

CHAPTER 4747
BOARD OF BEHAVIORAL HEALTH AND THERAPY
ALCOHOL AND DRUG COUNSELOR LICENSING

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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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257*

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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257*

4747.0030 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part and Minnesota Statutes, section 148C.01, apply to this chapter.

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.

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.

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.

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.

Subp. 6. **American sign language.** "American sign language" means the natural, visual language of deaf people, with its own syntax and grammatical structure.

Subp. 7. **Applicant.** "Applicant" means a person who has applied for a license under this chapter and Minnesota Statutes, chapter 148C.

Subp. 8. **Board.** "Board" means the Board of Behavioral Health and Therapy.

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.

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.

Subp. 11. [Repealed, L 2005 c 147 art 5 s 26]

Subp. 12. **Deaf.** "Deaf" means a hearing loss of such severity that the individual must depend primarily upon visual communication such as writing, lip reading, manual communication, and gestures.

Subp. 13. **Deaf-blind.** "Deaf-blind" means a combination of vision and hearing loss that interferes with acquiring information from the environment to the extent that compensatory strategies and skills are necessary to access that or other information.

Subp. 14. **Disability.** "Disability" means a condition or characteristic causing a person to:

- A. have a physical, sensory, or mental impairment that materially limits one or more major life activities;
- B. have a record of such an impairment; or
- C. be regarded as having such an impairment.

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.

Subp. 16. [Repealed, L 2005 c 147 art 5 s 26]

Subp. 17. **Ethnic minority group.** "Ethnic minority group" means persons of African American, Asian American, Native American, or Chicano/Latino descent.

Subp. 18. **Examination.** "Examination" means the written and oral examinations required by this chapter and Minnesota Statutes, section 148C.03.

Subp. 19. **Hard-of-hearing.** "Hard-of-hearing" means a hearing loss resulting in a functional loss, but not to the extent that the individual must depend primarily upon visual communication.

Subp. 20. **Identified population group.** "Identified population group" means men, women, adolescents, elderly persons, and gay, lesbian, bisexual, and transgender persons.

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.

Subp. 22. **Jurisdiction.** "Jurisdiction" means a state or territory of the United States.

Subp. 23. **Late-deafened.** "Late-deafened" means persons who were born with normal hearing, but at some point lost their hearing through illness or accident.

Subp. 24. **Licensee.** "Licensee" means a person who holds a valid license under this chapter.

Subp. 25. [Repealed, L 2003 1Sp14 art 5 s 30]

Subp. 26. **Qualified interpreter.** "Qualified interpreter" means a neutral person who is readily able to facilitate communication between two languages and accurately translate spoken, written, or sign language communication between a client and a licensee.

Subp. 27. **Sign language.** "Sign language" means American Sign Language or any form of manual communication used to communicate with persons who are deaf, hard-of-hearing, or deaf-blind.

Subp. 28. [Repealed, L 2003 1Sp14 art 5 s 30]

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.

Subp. 30. [Repealed, L 2003 1Sp14 art 5 s 30]

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28; L 2003 1Sp14 art 5 s 30; L 2005 c 147 art 5 s 26*

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 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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28; L 2003 1Sp14 art 5 s 30*

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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257*

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;

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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

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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28; L 2003 1Sp14 art 5 s 30*

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

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completing the applicable examination, education, training, internship, and practicum requirements.

Subp. 2. **Application forms.** Unless otherwise indicated, all licensure information must be documented and submitted to the board on forms provided by the board.

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;
- 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.

Subp. 4. [Repealed, L 2003 1Sp14 art 5 s 30]

Subp. 5. [Repealed, L 2003 1Sp14 art 5 s 30]

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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28; L 2003 1Sp14 art 5 s 30*

4747.0080 [Repealed, L 2003 1Sp14 art 5 s 30]

4747.0090 [Repealed, L 2003 1Sp14 art 5 s 30]

4747.0100 [Repealed, L 2003 1Sp14 art 5 s 30]

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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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28*

4747.0300 [Repealed, L 2003 1Sp14 art 5 s 30]

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.

Subp. 2. [Repealed, L 2003 1Sp14 art 5 s 30]

Subp. 3. [Repealed, L 2003 1Sp14 art 5 s 30]

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 1Sp14 art 5 s 30*

4747.0500 [Repealed, L 2003 1Sp14 art 5 s 30]

4747.0600 [Repealed, L 2003 1Sp14 art 5 s 30]

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;

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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28*

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

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C. verified documentation of having achieved a passing score within the past year on the examination required by part 4747.0040.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28*

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 board at the licensee's address on file with the board must be considered as having been received by the licensee.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28*

4747.1000 [Repealed, L 2003 1Sp14 art 5 s 30]

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.

Subp. 2. **Continuing education requirements for licensee's first four years.** Licensees must, as part of meeting the clock hour requirement of this part, obtain and document the following clock hours within the first four years after their initial license effective date according to the board's reporting schedule. Alcohol and drug counselor training obtained up to three years prior to January 27, 1998, which meets the requirements of this subpart must be considered as having met the requirements of this part. Alcohol and drug counselor classroom education obtained any time prior to January 27, 1998, which meets the requirements of this subpart must be considered as having met the requirements of this part.

- A. Six clock hours in Native American issues, including gaining knowledge of:
 - (1) the practical application of traditional Native American spiritual and cultural living to clients;
 - (2) the functioning of traditional Native American cultures before the arrival of alcohol and drugs;
 - (3) the changes that alcohol and drugs have caused in the traditional Native American cultures;

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(4) the history of the Native American experience in the United States and its effects on the influence of alcohol and drug use among Native Americans;

(5) the development of United States policy in regard to Native Americans and how this has influenced Native Americans;

(6) the progression of social scientific thought and its influence on Native Americans as it relates to alcohol and drugs;

(7) how the licensee must demonstrate sensitivity for a client's healthy, culturally appropriate lifestyle;

(8) the licensee's knowledge of cultural practices that will recreate a supportive, alcohol-free environment;

(9) the licensee's awareness and ability to identify the dynamics of an alcohol and drug subculture, as opposed to traditional Native American practices; and

(10) integrating self-evaluation into personal and professional development.

