

Board of Behavioral Health and Therapy**Proposed Permanent Rule to Modify Licensing Requirements****2150.0060 NOTICE OF LICENSE RENEWAL.**

The board ~~shall~~ must mail ~~an application for~~ or e-mail a notice of license renewal to a licensee at least 45 days before the expiration date of the license. ~~In the alternative, upon the licensee's election, the board shall send the application via e-mail.~~ Placing the ~~application~~ notice of license renewal in first class United States mail, addressed to the licensee at the licensee's last known mailing address with postage prepaid, constitutes valid mailing. Sending the ~~application~~ notice via e-mail to the licensee's last known e-mail address on file also constitutes valid notification. Failure to receive the ~~renewal documents~~ notice by either means does not relieve a license holder of the obligation to renew a license or to pay the renewal fee.

2150.0070 APPLYING FOR RENEWAL OF A LICENSE.

~~In order~~ To renew a license, a licensee must submit a completed; signed or electronic application for license renewal, with the required, nonrefundable license renewal fee as specified by Minnesota Statutes, section 148B.53, subdivision 3, clause (2), payable to the Board of Behavioral Health and Therapy. The application must be postmarked or received by the board by the end of the day on which the license expires, or the following business day if the expiration date falls on a Saturday, Sunday, or holiday. An application ~~which~~ that is not completed or signed; or ~~which~~ that is not accompanied by the correct fee; is void; and must be returned to the licensee.

2150.0110 TERMINATION FOR NONRENEWAL.

Subpart 1. **Notice.** Within 30 days after the renewal date, a licensee who has not renewed the license ~~shall~~ must be notified by ~~registered or certified~~ the board via letter sent to the last known address of the licensee in the board's file that the renewal is overdue and that failure to pay the current fee and current late fee within 60 days after the renewal date

will result in termination of the license. A second notice must be sent by the board at least seven days before a board meeting occurring 60 days or more after the renewal date to each licensee who has not remitted the renewal fee and late fee.

Subp. 2. **Termination.** The board ~~shall~~ must terminate the license of a licensee whose license renewal is at least 60 days overdue and to whom notification has been sent as provided in subpart 1. Failure of a licensee to receive notification is not grounds for later challenge of the termination. The board must notify the former licensee ~~shall be notified~~ of the termination by ~~registered or certified~~ letter within seven days after the board action, in the same manner as provided in subpart 1.

2150.0130 RELICENSURE FOLLOWING TERMINATION.

Subpart 1. **Relicensure.**

A. For ~~a period of~~ two years, a former licensee whose license has been voluntarily terminated or terminated for nonrenewal as provided in part 2150.0110 or 2150.0120 may be relicensed after complying with all laws and rules required of applicants for examination and licensure and verifying that the former licensee has not engaged in the practice of professional counseling or professional clinical counseling in this state since the date of termination. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee.

B. The fee for relicensure following termination is the licensure fee in effect at the time of application for relicensure, ~~and~~ under Minnesota Statutes, section 148B.53, subdivision 3. Rules governing relicensure are the rules in effect at the time the initial license was granted.

Subp. 2. **Continuing education for relicensure.**

A. A former licensee seeking relicensure after license termination but before the expiration of four years after the date of initial licensure must provide the board evidence

of having completed at least 20 hours of continuing education activities for each year, or portion thereof, that the former licensee did not hold a license.

B. If a former licensee seeks relicensure more than four years after the initial date of licensure and has not previously reported all continuing education graduate credits required under Minnesota Statutes, section 148B.54, subdivision 2, the former licensee must report any remaining graduate credits as part of the hours required in item A.

C. If a former licensee seeks relicensure more than four years after the initial date of licensure and has not completed continuing education graduate credits, the former licensee must request a variance from the board in accordance with part 2150.2660.

2150.0140 CANCELLATION OF LICENSE.

The board ~~shall~~ must cancel and must not renew, reissue, reinstate, or restore ~~the~~ a license ~~of a former licensee which~~ that was terminated for nonrenewal, or voluntarily terminated, and for which relicensure was not sought for more than two years from the date the license was terminated for nonrenewal, or voluntarily terminated. A former licensee seeking relicensure after this two-year period must obtain a new license by applying to the board for licensure and fulfilling all requirements then in existence for an initial license to practice professional counseling in Minnesota.

