

A bill for an act

relating to health-related licensing boards; establishing licensure for professional clinical counselors; modifying the definitions of mental health professionals; amending Minnesota Statutes 2006, sections 148B.50, subdivision 5; 148B.53, subdivision 1; 245.462, subdivision 18; 245.470, subdivision 1; 245.4871, subdivision 27; 245.488, subdivision 1; 256B.0623, subdivision 5; 256B.0624, subdivisions 5, 8; 256B.0943, subdivision 1; 256J.08, subdivision 73a; proposing coding for new law in Minnesota Statutes, chapter 148B.

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

Section 1. Minnesota Statutes 2006, section 148B.50, subdivision 5, is amended to read:

Subd. 5. **Scope of practice.** (a) The scope of practice of a licensed professional counselor includes, but is not limited to:

(1) the implementation of professional counseling treatment interventions including evaluation, treatment planning, assessment, and referral;

(2) direct counseling services to individuals, groups, and families;

(3) counseling strategies that effectively respond to multicultural populations;

(4) knowledge of relevant laws and ethics impacting practice;

(5) crisis intervention;

(6) consultation; and

(7) program evaluation and applied research.

(b) For the purposes of paragraph (a), clause (1), "professional counseling treatment interventions" means the application of cognitive, affective, behavioral, systemic, and community counseling strategies which include principles of human development, wellness, and pathology. Counselors provide mental health services for clients whose symptoms significantly interfere with daily functioning and would most likely not improve in a reasonable time period without intervention.

(c) Licensed professional counseling does not include activities or services undertaken by persons listed in section 148B.592, or the performance of any act that licensed professional counselors are not educated and trained to perform.

~~(d) In order to evaluate and treat mental illness, a licensed professional counselor must complete the postgraduate training specified in section 245.462, subdivision 18, clause (6), or 245.4871, subdivision 27, clause (6).~~

Sec. 2. Minnesota Statutes 2006, section 148B.53, subdivision 1, is amended to read:

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

(1) is at least 18 years of age;

(2) is of good moral character;

(3) has completed a master's or doctoral degree program in counseling or a related field, as determined by the board based on the criteria in paragraph (b), that includes a minimum of 48 semester hours or 72 quarter hours and a supervised field experience of not fewer than 700 hours that is counseling in nature;

(4) 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; and

(5) has demonstrated competence in professional counseling by passing the National Counseling Exam (NCE) administered by the National Board for Certified Counselors, Inc. (NBCC) or an equivalent national examination as determined by the board, and ethical, oral, and situational examinations if prescribed by the board.

(b) The degree described in paragraph (a), clause (3), must be from a counseling program recognized by the Council for Accreditation of Counseling and Related Education Programs (CACREP) or from an institution of higher education that is accredited by a regional accrediting organization recognized by the Council for Higher Education Accreditation (CHEA). ~~Except as provided in paragraph (c),~~ Specific academic course content and training must include course work in each of the following subject areas:

(1) the helping relationship, including counseling theory and practice;

(2) human growth and development;

(3) lifestyle and career development;

(4) group dynamics, processes, counseling, and consulting;

(5) assessment and appraisal;

(6) social and cultural foundations, including multicultural issues;

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

(8) family counseling and therapy;

(9) research and evaluation; and

(10) professional counseling orientation and ethics.

(c) To be licensed as a professional counselor, a psychological practitioner licensed under section 148.908 need only show evidence of licensure under that section and is not required to comply with paragraph (a), clauses (1) to (3) and (5), or paragraph (b).

(d) To be licensed as a professional counselor, a Minnesota licensed psychologist need only show evidence of licensure from the Minnesota Board of Psychology and is not required to comply with paragraph (a) or (b).

~~(e) If the degree described in paragraph (a), clause (3), is from a counseling program recognized by the Council for Accreditation of Counseling and Related Education Programs (CACREP), the applicant is deemed to have met the specific course work requirements of paragraph (b).~~

Sec. 3. **[148B.5301] REQUIREMENTS FOR LICENSURE AS A LICENSED PROFESSIONAL CLINICAL COUNSELOR.**

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

(1) is at least 18 years of age;

(2) is of good moral character;

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

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

(ii) human growth and development;

(iii) lifestyle and career development;

