

**HOUSE OF REPRESENTATIVES**

**EIGHTY-SEVENTH SESSION**

**H. F. No. 2223**

02/13/2012 Authored by Abeler, Kiffmeyer, Huntley and Murphy, E.,  
The bill was read for the first time and referred to the Committee on Health and Human Services Reform  
03/22/2012 Adoption of Report: Pass as Amended and re-referred to the Committee on Health and Human Services Finance  
03/29/2012 Adoption of Report: Pass and Read Second Time

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

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

1.20 **ARTICLE 1**

1.21 **ALCOHOL AND DRUG COUNSELORS**

1.22 Section 1. **[148F.001] SCOPE.**

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

1.27 Sec. 2. **[148F.010] DEFINITIONS.**

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

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

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

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

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

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

2.12 Subd. 3. **Accredited school or educational program.** "Accredited school or  
2.13 educational program" means a school of alcohol and drug counseling, university, college,  
2.14 or other postsecondary education program that, at the time the student completes  
2.15 the program, is accredited by a regional accrediting association whose standards are  
2.16 substantially equivalent to those of the North Central Association of Colleges and  
2.17 Postsecondary Education Institutions or an accrediting association that evaluates schools  
2.18 of alcohol and drug counseling for inclusion of the education, practicum, and core function  
2.19 standards in this chapter.

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

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

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

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

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

2.34 Subd. 9. **Competence.** "Competence" means the ability to provide services within  
2.35 the practice of alcohol and drug counseling as defined in subdivision 19, that:

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

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

3.3 (3) take into account human diversity.

3.4 Subd. 10. **Core functions.** "Core functions" means the following services provided  
3.5 in alcohol and drug treatment:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.16 (8) consultation with other professionals;

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

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

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

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

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

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

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

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

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

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

6.17 Subd. 27. **Supervisor.** "Supervisor" means a licensed alcohol and drug counselor  
6.18 licensed under this chapter or other licensed professional practicing alcohol and drug  
6.19 counseling under section 148F.110, who meets the requirements of section 148F.040,  
6.20 subdivision 3, and who provides supervision to persons seeking licensure under section  
6.21 148F.025, subdivision 3, paragraph (2), clause (ii).

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

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

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

6.33 **Sec. 3. [148F.015] DUTIES OF THE BOARD.**

6.34 The board shall:

7.1 (1) adopt and enforce rules for licensure and regulation of alcohol and drug  
7.2 counselors and temporary permit holders, including a standard disciplinary process and  
7.3 rules of professional conduct;

7.4 (2) issue licenses and temporary permits to qualified individuals under sections  
7.5 148F.001 to 148F.205;

7.6 (3) carry out disciplinary actions against licensees and temporary permit holders;

7.7 (4) educate the public about the existence and content of the regulations for alcohol  
7.8 and drug counselor licensing to enable consumers to file complaints against licensees who  
7.9 may have violated the rules; and

7.10 (5) collect nonrefundable license fees for alcohol and drug counselors.

7.11 **Sec. 4. [148F.020] DUTY TO MAINTAIN CURRENT INFORMATION.**

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

7.15 (1) a change of name, address, place of employment, and home or business  
7.16 telephone number; and

7.17 (2) a change in any other application information.

7.18 **Sec. 5. [148F.025] REQUIREMENTS FOR LICENSURE.**

7.19 Subdivision 1. **Form; fee.** Individuals seeking licensure as a licensed alcohol and  
7.20 drug counselor shall fully complete and submit a notarized written application on forms  
7.21 provided by the board together with the appropriate fee in the amount set under section  
7.22 148F.115. No portion of the fee is refundable.

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

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

7.27 (2) received 18 semester credits or 270 clock hours of academic course work and  
7.28 880 clock hours of supervised alcohol and drug counseling practicum from an accredited  
7.29 school or education program. The course work and practicum do not have to be part of  
7.30 the bachelor's degree earned under clause (1). The academic course work must be in  
7.31 the following areas:

7.32 (i) an overview of the transdisciplinary foundations of alcohol and drug counseling,  
7.33 including theories of chemical dependency, the continuum of care, and the process of  
7.34 change;

- 8.1 (ii) pharmacology of substance abuse disorders and the dynamics of addiction,  
8.2 including medication-assisted therapy;  
8.3 (iii) professional and ethical responsibilities;  
8.4 (iv) multicultural aspects of chemical dependency;  
8.5 (v) co-occurring disorders; and  
8.6 (vi) the core functions defined in section 148F.010, subdivision 10.