2150.0150 JURISDICTION.

The board ~~shall retain~~ retains jurisdiction over a licensee whose license was terminated for nonrenewal, or voluntarily terminated, until the license is canceled pursuant to part ~~2150.0160,~~ 2150.0140 and may take disciplinary action against the former licensee based on conduct occurring before ~~termination~~ cancellation of the license.

2150.0160 INACTIVE LICENSES.

[For text of subpart 1 and 2, see Minnesota Rules]

Subp. 3. **Renewal of inactive license.** A licensee whose license is in inactive status is subject to the renewal requirements in this chapter ~~except that the licensee need not show compliance with continuing education requirements until seeking reactivation provided in subpart 4.~~

[For text of subpart 4 and 5, see Minnesota Rules]

2150.2520 INITIAL REQUIREMENT.

Subpart 1. **Coursework.** Except as provided in subparts 2 and 3, licensees must complete 12 graduate semester credits in counseling or the quarter credit equivalent within the first four years of licensure. Coursework completed for purposes of this requirement ~~shall~~ must comply with items A to D.

[For text of item A and B, see Minnesota Rules]

C. Courses must fall within one of the course content areas specified in Minnesota Statutes, section 148B.53, subdivision 1, paragraph (b)-, or be related to the practice of professional counseling under Minnesota Statutes, section 148B.50, subdivisions 4 and 5, or the practice of professional clinical counseling under Minnesota Statutes, section 148B.5301, subdivision 5. Courses taken for graduate credit must be accepted by the board as satisfying the coursework requirement if the courses relate to subjects in Minnesota Statutes, section 148B.53 or 148B.5301; professional counseling and scope of practice under Minnesota Statutes, section 148B.50, subdivisions 4 and 5; professional clinical counseling and scope of practice under Minnesota Statutes, section 148B.5301, subdivision 2, paragraph (e), subdivision 4, paragraph (a), clause (8), and subdivision 5; or clinical supervision.

D. In addition to ~~submission of~~ submitting the Affidavit of Continuing Education Compliance, all licensees ~~are required to~~ must have transcripts documenting completion of the coursework sent directly to the board from the educational institutions where the coursework was completed.

[For text of subpart 2 and 3, see Minnesota Rules]

Subp. 4. ~~Additional~~ Continuing education requirements.

A. In addition to completing the requisite graduate coursework ~~as outlined in~~ under subparts 1 to 3, each licensee ~~shall~~ must also complete in the first four years of licensure; a minimum of 40 hours of continuing education activities approved by the board as described in part 2150.2540.

B. Graduate credit hours completed in the first four years of licensure may be applied to both the graduate credit requirement and the requirement for 40 hours of continuing education activities. A licensee receives 15 continuing education hours per semester credit hour and ten continuing education hours per quarter credit hour.

2150.2540 CRITERIA FOR APPROVAL OF CONTINUING EDUCATION ACTIVITIES.

~~To satisfy the requirements of parts 2150.2500 to 2150.2660, a continuing education activity must be approved by the board or its designee.~~ Continuing education activities may be approved for all attendees when submitted by the sponsor as prescribed in part 2150.2550; ~~a licensee may request individual approval as prescribed in part 2150.2560~~, or activities may be automatically approved as prescribed in part 2150.2570. The board ~~shall~~ must consider the following factors in determining whether an activity ~~should be~~ is approved:

[For text of items A to C, see Minnesota Rules]

D. whether the activity is structured on sound educational principles and fits into one of the following categories:

(1) structured educational activities with an instructor as a part of conventions, workshops, seminars, lectures, interactive or other online media, and graduate and postgraduate courses from regionally accredited institutions; or

(2) home study activities related to professional counseling that have an independently graded test component ~~with no more than one-fourth of the required 40 continuing education hours earned by this method;~~

[For text of items E and F, see Minnesota Rules]

2150.2580 ADDITIONAL SOURCES OF CONTINUING EDUCATION CREDIT.

~~In addition to the activities described in part 2150.2560,~~ An individual may apply for continuing education hours for the activities in items A to F in addition to the activities approved under part 2150.2540.

