol and drug counselors, alcohol and drug counselor temporary
59.16 permit holders, faculty members from two- and four-year education programs, professional
59.17 organizations, and employers.

59.18 (c) The board shall present its written report, including any proposed legislation, to
59.19 the chairs and ranking minority members of the legislative committees with jurisdiction
59.20 over health and human services no later than December 15, 2015.

59.21 (d) The working group is not subject to the provisions of Minnesota Statutes,
59.22 section 15.059.

59.23 Sec. 44. **REVISOR'S INSTRUCTION.**

59.24 The revisor of statutes shall consult with the Board of Behavioral Health and
59.25 Therapy to make any necessary cross-reference changes that are needed as a result of the
59.26 passage of this act.

59.27 Sec. 45. **REPEALER.**

59.28 (a) Minnesota Statutes 2010, sections 148C.01, subdivisions 1, 1a, 2, 2a, 2b, 2c,
59.29 2d, 2e, 2f, 2g, 4, 4a, 5, 7, 9, 10, 11, 11a, 12, 12a, 13, 14, 15, 16, 17, and 18; 148C.015;
59.30 148C.03, subdivisions 1 and 4; 148C.0351, subdivisions 1, 3, and 4; 148C.0355; 148C.04,
59.31 subdivisions 1, 2, 3, 4, 5a, 6, and 7; 148C.044; 148C.045; 148C.05, subdivisions 1, 1a, 5,
59.32 and 6; 148C.055; 148C.07; 148C.075; 148C.08; 148C.09, subdivisions 1, 1a, 2, and 4;

60.1 148C.091; 148C.093; 148C.095; 148C.099; 148C.10, subdivisions 1, 2, and 3; 148C.11;
60.2 and 148C.12, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, are repealed.

60.3 (b) Minnesota Rules, parts 4747.0010; 4747.0020; 4747.0030, subparts 1, 2, 3,
60.4 4, 5, 7, 8, 9, 10, 15, 17, 18, 20, 21, 22, 24, and 29; 4747.0040; 4747.0050; 4747.0060;
60.5 4747.0070, subparts 1, 2, 3, and 6; 4747.0200; 4747.0400, subpart 1; 4747.0700;
60.6 4747.0800; 4747.0900; 4747.1100, subparts 1, 4, 5, 6, 7, 8, and 9; 4747.1400, subparts
60.7 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, and 13; 4747.1500; 6310.3100, subpart 2; 6310.3600;
60.8 and 6310.3700, subpart 1, are repealed.

60.9 Sec. 46. **EFFECTIVE DATE.**

60.10 This article is effective August 1, 2012.

60.11 **ARTICLE 3**

60.12 **LICENSED PROFESSIONAL COUNSELING**

60.13 Section 1. Minnesota Statutes 2010, section 148B.5301, subdivision 1, is amended to
60.14 read:

60.15 Subdivision 1. **General requirements.** (a) To be licensed as a licensed professional
60.16 clinical counselor (LPCC), an applicant must provide satisfactory evidence to the board
60.17 that the applicant:

60.18 (1) is at least 18 years of age;

60.19 (2) is of good moral character;

60.20 (3) has completed a master's or doctoral degree program in counseling or a
60.21 related field, as determined by the board based on the criteria in items (i) to (x), that
60.22 includes a minimum of 48 semester hours or 72 quarter hours and a supervised field
60.23 experience in counseling that is not fewer than 700 hours. The degree must be from
60.24 a counseling program recognized by the Council for Accreditation of Counseling and
60.25 Related Education Programs (CACREP) or from an institution of higher education that is
60.26 accredited by a regional accrediting organization recognized by the Council for Higher
60.27 Education Accreditation (CHEA). Specific academic course content and training must
60.28 include coursework in each of the following subject areas:

60.29 (i) helping relationship, including counseling theory and practice;

60.30 (ii) human growth and development;

60.31 (iii) lifestyle and career development;

60.32 (iv) group dynamics, processes, counseling, and consulting;

60.33 (v) assessment and appraisal;

60.34 (vi) social and cultural foundations, including multicultural issues;

61.1 (vii) principles of etiology, treatment planning, and prevention of mental and
61.2 emotional disorders and dysfunctional behavior;

61.3 (viii) family counseling and therapy;

61.4 (ix) research and evaluation; and

61.5 (x) professional counseling orientation and ethics;

61.6 (4) has demonstrated competence in professional counseling by passing the National
61.7 Clinical Mental Health Counseling Examination (NCMHCE), administered by the
61.8 National Board for Certified Counselors, Inc. (NBCC) and ethical, oral, and situational
61.9 examinations as prescribed by the board. ~~In lieu of the NCMHCE, applicants who have
61.10 taken and passed the National Counselor Examination (NCE) administered by the NBCC,
61.11 or another board-approved examination, need only take and pass the Examination of
61.12 Clinical Counseling Practice (ECCP) administered by the NBCC;~~

61.13 (5) has earned graduate-level semester credits or quarter-credit equivalents in the
61.14 following clinical content areas as follows:

61.15 (i) six credits in diagnostic assessment for child or adult mental disorders; normative
61.16 development; and psychopathology, including developmental psychopathology;

61.17 (ii) three credits in clinical treatment planning, with measurable goals;

61.18 (iii) six credits in clinical intervention methods informed by research evidence and
61.19 community standards of practice;

61.20 (iv) three credits in evaluation methodologies regarding the effectiveness of
61.21 interventions;

61.22 (v) three credits in professional ethics applied to clinical practice; and

61.23 (vi) three credits in cultural diversity; and

61.24 (6) has demonstrated successful completion of 4,000 hours of supervised,
61.25 post-master's degree professional practice in the delivery of clinical services in the
61.26 diagnosis and treatment of child and adult mental illnesses and disorders, conducted
61.27 according to subdivision 2.

61.28 (b) If coursework in paragraph (a) was not completed as part of the degree program
61.29 required by paragraph (a), clause (3), the coursework must be taken and passed for credit,
61.30 and must be earned from a counseling program or institution that meets the requirements
61.31 of paragraph (a), clause (3).

61.32 Sec. 2. Minnesota Statutes 2010, section 148B.5301, is amended by adding a
61.33 subdivision to read:

61.34 **Subd. 3a. Conversion from licensed professional counselor to licensed**
61.35 **professional clinical counselor.** (a) Until August 1, 2014, an individual currently licensed

62.1 in the state of Minnesota as a licensed professional counselor may convert to a LPCC by
62.2 providing evidence satisfactory to the board that the applicant has met the following
62.3 requirements:

62.4 (1) is at least 18 years of age;

62.5 (2) is of good moral character;

62.6 (3) has a license that is active and in good standing;

62.7 (4) has no complaints pending, uncompleted disciplinary orders, or corrective
62.8 action agreements;

62.9 (5) has completed a master's or doctoral degree program in counseling or a related
62.10 field, as determined by the board, and whose degree was from a counseling program
62.11 recognized by CACREP or from an institution of higher education that is accredited by a
62.12 regional accrediting organization recognized by CHEA;

62.13 (6) has earned 24 graduate-level semester credits or quarter-credit equivalents in
62.14 clinical coursework which includes content in the following clinical areas:

62.15 (i) diagnostic assessment for child and adult mental disorders; normative
62.16 development; and psychopathology, including developmental psychopathology;

62.17 (ii) clinical treatment planning, with measurable goals;

62.18 (iii) clinical intervention methods informed by research evidence and community
62.19 standards of practice;

62.20 (iv) evaluation methodologies regarding the effectiveness of interventions;

62.21 (v) professional ethics applied to clinical practice; and

62.22 (vi) cultural diversity;

62.23 (7) has demonstrated, to the satisfaction of the board, successful completion of
62.24 4,000 hours of supervised, post-master's degree professional practice in the delivery of
62.25 clinical services in the diagnosis and treatment of child and adult mental illnesses and
62.26 disorders; and

62.27 (8) has paid the LPCC application and licensure fees required in section 148B.53,
62.28 subdivision 3.

62.29 (b) If the coursework in paragraph (a) was not completed as part of the degree
62.30 program required by paragraph (a), clause (5), the coursework must be taken and passed
62.31 for credit, and must be earned from a counseling program or institution that meets the
62.32 requirements in paragraph (a), clause (5).

62.33 (c) This subdivision expires August 1, 2014.

62.34 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2011.

62.35 Sec. 3. Minnesota Statutes 2010, section 148B.5301, subdivision 4, is amended to read:

63.1 Subd. 4. **Conversion to licensed professional clinical counselor after August**
63.2 **1, ~~2011~~ 2014.** After August 1, 2014, an individual licensed in the state of Minnesota
63.3 as a licensed professional counselor may convert to a LPCC by providing evidence
63.4 satisfactory to the board that the applicant has met the requirements of subdivisions 1
63.5 and 2, subject to the following:

63.6 (1) the individual's license must be active and in good standing;

63.7 (2) the individual must not have any complaints pending, uncompleted disciplinary
63.8 orders, or corrective action agreements; and

63.9 (3) the individual has paid the LPCC application and licensure fees required in
63.10 section 148B.53, subdivision 3.

63.11 Sec. 4. Minnesota Statutes 2010, section 148B.54, subdivision 2, is amended to read:

63.12 Subd. 2. **Continuing education.** At the completion of the first four years of
63.13 licensure, a licensee must provide evidence satisfactory to the board of completion of
63.14 12 additional postgraduate semester credit hours or its equivalent in counseling as
63.15 determined by the board, except that no licensee shall be required to show evidence of
63.16 greater than 60 semester hours or its equivalent. In addition to completing the requisite
63.17 graduate coursework, each licensee shall also complete in the first four years of licensure
63.18 a minimum of 40 hours of continuing education activities approved by the board under
63.19 Minnesota Rules, part 2150.2540. Graduate credit hours successfully completed in the
63.20 first four years of licensure may be applied to both the graduate credit requirement and to
63.21 the requirement for 40 hours of continuing education activities. A licensee may receive 15
63.22 continuing education hours per semester credit hour or ten continuing education hours
63.23 per quarter credit hour. Thereafter, at the time of renewal, each licensee shall provide
63.24 evidence satisfactory to the board that the licensee has completed during each two-year
63.25 period at least the equivalent of 40 clock hours of professional postdegree continuing
63.26 education in programs approved by the board and continues to be qualified to practice
63.27 under sections 148B.50 to 148B.593.

63.28 Sec. 5. Minnesota Statutes 2010, section 148B.54, subdivision 3, is amended to read:

63.29 Subd. 3. **Relicensure following termination.** An individual whose license was
63.30 terminated ~~prior to August 1, 2010,~~ and who can demonstrate completion of the graduate
63.31 credit requirement in subdivision 2, does not need to comply with the continuing education
63.32 requirement of Minnesota Rules, part 2150.2520, subpart 4, or with the continuing
63.33 education requirements for relicensure following termination in Minnesota Rules, part

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64.1 2150.0130, subpart 2. This section does not apply to an individual whose license has
64.2 been canceled.

64.3 Sec. 6. **EFFECTIVE DATE.**

64.4 Sections 1 to 5 are effective August 1, 2012, unless a different effective date is
64.5 specified.

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Article locations in S0753-3

ARTICLE 1	SOCIAL WORKERS	Page.Ln 1.25
ARTICLE 2	ALCOHOL AND DRUG COUNSELORS	Page.Ln 18.17
ARTICLE 3	LICENSED PROFESSIONAL COUNSELING	Page.Ln 60.11

148C.01 DEFINITIONS.

Subdivision 1. **Definitions.** For the purposes of sections 148C.01 to 148C.11 and 595.02, subdivision 1, the following terms have the meanings given them.

Subd. 1a. **Accrediting association.** "Accrediting association" means an organization recognized by the board that evaluates schools and education programs of alcohol and drug counseling or is listed in Nationally Recognized Accrediting Agencies and Associations, Criteria and Procedures for Listing by the U.S. Secretary of Education and Current List (1996), which is incorporated by reference.

Subd. 2. **Alcohol and drug counselor.** "Alcohol and drug counselor" or "counselor" means a person who:

(1) uses, as a representation to the public, any title, initials, or description of services incorporating the words "alcohol and drug counselor";

(2) offers to render professional alcohol and drug counseling services relative to the abuse of or the dependency on alcohol or other drugs to the general public or groups, organizations, corporations, institutions, or government agencies for compensation, implying that the person is licensed and trained, experienced or expert in alcohol and drug counseling;

(3) holds a valid license issued under this chapter to engage in the practice of alcohol and drug counseling; or

(4) is an applicant for an alcohol and drug counseling license.