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

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

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

8.14 (i) complete a written case presentation and pass an oral examination that  
8.15 demonstrates competence in the core functions as defined in section 148F.010, subdivision  
8.16 10; or

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

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

8.29 Sec. 6. **[148F.030] RECIPROCITY.**

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

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



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

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

9.7 **Sec. 7. [148F.035] TEMPORARY PERMIT.**

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

9.10 (1) received an associate degree, or an equivalent number of credit hours, completed  
9.11 880 clock hours of supervised alcohol and drug counseling practicum, and 18 semester  
9.12 credits or 270 clock hours of academic course work in alcohol and drug counseling from  
9.13 an accredited school or education program; and

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

9.15 (i) overview of the transdisciplinary foundations of alcohol and drug counseling,  
9.16 including theories of chemical dependency, the continuum of care, and the process of  
9.17 change;

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

9.20 (iii) professional and ethical responsibilities;

9.21 (iv) multicultural aspects of chemical dependency;

9.22 (v) co-occurring disorders; and

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

9.24 (b) An individual seeking a temporary permit shall fully complete and submit  
9.25 a notarized written application on forms provided by the board together with the  
9.26 nonrefundable temporary permit fee specified in section 148F.115, subdivision 3, clause  
9.27 (1).

9.28 (c) An individual practicing under this section:

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

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

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

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

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

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

10.8 **Sec. 8. [148F.040] SUPERVISED POSTDEGREE PROFESSIONAL PRACTICE.**

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

10.17 Subd. 2. **Postdegree professional practice.** "Postdegree professional practice"  
10.18 means paid or volunteer work experience and training following graduation from an  
10.19 accredited school or educational program that involves professional oversight by a  
10.20 supervisor approved by the board and that satisfies the supervision requirements in  
10.21 subdivision 4.

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

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

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

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

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

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

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

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

11.6 (b) The supervision must be obtained at the rate of one hour of supervision per 40  
11.7 hours of professional practice, for a total of 50 hours of supervision. The supervision must  
11.8 be evenly distributed over the course of the supervised professional practice. At least 75  
11.9 percent of the required supervision hours must be received in person. The remaining 25  
11.10 percent of the required hours may be received by telephone or by audio or audiovisual  
11.11 electronic device. At least 50 percent of the required hours of supervision must be received  
11.12 on an individual basis. The remaining 50 percent may be received in a group setting.

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

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

11.22 **Sec. 9. [148F.045] ALCOHOL AND DRUG COUNSELOR TECHNICIAN.**

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

11.26 **Sec. 10. [148F.050] LICENSE RENEWAL REQUIREMENTS.**

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

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

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

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

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

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

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

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

12.17 Subd. 5. **Late renewal fee.** If the application for license renewal is postmarked or  
12.18 received after the expiration date, the licensee shall pay a late fee as specified by section  
12.19 148F.115, subdivision 5, clause (1), in addition to the renewal fee, before the application  
12.20 for license renewal will be considered by the board.

12.21 Sec. 11. **[148F.055] EXPIRED LICENSE.**

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

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

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

13.1 Sec. 12. **[148F.060] VOLUNTARY TERMINATION.**

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

13.10 Sec. 13. **[148F.065] RELICENSURE FOLLOWING TERMINATION.**

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

13.18 Subd. 2. **Continuing education for relicensure.** A former licensee seeking  
13.19 relicensure after license termination must provide evidence of having completed at least  
13.20 20 hours of continuing education activities for each year, or portion thereof, that the  
13.21 former licensee did not hold a license.