[For text of items A to F, see Minnesota Rules]

2150.5000 PREDEGREE SUPERVISED FIELD EXPERIENCE.

Applicants must provide evidence satisfactory to the board of having completed supervised field experience as required in Minnesota Statutes, section 148B.53, subdivision 1, paragraph (a), clause (3), for professional counselors, or 148B.5301, subdivision 1, paragraph (a), clause (3), for professional clinical counselors. Verification documenting the supervised field experience must be sent directly to the board from the program director, site supervisor, or equivalent and must be in the form of a transcript or, letter sent directly to the board from the program director or equivalent documenting the supervised field experience, or course catalog description or syllabus documenting the clock hours required for the field experience.

2150.5010 POSTDEGREE SUPERVISED PROFESSIONAL PRACTICE.

Subpart 1. **Supervision.** For the purpose of meeting this part, "supervision" means documented interactive consultation, which, subject to the limitations in subpart 4, ~~item~~ items B and C, may be conducted in person, by telephone, ~~or~~ by audio or audiovisual electronic device, or by real-time, two-way interactive audio and visual communications between an approved supervisor and a licensed professional counselor supervisee. 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.

[For text of subpart 2, see Minnesota Rules]

Subp. 3. **Approved supervisor.** For the purpose of this part, the supervision must be provided by a supervisor, approved by the board, who must:

A. be a licensed professional counselor, licensed professional clinical counselor, licensed psychologist, or other qualified supervisor as determined by the board;

[For text of items B and C, see Minnesota Rules]

Subp. 4. **Supervised practice requirements.**

A. Licensed professional counselors must obtain supervision by an approved supervisor for ~~the first~~ 2,000 hours of post-degree professional practice. Licensed professional clinical counselors must obtain supervision by an approved supervisor for 4,000 hours of post-degree professional practice. This part does not prohibit licensees from participating in other supervisory relationships for purposes other than meeting the requirements of this part.

B. The content of supervision must include:

(1) professional counseling or professional clinical counseling knowledge, skills, values, and ethics with specific application to the practice issues faced by the supervisee;

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

(3) the supervisee's permissible scope of practice, as ~~defined by~~ provided under Minnesota Statutes, section 148B.50, subdivision 5, or 148B.5301, subdivision 5.

C. ~~The Supervision must be obtained at the rate of two hours of supervision per 40 hours of professional practice, for a total of 100 hours of supervision. The supervision must be evenly distributed over the course of the supervised professional practice.~~

Professional counselors must obtain a total of 100 hours of supervision over the course of the 2,000 hours of postdegree supervised professional practice and professional clinical counselors must obtain a total of 200 hours of supervision over the course of the 4,000 hours of postdegree supervised professional practice. Supervision must be obtained at a rate of at least four hours but no more than eight hours of supervision for every 160 hours of professional practice. At least 75 percent of the required supervision hours must be received in person or through real-time, two-way interactive audio and visual communication, and the board must allow an applicant to satisfy this supervision requirement with all required hours of supervision received through real-time, two-way interactive audio and visual communication. 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 percentage may be received in a group setting. For purposes of this item, "individual basis" means one supervisee per supervisor and "group setting" means two or more supervisees per supervisor.

D. ~~The Supervision must be completed in no fewer~~ less than 12 consecutive months and no more than 36 consecutive months for licensed professional counselors and no less than 24 consecutive months and no more than 72 consecutive months for licensed professional clinical counselors.

