## CHAPTER 28--S.F.No. 955

*An act relating to health licensing; making technical changes; expanding duty to warn and reciprocity for certain mental health professionals and social workers; amending Minnesota Statutes 2018, sections 148B.56; 148B.593; 148E.240, subdivision 6; 148F.03; 148F.13, subdivision 2.*

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

Section 1. Minnesota Statutes 2018, section 148B.56, is amended to read:

**148B.56 RECIPROCITY.**

Subdivision 1. **Persons licensed in another jurisdiction for less than five years.** The board may issue a license to an individual who holds a current license or other credential from another jurisdiction if the board finds that the requirements for that credential are substantially similar to the requirements in sections 148B.50 to 148B.593.

Subd. 2. **Persons licensed in another jurisdiction for five or more years.** (a) The board may issue a license to an individual who holds a current license or other credential in good standing from another jurisdiction if the board finds that the individual has been in active practice for a minimum of five years after receiving licensure or other credential.

(b) The board shall determine, based on the individual's experience and qualifications, whether the individual is granted the licensed professional counselor license or the licensed professional clinical counselor license.

Sec. 2. Minnesota Statutes 2018, section 148B.593, is amended to read:

**148B.593 DISCLOSURE OF INFORMATION.**

(a) A person licensed under sections 148B.50 to 148B.593 may not disclose without written consent of the client any communication made by the client to the licensee in the course of the practice of professional counseling, nor may any employee of the licensee reveal the information without the consent of the employer or client except as provided under section 626.556 or 626.557.

(b) For purposes of sections 148B.50 to 148B.593, the confidential relations and communications between the licensee and a client are placed upon the same basis as those that exist between a licensed psychologist and client. Nothing in sections 148B.50 to 148B.593 may be construed to require any communications to be disclosed except by court order or as provided in paragraph (c).

(c) Private information may be disclosed without the consent of the client when a duty to warn arises, or as otherwise provided by law or court order. The duty to warn of, or take reasonable precautions to provide protection from, violent behavior arises only when a client or other person has communicated to the provider a specific, serious threat of physical violence to self or a specific, clearly identified or identifiable potential victim. If a duty to warn arises, the duty is discharged by the provider if reasonable efforts are made to communicate the threat to law enforcement agencies, the potential victim, the family of the client, or appropriate third parties who are in a position to prevent or avert the harm. No monetary liability and no cause of action or disciplinary action by the board may arise against a provider for disclosure of confidences

Copyright © 2019 by the Revisor of Statutes, State of Minnesota. All Rights Reserved.

to third parties, for failure to disclose confidences to third parties, or for erroneous disclosure of confidences to third parties in a good faith effort to warn against or take precautions against a client's violent behavior or threat of suicide.

(d) For purposes of this section, (1) "provider" includes a licensee, an applicant for licensure, and a student or intern practicing professional counseling or professional clinical counseling under supervision as part of an accredited graduate educational program or under a supervised postgraduate experience in professional counseling or professional clinical counseling required for licensure; (2) "other person" means an immediate family member or someone who personally knows the client and has reason to believe the client is capable of and will carry out the serious, specific threat of harm to a specific, clearly identified, or identifiable victim; and (3) "reasonable efforts" means communicating the serious, specific threat to the potential victim and if unable to make contact with the potential victim, communicating the serious, specific threat to the law enforcement agency closest to the potential victim of the client.

Sec. 3. Minnesota Statutes 2018, section 148E.240, subdivision 6, is amended to read:

Subd. 6. **Duty to warn.** (a) A licensee must comply with the duty to warn established by section 148.975.

(b) For purposes of this subdivision, "licensee" includes interns and students.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 4. Minnesota Statutes 2018, section 148F.03, is amended to read:

**148F.03 RECIPROCITY.**

Subdivision 1. **Persons licensed or credentialed in another jurisdiction for less than five years.** (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 in 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 met to obtain the credential from the other jurisdiction were substantially similar to the current requirements for licensure in this chapter and that the applicant is not otherwise disqualified under section 148F.09.

Subd. 2. **Persons licensed or credentialed in another jurisdiction for five or more years.** (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 in 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.

(c) The board may issue a license if the board finds that the applicant has been in active practice in good standing for a minimum of five years after receiving licensure or other credential.

Copyright © 2019 by the Revisor of Statutes, State of Minnesota. All Rights Reserved.

(d) The board shall determine, based on the applicant's experience and qualifications, whether the applicant is granted the licensed alcohol and drug counselor license or other credential regulated by the board.

Sec. 5. Minnesota Statutes 2018, section 148F.13, subdivision 2, is amended to read:

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

(b) For purposes of this subdivision, "provider" includes alcohol and drug counseling practicum students and individuals who are participating in a postdegree professional practice in alcohol and drug counseling. "Other person" and "reasonable efforts" have the meanings given in section 148B.593, paragraph (d).

Presented to the governor May 17, 2019

Signed by the governor May 17, 2019, 5:49 p.m.

Copyright © 2019 by the Revisor of Statutes, State of Minnesota. All Rights Reserved.