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

- 4.1 (v) assessment and appraisal;
- 4.2 (vi) social and cultural foundations, including multicultural issues;
- 4.3 (vii) principles of etiology, treatment planning, and prevention of mental and
- 4.4 emotional disorders and dysfunctional behavior;
- 4.5 (viii) family counseling and therapy;
- 4.6 (ix) research and evaluation; and
- 4.7 (x) professional counseling orientation and ethics;
- 4.8 (4) has demonstrated competence in professional counseling by passing the National
- 4.9 Clinical Mental Health Counseling Examination (NCMHCE), administered by the
- 4.10 National Board for Certified Counselors, Inc. (NBCC) and ethical, oral, and situational
- 4.11 examinations as prescribed by the board. In lieu of the NCMHCE, applicants who have
- 4.12 taken and passed the National Counselor Examination (NCE) administered by the NBCC,
- 4.13 or another board-approved examination, need only take and pass the Examination of
- 4.14 Clinical Counseling Practice (ECCP) administered by the NBCC;
- 4.15 (5) has earned graduate-level semester credits or quarter-credit equivalents in the
- 4.16 following clinical content areas as follows:
- 4.17 (i) six credits in diagnostic assessment for child or adult mental disorders; normative
- 4.18 development; and psychopathology, including developmental psychopathology;
- 4.19 (ii) three credits in clinical treatment planning, with measurable goals;
- 4.20 (iii) six credits in clinical intervention methods informed by research evidence and
- 4.21 community standards of practice;
- 4.22 (iv) three credits in evaluation methodologies regarding the effectiveness of
- 4.23 interventions;
- 4.24 (v) three credits in professional ethics applied to clinical practice; and
- 4.25 (vi) three credits in cultural diversity; and
- 4.26 (6) has demonstrated successful completion of 4,000 hours of supervised,
- 4.27 postmaster's degree professional practice in the delivery of clinical services in the
- 4.28 diagnosis and treatment of child and adult mental illnesses and disorders, conducted
- 4.29 according to subdivision 2.
- 4.30 (b) If course work in paragraph (a) was not completed as part of the degree program
- 4.31 required by paragraph (a), clause (3), the course work must be taken and passed for credit,
- 4.32 and must be earned from a counseling program or institution that meets the requirements
- 4.33 of paragraph (a), clause (3).
- 4.34 Subd. 2. **Supervision.** (a) To qualify as a LPCC, an applicant must have completed
- 4.35 4,000 hours of postmaster's degree supervised professional practice in the delivery of
- 4.36 clinical services in the diagnosis and treatment of mental illnesses and disorders in

both children and adults. The supervised practice shall be conducted according to the requirements in paragraphs (b) to (e).

(b) The supervision must have been received under a contract that defines clinical practice and supervision from a mental health professional as defined in section 245.462, subdivision 18, clauses (1) to (6), or section 245.4871, subdivision 27, clauses (1) to (6), or by a board-approved supervisor, who has at least two years of postlicensure experience in the delivery of clinical services in the diagnosis and treatment of mental illnesses and disorders.

(c) The supervision must be obtained at the rate of two hours of supervision per 40 hours of professional practice. 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.

(d) The supervised practice must include at least 1,800 hours of clinical client contact.

(e) The supervised practice must be clinical practice. Supervision includes the observation by the supervisor of the successful application of professional counseling knowledge, skills, and values in the differential diagnosis and treatment of psychosocial function, disability, or impairment, including addictions and emotional, mental, and behavioral disorders.

Subd. 3. Conversion from licensed professional counselor to licensed clinical counselor. (a) Until August 1, 2011, an individual currently licensed in the state of Minnesota as a licensed professional counselor may convert to a LPCC by providing evidence satisfactory to the board that the applicant has met the following requirements:

(1) is at least 18 years of age;

(2) is of good moral character;

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

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

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

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

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

(ii) clinical treatment planning, with measurable goals;

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

(iv) evaluation methodologies regarding the effectiveness of interventions;

(v) professional ethics applied to clinical practice; and

(vi) cultural diversity;

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

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

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

(c) This subdivision expires August 1, 2011.

Subd. 4. **Conversion to licensed professional clinical counselor after August 1, 2011.** An individual licensed in the state of Minnesota as a licensed professional counselor may convert to a LPCC by providing evidence satisfactory to the board that the applicant has met the requirements of subdivisions 2 and 3, subject to the following:

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

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

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

Subd. 5. **Scope of practice.** The scope of practice of a LPCC shall include all those services provided by mental health professionals as defined in section 245.462, subdivision 18, and section 245.4871, subdivision 27.