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

13.29 Sec. 14. **[148F.070] INACTIVE LICENSE STATUS.**

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

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

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

14.10 **Sec. 15. [148F.075] CONTINUING EDUCATION REQUIREMENTS.**

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

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

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

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

14.25 (1) constitute an organized program of learning;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15.30 (2) supervision of personnel;

15.31 (3) entertainment or recreational activities;

15.32 (4) employment orientation sessions;

15.33 (5) policy meetings;

15.34 (6) marketing;

15.35 (7) business;

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

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

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

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

16.12 (1) the continuing education activity title;

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

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

16.15 (4) the location and the dates attended;

16.16 (5) the number of clock hours; and

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

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

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

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

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

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

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



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

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

17.10 (d) If an initial variance request is denied, the license of the licensee shall not be  
17.11 renewed until the licensee completes the continuing education requirements. If an initial  
17.12 variance is granted, and the licensee fails to complete the required continuing education  
17.13 within the six-month period, the license shall be administratively suspended until the  
17.14 licensee completes the required continuing education, unless the licensee has obtained a  
17.15 second variance according to paragraph (c).

17.16 Sec. 16. **[148F.080] SPONSOR'S APPLICATION FOR APPROVAL.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.19 Sec. 17. **[148F.085] NONTRANSFERABILITY OF LICENSES.**

18.20 An alcohol and drug counselor license is not transferable.

18.21 Sec. 18. **[148F.090] DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.**

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

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

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

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

19.1 (4) has been convicted of or has pled guilty or nolo contendere to a felony or other  
19.2 crime, an element of which is dishonesty or fraud, or has been shown to have engaged  
19.3 in acts or practices tending to show that the applicant or licensee is incompetent or has  
19.4 engaged in conduct reflecting adversely on the applicant's or licensee's ability or fitness  
19.5 to engage in the practice of alcohol and drug counseling;

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

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

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

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

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

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

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

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

19.31 (13) fails to comply with a client's request for health records made under sections  
19.32 144.291 to 144.298, or to furnish a client record or report required by law;

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

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

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

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

20.7 (ii) referring a client to any health care provider as defined in sections 144.291 to  
20.8 144.298 in which the referring licensee has a significant financial interest, unless the  
20.9 licensee has disclosed in advance to the client the licensee's own financial interest; or

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

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

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

20.15 (2) revoke a license;

20.16 (3) suspend a license;

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

20.22 (5) censure or reprimand the licensee;

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

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

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

21.1 is admissible into evidence without further authentication and constitutes prima facie  
21.2 evidence of its contents.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22.32 (2) an insurance company; or

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

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

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

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

23.5 Sec. 19. **[148F.095] ADDITIONAL REMEDIES.**

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

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

23.19 (c) When a request for a stay accompanies a timely hearing request, the board may,  
23.20 in the board's discretion, grant the stay. If the board does not grant a requested stay, the  
23.21 board shall refer the request to the Office of Administrative Hearings within three working  
23.22 days of receipt of the request. Within ten days after receiving the request from the board,  
23.23 an administrative law judge shall issue a recommendation to grant or deny the stay. The  
23.24 board shall grant or deny the stay within five working days of receiving the administrative  
23.25 law judge's recommendation.

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

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

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

24.4 Sec. 20. **[148F.100] COOPERATION.**

24.5 An alcohol and drug counselor who is the subject of an investigation, or who  
24.6 is questioned in connection with an investigation, by or on behalf of the board, shall  
24.7 cooperate fully with the investigation. Cooperation includes responding fully to any  
24.8 question raised by or on behalf of the board relating to the subject of the investigation,  
24.9 whether tape recorded or not. Challenges to requests of the board may be brought before  
24.10 the appropriate agency or court.

24.11 Sec. 21. **[148F.105] PROHIBITED PRACTICE OR USE OF TITLES; PENALTY.**

24.12 Subdivision 1. **Practice.** No person shall engage in alcohol and drug counseling  
24.13 without first being licensed under this chapter as an alcohol and drug counselor. For  
24.14 purposes of this chapter, an individual engages in the practice of alcohol and drug  
24.15 counseling if the individual performs or offers to perform alcohol and drug counseling  
24.16 services as defined in section 148F.010, subdivision 19, or if the individual is held out as  
24.17 able to perform those services.

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

24.23 (b) An individual issued a temporary permit must use titles consistent with section  
24.24 148F.035, subdivisions 1 and 2, paragraph (c), clause (3).