Subd. 2a. **Alcohol and drug counselor academic course work.** "Alcohol and drug counselor academic course work" means classroom education, which is directly related to alcohol and drug counseling and meets the requirements of section 148C.04, subdivision 5a, and is taken through an accredited school or educational program.

Subd. 2b. **Alcohol and drug counselor continuing education activity.** "Alcohol and drug counselor continuing education activity" means clock hours that meet the requirements of section 148C.075 and Minnesota Rules, part 4747.1100, and are obtained by a licensee at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home study courses. A home study course need not be provided by an accredited school or education program to meet continuing education requirements.

Subd. 2c. **Alcohol and drug counselor technician.** "Alcohol and drug counselor technician" means a person not licensed as an alcohol and drug counselor who is performing acts authorized under section 148C.045.

Subd. 2d. **Alcohol and drug counselor training.** "Alcohol and drug counselor training" means clock hours obtained by an applicant at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home study courses. Clock hours obtained from accredited schools or education programs must be measured under Minnesota Rules, part 4747.1100, subpart 5.

Subd. 2e. **Board.** "Board" means the Board of Behavioral Health and Therapy established by section 148B.51.

Subd. 2f. **Clock hour.** "Clock hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subd. 2g. **Credential.** "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of an occupation.

Subd. 4. **Dependency.** "Dependency" means a maladaptive pattern of substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:

(a) tolerance, as defined by either of the following:

(1) a need for markedly increased amounts of the substance to achieve intoxication or desired effect; or

(2) a markedly diminished effect with continued use of the same amount of the substance;

(b) withdrawal, as manifested by either of the following:

(1) the characteristic withdrawal syndrome for the substance, as referred to in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders; or

(2) the same or closely related substance is taken to relieve or avoid withdrawal symptoms;

(c) the substance is often taken in larger amounts or over a longer period than was intended;

(d) a persistent desire or unsuccessful efforts to cut down or control substance use;

(e) a great deal of time is spent in activities necessary to obtain the substance, use the substance, or recover from its effects;

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(f) important social, occupational, or recreational activities are given up or reduced because of the substance use; or

(g) substance use continues despite knowledge of having had a persistent or recurrent physical or psychological problem that was likely to have been caused or exacerbated by the substance.

Subd. 4a. **Licensee.** "Licensee" means a person who holds a valid license under this chapter.

Subd. 5. **Abuse.** "Abuse" means a maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by one or more of the following occurring at any time during the same 12-month period:

(1) recurrent substance use resulting in a failure to fulfill major role obligations at work, school, or home;

(2) recurrent substance use in situations in which it is physically hazardous;

(3) recurrent substance-related legal problems; and

(4) continued substance use despite having persistent or recurrent social or interpersonal problems caused or exacerbated by the effects of the substance.

For substance use to be considered abuse, the individual must never have met the criteria for dependence in subdivision 4 for the class of substance in question.

Subd. 7. **Accredited school or educational program.** "Accredited school or educational program" means a school of alcohol and drug counseling, university, college, or other postsecondary education program that, at the time the student completes the program, is accredited by a regional accrediting association whose standards are substantially equivalent to those of the North Central Association of Colleges and Postsecondary Education Institutions or an accrediting association that evaluates schools of alcohol and drug counseling for inclusion of the education, practicum, and core function standards in this chapter.

Subd. 9. **Core functions.** "Core functions" means the following services provided in alcohol and drug treatment:

(1) "Screening" means the process by which a client is determined appropriate and eligible for admission to a particular program.

(2) "Intake" means the administrative and initial assessment procedures for admission to a program.

(3) "Orientation" means describing to the client the general nature and goals of the program; rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program; in a nonresidential program, the hours during which services are available; treatment costs to be borne by the client, if any; and client's rights.

(4) "Assessment" means those procedures by which a counselor identifies and evaluates an individual's strengths, weaknesses, problems, and needs to develop a treatment plan or make recommendations for level of care placement.

(5) "Treatment planning" means the process by which the counselor and the client identify and rank problems needing resolution; establish agreed-upon immediate and long-term goals; and decide on a treatment process and the sources to be utilized.

(6) "Counseling" means the utilization of special skills to assist individuals, families, or groups in achieving objectives through exploration of a problem and its ramifications; examination of attitudes and feelings; consideration of alternative solutions; and decision making.

(7) "Case management" means activities which bring services, agencies, resources, or people together within a planned framework of action toward the achievement of established goals.

(8) "Crisis intervention" means those services which respond to an alcohol or other drug user's needs during acute emotional or physical distress.

(9) "Client education" means the provision of information to clients who are receiving or seeking counseling concerning alcohol and other drug abuse and the available services and resources.

(10) "Referral" means identifying the needs of the client which cannot be met by the counselor or agency and assisting the client to utilize the support systems and available community resources.

(11) "Reports and record keeping" means charting the results of the assessment and treatment plan, writing reports, progress notes, discharge summaries, and other client-related data.

(12) "Consultation with other professionals regarding client treatment and services" means communicating with other professionals in regard to client treatment and services to assure comprehensive, quality care for the client.

Subd. 10. **Practice of alcohol and drug counseling.** "Practice of alcohol and drug counseling" means the observation, description, evaluation, interpretation, and modification of human behavior as it relates to the harmful or pathological use or abuse of alcohol or other drugs by the application of the core functions. The practice of alcohol and drug counseling

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includes, but is not limited to, the following activities, regardless of whether the counselor receives compensation for the activities:

- (1) assisting clients who use alcohol or drugs, evaluating that use, and recognizing dependency if it exists;
- (2) assisting clients with alcohol or other drug problems to gain insight and motivation aimed at resolving those problems;
- (3) providing experienced professional guidance, assistance, and support for the client's efforts to develop and maintain a responsible functional lifestyle;
- (4) recognizing problems outside the scope of the counselor's training, skill, or competence and referring the client to other appropriate professional services;
- (5) assessing the level of alcohol or other drug use involvement;
- (6) individual planning to prevent a return to harmful alcohol or chemical use;
- (7) alcohol and other drug abuse education for clients;
- (8) consultation with other professionals;
- (9) gaining cultural competence through ongoing training and education according to standards established by rule; and
- (10) providing the above services, as needed, to family members or others who are directly affected by someone using alcohol or other drugs.

Subd. 11. **Sexual contact.** "Sexual contact" means contact as defined in section 604.20 with a client or former client, or engaging in contact that may reasonably be interpreted by a client as sexual, or engaging in any verbal behavior that is seductive or sexually demeaning to the client, or engaging in sexual exploitation of a client or former client.

Subd. 11a. **Student.** "Student" means a person enrolled in an alcohol and drug counselor education program at an accredited school or educational program and earning a minimum of nine semester credits per calendar year towards completion of an associate's, bachelor's, master's, or doctorate degree requirements that include an additional 18 semester credits or 270 clock hours of alcohol and drug counseling specific course work and 440 clock hours of practicum.

Subd. 12. **Supervised alcohol and drug counselor.** "Supervised alcohol and drug counselor" means a student, either before, during, or after the student completes a program from an accredited school or educational program of alcohol and drug counseling, an intern, or a person issued a temporary permit under section 148C.04, subdivision 4, and who is supervised by a person either licensed under this chapter or exempt under its provisions.

Subd. 12a. **Supervisor.** "Supervisor" means a licensed alcohol and drug counselor licensed under this chapter or other licensed professional practicing alcohol and drug counseling under section 148C.11 who monitors activities of and accepts legal liability for the person practicing under supervision. A supervisor shall supervise no more than three trainees practicing under section 148C.04, subdivision 6.

Subd. 13. **Alcohol and drug counseling practicum.** "Alcohol and drug counseling practicum" means formal experience gained by a student and supervised by a person either licensed under this chapter or exempt under its provisions, in an accredited school or educational program of alcohol and drug counseling as part of the education requirements of this chapter.

Subd. 14. **Applicant.** "Applicant" means a person seeking a license under this chapter.

Subd. 15. **Client.** "Client" means an individual who is the recipient of any of the alcohol and drug counseling services described in this section.

Subd. 16. **Compensation.** "Compensation" means a fee, salary, reward, payment, or the expectation of payment from a client or a client's agent, insurer, employer, or other representative for providing alcohol and drug counseling services. Compensation does not include bartering for services.

Subd. 17. **Alcohol and drug counselor internship.** "Alcohol and drug counselor internship" means supervised, practical, on-the-job training as an intern, volunteer, or employee in alcohol and drug counseling.

Subd. 18. **Psychometrically valid and reliable.** "Psychometrically valid and reliable" means developed on the basis of role delineation, validation, reliability, passing point, and sensitivity review factors, according to generally accepted standards.

148C.015 SCOPE; DEFINITIONS.

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Before engaging in the practice of alcohol and drug counseling as defined in section 148C.01, all persons, except as provided in section 148C.11, regardless of their titles, must obtain a license as provided in this chapter.

148C.03 DUTIES OF BOARD.

Subdivision 1. **General.** The board shall:

- (a) adopt and enforce rules for licensure of alcohol and drug counselors, including establishing standards and methods of determining whether applicants and licensees are qualified under section 148C.04. The rules must provide for examinations and establish standards for the regulation of professional conduct. The rules must be designed to protect the public;
- (b) issue licenses to individuals qualified under sections 148C.01 to 148C.11;
- (c) issue copies of the rules for licensure to all applicants;
- (d) adopt rules to establish and implement procedures, including a standard disciplinary process and rules of professional conduct;
- (e) carry out disciplinary actions against licensees;
- (f) establish written internal operating procedures for receiving and investigating complaints and for taking disciplinary actions as appropriate;
- (g) educate the public about the existence and content of the rules for alcohol and drug counselor licensing to enable consumers to file complaints against licensees who may have violated the rules;
- (h) evaluate the rules in order to refine and improve the methods used to enforce the board's standards; and
- (i) collect license fees for alcohol and drug counselors.

Subd. 4. **Professional accountability.** The board shall maintain and keep current a file containing the reports and complaints filed against alcohol and drug counselors within the board's jurisdiction.

148C.0351 PROCEDURES FOR ADMISSION TO LICENSURE.

Subdivision 1. **Application forms.** Unless exempted under section 148C.11, a person who practices alcohol and drug counseling in Minnesota must:

- (1) apply to the board for a license to practice alcohol and drug counseling on forms provided by the board;
- (2) include with the application a statement that the statements in the application are true and correct to the best of the applicant's knowledge and belief;
- (3) include with the application a nonrefundable application fee specified in section 148C.12;
- (4) include with the application information describing the applicant's experience, including the number of years and months the applicant has practiced alcohol and drug counseling as defined in section 148C.01;
- (5) include with the application the applicant's business address and telephone number, or home address and telephone number if the applicant conducts business out of the home, and if applicable, the name of the applicant's supervisor, manager, and employer;
- (6) include with the application a written and signed authorization for the board to make inquiries to appropriate state regulatory agencies and private credentialing organizations in this or any other state where the applicant has practiced alcohol and drug counseling; and
- (7) complete the application in sufficient detail for the board to determine whether the applicant meets the requirements for filing. The board may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

Subd. 3. **Requirement to maintain current information.** An alcohol and drug counselor must notify the board within 30 days of the occurrence of any of the following:

- (1) a change of name, address, place of employment, and home or business telephone number; and
- (2) a settlement or award based on negligent or intentional acts committed in providing alcohol and drug counseling services.

Subd. 4. **Initial license; term.** (a) An initial license is effective on the date the board indicates on the license certificate, with the license number, sent to the applicant upon approval of the application.

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(b) An initial license is valid for a period beginning with the effective date in paragraph (a) and ending on the date specified by the board on the license certificate placing the applicant in an existing two-year renewal cycle, as established under section 148C.05, subdivision 1.

148C.0355 BOARD ACTION ON APPLICATIONS FOR LICENSURE.

The board shall act on each application for licensure within 90 days from the date the completed application and all required information is received by the board. The board shall determine if the applicant meets the requirements for licensure and whether there are grounds for denial of licensure under this chapter. If the board denies an application on grounds other than the applicant's failure of an examination, the board shall:

(1) notify the applicant, in writing, of the denial and the reason for the denial and provide the applicant 30 days from the date of the letter informing the applicant of the denial in which the applicant may provide additional information to address the reasons for the denial. If the applicant does not respond in writing to the board within the 30-day period, the denial is final. If the board receives additional information, the board shall review it and make a final determination thereafter;

(2) notify the applicant that an application submitted following denial is a new application and must be accompanied by the appropriate fee as specified in section 148C.12; and

(3) notify the applicant of the right to request a hearing under chapter 14.