Subd. 6. **Jurisdiction.** LPCC's are subject to the board's statutes and rules to the same extent as licensed professional counselors.

Sec. 4. Minnesota Statutes 2006, section 245.462, subdivision 18, is amended to read:

Subd. 18. **Mental health professional.** "Mental health professional" means a person providing clinical services in the treatment of mental illness who is qualified in at least one of the following ways:

(1) in psychiatric nursing: a registered nurse who is licensed under sections 148.171 to 148.285; and:

(i) who is certified as a clinical specialist or as a nurse practitioner in adult or family psychiatric and mental health nursing by a national nurse certification organization; or

(ii) who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work: a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(3) in psychology: an individual licensed by the Board of Psychology under sections 148.88 to 148.98 who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness;

(4) in psychiatry: a physician licensed under chapter 147 and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry;

(5) in marriage and family therapy: the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness; ~~or~~

(6) in licensed professional clinical counseling, the mental health professional must be a licensed professional clinical counselor under section 148B.5301; or

(7) in allied fields: a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness.

Sec. 5. Minnesota Statutes 2006, section 245.470, subdivision 1, is amended to read:

Subdivision 1. **Availability of outpatient services.** (a) County boards must provide or contract for enough outpatient services within the county to meet the needs of adults

with mental illness residing in the county. Services may be provided directly by the county through county-operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with privately operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with hospital mental health outpatient programs certified by the Joint Commission on Accreditation of Hospital Organizations; or by contract with a licensed mental health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(4)~~ (6). Clients may be required to pay a fee according to section 245.481. Outpatient services include:

- (1) conducting diagnostic assessments;
- (2) conducting psychological testing;
- (3) developing or modifying individual treatment plans;
- (4) making referrals and recommending placements as appropriate;
- (5) treating an adult's mental health needs through therapy;
- (6) prescribing and managing medication and evaluating the effectiveness of prescribed medication; and
- (7) preventing placement in settings that are more intensive, costly, or restrictive than necessary and appropriate to meet client needs.

(b) County boards may request a waiver allowing outpatient services to be provided in a nearby trade area if it is determined that the client can best be served outside the county.

Sec. 6. Minnesota Statutes 2006, section 245.4871, subdivision 27, is amended to read:

Subd. 27. **Mental health professional.** "Mental health professional" means a person providing clinical services in the diagnosis and treatment of children's emotional disorders. A mental health professional must have training and experience in working with children consistent with the age group to which the mental health professional is assigned. A mental health professional must be qualified in at least one of the following ways:

- (1) in psychiatric nursing, the mental health professional must be a registered nurse who is licensed under sections 148.171 to 148.285 and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) in clinical social work, the mental health professional must be a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders;

(3) in psychology, the mental health professional must be an individual licensed by the board of psychology under sections 148.88 to 148.98 who has stated to the board of psychology competencies in the diagnosis and treatment of mental disorders;

(4) in psychiatry, the mental health professional must be a physician licensed under chapter 147 and certified by the American board of psychiatry and neurology or eligible for board certification in psychiatry;

(5) in marriage and family therapy, the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental disorders or emotional disturbances; ~~or~~

(6) in licensed professional clinical counseling, the mental health professional must be a licensed professional clinical counselor under section 148B.5301; or

(7) in allied fields, the mental health professional must be a person with a master's degree from an accredited college or university in one of the behavioral sciences or related fields, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of emotional disturbances.

Sec. 7. Minnesota Statutes 2006, section 245.488, subdivision 1, is amended to read:

Subdivision 1. **Availability of outpatient services.** (a) County boards must provide or contract for enough outpatient services within the county to meet the needs of each child with emotional disturbance residing in the county and the child's family. Services may be provided directly by the county through county-operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with privately operated mental health centers or mental health clinics approved by the commissioner under section 245.69, subdivision 2; by contract with hospital mental health outpatient programs certified by the Joint Commission on Accreditation of Hospital Organizations; or by contract with a licensed mental health professional as defined in section 245.4871, subdivision 27, clauses (1) to ~~(4)~~ (6). A child or a child's parent may be required to pay a fee based in accordance with section 245.481. Outpatient services include:

(1) conducting diagnostic assessments;

- 10.1 (2) conducting psychological testing;
- 10.2 (3) developing or modifying individual treatment plans;
- 10.3 (4) making referrals and recommending placements as appropriate;
- 10.4 (5) treating the child's mental health needs through therapy; and
- 10.5 (6) prescribing and managing medication and evaluating the effectiveness of
- 10.6 prescribed medication.