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

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

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



25.1       Sec. 22. [148F.110] EXCEPTIONS TO LICENSE REQUIREMENT.

25.2           Subdivision 1. **Other professionals.** (a) Nothing in this chapter prevents members  
25.3 of other professions or occupations from performing functions for which they are qualified  
25.4 or licensed. This exception includes, but is not limited to: licensed physicians; registered  
25.5 nurses; licensed practical nurses; licensed psychologists and licensed psychological  
25.6 practitioners; members of the clergy provided such services are provided within the scope  
25.7 of regular ministries; American Indian medicine men and women; licensed attorneys;  
25.8 probation officers; licensed marriage and family therapists; licensed social workers; social  
25.9 workers employed by city, county, or state agencies; licensed professional counselors;  
25.10 licensed professional clinical counselors; licensed school counselors; registered  
25.11 occupational therapists or occupational therapy assistants; Upper Midwest Indian Council  
25.12 on Addictive Disorders (UMICAD) certified counselors when providing services to  
25.13 Native American people; city, county, or state employees when providing assessments  
25.14 or case management under Minnesota Rules, chapter 9530; and individuals defined in  
25.15 section 256B.0623, subdivision 5, clauses (1) and (2), providing integrated dual-diagnosis  
25.16 treatment in adult mental health rehabilitative programs certified by the Department of  
25.17 Human Services under section 256B.0622 or 256B.0623.

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

25.21           (c) Any person who is exempt from licensure under this section must not use a  
25.22 title incorporating the words "alcohol and drug counselor" or "licensed alcohol and drug  
25.23 counselor" or otherwise hold themselves out to the public by any title or description  
25.24 stating or implying that they are engaged in the practice of alcohol and drug counseling, or  
25.25 that they are licensed to engage in the practice of alcohol and drug counseling, unless that  
25.26 person is also licensed as an alcohol and drug counselor. Persons engaged in the practice  
25.27 of alcohol and drug counseling are not exempt from the board's jurisdiction solely by the  
25.28 use of one of the titles in paragraph (a).

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

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

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

26.3 Sec. 23. **[148F.115] FEES.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26.32 Sec. 24. **[148F.120] CONDUCT.**

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

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

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

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

27.14 Sec. 25. **[148F.125] COMPETENT PROVISION OF SERVICES.**

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

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

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

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

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

28.4 Sec. 26. [148F.130] **PROTECTING CLIENT PRIVACY.**

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

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

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

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

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

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

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

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

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

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

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

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

29.28 Subd. 12. **Abuse or neglect of minor or vulnerable adults.** An applicant or  
29.29 licensee must comply with the reporting of maltreatment of minors established in section  
29.30 626.556 and the reporting of maltreatment of vulnerable adults established in section  
29.31 626.557.

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

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

30.3 **Sec. 27. [148F.135] PRIVATE INFORMATION; ACCESS AND RELEASE.**

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

30.8 **Subd. 2. Release of private information.** (a) When a client makes a request for  
30.9 the provider to release the client's private information, the request must be in writing  
30.10 and signed by the client. Informed consent is not required. When the request involves  
30.11 client records, all pertinent information shall be released in compliance with sections  
30.12 144.291 to 144.298.

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

30.16 (1) the name of the client;

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

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

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

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

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

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

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

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

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

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

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

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

31.13 Sec. 28. **[148F.140] INFORMED CONSENT.**

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

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

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

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

31.21 (4) the applicable fee schedule;

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

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

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

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

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

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

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

32.4 Sec. 29. [148F.145] **TERMINATION OF SERVICES.**

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

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

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

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

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

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

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

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

32.29 Sec. 30. [148F.150] **RECORD KEEPING.**

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

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

32.33 (2) documentation of services, including:

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



- 33.1 (ii) an initial treatment plan and any revisions to the plan;  
 33.2 (iii) the name of the individual providing services;  
 33.3 (iv) the name and credentials of the individual who is professionally responsible  
 33.4 for the services provided;  
 33.5 (v) case notes for each date of service, including interventions;  
 33.6 (vi) consultations with collateral sources;  
 33.7 (vii) diagnoses or presenting problems; and  
 33.8 (viii) documentation that informed consent was obtained, including written informed  
 33.9 consent documents;  
 33.10 (3) copies of all correspondence relevant to the client;  
 33.11 (4) a client personal data sheet;  
 33.12 (5) copies of all client authorizations for release of information;  
 33.13 (6) an accurate chronological listing of all fees charged, if any, to the client or  
 33.14 a third party payer; and  
 33.15 (7) any other documents pertaining to the client.