148C.04 REQUIREMENTS FOR LICENSURE.

Subdivision 1. **General requirements.** The board shall issue licenses to the individuals qualified under this chapter to practice alcohol and drug counseling.

Subd. 2. **Fee.** Each applicant shall pay a nonrefundable fee as specified in section 148C.12. Fees paid to the board shall be deposited in the special revenue fund.

Subd. 3. **Requirements for licensure before July 1, 2008.** An applicant for a license must furnish evidence satisfactory to the board that the applicant has met all the requirements in clauses (1) to (3). The applicant must have:

(1) received an associate degree, or an equivalent number of credit hours, and a certificate in alcohol and drug counseling, including 18 semester credits or 270 clock hours of academic course work in accordance with subdivision 5a, paragraph (a), from an accredited school or educational program and 880 clock hours of supervised alcohol and drug counseling practicum;

(2) completed one of the following:

(i) a written case presentation and satisfactorily passed an oral examination that demonstrates competence in the core functions as determined by the board; or

(ii) satisfactorily completed 2,000 hours of supervised postdegree equivalent professional practice in accordance with section 148C.044; and

(3) satisfactorily passed written examinations for licensure as determined by the board.

Subd. 4. **Requirements for licensure after July 1, 2008.** An applicant for a license must submit evidence to the board that the applicant has met one of the following requirements:

(1) the applicant must have:

(i) received a bachelor's degree from an accredited school or educational program, including 18 semester credits or 270 clock hours of academic course work in accordance with subdivision 5a, paragraph (a), from an accredited school or educational program and 880 clock hours of supervised alcohol and drug counseling practicum;

(ii) completed a written case presentation and satisfactorily passed an oral examination that demonstrates competence in the core functions as determined by the board; or submitted to the board a plan for supervision during the first 2,000 hours of professional practice, or submitted proof of supervised professional practice that is acceptable to the board; and

(iii) satisfactorily passed written examinations as determined by the board established by the board; or

(2) the applicant must meet the requirements of section 148C.07.

Subd. 5a. **Academic course work.** (a) Minimum academic course work requirements for licensure as referred to under subdivision 3, clause (1), and subdivision 4, clause (1), item (i), must be in the following areas:

(1) overview of alcohol and drug counseling focusing on the transdisciplinary foundations of alcohol and drug counseling and providing an understanding of theories of chemical dependency, the continuum of care, and the process of change;

(2) pharmacology of substance abuse disorders and the dynamics of addiction;

(3) screening, intake, assessment, and treatment planning;

(4) counseling theory and practice, crisis intervention, orientation, and client education;

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(5) case management, consultation, referral, treatment planning, reporting, record keeping, and professional and ethical responsibilities; and

(6) multicultural aspects of chemical dependency to include awareness of learning outcomes described in Minnesota Rules, part 4747.1100, subpart 2, and the ability to know when consultation is needed.

(b) Advanced academic course work includes, at a minimum, the course work required in paragraph (a) and additional course work in the following areas:

- (1) advanced study in the areas listed in paragraph (a);
- (2) chemical dependency and the family;
- (3) treating substance abuse disorders in culturally diverse and identified populations;
- (4) dual diagnoses/co-occurring disorders with substance abuse disorders; and
- (5) ethics and chemical dependency.

Subd. 6. Temporary permit requirements. (a) The board shall issue a temporary permit to practice alcohol and drug counseling prior to being licensed under this chapter if the person:

(1) either:

(i) submits verification of a current and unrestricted credential for the practice of alcohol and drug counseling from a national certification body or a certification or licensing body from another state, United States territory, or federally recognized tribal authority;

(ii) submits verification of the completion of at least 64 semester credits, including 270 clock hours or 18 semester credits of formal classroom education in alcohol and drug counseling and at least 880 clock hours of alcohol and drug counseling practicum from an accredited school or educational program;

(iii) applies to renew a lapsed license according to the requirements of section 148C.055, subdivision 3, clauses (1) and (2), or section 148C.055, subdivision 4, clauses (1) and (2); or

(iv) meets the requirements of section 148C.11, subdivision 1, paragraph (c), or 6, clauses (1), (2), and (5);

(2) applies, in writing, on an application form provided by the board, which includes the nonrefundable temporary permit fee as specified in section 148C.12 and an affirmation by the person's supervisor, as defined in paragraph (c), clause (1), which is signed and dated by the person and the person's supervisor; and

(3) has not been disqualified to practice temporarily on the basis of a background investigation under section 148C.09, subdivision 1a.

(b) The board must notify the person in writing within 90 days from the date the completed application and all required information is received by the board whether the person is qualified to practice under this subdivision.

(c) A person practicing under this subdivision:

(1) may practice under tribal jurisdiction or under the direct supervision of a person who is licensed under this chapter;

(2) is subject to the Rules of Professional Conduct set by rule; and

(3) is not subject to the continuing education requirements of section 148C.075.

(d) A person practicing under this subdivision must use the title or description stating or implying that the person is a trainee engaged in the practice of alcohol and drug counseling.

(e) A person practicing under this subdivision must annually submit a renewal application on forms provided by the board with the renewal fee required in section 148C.12, subdivision 3, and the board may renew the temporary permit if the trainee meets the requirements of this subdivision. A trainee may renew a practice permit no more than five times.

(f) A temporary permit expires if not renewed, upon a change of employment of the trainee or upon a change in supervision, or upon the granting or denial by the board of a license.

Subd. 7. Effect and suspension of temporary permit. Approval of a person's application for temporary permit creates no rights to or expectation of approval from the board for licensure as an alcohol and drug counselor. The board may suspend or restrict a person's temporary permit status according to section 148C.09.

148C.044 SUPERVISED POSTDEGREE PROFESSIONAL PRACTICE.

Subdivision 1. Supervision. For the purpose of this section, "supervision" means documented interactive consultation, which, subject to the limitations in subdivision 4, paragraph (a), clause (2), may be conducted in person, by telephone, or by audio or audiovisual electronic device, with a supervisor as defined in subdivision 2. 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.

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Subd. 2. **Postdegree professional practice.** "Postdegree professional practice" means required postdegree paid or volunteer work experience and training that involves the professional oversight by a supervisor approved by the board and that satisfies the supervision requirements in subdivision 4.

Subd. 3. **Supervisor requirements.** For purposes of this section, a supervisor shall:

(1) be a licensed alcohol and drug counselor or other qualified professional as determined by the board;

(2) have four years of experience in providing alcohol and drug counseling; and

(3) have received a minimum of 12 hours of training in clinical and ethical supervision, which may include graduate course work, continuing education courses, workshops, or a combination thereof.

Subd. 4. **Supervised practice requirements for licensure.** (a) The content of supervision must include:

(1) knowledge, skills, values, and ethics with specific application to the practice issues faced by the supervisee, including the core functions as described in section 148C.01, subdivision 9;

(2) the standards of practice and ethical conduct, with particular emphasis given to the counselor's role and appropriate responsibilities, professional boundaries, and power dynamics; and

(3) the supervisee's permissible scope of practice, as defined by section 148C.01, subdivision 10.

(b) The supervision must be obtained at the rate of one hour of supervision per 40 hours of professional practice, for a total of 50 hours of supervision. The supervision must be evenly distributed over the course of the supervised professional practice. At least 75 percent of the required supervision hours must be received in person. The remaining 25 percent of the required hours may be received by telephone or by audio or audiovisual electronic device. At least 50 percent of the required hours of supervision must be received on an individual basis. The remaining 50 percent may be received in a group setting.

(c) The supervision must be completed in no fewer than 12 consecutive months and no more than 36 consecutive months.

(d) The applicant shall include with an application for licensure verification of completion of the 2,000 hours of supervised professional practice. Verification must be on a form specified by the board. The supervisor shall verify that the supervisee has completed the required hours of supervision in accordance with this section. The supervised practice required under this section is unacceptable if the supervisor attests that the supervisee's performance, competence, or adherence to the standards of practice and ethical conduct has been unsatisfactory.

148C.045 ALCOHOL AND DRUG COUNSELOR TECHNICIAN.

An alcohol and drug counselor technician may perform the services described in section 148C.01, subdivision 9, paragraphs (1), (2), and (3), while under the direct supervision of a licensed alcohol and drug counselor.

148C.05 LICENSE RENEWAL REQUIREMENTS; LAPSE.

Subdivision 1. **Biennial renewal.** A license must be renewed every two years.

Subd. 1a. **Renewal requirements.** To renew a license, an applicant must submit to the board:

(1) a completed and signed application for license renewal, including a signed consent authorizing the board to obtain information about the applicant from third parties, including, but not limited to, employers, former employers, and law enforcement agencies;

(2) the renewal fee required under section 148C.12; and

(3) additional information as requested by the board to clarify information presented in the renewal application. The licensee must submit information within 30 days of the date of the board's request.

Subd. 5. **License renewal notice.** At least 60 calendar days before the renewal deadline date in subdivision 6, the board shall mail a renewal notice to the licensee's last known address on file with the board. The notice must include an application for license renewal, the renewal deadline, and notice of fees required for renewal. The licensee's failure to receive notice does not relieve the licensee of the obligation to meet the renewal deadline and other requirements for license renewal.

Subd. 6. **Renewal deadline and lapse of licensure.** (a) Licensees must comply with paragraphs (b) to (d).

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(b) Each license certificate must state an expiration date. An application for license renewal must be received by the board or postmarked at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date.

(c) An application for license renewal not received within the time required under paragraph (b) must be accompanied by a late fee in addition to the renewal fee required in section 148C.12.

(d) A licensee's license lapses if the licensee fails to submit to the board a license renewal application by the licensure expiration date. A licensee shall not engage in the practice of alcohol and drug counseling while the license is lapsed. A licensee whose license has lapsed may renew the license by complying with section 148C.055.

148C.055 INACTIVE OR LAPSED LICENSE.

Subdivision 1. **Inactive license status.** Unless a complaint is pending against the licensee, a licensee whose license is in good standing may request, in writing, that the license be placed on the inactive list. If a complaint is pending against a licensee, a license may not be placed on the inactive list until action relating to the complaint is concluded. The board must receive the request for inactive status before expiration of the license. A request for inactive status received after the license expiration date must be denied. A licensee may renew a license that is inactive under this subdivision by meeting the renewal requirements of subdivision 2, except that payment of a late renewal fee is not required. A licensee must not practice alcohol and drug counseling while the license is inactive.

Subd. 2. **Renewal of inactive license.** A licensee whose license is inactive shall renew the inactive status by the inactive status expiration date determined by the board or the license will lapse. An application for renewal of inactive status must include evidence satisfactory to the board that the licensee has completed 40 clock hours of continuing professional education required in section 148C.075, and be received by the board at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date. Late renewal of inactive status must be accompanied by a late fee as required in section 148C.12.

Subd. 3. **Renewal of lapsed license.** An individual whose license has lapsed for less than two years may renew the license by submitting:

- (1) a completed and signed license renewal application;
- (2) the inactive license renewal fee or the renewal fee and the late fee as required under section 148C.12; and
- (3) proof of having met the continuing education requirements in section 148C.075 since the individual's initial licensure or last license renewal. The license issued is then effective for the remainder of the next two-year license cycle.

Subd. 4. **License renewal for two years or more after license expiration date.** An individual who submitted a license renewal two years or more after the license expiration date must submit the following:

- (1) a completed and signed application for licensure, as required by section 148C.0351;
- (2) the initial license fee as required in section 148C.12; and
- (3) verified documentation of having achieved a passing score within the past year on an examination required by the board.

148C.07 RECIPROCITY.

(a) An individual who holds a current license or national certification as an alcohol and drug counselor from another jurisdiction must file with the board a completed application for licensure by reciprocity containing the information required under this section.

(b) The applicant must request the credentialing authority of the jurisdiction in which the credential is held to send directly to the board a statement that the credential is current and in good standing, the applicant's qualifications that entitled the applicant to the credential, and a copy of the jurisdiction's credentialing laws and rules that were in effect at the time the applicant obtained the credential.

(c) The board shall issue a license if the board finds that the requirements, which the applicant had to meet to obtain the credential from the other jurisdiction were substantially similar

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to the current requirements for licensure in this chapter, and the applicant is not otherwise disqualified under section 148C.09.

148C.075 CONTINUING EDUCATION REQUIREMENTS.