10.7 (b) County boards may request a waiver allowing outpatient services to be provided
10.8 in a nearby trade area if it is determined that the child requires necessary and appropriate
10.9 services that are only available outside the county.

10.10 (c) Outpatient services offered by the county board to prevent placement must be at
10.11 the level of treatment appropriate to the child's diagnostic assessment.

10.12 Sec. 8. Minnesota Statutes 2006, section 256B.0623, subdivision 5, is amended to read:

10.13 Subd. 5. **Qualifications of provider staff.** Adult rehabilitative mental health
10.14 services must be provided by qualified individual provider staff of a certified provider
10.15 entity. Individual provider staff must be qualified under one of the following criteria:

10.16 (1) a mental health professional as defined in section 245.462, subdivision 18,
10.17 clauses (1) to (5). If the recipient has a current diagnostic assessment by a licensed mental
10.18 health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6),
10.19 recommending receipt of adult mental health rehabilitative services, the definition of
10.20 mental health professional for purposes of this section includes a person who is qualified
10.21 under section 245.462, subdivision 18, clause ~~(6)~~ (7), and who holds a current and valid
10.22 national certification as a certified rehabilitation counselor or certified psychosocial
10.23 rehabilitation practitioner;

10.24 (2) a mental health practitioner as defined in section 245.462, subdivision 17. The
10.25 mental health practitioner must work under the clinical supervision of a mental health
10.26 professional; or

10.27 (3) a mental health rehabilitation worker. A mental health rehabilitation worker
10.28 means a staff person working under the direction of a mental health practitioner or mental
10.29 health professional and under the clinical supervision of a mental health professional in
10.30 the implementation of rehabilitative mental health services as identified in the recipient's
10.31 individual treatment plan who:

10.32 (i) is at least 21 years of age;

10.33 (ii) has a high school diploma or equivalent;

10.34 (iii) has successfully completed 30 hours of training during the past two years in all
10.35 of the following areas: recipient rights, recipient-centered individual treatment planning,

11.1 behavioral terminology, mental illness, co-occurring mental illness and substance abuse,
11.2 psychotropic medications and side effects, functional assessment, local community
11.3 resources, adult vulnerability, recipient confidentiality; and

11.4 (iv) meets the qualifications in subitem (A) or (B):

11.5 (A) has an associate of arts degree in one of the behavioral sciences or human
11.6 services, or is a registered nurse without a bachelor's degree, or who within the previous
11.7 ten years has:

11.8 (1) three years of personal life experience with serious and persistent mental illness;

11.9 (2) three years of life experience as a primary caregiver to an adult with a serious
11.10 mental illness or traumatic brain injury; or

11.11 (3) 4,000 hours of supervised paid work experience in the delivery of mental health
11.12 services to adults with a serious mental illness or traumatic brain injury; or

11.13 (B)(1) is fluent in the non-English language or competent in the culture of the
11.14 ethnic group to which at least 20 percent of the mental health rehabilitation worker's
11.15 clients belong;

11.16 (2) receives during the first 2,000 hours of work, monthly documented individual
11.17 clinical supervision by a mental health professional;

11.18 (3) has 18 hours of documented field supervision by a mental health professional
11.19 or practitioner during the first 160 hours of contact work with recipients, and at least six
11.20 hours of field supervision quarterly during the following year;

11.21 (4) has review and cosignature of charting of recipient contacts during field
11.22 supervision by a mental health professional or practitioner; and

11.23 (5) has 40 hours of additional continuing education on mental health topics during
11.24 the first year of employment.

11.25 Sec. 9. Minnesota Statutes 2006, section 256B.0624, subdivision 5, is amended to read:

11.26 Subd. 5. **Mobile crisis intervention staff qualifications.** For provision of adult
11.27 mental health mobile crisis intervention services, a mobile crisis intervention team is
11.28 comprised of at least two mental health professionals as defined in section 245.462,
11.29 subdivision 18, clauses (1) to ~~(5)~~ (6), or a combination of at least one mental health
11.30 professional and one mental health practitioner as defined in section 245.462, subdivision
11.31 17, with the required mental health crisis training and under the clinical supervision of
11.32 a mental health professional on the team. The team must have at least two people with
11.33 at least one member providing on-site crisis intervention services when needed. Team
11.34 members must be experienced in mental health assessment, crisis intervention techniques,
11.35 and clinical decision-making under emergency conditions and have knowledge of local

12.1 services and resources. The team must recommend and coordinate the team's services
12.2 with appropriate local resources such as the county social services agency, mental health
12.3 services, and local law enforcement when necessary.