E. Except as provided in Minnesota Statutes, section 148B.53, subdivision 1, paragraph (c), the supervised practice must be completed under an approved supervision plan. Applicants must submit, on a form specified by the board, a written plan for meeting

the supervision requirements. If the board determines that the supervision plan submitted meets the applicable supervision requirements, then the supervisee's completion of the supervised practice, as verified under this part, applies toward the supervised professional counseling or professional clinical counseling practice requirement provided that there was no substantial change from the approved supervision plan. ~~A licensee must not engage in the practice of professional counseling until the licensee's supervision plan has been approved by the board.~~

~~F. A professional counselor licensed under Minnesota Statutes, section 148B.53, subdivision 1, paragraph (c), and who maintain licensure as a licensed psychological practitioner may satisfy the 2,000 hours of supervised professional practice by complying with the supervision requirements for a licensed psychological practitioner in Minnesota Statutes, section 148.925. Upon completion of 2,000 hours of supervised professional practice, the supervisor shall submit the verification described in item I. If a professional counselor is no longer licensed as a psychological practitioner for any reason prior to completion of the 2,000 hours of supervised professional practice, then the professional counselor shall comply with this item until completion of the 2,000 hours of supervised professional practice.~~

~~G. F.~~ Applicants who are licensed psychologists under Minnesota Statutes, section 148.907, at the time of application for licensure as professional counselors are considered to have met the 2,000 hours of supervised professional practice. Such applicants ~~shall~~ must submit true and correct copies of notarized supervision verifications submitted to the Board of Psychology ~~pursuant~~ according to part 7200.0600.

~~H. G.~~ The board ~~shall~~ must not accept the verification of supervised practice, or approve a supervision plan, if the board determines that the supervisor does not meet the requirements of subpart 3.

~~F. H.~~ Upon completion of the 2,000 hours of supervised professional practice for professional counseling or the 4,000 hours of supervised professional practice for professional clinical counseling, the supervisor ~~shall~~ must verify, on a form specified by the board, that the supervisee has completed the supervision plan. The supervised practice required under this part 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.

~~F. I.~~ A licensee ~~shall~~ must submit a new supervision plan for board approval within 30 days if any of the following occur:

- (1) the licensee has a new supervisor;
- (2) the scope or content of the counseling practice changes substantially during the course of the supervision; or
- (3) the licensee begins a new counseling position.

~~K. J.~~ Failure to submit changes to the supervision plan as required by item ~~J~~ I ~~shall~~ result I results in hours accrued during this time period not counting ~~towards~~ toward the supervised practice requirement.

~~F. K.~~ An applicant may receive complete or partial credit for supervised professional practice experience occurring postdegree but ~~prior to~~ before licensure if the supervised professional practice meets the requirements of this subpart. Verification ~~shall~~ must be on a form specified by the board; and ~~shall~~ must be submitted in lieu of the supervision plan required in item E.

2150.7505 DEFINITIONS.

Subpart 1. **Scope.** The terms used in parts ~~2150.7500~~ 2150.0050 to 2150.7610 have the meanings given in this part.

[For text of subparts 2 and 3, see Minnesota Rules]

Subp. 4. **Client.** "Client" means an individual or entity who is the recipient of any of the professional counseling services described in Minnesota Statutes, section 148B.50, subdivisions 4 and 5, or the professional clinical counseling services described in Minnesota Statutes, section 148B.5301, subdivision 5. Client also means "patient" as defined in Minnesota Statutes, section 144.291, subdivision 2, paragraph (g).

Subp. 5. **Competence.** "Competence" means the ability to provide services within the practice of licensed professional counseling ~~as defined in~~ under Minnesota Statutes, section 148B.50, or licensed professional clinical counseling under Minnesota Statutes, section 148B.5301, subdivision 5, that:

[For text of items A to C, see Minnesota Rules]

[For text of subpart 6, see Minnesota Rules]

Subp. 7. **Dual clients.** "Dual clients" means two or more individuals or entities that are each a corecipient of professional counseling or professional clinical counseling services. Dual clients may include, but are not limited to, two or more family members, when each is the direct recipient of services; each client receiving group counseling services; a court and a client under court order to receive counseling services; or an employer and employee when the employee receives services in order to provide the employer with information regarding an employment matter.

[For text of subparts 8 to 10, see Minnesota Rules]

Subp. 11. **Forensic.** "Forensic" means services within the practice of professional counseling or professional clinical counseling, of which the purpose is to address questions and issues relating to parties to legal proceedings and to law and the legal system, including the courts, correctional agencies and facilities, attorneys, and administrative, judicial, and legislative agencies acting in an adjudicative capacity.