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

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

33.24 **Sec. 31. [148F.155] IMPAIRED OBJECTIVITY OR EFFECTIVENESS.**

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

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

- 33.31 (1) cohabitational;  
 33.32 (2) familial;  
 33.33 (3) one in which there has been personal involvement with the client or family  
 33.34 member of the client that is reasonably likely to adversely affect the client's welfare or  
 33.35 ability to benefit from services; or

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

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

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

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

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

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

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

34.29 **Sec. 32. [148F.160] PROVIDER IMPAIRMENT.**

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

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

35.3 Sec. 33. **[148F.165] CLIENT WELFARE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36.23 Sec. 34. **[148F.170] WELFARE OF STUDENTS, SUPERVISEES, AND**  
36.24 **RESEARCH SUBJECTS.**

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

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

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

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

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

37.11 Sec. 35. **[148F.175] MEDICAL AND OTHER HEALTH CARE**  
37.12 **CONSIDERATIONS.**

37.13 **Subdivision 1. Coordinating services with other health care professionals.**  
37.14 Upon initiating services, the provider shall inquire whether the client has a preexisting  
37.15 relationship with another health care professional. If the client has such a relationship,  
37.16 and it is relevant to the provider's services to the client, the provider shall, to the extent  
37.17 possible and consistent with the wishes and best interests of the client, coordinate services  
37.18 for the client with the other health care professional. This requirement does not apply if  
37.19 brief crisis intervention services are provided.

37.20 **Subd. 2. Reviewing health care information.** If the provider determines that a  
37.21 client's preexisting relationship with another health care professional is relevant to the  
37.22 provider's services to the client, the provider shall, to the extent possible and consistent  
37.23 with the wishes and best interests of the client, review this information with the treating  
37.24 health care professional.

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

37.29 Sec. 36. **[148F.180] ASSESSMENTS; TESTS; REPORTS.**

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

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

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

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

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

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

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

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

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

38.19 Subd. 4. **Private information.** Test results and interpretations regarding an  
38.20 individual are private information.

38.21 **Sec. 37. [148F.185] PUBLIC STATEMENTS.**

38.22 Subdivision 1. **Prohibition against false or misleading information.** Public  
38.23 statements by providers must not include false or misleading information. Providers shall  
38.24 not solicit or use testimonials by quotation or implication from current clients or former  
38.25 clients who are vulnerable to undue influence. The provider shall make reasonable efforts  
38.26 to ensure that public statements by others on behalf of the provider are truthful and shall  
38.27 make reasonable remedial efforts to bring a public statement into compliance with sections  
38.28 148F.120 to 148F.205 when the provider becomes aware of a violation.

38.29 Subd. 2. **Misrepresentation.** The provider shall not misrepresent directly or  
38.30 by implication professional qualifications including education, training, experience,  
38.31 competence, credentials, or areas of specialization. The provider shall not misrepresent,  
38.32 directly or by implication, professional affiliations or the purposes and characteristics of  
38.33 institutions and organizations with which the provider is professionally associated.

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

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

- 39.3 (1) specified educational requirements defined by the specialty board;  
 39.4 (2) specified experience requirements defined by the specialty board;  
 39.5 (3) a work product evaluated by other specialty board members; and  
 39.6 (4) a face-to-face examination by a committee of specialty board members or a  
 39.7 comprehensive written examination in the area of specialization.

39.8 **Sec. 38. [148F.190] FEES; STATEMENTS.**

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

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

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

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

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

39.24 **Sec. 39. [148F.195] AIDING AND ABETTING UNLICENSED PRACTICE.**

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

39.30 **Sec. 40. [148F.200] VIOLATION OF LAW.**

39.31 A provider shall not violate any law in which the facts giving rise to the violation  
 39.32 involve the practice of alcohol and drug counseling as defined in sections 148F.001 to  
 39.33 148F.205. In any board proceeding alleging a violation of this section, the proof of a

40.1 conviction of a crime constitutes proof of the underlying factual elements necessary to  
40.2 that conviction.