Subdivision 1. **General requirements.** The board shall establish a two-year continuing education reporting schedule requiring licensees to report completion of the requirements of this section. Licensees must document completion of a minimum of 40 clock hours of continuing education activities each reporting period. A licensee may be given credit only for activities that directly relate to the practice of alcohol and drug counseling, the core functions, or the Rules of Professional Conduct in Minnesota Rules, part 4747.1400. The continuing education reporting form must require reporting of the following information:

- (1) the continuing education activity title;
- (2) a brief description of the continuing education activity;
- (3) the sponsor, presenter, or author;
- (4) the location and attendance dates;
- (5) the number of clock hours; and
- (6) a statement that the information is true and correct to the best knowledge of the licensee.

Only continuing education obtained during the previous two-year reporting period may be considered at the time of reporting. Clock hours must be earned and reported in increments of one-half clock hour with a minimum of one clock hour for each continuing education activity.

Subd. 2. **Continuing education requirements for licensee's first four years.** A licensee must, as part of meeting the clock hour requirement of this section, obtain and document 18 hours of cultural diversity training within the first four years after the licensee's initial license effective date according to the board's reporting schedule. Cultural diversity training includes gaining knowledge in areas described in Minnesota Rules, part 4747.1100, subpart 2, and in identified population groups defined in Minnesota Rules, part 4747.0030, subpart 20.

Subd. 3. **Continuing education requirements after licensee's initial four years.** Beginning four years following a licensee's initial license effective date and according to the board's reporting schedule, a licensee must document completion of a minimum of six clock hours each reporting period of cultural diversity training. Licensees must also document completion of six clock hours in courses directly related to the Rules of Professional Conduct in Minnesota Rules, part 4747.1400.

Subd. 4. **Standards for approval.** In order to obtain clock hour credit for a continuing education activity, the activity must:

- (1) constitute an organized program of learning;
- (2) reasonably be expected to advance the knowledge and skills of the alcohol and drug counselor;
- (3) pertain to subjects that directly relate to the practice of alcohol and drug counseling and the core functions of an alcohol and drug counselor, or the Rules of Professional Conduct in Minnesota Rules, part 4747.1400;
- (4) be conducted by individuals who have education, training, and experience and are knowledgeable about the subject matter; and
- (5) be presented by a sponsor who has a system to verify participation and maintains attendance records for three years, unless the sponsor provides dated evidence to each participant with the number of clock hours awarded.

Subd. 5. **Course work.** A licensee may obtain a maximum of six clock hours in any two-year continuing education period for teaching course work in an accredited school or educational program that meets the requirements of section 148C.04, subdivision 5a. A licensee may earn a maximum of two clock hours as preparation time for each clock hour of presentation time. Clock hours may be claimed only once per course in any two-year continuing education period. The licensee shall maintain a course schedule or brochure for audit.

148C.08 NONTRANSFERABILITY OF LICENSES.

An alcohol and drug counselor license is not transferable.

148C.09 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

Subdivision 1. **Grounds.** The board may refuse to grant a license to, or may suspend, revoke, or restrict the license of an individual if the board determines that a licensee or applicant:

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- (1) is incompetent to engage in alcohol and drug counseling practice or is found to be engaged in alcohol and drug counseling practice in a manner harmful or dangerous to a client or the public;
- (2) has violated the rules of the board or the statutes the board is empowered to enforce; or any law, rule order, stipulation and consent order, agreement, or settlement;
- (3) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent misrepresentation;
- (4) has knowingly made a false statement on the form required to be submitted to the board for licensing or license renewal;
- (5) has failed to obtain continuing education credits required by the board;
- (6) has failed to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the board. The burden of proof shall be upon the applicant to demonstrate qualifications or satisfaction of requirements;
- (7) has been convicted of a crime, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to the provision of alcohol and drug counseling services. Conviction, as used in this subdivision, includes conviction of an offense which, if committed in this state, would be deemed a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered;
- (8) has been convicted of a crime against another person. For purposes of this chapter, a crime against another person means an offense listed in section 148B.68, subdivision 1, paragraph (b);
- (9) has failed to comply with the self-reporting requirements of section 148C.095, subdivision 7;
- (10) has engaged in sexual contact with a client, or a former client, as defined in section 604.20, or has engaged in conduct that may be reasonably interpreted by a client as sexual, or has engaged in any verbal behavior that is seductive or sexually demeaning to the client, or has engaged in sexual exploitation of a client or former client;
- (11) has engaged in false, fraudulent, deceptive, or misleading advertising;
- (12) has engaged in conduct likely to deceive, defraud, or harm the public; or has demonstrated a willful or careless disregard for the health, welfare, or safety of a client; or any other practice that may create unnecessary danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established;
- (13) has been adjudicated as mentally incompetent, or as a person who has a psychopathic personality, or who is dangerous to self, or has been adjudicated as a person who is chemically dependent, mentally ill, developmentally disabled, or mentally ill and dangerous to the public pursuant to chapter 253B;
- (14) is unable to provide alcohol and drug counseling services with reasonable safety to clients;
- (15) has habitually overindulged in the use of or the dependence on alcohol within the past two years;
- (16) has engaged in the improper or unauthorized personal or other use of any legend drugs as defined in section 151.01, any chemicals as defined in section 151.01, or any controlled substance as defined in section 152.01 within the past two years;
- (17) reveals a communication from, or relating to, a client except when required or permitted by law;
- (18) fails to comply with a client's request for health records made under sections 144.291 to 144.298, or to furnish a client record or report required by law;
- (19) has engaged in fee splitting or promises to pay a portion of a fee to any other professional other than for services rendered by the other professional to the client;
- (20) has engaged in abusive or fraudulent billing practices, including violations of the federal Medicare and Medicaid laws or state medical assistance laws;
- (21) fails to make reports as required by section 148C.095, or cooperate with an investigation of the board;
- (22) obtains money, property, or services from a client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud;
- (23) undertakes or continues a professional relationship with a client in which the objectivity of the alcohol and drug counselor may be impaired;
- (24) engages in conduct that constitutes grounds for discipline as established by the board in rule; or

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(25) engages in bartering for services with a client.

Subd. 1a. **Background investigation.** The applicant must sign a release authorizing the board to obtain information from the Bureau of Criminal Apprehension, the Federal Bureau of Investigation, the Office of Mental Health Practice, the Department of Human Services, the Office of Health Facilities Complaints, and other agencies specified in the rules. After the board has given written notice to an individual who is the subject of a background investigation, the agencies shall assist the board with the investigation by giving the board criminal conviction data, reports about substantiated maltreatment of minors and vulnerable adults, and other information specified in the rules. The board may contract with the commissioner of human services to obtain criminal history data from the Bureau of Criminal Apprehension.

Subd. 2. **Appeal; restoring a license.** If a license is denied, suspended, restricted, or revoked, an applicant or licensee may request a hearing under the contested case provisions of chapter 14. The board may, for good cause demonstrated by the applicant or counselor, grant a license previously refused, restore a license that has been revoked, or reduce a period of suspension or restriction of a license. The board may impose any conditions or limitations as the board deems reasonable.

Subd. 4. **Evidence.** In disciplinary actions alleging violations of subdivision 1, paragraph (7), (8), (13), or (14), a copy of the judgment or proceedings under the seal of the court administrator or of the administrative agency that entered the judgment or proceeding is admissible into evidence without further authentication and constitutes prima facie evidence of its contents.

148C.091 DISCIPLINARY ACTIONS.

Subdivision 1. **Forms of disciplinary action.** When the board finds that an applicant or a licensed alcohol and drug counselor has violated a provision or provisions of sections 148C.01 to 148C.11, or rules promulgated under this chapter, the board may take one or more of the following actions:

- (1) refuse to grant a license;
- (2) revoke the license;
- (3) suspend the license;
- (4) impose limitations or conditions;
- (5) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the counselor of any economic advantage gained by reason of the violation charged or to reimburse the board for all costs of the investigation and proceeding; including, but not limited to, the amount paid by the board for services from the Office of Administrative Hearings, attorney fees, court reports, witnesses, reproduction of records, staff time, and expense incurred by staff of the department;
- (6) order the counselor to provide uncompensated professional service under supervision at a designated public hospital, clinic, or other health care institution;
- (7) censure or reprimand the counselor; or
- (8) any other action justified by the case.

Subd. 2. **Discovery; subpoenas.** In all matters relating to the board's investigation and enforcement activities related to alcohol and drug counselors, the board of behavioral health and therapy may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary materials. Any person failing or refusing to appear or testify regarding any matter about which the person may be lawfully questioned or failing to produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the board or by a subpoena of the board to do so may, upon application by the board to the district court in any district, be ordered to comply with the order or subpoena. The board may administer oaths to witnesses or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon a person it names anywhere within the state by any officer authorized to serve subpoenas or other process or paper in civil actions in the same manner as prescribed by law for service of process issued out of the district court of this state.

Subd. 3. **Temporary suspension.** In addition to any other remedy provided by law, the board may, without a hearing, temporarily suspend the right of an alcohol and drug counselor to practice if the board finds that the counselor has violated a statute or rule that the board has authority to enforce and that continued practice by the practitioner would create a serious risk of harm to others. The suspension takes effect upon service of a written order on the practitioner specifying the statute or rule violated. The order remains in effect until the board issues a final order in the matter after a hearing or upon agreement between the board and the counselor.

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Service of the order is effective if the order is served on the counselor or the counselor's attorney either personally or by first class mail. Within ten days of service of the order, the board shall hold a hearing on the sole issue of whether there is a reasonable basis to continue, modify, or lift the suspension. Evidence presented by the board or counselor must be by affidavit only. The counselor or the counselor's attorney of record may appear for oral argument. Within five working days after the hearing, the board shall issue an order and, if the suspension is continued, schedule a contested case hearing within 45 days after issuance of the order. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record. The board shall issue a final order within 30 days after receipt of that report, the hearing record, and any exceptions to the report filed by the parties.

Subd. 4. **Automatic suspension.** The right to practice is automatically suspended if (1) a guardian of an alcohol and drug counselor is appointed by order of a district court under sections 524.5-101 to 524.5-502, or (2) the counselor is committed by order of a district court under chapter 253B. The right to practice remains suspended until the counselor is restored to capacity by a court and, upon petition by the counselor, the suspension is terminated by the board after a hearing or upon agreement between the board and the counselor.

148C.093 ADDITIONAL REMEDIES.

Subdivision 1. **Cease and desist.** The board may issue a cease and desist order to stop a person from violating or threatening to violate a statute, rule, or order which the board has issued or has authority to enforce. The cease and desist order must state the reason for its issuance and give notice of the person's right to request a hearing under sections 14.57 to 14.62. If, within 15 days of service of the order, the subject of the order fails to request a hearing in writing, the order is the final order of the board and is not reviewable by a court or agency.

A hearing must be initiated by the board not later than 30 days from the date of the board's receipt of a written hearing request. Within 30 days of receipt of the administrative law judge's report, and any written agreement or exceptions filed by the parties, the board shall issue a final order modifying, vacating, or making permanent the cease and desist order as the facts require. The final order remains in effect until modified or vacated by the board.

When a request for a stay accompanies a timely hearing request, the board may, in the board's discretion, grant the stay. If the board does not grant a requested stay, the board shall refer the request to the Office of Administrative Hearings within three working days of receipt of the request. Within ten days after receiving the request from the board, an administrative law judge shall issue a recommendation to grant or deny the stay. The board shall grant or deny the stay within five working days of receiving the administrative law judge's recommendation.

In the event of noncompliance with a cease and desist order, the board may institute a proceeding in district court to obtain injunctive relief or other appropriate relief, including a civil penalty payable to the board not exceeding \$10,000 for each separate violation.

Subd. 2. **Injunctive relief.** In addition to any other remedy provided by law, including the issuance of a cease and desist order under subdivision 1, the board may in the board's own name bring an action in district court for injunctive relief to restrain an alcohol and drug counselor from a violation or threatened violation of any statute, rule, or order which the board has authority to administer, enforce, or issue.

Subd. 3. **Additional powers.** The issuance of a cease and desist order or injunctive relief granted under this section does not relieve a counselor from criminal prosecution by a competent authority or from disciplinary action by the board.

148C.095 REPORTING OBLIGATIONS.

Subdivision 1. **Permission to report.** A person who has knowledge of any conduct constituting grounds for disciplinary action relating to the practice of alcohol and drug counseling under this chapter may report the violation to the board.

Subd. 2. **Institutions.** A state agency, political subdivision, agency of a local unit of government, private agency, hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state shall report to the board any action taken by the agency, institution, or organization or any of its administrators or medical or other committees to revoke, suspend, restrict, or condition an alcohol and drug counselor's privilege to practice or treat patients or clients in the institution, or as part of the organization, any denial of privileges, or any other disciplinary action for conduct that might constitute grounds for disciplinary action by the board under this chapter. The institution, organization, or governmental entity shall also report the resignation of any alcohol and drug counselors before the conclusion of any disciplinary action

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proceeding for conduct that might constitute grounds for disciplinary action under this chapter, or before the commencement of formal charges but after the practitioner had knowledge that formal charges were contemplated or were being prepared.