[For text of subparts 12 and 13, see Minnesota Rules]

Subp. 14. **Licensee of the board or licensee.** "Licensee of the board" or "licensee" means a licensed professional counselor or a licensed professional clinical counselor.

[For text of subparts 15 and 16, see Minnesota Rules]

Subp. 17. **Practice foundation.** "Practice foundation" means that a professional counseling or professional clinical counseling service or continuing education activity is based upon observations, methods, procedures, or theories that are generally accepted by the professional community in professional counseling.

[For text of subparts 18 to 23, see Minnesota Rules]

Subp. 24. **Scientific foundation.** "Scientific foundation" means that a professional counseling, professional clinical counseling, or continuing education activity is based upon quantitative or qualitative research, such as; but not limited to; published peer-reviewed experiments or correlational, observational, or ethnographic studies, or upon research presented at professional meetings.

[For text of subparts 25 and 26, see Minnesota Rules]

Subp. 27. **Student.** "Student" means an individual over whom the provider has evaluative academic authority, including an individual who is enrolled in a graduate program in professional counseling or professional clinical counseling at an educational institution or who is taking a professional counseling or professional clinical counseling course for credit. This does not apply to an individual who is taking a professional counseling course to receive continuing education credit from a board or who is auditing a course.

Subp. 28. **Supervised field experience.** "Supervised field experience" means an internship, practicum, or other supervised professional experience used for purposes of obtaining licensure as a professional counselor or professional clinical counselor.

[For text of subparts 29 to 34, see Minnesota Rules]

2150.7510 COMPETENT PROVISION OF SERVICES.

Subpart 1. **Limits on practice.** ~~Professional counselors shall~~ Providers must limit practice to the client populations and services for which they have competence or for which they are developing competence.

Subp. 2. **Developing competence.** When the ~~professional counselor~~ provider is developing a competence in a service, method, or procedure, or to treat a specific client population, the ~~professional counselor shall~~ provider must obtain professional education, training, continuing education, consultation, supervision, or experience, or a combination thereof, necessary to demonstrate competence.

Subp. 3. **Experimental, emerging, or innovative services.** ~~Professional counselors~~ Providers may offer experimental, emerging, or innovative services, methods, or procedures that are based on a scientific or practice foundation. However, when doing so, ~~they~~ providers have a heightened responsibility to understand and communicate the potential risks to clients, to use reasonable skill and safety, and to undertake appropriate preparation as required in subpart 2 to ensure that they provide such services, methods, or procedures competently and in a manner that protects clients from harm.

Subp. 4. **Limitations to scope of practice.** ~~Professional counselors shall~~ Providers must recognize the limitations to the scope of practice of professional counseling and professional clinical counseling. When the needs of clients appear to be outside this scope, providers ~~shall~~ must inform the clients that there may be other professional, technical, community, and administrative resources available to them. Providers ~~shall~~ must assist with identifying such resources when it is in the best interests of clients to be provided with alternative or complementary services.

[For text of subpart 5, see Minnesota Rules]

2150.7515 PROTECTING THE PRIVACY OF CLIENTS.

Subpart 1. **Safeguarding private information.** The provider ~~shall~~ must safeguard the private information obtained in the course of the practice of professional counseling or professional clinical counseling. Private information may be disclosed to others only in accordance with part 2150.7520, with certain exceptions as specified in subparts 2 to 13.

[For text of subpart 2, see Minnesota Rules]

Subp. 3. **Services to dual clients.** Whenever ~~professional~~ counseling services are provided to dual clients, the provider ~~shall~~ must initially inform each client of the provider's responsibility to treat any information gained in the course of rendering the services as private information, including any limitations to each client's right to privacy.

[For text of subparts 4 to 12, see Minnesota Rules]

Subp. 13. **Initial contacts.** When the provider is initially contacted by an individual regarding ~~professional~~ counseling services to a potential client, the provider or another individual designated by the provider may, with oral consent from the potential client, contact third parties to determine payment or benefits information, arrange for precertification of services when required by the individual's health plan, or acknowledge a referral from another health care professional.