40.3 Sec. 41. **[148F.205] COMPLAINTS TO BOARD.**

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

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

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

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

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

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

40.21 Subd. 3. **Institutions.** A state agency, political subdivision, agency of a local unit  
40.22 of government, private agency, hospital, clinic, prepaid medical plan, or other health  
40.23 care institution or organization located in this state shall report to the board any action  
40.24 taken by the agency, institution, or organization or any of its administrators or medical  
40.25 or other committees to revoke, suspend, restrict, or condition an alcohol and drug  
40.26 counselor's privilege to practice or treat patients or clients in the institution, or as part of  
40.27 the organization, any denial of privileges, or any other disciplinary action for conduct that  
40.28 might constitute grounds for disciplinary action by the board under sections 148F.001  
40.29 to 148F.205. The institution, organization, or governmental entity shall also report the  
40.30 resignation of any alcohol and drug counselors before the conclusion of any disciplinary  
40.31 action proceeding for conduct that might constitute grounds for disciplinary action under  
40.32 this chapter, or before the commencement of formal charges but after the practitioner had  
40.33 knowledge that formal charges were contemplated or were being prepared.

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



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

41.6 Subd. 5. **Insurers.** Each insurer authorized to sell insurance described in section  
41.7 60A.06, subdivision 1, clause (13), and providing professional liability insurance to  
41.8 alcohol and drug counselors or the Medical Joint Underwriting Association under chapter  
41.9 62F, shall submit to the board quarterly reports concerning the alcohol and drug counselors  
41.10 against whom malpractice settlements and awards have been made. The report must  
41.11 contain at least the following information:

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

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

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

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

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

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

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

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

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

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

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

42.7 Sec. 42. **REPORT; BOARD OF BEHAVIORAL HEALTH AND THERAPY.**

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

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

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

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

42.23 Sec. 43. **REVISOR'S INSTRUCTION.**

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

42.27 Sec. 44. **REPEALER.**

42.28 (a) Minnesota Statutes 2010, sections 148C.01, subdivisions 1, 1a, 2, 2a, 2b, 2c,  
42.29 2d, 2e, 2f, 2g, 4, 4a, 5, 7, 9, 10, 11, 11a, 12, 12a, 13, 14, 15, 16, 17, and 18; 148C.015;  
42.30 148C.03, subdivisions 1 and 4; 148C.0351, subdivisions 1, 3, and 4; 148C.0355; 148C.04,  
42.31 subdivisions 1, 2, 3, 4, 5a, 6, and 7; 148C.044; 148C.045; 148C.05, subdivisions 1, 1a, 5,  
42.32 and 6; 148C.055; 148C.07; 148C.075; 148C.08; 148C.09, subdivisions 1, 1a, 2, and 4;

43.1 148C.091; 148C.093; 148C.095; 148C.099; 148C.10, subdivisions 1, 2, and 3; 148C.11;  
 43.2 and 148C.12, subdivisions 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15, are repealed.

43.3 (b) Minnesota Rules, parts 4747.0010; 4747.0020; 4747.0030, subparts 1, 2, 3,  
 43.4 4, 5, 7, 8, 9, 10, 15, 17, 18, 20, 21, 22, 24, and 29; 4747.0040; 4747.0050; 4747.0060;  
 43.5 4747.0070, subparts 1, 2, 3, and 6; 4747.0200; 4747.0400, subpart 1; 4747.0700;  
 43.6 4747.0800; 4747.0900; 4747.1100, subparts 1, 4, 5, 6, 7, 8, and 9; 4747.1400, subparts  
 43.7 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, and 13; 4747.1500; 6310.3100, subpart 2; 6310.3600;  
 43.8 and 6310.3700, subpart 1, are repealed.

43.9 Sec. 45. **EFFECTIVE DATE.**

43.10 This article is effective August 1, 2012.

## 43.11 **ARTICLE 2**

### 43.12 **LICENSED PROFESSIONAL COUNSELING**

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

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

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

43.19 (2) is of good moral character;

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

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

43.30 (ii) human growth and development;

43.31 (iii) lifestyle and career development;

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

43.33 (v) assessment and appraisal;