Subd. 3. **Professional societies.** A state or local professional society for alcohol and drug counselors shall report to the board any termination, revocation, or suspension of membership or any other disciplinary action taken against an alcohol and drug counselor. If the society has received a complaint that might be grounds for discipline under this chapter against a member on which it has not taken any disciplinary action, the society shall report the complaint and the reason why it has not taken action on it or shall direct the complainant to the board.

Subd. 4. **Licensed professionals.** A licensed health professional shall report to the board personal knowledge of any conduct that the licensed health professional reasonably believes constitutes grounds for disciplinary action under this chapter by an alcohol and drug counselor, including conduct indicating that the individual may be medically incompetent, or may be medically or physically unable to engage safely in the provision of services. If the information was obtained in the course of a client relationship, the client is an alcohol and drug counselor, and the treating individual successfully counsels the alcohol and drug counselor to limit or withdraw from practice to the extent required by the impairment, the board may deem this limitation of or withdrawal from practice to be sufficient disciplinary action.

Subd. 5. **Insurers.** Each insurer authorized to sell insurance described in section 60A.06, subdivision 1, clause (13), and providing professional liability insurance to alcohol and drug counselors or the Medical Joint Underwriting Association under chapter 62F, shall submit to the board quarterly reports concerning the alcohol and drug counselors against whom malpractice settlements and awards have been made. The report must contain at least the following information:

- (1) the total number of malpractice settlements or awards made;
- (2) the date the malpractice settlements or awards were made;
- (3) the allegations contained in the claim or complaint leading to the settlements or awards made;
- (4) the dollar amount of each settlement or award;
- (5) the address of the practice of the alcohol and drug counselor against whom an award was made or with whom a settlement was made; and
- (6) the name of the alcohol and drug counselor against whom an award was made or with whom a settlement was made.

The insurance company shall, in addition to the above information, submit to the board any information, records, and files, including clients' charts and records, it possesses that tend to substantiate a charge that a licensed alcohol and drug counselor may have engaged in conduct violating this chapter.

Subd. 6. **Self-reporting.** An alcohol and drug counselor shall report to the board any personal action that would require that a report be filed with the board by any person, health care facility, business, or organization under subdivisions 2 to 5. The alcohol and drug counselor shall also report the revocation, suspension, restriction, limitation, or other disciplinary action in this state and report the filing of charges regarding the practitioner's license or right of practice in another state or jurisdiction.

Subd. 7. **Deadlines; forms.** Reports required by subdivisions 2 to 6 must be submitted no later than 30 days after the reporter learns of the occurrence of the reportable event or transaction. The board may provide forms for the submission of the reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to assure prompt and accurate reporting.

148C.099 INVESTIGATIONS; COOPERATION; EXCHANGING INFORMATION.

Subdivision 1. **Cooperation.** An alcohol and drug counselor who is the subject of an investigation, or who is questioned in connection with an investigation, by or on behalf of the board, shall cooperate fully with the investigation. Cooperation includes responding fully to any question raised by or on behalf of the board relating to the subject of the investigation whether tape recorded or not. Challenges to requests of the board may be brought before the appropriate agency or court.

Subd. 2. **Exchanging information.** (a) The board shall establish internal operating procedures for:

- (1) exchanging information with state boards; agencies, including the Office of Ombudsman for Mental Health and Developmental Disabilities; health-related and law

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enforcement facilities; departments responsible for licensing health-related occupations, facilities, and programs; and law enforcement personnel in this and other states; and

(2) coordinating investigations involving matters within the jurisdiction of more than one regulatory agency.

(b) The procedures for exchanging information must provide for forwarding to an entity described in paragraph (a), clause (1), any information or evidence, including the results of investigations, that is relevant to matters within the regulatory jurisdiction of that entity. The data have the same classification in the possession of the agency receiving the data as they have in the possession of the agency providing the data.

(c) The board shall establish procedures for exchanging information with other states regarding disciplinary action against alcohol and drug counselors.

(d) The board shall forward to another governmental agency any complaints received by the board that do not relate to the board's jurisdiction but that relate to matters within the jurisdiction of the other governmental agency. The agency to which a complaint is forwarded shall advise the board of the disposition of the complaint. A complaint or other information received by another governmental agency relating to a statute or rule that the board is empowered to enforce must be forwarded to the board to be processed according to this section.

(e) The board shall furnish to a person who made a complaint a description of the actions of the board relating to the complaint.

148C.10 PROHIBITED PRACTICE OR USE OF TITLES; PENALTY.

Subdivision 1. **Practice.** No person, other than those individuals exempted under section 148C.11 or 148C.045, shall engage in alcohol and drug counseling without first being licensed under this chapter as an alcohol and drug counselor. For purposes of this chapter, an individual engages in the practice of alcohol and drug counseling if the individual performs or offers to perform alcohol and drug counseling services as defined in section 148C.01, subdivision 10, or if the individual is held out as able to perform those services.

Subd. 2. **Use of titles.** No person shall present themselves or any other individual to the public by any title incorporating the words "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed or otherwise qualified to practice alcohol and drug counseling unless that individual holds a valid license. Persons issued a temporary permit must use titles consistent with section 148C.04, subdivision 6, paragraph (d).

Subd. 3. **Penalty.** A person who violates sections 148C.01 to 148C.11 is guilty of a misdemeanor.

148C.11 EXCEPTIONS TO LICENSE REQUIREMENT.

Subdivision 1. **Other professionals.** (a) Nothing in this chapter prevents members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes, but is not limited to: licensed physicians; registered nurses; licensed practical nurses; licensed psychological practitioners; members of the clergy; American Indian medicine men and women; licensed attorneys; probation officers; licensed marriage and family therapists; licensed social workers; social workers employed by city, county, or state agencies; licensed professional counselors; licensed school counselors; registered occupational therapists or occupational therapy assistants; city, county, or state employees when providing assessments or case management under Minnesota Rules, chapter 9530; and individuals providing integrated dual-diagnosis treatment in adult mental health rehabilitative programs certified by the Department of Human Services under section 256B.0622 or 256B.0623.

(b) Nothing in this chapter prohibits technicians and resident managers in programs licensed by the Department of Human Services from discharging their duties as provided in Minnesota Rules, chapter 9530.

(c) Any person who is exempt under this subdivision but who elects to obtain a license under this chapter is subject to this chapter to the same extent as other licensees. The board shall issue a license without examination to an applicant who is licensed or registered in a profession identified in paragraph (a) if the applicant:

(1) shows evidence of current licensure or registration; and

(2) has submitted to the board a plan for supervision during the first 2,000 hours of professional practice or has submitted proof of supervised professional practice that is acceptable to the board.

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(d) Any person who is exempt from licensure under this section must not use a title incorporating the words "alcohol and drug counselor" or "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are engaged in the practice of alcohol and drug counseling, or that they are licensed to engage in the practice of alcohol and drug counseling unless that person is also licensed as an alcohol and drug counselor. Persons engaged in the practice of alcohol and drug counseling are not exempt from the board's jurisdiction solely by the use of one of the above titles.

Subd. 2. **Students.** Nothing in sections 148C.01 to 148C.10 shall prevent students enrolled in an accredited school of alcohol and drug counseling from engaging in the practice of alcohol and drug counseling while under qualified supervision in an accredited school of alcohol and drug counseling.

Subd. 3. **Federally recognized tribes; ethnic minorities.** (a) Alcohol and drug counselors practicing alcohol and drug counseling according to standards established by federally recognized tribes, while practicing under tribal jurisdiction, are exempt from the requirements of this chapter. In practicing alcohol and drug counseling under tribal jurisdiction, individuals practicing under that authority shall be afforded the same rights, responsibilities, and recognition as persons licensed pursuant to this chapter.

(b) The board shall develop special licensing criteria for issuance of a license to alcohol and drug counselors who: (1) practice alcohol and drug counseling with a member of an ethnic minority population or with a person with a disability as defined by rule; or (2) are employed by agencies whose primary agency service focus addresses ethnic minority populations or persons with a disability as defined by rule. These licensing criteria may differ from the licensing requirements specified in section 148C.04. To develop, implement, and evaluate the effect of these criteria, the board shall establish a committee comprised of, but not limited to, representatives from the Commission of Deaf, DeafBlind and Hard-of-Hearing Minnesotans, the Council on Affairs of Chicano/Latino People, the Council on Asian-Pacific Minnesotans, the Council on Black Minnesotans, the Council on Disability, and the Indian Affairs Council. The committee does not expire.

(c) MS 2002 [Expired, 2002 c 354 s 1]

Subd. 4. **Hospital alcohol and drug counselors.** Effective January 1, 2007, hospitals employing alcohol and drug counselors shall be required to employ licensed alcohol and drug counselors. An alcohol or drug counselor employed by a hospital must be licensed as an alcohol and drug counselor in accordance with this chapter.

Subd. 5. **City, county, and state agency alcohol and drug counselors.** Effective January 1, 2007, city, county, and state agencies employing alcohol and drug counselors shall be required to employ licensed alcohol and drug counselors. An alcohol and drug counselor employed by a city, county, or state agency must be licensed as an alcohol and drug counselor in accordance with this chapter.

Subd. 6. **Transition period for hospital and city, county, and state agency alcohol and drug counselors.** For the period between July 1, 2003, and January 1, 2007, the board shall grant a license to an individual who is employed as an alcohol and drug counselor at a Minnesota school district or hospital, or a city, county, or state agency in Minnesota, if the individual meets the requirements in section 148C.0351 and:

(1) was employed as an alcohol and drug counselor at a school district, a hospital, or a city, county, or state agency before August 1, 2002; has 8,000 hours of alcohol and drug counselor work experience; has satisfactorily completed 2,000 hours of supervised postdegree equivalent professional practice according to section 148C.04, subdivision 4; or has completed a written case presentation and satisfactorily passed an oral examination established by the board; and has satisfactorily passed a written examination as established by the board; or

(2) is credentialed as a board certified counselor (BCC) or board certified counselor reciprocal (BCCR) by the Minnesota Certification Board; or

(3) has 14,000 hours of supervised alcohol and drug counselor work experience as documented by the employer.

148C.12 FEES.

Subdivision 1. **Application fee.** The application fee is \$295.

Subd. 2. **Biennial renewal fee.** The license renewal fee is \$295. If the board establishes the renewal schedule and the expiration date is less than two years, the fee must be prorated.

Subd. 3. **Temporary permit fee.** The initial fee for applicants under section 148C.04, subdivision 6, paragraph (a), is \$100. The fee for annual renewal of a temporary permit is \$150, but when the first expiration date occurs in less or more than one year, the fee must be prorated.

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Subd. 5. **Inactive renewal fee.** The inactive renewal fee is \$150.

Subd. 6. **Late fee.** The late fee is 25 percent of the biennial renewal fee, the inactive renewal fee, or the annual fee for renewal of temporary practice status.

Subd. 7. **Fee to renew after expiration of license.** The fee for renewal of a license that has expired for less than two years is the total of the biennial renewal fee, the late fee, and a fee of \$100 for review and approval of the continuing education report.

Subd. 8. **Fee for license verifications.** The fee for license verification to institutions and other jurisdictions is \$25.

Subd. 9. **Surcharge fee.** Notwithstanding section 16A.1285, subdivision 2, a surcharge of \$99 shall be paid at the time of initial application for or renewal of an alcohol and drug counselor license until June 30, 2013.

Subd. 10. **Nonrefundable fees.** All fees are nonrefundable.

Subd. 11. **Penalty fees.** (a) The penalty fee for practicing alcohol and drug counseling without a current license after the credential has expired and before it is renewed is the amount of the license renewal fee for any part of the first month, plus the license renewal fee for any part of any subsequent month up to 36 months.

(b) The penalty fee for applicants who engage in the unauthorized practice of alcohol and drug counseling before being issued a license is the amount of the license application fee for any part of the first month, plus the license application fee for any part of any subsequent month up to 36 months. This paragraph does not apply to applicants not qualifying for a license who engage in the unauthorized practice of alcohol and drug counseling.

(c) The penalty fee for failing to submit a continuing education report by the due date with the correct number or type of hours in the correct time period is \$100 plus \$20 for each missing clock hour. The licensee must obtain the correct number of continuing education hours by the next reporting due date.