2150.7540 IMPAIRED OBJECTIVITY OR EFFECTIVENESS.

Subpart 1. **Situations involving impaired objectivity or effectiveness.** A ~~professional counselor~~ provider must not provide counseling services to a client or potential client when the ~~professional counselor's~~ provider's objectivity or effectiveness is impaired. The situations in items A to F are deemed to involve impaired objectivity or effectiveness and are prohibited as specified.

[For text of items A to F, see Minnesota Rules]

[For text of subpart 2, see Minnesota Rules]

2150.7550 CLIENT WELFARE.

Subpart 1. **Providing explanation of procedures.** A client has the right to have and a ~~counselor~~ provider has the responsibility to provide, on request, a nontechnical explanation of the nature and purpose of the counseling procedures to be used and the results of tests administered to the client. The ~~counselor shall~~ provider must establish procedures to be followed if the explanation is to be provided by another individual under the direction of the ~~counselor~~ provider.

Subp. 2. **Clients' bill of rights.** The provider ~~shall~~ must display prominently on the premises of the professional practice or make available as a handout the bill of rights of clients as required by Minnesota Statutes, section 144.652, that includes a statement that consumers of professional counseling services have the right to:

[For text of item A, see Minnesota Rules]

B. examine public records maintained by the board of ~~Behavioral Health and Therapy~~ that contain the credentials of the provider;

C. obtain a copy of the Rules of Conduct from ~~Minnesota's Bookstore, Department of Administration, 660 Olive Street, St. Paul, MN 55155, or its current location~~ the board website;

D. report complaints to the board of ~~Behavioral Health and Therapy~~;

[For text of items E to N, see Minnesota Rules]

[For text of subparts 3 to 5, see Minnesota Rules]

Subp. 6. **Sexual behavior with client.** A provider ~~shall~~ must not engage in any sexual behavior with a client including:

A. sexual contact with the client, as defined in Minnesota Statutes, section ~~148A.01~~ 604.20, subdivision 7; or

[For text of item B, see Minnesota Rules]

[For text of subparts 7 to 10, see Minnesota Rules]

2150.7555 WELFARE OF STUDENTS, SUPERVISEES, AND RESEARCH SUBJECTS.

[For text of subpart 1, see Minnesota Rules]

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

[For text of items A and B, see Minnesota Rules]

C. engage in any sexual behavior with a current student, supervisee, or research subject, including sexual contact, as defined in Minnesota Statutes, section ~~148A.01~~ 604.20, subdivision 7, or any physical, verbal, written, interactive, or electronic communication, conduct, or act that may be reasonably interpreted to be sexually seductive, demeaning, or harassing. Nothing in this part shall prohibit a provider from engaging in teaching or research with an individual with whom the provider has a preexisting and ongoing sexual relationship;

[For text of items D to F, see Minnesota Rules]

2150.7575 PRESENTATION TO PUBLIC.

Subpart 1. **Requirements for professional identification.** All ~~licensees~~ providers, when representing themselves in activities relating to the practice of professional counseling or professional clinical counseling, including in written materials or advertising, ~~shall~~ must identify the academic degree upon which their licensure is based, as well as their licensure. Individuals licensed on the basis of the equivalent of a master's degree in a doctoral program ~~shall~~ must similarly use the designation "M. Eq." to identify the educational status on which their licensure is based, as well as their licensure.

Subp. 2. **Disclosure of education.** At the initial meeting, a ~~licensee shall~~ provider must display or make available to each new client accurate information about the qualifications and competencies of the ~~licensee~~ provider, including whether the ~~licensee~~ provider is currently completing the postlicensure supervised practice requirement.

Subp. 3. **Requirements for representations to public.**

A. Unless licensed under Minnesota Statutes, sections 148B.50 to 148B.593, persons ~~shall~~ must not represent themselves or permit themselves to be represented to the public by:

(1) using any title or description of services, incorporating the words "licensed professional counselor," ~~or~~ "professional counselor," "licensed professional clinical counselor," or "professional clinical counselor" or otherwise holding themselves out to the public by any title or description stating or implying that they are licensed to engage in the practice of professional counseling or professional clinical counseling; or

(2) representing that the person has expert qualifications in an area of professional counseling or professional clinical counseling.