12.4 Sec. 10. Minnesota Statutes 2006, section 256B.0624, subdivision 8, is amended to
12.5 read:

12.6 Subd. 8. **Adult crisis stabilization staff qualifications.** (a) Adult mental health
12.7 crisis stabilization services must be provided by qualified individual staff of a qualified
12.8 provider entity. Individual provider staff must have the following qualifications:

12.9 (1) be a mental health professional as defined in section 245.462, subdivision 18,
12.10 clauses (1) to ~~(5)~~ (6);

12.11 (2) be a mental health practitioner as defined in section 245.462, subdivision 17.

12.12 The mental health practitioner must work under the clinical supervision of a mental health
12.13 professional; or

12.14 (3) be a mental health rehabilitation worker who meets the criteria in section
12.15 256B.0623, subdivision 5, clause (3); works under the direction of a mental health
12.16 practitioner as defined in section 245.462, subdivision 17, or under direction of a
12.17 mental health professional; and works under the clinical supervision of a mental health
12.18 professional.

12.19 (b) Mental health practitioners and mental health rehabilitation workers must have
12.20 completed at least 30 hours of training in crisis intervention and stabilization during
12.21 the past two years.

12.22 Sec. 11. Minnesota Statutes 2006, section 256B.0943, subdivision 1, is amended to
12.23 read:

12.24 Subdivision 1. **Definitions.** For purposes of this section, the following terms have
12.25 the meanings given them.

12.26 (a) "Children's therapeutic services and supports" means the flexible package of
12.27 mental health services for children who require varying therapeutic and rehabilitative
12.28 levels of intervention. The services are time-limited interventions that are delivered using
12.29 various treatment modalities and combinations of services designed to reach treatment
12.30 outcomes identified in the individual treatment plan.

12.31 (b) "Clinical supervision" means the overall responsibility of the mental health
12.32 professional for the control and direction of individualized treatment planning, service
12.33 delivery, and treatment review for each client. A mental health professional who is an
12.34 enrolled Minnesota health care program provider accepts full professional responsibility

13.1 for a supervisee's actions and decisions, instructs the supervisee in the supervisee's work,
13.2 and oversees or directs the supervisee's work.

13.3 (c) "County board" means the county board of commissioners or board established
13.4 under sections 402.01 to 402.10 or 471.59.

13.5 (d) "Crisis assistance" has the meaning given in section 245.4871, subdivision 9a.

13.6 (e) "Culturally competent provider" means a provider who understands and can
13.7 utilize to a client's benefit the client's culture when providing services to the client. A
13.8 provider may be culturally competent because the provider is of the same cultural or
13.9 ethnic group as the client or the provider has developed the knowledge and skills through
13.10 training and experience to provide services to culturally diverse clients.

13.11 (f) "Day treatment program" for children means a site-based structured program
13.12 consisting of group psychotherapy for more than three individuals and other intensive
13.13 therapeutic services provided by a multidisciplinary team, under the clinical supervision
13.14 of a mental health professional.

13.15 (g) "Diagnostic assessment" has the meaning given in section 245.4871, subdivision
13.16 11.

13.17 (h) "Direct service time" means the time that a mental health professional, mental
13.18 health practitioner, or mental health behavioral aide spends face-to-face with a client
13.19 and the client's family. Direct service time includes time in which the provider obtains
13.20 a client's history or provides service components of children's therapeutic services and
13.21 supports. Direct service time does not include time doing work before and after providing
13.22 direct services, including scheduling, maintaining clinical records, consulting with others
13.23 about the client's mental health status, preparing reports, receiving clinical supervision
13.24 directly related to the client's psychotherapy session, and revising the client's individual
13.25 treatment plan.

13.26 (i) "Direction of mental health behavioral aide" means the activities of a mental
13.27 health professional or mental health practitioner in guiding the mental health behavioral
13.28 aide in providing services to a client. The direction of a mental health behavioral aide
13.29 must be based on the client's individualized treatment plan and meet the requirements in
13.30 subdivision 6, paragraph (b), clause (5).