(d) Civil penalties and discipline incurred by licensees prior to August 1, 2005, for conduct described in paragraph (a), (b), or (c) shall be recorded as nondisciplinary penalty fees. For conduct described in paragraph (a) or (b) occurring after August 1, 2005, and exceeding 12 months, payment of a penalty fee does not preclude any disciplinary action reasonably justified by the individual case.

Subd. 12. **Sponsor application fee.** The fee for sponsor application for approval of a continuing education course is \$60.

Subd. 13. **Order or stipulation fee.** The fee for a copy of a board order or stipulation is \$10.

Subd. 14. **Duplicate certificate fee.** The fee for a duplicate certificate is \$25.

Subd. 15. **Supervisor application processing fee.** The fee for licensure supervisor application processing is \$30.

148E.065 EXEMPTIONS.

Subd. 3. **Geographic waiver.** A geographic waiver may be granted by the board on a case-by-case basis to agencies with special regional hiring problems. The waiver is for the purpose of permitting agencies to hire individuals who do not meet the qualifications of section 148E.055 or 148E.060 to practice social work.

4747.0010 SCOPE.

This chapter applies to persons who either are engaged in or seek to engage in alcohol and drug counseling as defined in Minnesota Statutes, chapter 148C. During the transition period, applicants who practice alcohol and drug counseling while waiting for approval of pending applications are unlicensed mental health practitioners under Minnesota Statutes, chapter 148B.

4747.0020 PURPOSE.

This chapter contains rules for licensing and regulating alcohol and drug counselors. This chapter protects the public by setting standards of:

- A. qualifications, training, and experience for those who seek to perform alcohol and drug counseling services; and
- B. professional conduct for those engaged in the practice of alcohol and drug counseling.

4747.0030 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part and Minnesota Statutes, section 148C.01, apply to this chapter.

4747.0030 DEFINITIONS.

Subp. 2. **Accrediting association.** "Accrediting association" means an organization recognized by the board that evaluates schools and education programs of alcohol and drug counseling or is listed in Nationally Recognized Accrediting Agencies and Associations, Criteria and Procedures for Listing by the U.S. Secretary of Education and Current List (1996), which is incorporated by reference. It is available at the legislative reference library and is not subject to frequent change.

4747.0030 DEFINITIONS.

Subp. 3. **Alcohol and drug counselor classroom education.** "Alcohol and drug counselor classroom education" means classroom education which is directly related to the core functions and is taken through an accredited school or educational program.

4747.0030 DEFINITIONS.

Subp. 4. **Alcohol and drug counselor continuing education activity.** "Alcohol and drug counselor continuing education activity" means clock hours that meet the requirements of part 4747.1100 and are obtained by a licensee at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home-study courses.

4747.0030 DEFINITIONS.

Subp. 5. **Alcohol and drug counselor training.** "Alcohol and drug counselor training" means clock hours obtained by an applicant at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home-study courses. Clock hours obtained from accredited schools or education programs must be measured pursuant to part 4747.1100, subpart 5.

4747.0030 DEFINITIONS.

Subp. 7. **Applicant.** "Applicant" means a person who has applied for a license under this chapter and Minnesota Statutes, chapter 148C.

4747.0030 DEFINITIONS.

Subp. 8. **Board.** "Board" means the Board of Behavioral Health and Therapy.

4747.0030 DEFINITIONS.

Subp. 9. **Clock hour.** "Clock hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

4747.0030 DEFINITIONS.

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Subp. 10. **Credential.** "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of an occupation.

4747.0030 DEFINITIONS.

Subp. 15. **Dual relationship.** "Dual relationship" means a relationship between a licensee and a client that is:

- A. professional; and
- B. one or more of the following:
 - (1) cohabitational, familial, or supervisory; or
 - (2) including or having included personal involvement or financial involvement other than legitimate payment for counseling services rendered. A professional relationship between a client and a licensee continues to exist until terminated, as defined in part 4747.1400, subpart 8, item D.

4747.0030 DEFINITIONS.

Subp. 17. **Ethnic minority group.** "Ethnic minority group" means persons of African American, Asian American, Native American, or Chicano/Latino descent.

4747.0030 DEFINITIONS.

Subp. 18. **Examination.** "Examination" means the written and oral examinations required by this chapter and Minnesota Statutes, section 148C.03.

4747.0030 DEFINITIONS.

Subp. 20. **Identified population group.** "Identified population group" means men, women, adolescents, elderly persons, and gay, lesbian, bisexual, and transgender persons.

4747.0030 DEFINITIONS.

Subp. 21. **Inservice.** "Inservice" means an activity sponsored by a licensee's employer and presented by a staff member of the licensee's employer that takes place at the licensee's place of employment.

4747.0030 DEFINITIONS.

Subp. 22. **Jurisdiction.** "Jurisdiction" means a state or territory of the United States.

4747.0030 DEFINITIONS.

Subp. 24. **Licensee.** "Licensee" means a person who holds a valid license under this chapter.

4747.0030 DEFINITIONS.

Subp. 29. **Supervisor.** "Supervisor" means a person whose position in an alcohol and drug counseling work setting includes, but is not limited to, the following:

- A. assessing the qualifications of and hiring counselors;
- B. assigning job duties and training and directing counselors in the execution of responsibilities to reach work plan objectives; and
- C. evaluating counselor work performance and holding periodic performance reviews.

4747.0040 WRITTEN AND ORAL EXAMINATION.

Subpart 1. **Examination required.** An applicant may not be licensed under this chapter unless the applicant has passed the examinations required by this part, unless the applicant is applying under part 4747.0080 or 4747.0100.

Subp. 2. **Examination eligibility.** An applicant who is denied eligibility to sit for an examination may request, in writing, that the board review the application. The board shall review the application with the advice of an independent qualified evaluator and determine the applicant's examination eligibility. The board's determination that an applicant is ineligible to sit for an examination is governed by part 4747.0500. If the board denies the applicant's eligibility, the board must provide written reasons for the denial and provide the applicant 30 days from the date of the letter informing the applicant of the denial that the applicant may provide additional information addressing the reasons for denial. If the board receives nothing within the additional

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30-day time period, the denial becomes final. If the board receives additional information, the board shall review it and make a final determination within 30 days.

Subp. 3. Examination administration.

- A. [Repealed, L 2003 1Sp14 art 5 s 30]
- B. The applicant is responsible for:
 - (1) making all arrangements with the examination administrator to take both the written and oral examinations for alcohol and drug counselors; and
 - (2) bearing all expenses associated with taking the examinations.
- C. Applicants who are members of ethnic minority groups or who have a disability may request reasonable accommodations to complete the written examination authorized in Minnesota Statutes, section 148C.03, subdivision 1, and may request that at least one of the qualified evaluators who sit on the interview panel for the oral examination authorized in Minnesota Statutes, section 148C.03, subdivision 1, be of the same ethnic minority background as the applicant. Applicants who request and who are denied reasonable accommodations under this item may request that the board review the application according to subpart 2.

Subp. 4. Reexamination permitted. An applicant who fails either examination may take the examinations again upon application for reexamination and payment of the required examination fee to the examination administrator. There is no limit on the number of times an applicant may take the written or oral examinations. However, if an applicant fails either the written or the oral examination three times within a two-year period, the applicant must wait 12 months before retaking an examination.

4747.0050 LICENSE REQUIREMENT.

Subpart 1. License required. No person, other than those individuals exempted by Minnesota Statutes, section 148C.11, shall engage in alcohol and drug counseling, advertise the performance of those services, or use a title or description denoting alcohol and drug counselor without first being licensed under this chapter and Minnesota Statutes, chapter 148C. For purposes of this chapter, an individual engages in the practice of alcohol and drug counseling if the individual performs or offers to perform alcohol and drug counseling services, as defined in Minnesota Statutes, section 148C.01, subdivision 10, or if the individual is held out as able to perform those services.

Subp. 2. Technicians in licensed programs. This chapter does not prohibit technicians and resident managers in programs licensed by the Department of Human Services from discharging their duties as provided in chapter 9530.

Subp. 3. Others. A person exempt under Minnesota Statutes, chapter 148C, who elects to obtain a license under this chapter is subject to this chapter and Minnesota Statutes, chapter 148C, to the same extent as other licensees.

4747.0060 QUALIFICATIONS FOR LICENSURE AND GROUNDS FOR DENIAL.

Subpart 1. Qualifications. To qualify for licensure, an applicant must satisfy the requirements in items A to C and not be subject to denial of licensure under subpart 2, part 4747.1400, or Minnesota Statutes, section 148C.09. An applicant must comply with the general licensure procedures in part 4747.0070.

- A. [Repealed, L 2003 1Sp14 art 5 s 30]
- B. [Repealed, L 2003 1Sp14 art 5 s 30]
- C. Beginning five years after January 27, 1998, an applicant may qualify for licensure by meeting the requirements of part 4747.0300 or 4747.1000.
- D. [Repealed, L 2003 1Sp14 art 5 s 30]

Subp. 2. Discipline in this or another jurisdiction; effect on licensing. In addition to the grounds listed in Minnesota Statutes, section 148C.09, the board may refuse to grant a license or may impose conditions as described in Minnesota Statutes, section 148C.091, for:

- A. revocation, suspension, restriction, limitation, or other disciplinary action against the applicant's credential in this or another jurisdiction;
- B. failure to report to the board that charges regarding the applicant's credential have been brought in this or another jurisdiction;
- C. having been refused a license or certification by this or another jurisdiction; or

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D. performing the services of an alcohol and drug counselor in an incompetent manner or in a manner which falls below the professional community's standard of care.

Subp. 3. Board duties; responsibilities.

A. If the board finds evidence of a conviction of a crime under Minnesota Statutes, section 148C.09, subdivision 1, paragraph (7) or (8), or of any disciplinary action taken by this or another jurisdiction which is reasonably related to the practice of alcohol and drug counseling, the board may take the action specified in Minnesota Statutes, section 148C.091.

B. In determining whether a conviction under Minnesota Statutes, section 148C.09, subdivision 1, paragraph (7), or a disciplinary order reasonably relates to alcohol and drug counseling, the board must consider:

- (1) the nature and seriousness of the violation for which the applicant was convicted;
- (2) the relationship of the violation or crime to the purposes of regulating alcohol and drug counselors; and
- (3) the relationship of the violation or crime to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of alcohol and drug counselors.

C. An applicant who has been convicted of a crime as specified in Minnesota Statutes, section 148C.09, subdivision 1, paragraph (7) or (8), or is the subject of a disciplinary order reasonably related to the practice of alcohol and drug counseling must not be disqualified from the practice of alcohol and drug counseling if the applicant can show competent evidence of sufficient rehabilitation and present fitness to perform the duties of alcohol and drug counselors. In making this determination, the board must consider the following evidence:

- (1) a copy of the local, state, or federal release order;
- (2) evidence showing that at least one year has elapsed from any official custody status, including probation or parole, and from any local, state, or federal correctional institution without subsequent conviction of a crime, or a copy of the relevant Department of Corrections discharge order or other documents showing completion of probation or parole supervision;
- (3) the nature and seriousness of the conduct or crime for which convicted;
- (4) all circumstances relative to the conduct or crime, including mitigating circumstances or social conditions surrounding the commission of the conduct or crime;
- (5) the age of the person at the time the conduct or crime was committed;
- (6) the length of time elapsed since the conduct or crime was committed; and
- (7) all other competent evidence of rehabilitation and present fitness presented, including, but not limited to, letters of reference by persons who have been in contact with the applicant since the applicant's release from any local, state, or federal correctional institution.

4747.0070 LICENSE APPLICATION PROCEDURES.

Subpart 1. **When application may be submitted.** A person may apply for a license only after obtaining the required supervised alcohol and drug counselor experience and completing the applicable examination, education, training, internship, and practicum requirements.

4747.0070 LICENSE APPLICATION PROCEDURES.

Subp. 2. **Application forms.** Unless otherwise indicated, all licensure information must be documented and submitted to the board on forms provided by the board.