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

- 44.1 (vii) principles of etiology, treatment planning, and prevention of mental and  
44.2 emotional disorders and dysfunctional behavior;
- 44.3 (viii) family counseling and therapy;
- 44.4 (ix) research and evaluation; and
- 44.5 (x) professional counseling orientation and ethics;
- 44.6 (4) has demonstrated competence in professional counseling by passing the National  
44.7 Clinical Mental Health Counseling Examination (NCMHCE), administered by the  
44.8 National Board for Certified Counselors, Inc. (NBCC) and ethical, oral, and situational  
44.9 examinations as prescribed by the board. ~~In lieu of the NCMHCE, applicants who have  
44.10 taken and passed the National Counselor Examination (NCE) administered by the NBCC,  
44.11 or another board-approved examination, need only take and pass the Examination of  
44.12 Clinical Counseling Practice (ECCP) administered by the NBCC;~~
- 44.13 (5) has earned graduate-level semester credits or quarter-credit equivalents in the  
44.14 following clinical content areas as follows:
- 44.15 (i) six credits in diagnostic assessment for child or adult mental disorders; normative  
44.16 development; and psychopathology, including developmental psychopathology;
- 44.17 (ii) three credits in clinical treatment planning, with measurable goals;
- 44.18 (iii) six credits in clinical intervention methods informed by research evidence and  
44.19 community standards of practice;
- 44.20 (iv) three credits in evaluation methodologies regarding the effectiveness of  
44.21 interventions;
- 44.22 (v) three credits in professional ethics applied to clinical practice; and
- 44.23 (vi) three credits in cultural diversity; and
- 44.24 (6) has demonstrated successful completion of 4,000 hours of supervised,  
44.25 post-master's degree professional practice in the delivery of clinical services in the  
44.26 diagnosis and treatment of child and adult mental illnesses and disorders, conducted  
44.27 according to subdivision 2.
- 44.28 (b) If coursework in paragraph (a) was not completed as part of the degree program  
44.29 required by paragraph (a), clause (3), the coursework must be taken and passed for credit,  
44.30 and must be earned from a counseling program or institution that meets the requirements  
44.31 of paragraph (a), clause (3).

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

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

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

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

45.5 (2) is of good moral character;

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

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

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

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

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

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

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

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

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

45.22 (vi) cultural diversity;

45.23 (7) has demonstrated, to the satisfaction of the board, successful completion of  
45.24 4,000 hours of supervised, post-master's degree professional practice in the delivery of  
45.25 clinical services in the diagnosis and treatment of child and adult mental illnesses and  
45.26 disorders; and

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

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

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

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

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

46.1 Subd. 4. **Conversion to licensed professional clinical counselor after August**  
46.2 **1, ~~2011~~ 2014.** After August 1, 2014, an individual licensed in the state of Minnesota  
46.3 as a licensed professional counselor may convert to a LPCC by providing evidence  
46.4 satisfactory to the board that the applicant has met the requirements of subdivisions 1  
46.5 and 2, subject to the following:

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

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

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

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

46.12 Subd. 2. **Continuing education.** At the completion of the first four years of  
46.13 licensure, a licensee must provide evidence satisfactory to the board of completion of  
46.14 12 additional postgraduate semester credit hours or its equivalent in counseling as  
46.15 determined by the board, except that no licensee shall be required to show evidence of  
46.16 greater than 60 semester hours or its equivalent. In addition to completing the requisite  
46.17 graduate coursework, each licensee shall also complete in the first four years of licensure  
46.18 a minimum of 40 hours of continuing education activities approved by the board under  
46.19 Minnesota Rules, part 2150.2540. Graduate credit hours successfully completed in the  
46.20 first four years of licensure may be applied to both the graduate credit requirement and to  
46.21 the requirement for 40 hours of continuing education activities. A licensee may receive 15  
46.22 continuing education hours per semester credit hour or ten continuing education hours  
46.23 per quarter credit hour. Thereafter, at the time of renewal, each licensee shall provide  
46.24 evidence satisfactory to the board that the licensee has completed during each two-year  
46.25 period at least the equivalent of 40 clock hours of professional postdegree continuing  
46.26 education in programs approved by the board and continues to be qualified to practice  
46.27 under sections 148B.50 to 148B.593.

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

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

47.1 2150.0130, subpart 2. This section does not apply to an individual whose license has  
47.2 been canceled.

47.3 Sec. 6. **EFFECTIVE DATE.**

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

APPENDIX  
Article locations in H2223-1

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**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.



**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.

#### **4747.1100 CONTINUING EDUCATION REQUIREMENTS.**



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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.

## APPENDIX

### Repealed Minnesota Rule: H2223-1

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.