13.31 (j) "Emotional disturbance" has the meaning given in section 245.4871, subdivision
13.32 15. For persons at least age 18 but under age 21, mental illness has the meaning given in
13.33 section 245.462, subdivision 20, paragraph (a).

13.34 (k) "Individual behavioral plan" means a plan of intervention, treatment, and
13.35 services for a child written by a mental health professional or mental health practitioner,

14.1 under the clinical supervision of a mental health professional, to guide the work of the
14.2 mental health behavioral aide.

14.3 (l) "Individual treatment plan" has the meaning given in section 245.4871,
14.4 subdivision 21.

14.5 (m) "Mental health professional" means an individual as defined in section 245.4871,
14.6 subdivision 27, clauses (1) to ~~(5)~~ (6), or tribal vendor as defined in section 256B.02,
14.7 subdivision 7, paragraph (b).

14.8 (n) "Preschool program" means a day program licensed under Minnesota Rules,
14.9 parts 9503.0005 to 9503.0175, and enrolled as a children's therapeutic services and
14.10 supports provider to provide a structured treatment program to a child who is at least 33
14.11 months old but who has not yet attended the first day of kindergarten.

14.12 (o) "Skills training" means individual, family, or group training designed to improve
14.13 the basic functioning of the child with emotional disturbance and the child's family in the
14.14 activities of daily living and community living, and to improve the social functioning of the
14.15 child and the child's family in areas important to the child's maintaining or reestablishing
14.16 residency in the community. Individual, family, and group skills training must:

14.17 (1) consist of activities designed to promote skill development of the child and the
14.18 child's family in the use of age-appropriate daily living skills, interpersonal and family
14.19 relationships, and leisure and recreational services;

14.20 (2) consist of activities that will assist the family's understanding of normal child
14.21 development and to use parenting skills that will help the child with emotional disturbance
14.22 achieve the goals outlined in the child's individual treatment plan; and

14.23 (3) promote family preservation and unification, promote the family's integration
14.24 with the community, and reduce the use of unnecessary out-of-home placement or
14.25 institutionalization of children with emotional disturbance.

14.26 Sec. 12. Minnesota Statutes 2006, section 256J.08, subdivision 73a, is amended to read:

14.27 Subd. 73a. **Qualified professional.** (a) For physical illness, injury, or incapacity,
14.28 a "qualified professional" means a licensed physician, a physician's assistant, a nurse
14.29 practitioner, or a licensed chiropractor.

14.30 (b) For developmental disability and intelligence testing, a "qualified professional"
14.31 means an individual qualified by training and experience to administer the tests necessary
14.32 to make determinations, such as tests of intellectual functioning, assessments of adaptive
14.33 behavior, adaptive skills, and developmental functioning. These professionals include
14.34 licensed psychologists, certified school psychologists, or certified psychometrists working
14.35 under the supervision of a licensed psychologist.

(c) For learning disabilities, a "qualified professional" means a licensed psychologist or school psychologist with experience determining learning disabilities.

(d) For mental health, a "qualified professional" means a licensed physician or a qualified mental health professional. A "qualified mental health professional" means:

(1) for children, in psychiatric nursing, a registered nurse who is licensed under sections 148.171 to 148.285, and who is certified as a clinical specialist in child and adolescent psychiatric or mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(2) for adults, in psychiatric nursing, a registered nurse who is licensed under sections 148.171 to 148.285, and who is certified as a clinical specialist in adult psychiatric and mental health nursing by a national nurse certification organization or who has a master's degree in nursing or one of the behavioral sciences or related fields from an accredited college or university or its equivalent, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(3) in clinical social work, a person licensed as an independent clinical social worker under chapter 148D, or a person with a master's degree in social work from an accredited college or university, with at least 4,000 hours of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness;

(4) in psychology, an individual licensed by the Board of Psychology under sections 148.88 to 148.98, who has stated to the Board of Psychology competencies in the diagnosis and treatment of mental illness;

(5) in psychiatry, a physician licensed under chapter 147 and certified by the American Board of Psychiatry and Neurology or eligible for board certification in psychiatry; ~~and~~

(6) in marriage and family therapy, the mental health professional must be a marriage and family therapist licensed under sections 148B.29 to 148B.39, with at least two years of post-master's supervised experience in the delivery of clinical services in the treatment of mental illness; and

(7) in licensed professional clinical counseling, the mental health professional must be a licensed professional clinical counselor under section 148.5301.