4747.0070 LICENSE APPLICATION PROCEDURES.

Subp. 3. **Information required from all applicants.** An applicant for licensure must submit the following data:

- A. personal data, including:
- (1) name;
 - (2) date of birth;
 - (3) social security number;
 - (4) business address and telephone number or home address and telephone number if the applicant conducts business out of the home;
 - (5) daytime telephone number if different from the business telephone number;
 - (6) name of the applicant's supervisor, manager, or employer, if any; and
 - (7) criminal convictions;

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B. a list of languages in which the applicant is fluent, other than English, including sign language;

C. a statement that the applicant has read this chapter and Minnesota Statutes, chapter 148C, and agrees to abide by their provisions, and a statement that the information included in the application is true and correct to the best knowledge of the applicant;

D. a statement that the applicant, if issued a license, shall return the license directly to the board upon the revocation or suspension of the license;

E. the initial license fee required by part 4747.1600, and a statement that the applicant understands that all fees submitted in the licensure process are nonrefundable;

F. the applicant's signature and application date;

G. a listing of all credentials issued by this or any other jurisdiction. An applicant credentialed in this or another jurisdiction shall request that the appropriate governmental body in each jurisdiction in which the applicant holds a credential send documentation to the board that verifies the applicant's credential and that the credential is in good standing in that jurisdiction. The documentation must include the applicant's name, the date of issuance, a statement regarding investigations pending and disciplinary actions taken or pending against the applicant, the current status of the credential, and the terms under which the credential was issued; and

H. any other information the board considers necessary to determine whether the applicant meets the requirements for licensure specified in this chapter and Minnesota Statutes, chapter 148C.

4747.0070 LICENSE APPLICATION PROCEDURES.

Subp. 6. **License certificate.** If the board grants a license to an applicant, the board shall issue a license certificate including the licensee's name, business address, business telephone number, and the effective date and expiration date of the license.

4747.0200 LICENSURE FOR FIVE YEARS AFTER JANUARY 27, 1998.

Subpart 1. **Qualifications.** For five years after January 27, 1998, a person who has met the following requirements and other applicable requirements of this chapter and Minnesota Statutes, chapter 148C, shall be licensed upon documentation that the applicant has:

A. received an associate degree including 270 clock hours of alcohol and drug counselor classroom education from an accredited school or educational program. The applicant must arrange for an official copy of the transcript, including verification of the degree granted, to be sent directly to the board from the institution granting the degree;

B. successfully completed 880 clock hours of alcohol and drug counseling practicum, with a minimum of ten clock hours in each core function; and

C. verification of having passed both the written examination and oral examination according to part 4747.0040 and Minnesota Statutes, section 148C.03.

Subp. 2. **Documentation.** Before the board grants or denies a license, an applicant must document, according to part 4747.0400, that the applicant has met the requirements of subpart 1.

4747.0400 DOCUMENTATION AND VERIFICATION OF ALCOHOL AND DRUG COUNSELING TRAINING, EDUCATION, INTERNSHIP, PRACTICUM, AND SUPERVISED EXPERIENCE.

Subpart 1. **Documentation and verification.** Applicants must obtain documentation and verification of alcohol and drug counselor training, classroom education, internship, practicum, and supervised experience according to this chapter. Verification includes, but is not limited to, signed attestation by a supervisor or training sponsor, copies of official transcripts from accredited schools or education programs, and personnel records.

4747.0700 LICENSE RENEWAL.

Subpart 1. **Biennial renewal.** After the initial license term in part 4747.0600, licenses must be renewed every two years.

Subp. 2. **Renewal requirements.** To be eligible for license renewal, licensees must submit to the board:

A. a completed and signed application for license renewal, including a signed consent authorizing the board to obtain information about the applicant from third parties, including, but not limited to, employers, former employers, and law enforcement agencies;

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B. the renewal fee required under part 4747.1600; and

C. additional information as requested by the board to clarify information presented in the renewal application. The licensee must submit information within 30 days of the date of the board's request.

Subp. 3. **License renewal notice.** At least 60 calendar days before the renewal deadline date in subpart 4, the board shall mail a renewal notice to the licensee's last known address on file with the board. The notice must include an application for license renewal, the renewal deadline, and notice of fees required for renewal. The licensee's failure to receive notice does not relieve the licensee of the obligation to meet the renewal deadline and other requirements for license renewal.

Subp. 4. **Renewal deadline and lapse of licensure.** Licensees must comply with items A to C.

A. Each license certificate must state an expiration date. An application for license renewal must be received by the board or postmarked at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date.

B. An application for license renewal not received within the time required under item A must be accompanied by a late fee in addition to the renewal fee specified by part 4747.1600.

C. A licensee's license lapses if the licensee fails to submit to the board a license renewal application by the licensure expiration date. A licensee shall not engage in the practice of alcohol and drug counseling while the license is lapsed. A licensee whose license has lapsed may renew the license by complying with part 4747.0800.

Subp. 5. **Inactive license status.** Unless a complaint is pending against the licensee, a licensee whose license is in good standing may request, in writing, that the license be placed on the inactive list. If a complaint is pending against a licensee, a license may not be placed on the inactive list until action relating to the complaint is concluded. The board must receive the request for inactive status before expiration of the license. A request for inactive status received after the license expiration date must be denied. A licensee may renew a license that is inactive under this subpart by meeting the renewal requirements of part 4747.0800, subpart 2, except that payment of a late renewal fee is not required. A licensee must not practice alcohol and drug counseling while the license is inactive.

4747.0800 RENEWAL OF INACTIVE OR LAPSED LICENSE.

Subpart 1. **Renewal of inactive license.** A licensee whose license is inactive shall renew the inactive status by the inactive status expiration date determined by the board or the license will lapse. An application for renewal of inactive status must include evidence satisfactory to the board that the licensee has completed 40 clock hours of continuing professional education required in part 4747.1100, and be received by the board at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date. Late renewal of inactive status must be accompanied by a late fee.

Subp. 2. **Renewal of lapsed license.** A licensee whose license has lapsed for less than two years may renew the license by submitting:

A. a completed and signed license renewal application;

B. the inactive license renewal fee or the renewal fee and the late fee required under part 4747.1600; and

C. proof of having met the continuing education requirements in part 4747.1100 since the individual's initial licensure or last license renewal. The license issued is then effective for the remainder of the next two-year license cycle.

Subp. 3. **License renewal for two years or more after the license expiration date.** A licensee who submitted a license renewal two years or more after the license expiration date must submit the following:

A. a completed and signed application for licensure, as required by part 4747.0070;

B. the initial license fee; and

C. verified documentation of having achieved a passing score within the past year on the examination required by part 4747.0040.

4747.0900 CHANGE OF ADDRESS.

A licensee who changes addresses must inform the board, in writing, within 30 days of the change of address. All notices or other correspondence mailed to or served on a licensee by the

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board at the licensee's address on file with the board must be considered as having been received by the licensee.

4747.1100 CONTINUING EDUCATION REQUIREMENTS.

Subpart 1. **General requirements.** The board shall establish a two-year continuing education reporting schedule requiring licensees to report completion of the requirements of this part. Licensees must document completion of a minimum of 40 clock hours of continuing education activities each reporting period. A licensee may be given credit only for activities that directly relate to the practice of alcohol and drug counseling, the core functions, or the rules of professional conduct in part 4747.1400. The continuing education reporting form must require reporting of the following information:

- A. the continuing education activity title;
- B. a brief description of the continuing education activity;
- C. the sponsor, presenter, or author;
- D. the location and attendance dates;
- E. the number of clock hours; and
- F. a statement that the information is true and correct to the best knowledge of the licensee.

Only continuing education obtained during the previous two-year reporting period may be considered at the time of reporting. Clock hours must be earned and reported in increments of one-half clock hour with a minimum of one clock hour for each continuing education activity.

4747.1100 CONTINUING EDUCATION REQUIREMENTS.

Subp. 4. **Standards for approval.** In order to obtain clock hour credit for a continuing education activity, the activity must:

- A. constitute an organized program of learning;
- B. reasonably be expected to advance the knowledge and skills of the alcohol and drug counselor;
- C. pertain to subjects that directly relate to the practice of alcohol and drug counseling and the core functions of an alcohol and drug counselor, or the rules of professional conduct in part 4747.1400;
- D. be conducted by individuals who have education, training, and experience and are knowledgeable about the subject matter; and
- E. be presented by a sponsor who has a system to verify participation and maintains attendance records for three years, unless the sponsor provides dated evidence to each participant with the number of clock hours awarded.

4747.1100 CONTINUING EDUCATION REQUIREMENTS.

Subp. 5. **Activities qualifying for continuing education clock hours.** The activities in items A to F qualify for continuing education clock hours and are considered approved programs for purposes of Minnesota Statutes, section 148C.05, subdivision 2, if they meet all other requirements of this part.

- A. Clock hours may be earned through participation in the following:
 - (1) attendance at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, and symposiums;
 - (2) successful completion of college or university courses offered by an accredited school or education program, if not being taken in order to meet the requirements of Minnesota Statutes, section 148C.04. The licensee must obtain a grade of at least a "C" or its equivalent or a pass in a pass/fail course in order to receive the following continuing education credits:
 - (a) one semester credit equals 15 clock hours;
 - (b) one trimester credit equals 12 clock hours; and
 - (c) one quarter credit equals ten clock hours; and
 - (3) successful completion of home study courses offered by an accredited school or education program and that require a licensee to demonstrate knowledge following completion of the course.
- B. A licensee may obtain a maximum of six clock hours in any two-year continuing education period for teaching continuing education courses that meet the requirements of this part.

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A licensee may earn a maximum of two clock hours as preparation time for each clock hour of presentation time. Clock hours may be claimed only once per course in any two-year continuing education period. The licensee shall maintain a course schedule or brochure for audit.

C. A licensee may earn a maximum of 12 clock hours per reporting period through inservices offered by an employer at the licensee's place of employment.

D. A licensee may not receive credit for taking or teaching the same continuing education course more than once in the same reporting period.

4747.1100 CONTINUING EDUCATION REQUIREMENTS.

Subp. 6. **Activities not qualifying for continuing education clock hours.** No approval may be given for courses not meeting the requirements of subpart 4 and that are limited to:

- A. any subject contrary to the rules of professional conduct in part 4747.1400;
- B. supervision of personnel;
- C. entertainment or recreational activities;
- D. employment orientation sessions;
- E. policy meetings;
- F. marketing;
- G. business; and
- H. training related to payment systems, including covered services, coding, and billing.

4747.1100 CONTINUING EDUCATION REQUIREMENTS.

Subp. 7. **Auditing continuing education reports.**

A. The board shall audit continuing education reports based on random selection or if the board has reason to believe a report is inaccurate. A licensee shall maintain all documentation required by this part for two years after the last day of the reporting period in which the credits were earned.

B. Upon request, the licensee shall make available to the board for auditing purposes a description of the continuing education activity prepared by the presenter or sponsor that must include the course title and a description of the subject matter, date, place, number of clock hours, presenter, and sponsor. Self-study programs must be documented by materials prepared by the presenter or sponsor and must include course title, course description, name of sponsor or author, and number of hours required to complete the program. University, college, or vocational school courses must be documented by a course syllabus, listing in a course bulletin, or equivalent documentation that must include the course title; instructor's name; course dates; number of clock hours; and course content, objectives, or goals.

C. A licensee shall provide verification of attendance at continuing education activities upon request by the board. Verification must consist of a signature of the presenter, or a representative of the sponsor, a copy of the certificate of completion provided by the course sponsor, or, for completion of a course taken at an accredited school or educational program, an official copy of the transcript, or a report of clock hours attended signed by the instructor. A licensee may summarize or outline the educational content of an audio or video education activity to verify participation in the activity if a designee is not available to sign the continuing education reporting form. Independent study programs must be verified by a certificate of completion or other documentation indicating that the individual has demonstrated knowledge and has successfully completed the program.

4747.1100 CONTINUING EDUCATION REQUIREMENTS.

Subp. 8. **Waiver of continuing education requirements.** The board may grant a waiver of the requirements of this part if the board determines that the requirements would impose an extreme hardship on the licensee. The request for a waiver must be submitted to the board in writing, state the circumstances that constitute extreme hardship, state the period of time the licensee wishes to have the continuing education requirement waived, and state the alternative measures that will be taken if a waiver is granted. The board shall set forth, in writing, the reasons for granting or refusing to grant the waiver. Waivers granted by the board must specify in writing the time limitation and required alternative measures to be taken by the licensee.