B. Individuals trained in professional counseling or professional clinical counseling who are employed by an educational institution recognized by a regional accrediting organization, by a federal, state, county, or local government institution, by agencies, or by research facilities, may represent themselves by the title designated by that organization provided that the title does not indicate that the individual is licensed by the board.

C. An individual trained in professional counseling or professional clinical counseling from an institution described in item B may offer lecture services and is exempt from ~~the provisions of~~ this part.

[For text of item D, see Minnesota Rules]

Subp. 4. Persons or techniques not regulated by board.

A. Nothing in Minnesota Statutes, sections 148B.50 to 148B.593, may be construed to limit the occupational pursuits consistent with their training and codes of ethics of professionals such as licensed physicians, registered nurses, licensed practical nurses, licensed psychologists, probation officers, attorneys, social workers, marriage and family therapists, qualified rehabilitation consultants, natural family planning practitioners certified by the American Academy of Natural Family Planning, and registered occupational therapists or certified occupational therapist assistants. These persons must not, however, use a title incorporating the words "licensed professional counselor" or "licensed professional clinical counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed to engage in the practice of professional counseling or professional clinical counseling unless they are licensed under Minnesota Statutes, sections 148B.50 to 148B.593.

B. Use of professional counseling and professional clinical counseling techniques by ~~business and industrial organizations~~ industrial or business firms or corporations for their own personnel purposes or by employment agencies or state vocational rehabilitation agencies for ~~the evaluation of~~ evaluating their own clients ~~prior to recommendation~~ before recommending for employment is also specifically allowed. However, no representative of an industrial or business firm or corporation may sell, offer, or provide any professional counseling or professional clinical counseling services ~~as defined in~~ under Minnesota Statutes, ~~section~~ sections 148B.50 and 148B.5301, unless the services are performed or supervised by individuals licensed or exempt under Minnesota Statutes, sections 148B.50 to 148B.593.

[For text of subpart 5, see Minnesota Rules]

2150.7585 AIDING AND ABETTING UNLICENSED PRACTICE.

A provider ~~shall~~ must not aid or abet an unlicensed individual to engage in the practice of professional counseling or professional clinical counseling. However, a provider who supervises a student as part of an internship, practicum, or other supervised field experience is not in violation of this part if the supervision is conducted according to part 2150.5000 and Minnesota Statutes, sections 148B.50 to 148B.593. Additionally, properly qualified individuals who administer and score testing instruments under the direction of a provider who maintains responsibility for the service are not ~~considered to be~~ in violation of this part. The provider assumes responsibility for adequate training, experience, and oversight to ~~assure~~ ensure proper qualifications to administer and score the instruments.

2150.7590 VIOLATION OF LAW.

A provider ~~shall~~ must not violate any law in which the facts giving rise to the violation involve the practice of professional counseling ~~as defined in~~ or professional clinical counseling under Minnesota Statutes, sections 148B.50 to 148B.593. In any board proceeding alleging ~~such~~ a violation of this part, the proof of a conviction of a crime constitutes proof of the underlying factual elements necessarily underlying that conviction.

2150.7605 COMPLAINTS TO BOARD.

Subpart 1. **Mandatory reporting requirements.** A provider ~~shall~~ must file a complaint with the board when the provider has reason to believe that another provider:

[For text of item A, see Minnesota Rules]

B. is engaging in or has engaged in sexual behavior with a client or former client in violation of part 2150.7550, subparts 5 and 6. This ~~subpart~~ item does not apply when the information is obtained in the course of treating the other provider for the sexual behavior;

C. has failed to report abuse or neglect of children or vulnerable adults in violation of Minnesota Statutes, chapter 260E ~~or section 626.556~~ or 626.557; or

D. has employed fraud or deception in obtaining or renewing a professional counseling or professional clinical counseling license.

[For text of subparts 2 and 3, see Minnesota Rules]

REPEALER. Minnesota Rules, part 2150.2560, is repealed.

RENUMBERING INSTRUCTION. Minnesota Rules, part 2150.7505, is renumbered as part 2150.0010, and any necessary changes to cross-references resulting from the renumbering are made.