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Subp. 9. **Penalties for noncompliance.** The board may refuse to renew or grant or may suspend, condition, limit, or qualify the license of any person whom the board determines has failed to comply with the continuing education requirements of this part.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subpart 1. **Scope.** The rules of professional conduct apply to the conduct of all licensees and applicants, including conduct during the periods of education, training, and employment required for licensure. A licensee must comply with this part notwithstanding any contrary policies of an employer or contractor.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 2. **Purpose.** The rules of professional conduct constitute the standard against which professional behavior of alcohol and drug counselors is measured.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 3. **Violations.** A violation of the rules of professional conduct constitutes unprofessional or unethical conduct and is a sufficient cause for disciplinary action or denial of licensure. Alcohol and drug counselors must not engage in any unprofessional conduct. Unprofessional conduct includes any conduct violating this chapter.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 4. **Integrity.** An alcohol and drug counselor:

A. must be truthful in dealing with clients, students, volunteers, colleagues, and the public;

B. must not perform, nor present himself or herself as able to perform, services beyond his or her field of competence. Licensed status is not a claim, promise, or guarantee of successful service and must not be used as such. Licensed status must not be used to imply competence in other human services occupations, as defined in part 4695.0600;

C. must not permit students, volunteers, or interns under supervision to perform, or represent themselves as able to perform, services beyond the students', volunteers', or interns' skill levels;

D. must not participate in any illegal activities involving drug or alcohol use, possession, sale, or distribution;

E. must make decisions regarding the continuation or the termination of professional services to a client based upon clinical need;

F. must not give or take any commission, rebate, or other form of compensation for the referral of clients for alcohol or drug counseling services or other professional services;

G. must not advertise in a way likely to deceive or defraud the public including, but not limited to, promises of a cure, misrepresentation of professional licensure status or other credential, or the disparagement of any treatment modalities;

H. must not use a client's or former client's name, image, or statements without the written consent of the client or former client;

I. must not knowingly solicit individuals who are receiving drug or alcohol counseling services from another licensed alcohol and drug counselor;

J. must not submit false or misleading information to the board; and

K. must provide information in response to a written request by the board within 30 days of the date of the request.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 5. **Relations to clients.**

A. An alcohol and drug counselor's primary professional responsibility is to the welfare of the client. Alcohol and drug counselors must respect the right of a client to make decisions regarding personal relationships with family members, friends, and community and must help the client understand the consequences of those decisions.

B. Alcohol and drug counselors must have no sexual contact with clients, as defined in Minnesota Statutes, section 148A.01, subdivision 7. Engaging in sexual contact with a client or former client as defined in Minnesota Statutes, section 148A.01; engaging in any contact that may be reasonably interpreted by a client as sexual; engaging in any verbal behavior that is seductive

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or sexually demeaning to the client; or engaging in sexual exploitation of a client or former client is prohibited. Conduct by an alcohol and drug counselor which may reasonably be interpreted by a client as sexual, and any verbal behavior which is seductive or sexually demeaning to the client, or any sexual exploitation of a client, is prohibited.

C. In the provision of services, alcohol and drug counselors must not discriminate on the basis of HIV status or any of the grounds listed in Minnesota Statutes, chapter 363. When unable to offer services, a counselor must make an appropriate referral.

D. Alcohol and drug counselors must recognize the influential position the counselor may have with respect to clients and must not exploit the trust and dependency of clients. A counselor must avoid dual relationships with clients that could impair the counselor's professional judgment or increase the risk of exploitation.

E. Alcohol and drug counselors must not use language of an abusive or obscene nature, including, but not limited to, name-calling, verbal put-downs, threats of harm, false accusations, or sexual jokes.

F. Alcohol and drug counselors must not engage in physical or any other abuse of clients, including, but not limited to, isolating clients from others without therapeutic basis, intimidation, possessiveness, or harassment of any kind.

G. Alcohol and drug counselors must accept no gifts of over \$10 in value from a client.

H. Alcohol and drug counselors must comply with all laws concerning the reporting of abuse of children under Minnesota Statutes, section 626.556, and vulnerable adults under Minnesota Statutes, section 626.557.

I. Alcohol and drug counselors must maintain all client information as private during the professional relationship and after the relationship has terminated.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 6. **Relations to students and interns.** Alcohol and drug counselors must not use or exploit their professional relationships with students, interns, volunteers, trainees, employees, independent contractors, colleagues, research subjects, or actual or potential witnesses or complainants in disciplinary proceedings in any manner through sexual or other harassment, or therapeutic deception for the counselor's emotional, financial, personal, political, religious, or sexual advantage or benefit. Alcohol and drug counselors must not engage in sexual contact, as defined in Minnesota Statutes, section 148A.01, with students, interns, or volunteers whom the counselor is directly supervising.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 7. **Client privacy and confidentiality.** Applicants and licensees not subject to item A are governed by items B, C, and D.

A. Confidentiality and disclosure of client records must be governed by all applicable laws, including, but not limited to Minnesota Statutes, chapters 13 and 148C, and Code of Federal Regulations, title 42, parts 2.1 to 2.67.

B. Code of Federal Regulations, title 42, parts 2.1 to 2.67, is incorporated by reference and applies to licensees who do not maintain client records in connection with the performance of any federally assisted alcohol and drug abuse program.

C. An alcohol and drug counselor must inform a client that self-disclosure in group therapy may result in a loss of confidentiality and client privacy.

D. Licensees governed by item B must, in addition to providing the notice required by Code of Federal Regulations, title 42, part 2.22, make disclosure of items mandated to be reported under Minnesota Statutes, section 626.557, to authorized report receivers without client consent.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 8. **Client welfare.**

A. Clients have the right and the counselor has an obligation to provide, on request, a clear explanation of the nature and purposes of the counseling procedures to be used and the results of any tests administered to the client.

B. A client whose treatment involves the use of a newly developed service, technique, or specialty must be informed of its innovative nature and of known risks associated with it.

C. Alcohol and drug counselors must conduct research activities with full respect for the rights and dignity of clients and with full concern for their welfare. Client participation in

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research is voluntary and is subject to the provisions of Code of Federal Regulations, title 45, parts 46.101-409.

D. A professional relationship between a licensee and a client terminates when the licensee or the client formally notifies the other verbally or in writing, or two years after the last contact in an alcohol and drug counseling capacity between the licensee and the client.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 10. **Impaired objectivity or effectiveness.**

A. An alcohol and drug counselor must make an appropriate referral for a client or potential client if the counselor's objectivity or effectiveness is impaired.

B. An alcohol and drug counselor's objectivity or effectiveness is impaired if the counselor:

- (1) has a dual relationship with a client;
- (2) is dysfunctional as a result of a severe physical or mental health problem, including the abuse of drugs or alcohol;
- (3) exploits or has exploited the professional relationship for the counselor's emotional, financial, sexual, or personal advantage or benefit; or
- (4) holds convictions that interfere with the professional relationship.

C. An alcohol and drug counselor must not practice while under the influence of alcohol or other controlled substances not prescribed by a physician. An alcohol and drug counselor must not use or possess controlled substances as defined by Minnesota Statutes, chapter 152, unless prescribed by, and used in accordance with the direction of, a practitioner, as defined by Minnesota Statutes, section 151.01, subdivision 23.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 11. **Public statements.** Public statements made by an alcohol and drug counselor must not directly or by implication contain any false or misleading representations about professional qualifications such as education, experience, the license, affiliations, purposes, or characteristics of institutions and organizations with which the counselor is associated, or any other aspect of the professional services provided by the counselor.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 12. **Fees and statements.**

A. An alcohol and drug counselor must disclose the cost of services provided and must clearly explain financial matters to clients. Arrangements for fees and payments must be made at the beginning of the counseling relationship. Bartering for services is prohibited.

B. If alcohol and drug counseling services are requested or paid for by one person or agency on behalf of a client, the counselor must inform both parties that any information gained by the counselor in the course of rendering services to the client may not be disclosed to any third party, including the person or agency paying for the services without the informed, written consent of the client.

C. An alcohol and drug counselor must not aid or abet an unlicensed individual engaged in the practice of alcohol and drug counseling. An alcohol and drug counselor who supervises an individual engaged in supervised alcohol and drug counselor experience, an alcohol and drug counselor practicum, or an alcohol and drug counselor internship is not in violation of this part.

4747.1400 RULES OF PROFESSIONAL CONDUCT.

Subp. 13. **Violation of law.** An alcohol and drug counselor must not violate any law in which the facts giving rise to the violation involve the provision of alcohol and drug counseling services. In determining whether a violation involves the provision of alcohol and drug counseling services, the board must consider:

- A. the nature of the violation the alcohol and drug counselor is alleged to have committed;
- B. the relationship of the alleged violation to the purposes of regulating the practice of alcohol and drug counseling; and
- C. the relationship of the violation to the ability, capacity, or integrity of the alcohol and drug counselor in rendering alcohol and drug counseling services. In any proceeding alleging a violation of this chapter, the proof of a conviction of a crime shall constitute proof of the factual elements necessarily underlying that conviction.

4747.1500 CLIENT BILL OF RIGHTS.

Subpart 1. **Scope.** The client bill of rights must be in writing, must include the information in items A to C, and must be provided to a client once upon intake prior to a client receiving alcohol and drug counseling services from a licensee. In addition, a client must receive the information in item A from each counselor worked with at the time the counselor begins working with the client. A copy of the client bill of rights must also be posted in a prominent location in the office of the counselor. Reasonable accommodations must be made for those clients who cannot read or who have communication impairments and those who do not read or speak English.

A. Personal information about the counselor, including:

- (1) the name, title, business address, license number, and telephone number; and
- (2) the name, business address, and telephone number of the counselor's supervisor, if any.

B. A list of specific rights a client has while in treatment, including the following statements:

(1) the counselor's fees per unit of service, the counselor's method of billing, the names of any insurance companies that have agreed to reimburse the counselor, or health maintenance organizations with whom the counselor contracts to provide service, whether the counselor accepts Medicare or reimbursement from the consolidated chemical dependency treatment fund, and whether the counselor is willing to accept partial payment, or to waive payment, and in what circumstances;

(2) a brief summary, in plain language, of the theoretical approach used by the counselor in treating clients; and

(3) a statement that other health and social services are available in the community, including where information concerning services is available.

C. The following statements:

(1) "You may obtain a copy of the rules of professional conduct from the Public Documents Division, Minnesota Department of Administration." It should include the current address and telephone number;

(2) "You have the right to report complaints to the Board of Behavioral Health and Therapy." It should include the current address and telephone number;

(3) "You have a right to reasonable notice of changes in counseling services or charges.";

(4) "You have a right to complete and current information concerning the counselor's assessment and recommended course of treatment, including the expected duration of treatment.";

(5) "You may expect courteous treatment and to be free from verbal, physical, or sexual abuse by the counselor.";

(6) "Your records and transactions with the counselor are confidential unless release of these records is authorized in writing by you, or otherwise provided by law.";

(7) "You have a right to be allowed access to records and written information from records according to Minnesota Statutes, sections 144.291 to 144.298.";

(8) "You have a right to choose freely from among available counselors, and to change counselors after services have begun, within the limits of health insurance, medical assistance, or other payment programs or agreements.";

(9) "You have a right to coordinated transfer when there will be a change in the provider of services.";

(10) "You may refuse services or treatment, unless otherwise provided by law."; and

(11) "You may assert your rights without retaliation."

Subp. 2. **Acknowledgment by client.** Prior to intake, the counselor must obtain a written statement signed by the client attesting that the client has received the client bill of rights. If the client refuses to sign the statement, the counselor must document that fact.

6310.3100 REREGISTRATION REQUIREMENTS.

Subp. 2. **Fees.**

A. The fee for reregistration is the current registration renewal fee.

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B. The late application fee is applicable if the licensee's registration expired within the two years preceding submission of the reregistration application unless the licensee has been licensed and is practicing nursing in another jurisdiction or country.

C. In addition to the fee in item A and when applicable the fee in item B, the penalty fee for practicing nursing without current registration is also applicable if the licensee practiced nursing in Minnesota after expiration of the licensee's registration.

D. For purposes of calculating the penalty fee for practicing nursing without current registration, the number of calendar months, or parts of months, of practice shall be calculated from the first day the licensee does not have current registration to the date of last nursing practice.

6310.3600 REGISTRATION FEES.

Subpart 1. **Amount.** The amount of fees shall be as follows:

- A. registration renewal, as set by law;
- B. late application, as set by law;
- C. replacement license, \$20;
- D. replacement registration certificate, \$5;
- E. verification of licensure status, \$20;
- F. verification of examination scores, \$20;
- G. a copy of licensure application materials, \$20;
- H. service charge for a dishonored check, \$20; and
- I. penalty for practicing nursing without current registration, two times the amount of the current registration renewal fee for any part of the first calendar month, plus the current registration renewal fee for any part of any subsequent month up to 24 months. The fee shall be paid in the form of a certified check or money order.

Subp. 2. **Nonrefundable.** All fees are nonrefundable.

6310.3700 DISHONORED CHECKS.

Subpart 1. **Service charge.** If a licensee submits a dishonored check for any of the fees required in part 6310.3600, subpart 1, items A to G or 6316.0200, subpart 3, a service charge shall be assessed in keeping with Minnesota Statutes, section 332.50, subdivision 2.