B. Six clock hours in Asian American issues, including gaining knowledge of:

(1) existing referral agencies whose focus is practicing with Asian American clients, including counties and community-based agencies;

(2) the various subgroups within the Asian American population in the United States, including their languages, religious practices, and place of origin;

(3) the dynamic of Asian American emigrational history, including the regulated immigration patterns and the refugee resettlement after World War II, from the Indo-Chinese War to the present time;

(4) current trends of alcohol and drug abuse among Asian Americans;

(5) various approaches to practicing with Asian American clients, including prevention, intervention, treatment, and continuing care approaches;

(6) understanding Asian American family dynamics, its traditional values, and its relation to recovery from alcohol and drug abuse;

(7) understanding cultural assets, and spiritual and religious healing as they relate to the recovery from alcohol and drug abuse; and

(8) integrating self-evaluation in the licensee's personal and professional development.

C. Six clock hours in deaf and hard-of-hearing issues, including gaining knowledge of:

(1) the history of the deaf American experience in the United States as a basis for understanding the continuing oppression deaf, deaf-blind, hard-of-hearing, and late-deafened people face;

(2) barriers, such as confidentiality, accessibility, and social stigma, to assessment, treatment, and recovery for chemically dependent deaf, deaf-blind, hard-of-hearing, or late-deafened people;

(3) psychosocial aspects of being deaf, deaf-blind, hard-of-hearing, or late-deafened;

(4) various approaches to serving the deaf, deaf-blind, hard-of-hearing, or late-deafened client, including prevention, intervention, treatment, and continuing care approaches;

(5) issues surrounding chemical dependency and people who are deaf, deaf-blind, hard-of-hearing, or late-deafened;

(6) deaf culture, norms, community, and issues relative to and differences among deaf, deaf-blind, hard-of-hearing, or late-deafened persons;

(7) work and volunteer experiences with deaf, deaf-blind, hard of hearing, or late-deafened persons;

(8) a variety of communication modes including, but not limited to: American Sign Language, tactile signing, speech reading, oral speech, manual coded English, and written English;

(9) existing referral agencies whose focus is serving the deaf, deaf-blind, hard-of-hearing, or late-deafened client, including counties and community-based agencies;

(10) family dynamics and its impact on the deaf and hard-of-hearing individual; and

(11) integrating self-evaluation in the licensee's personal and professional development.

D. Six clock hours in Chicano/Latino issues, including gaining knowledge of:

(1) existing referral agencies whose focus is serving the Chicano/Latino client, including counties and community-based agencies;

(2) the various subgroups within the Chicano/Latino population in the United States;

(3) current trends of alcohol and drug abuse among the Chicano/Latino community;

(4) various approaches to serving the Chicano/Latino client, including prevention, intervention, treatment, and continuing care approaches;

(5) understanding Chicano/Latino family dynamics and its relationship to recovery from alcohol and drug abuse;

(6) understanding cultural assets as they relate to recovery from alcohol and drug abuse; and

(7) integrating self-evaluation into the licensee's personal and professional development.

E. Six clock hours in disability issues, including gaining knowledge of:

(1) disability awareness;

(2) overview of chemical dependency and disability;

(3) identification of disability;

(4) familiarity with the Americans with Disabilities Act;

(5) implications for accessing treatment, exit planning, and aftercare support;

(6) adaptations of methods and materials for increased effectiveness in practicing alcohol and drug counseling with persons with disabilities; and

(7) ability to know when consultation is needed.

F. Six clock hours in African American issues, including gaining knowledge of:

(1) existing referral agencies whose focus is serving the African American client, including counties and community-based agencies;

(2) the various subgroups within the African American population in the United States;

(3) current trends of alcohol and drug abuse among the African American community;

(4) various approaches to serving the African American client, including prevention, intervention, treatment, and continuing care approaches;

(5) understanding African American family dynamics and its relationship to recovery from alcohol and drug abuse;

(6) understanding cultural assets as they relate to recovery from alcohol and drug abuse; and

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(7) integrating self-evaluation into the licensee's personal and professional development.

Subp. 3. [Repealed, L 2003 1Sp14 art 5 s 30]

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.

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. 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.

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.

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.

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.

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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28; L 2003 1Sp14 art 5 s 30*

4747.1200 [Repealed, L 2005 c 147 art 5 s 26]

4747.1300 [Repealed, L 2005 c 147 art 5 s 26]

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.

Subp. 2. **Purpose.** The rules of professional conduct constitute the standard against which professional behavior of alcohol and drug counselors is measured.

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.

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.

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 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.

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.

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.

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 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.

Subp. 9. Competency in practice with ethnic minority, disabled, and identified population group clients.

A. A licensee meets the standards in part 4747.1100, subpart 2, when practicing alcohol and drug counseling with a client who is a member of an ethnic minority group, an identified population group, or a client with a disability by acting according to this subpart. If a licensee is inexperienced as compared to other licensees or the professional community's standard of care in practicing alcohol and drug counseling with ethnic minority, identified population, or disabled clients, the licensee:

(1) engages in ongoing consultation with a licensee who meets the professional community's standard of care with respect to such clients;

(2) practices under the supervision of a licensee who meets the professional community's standard of care with respect to such clients; or

(3) refers the client to a licensee who meets the professional community's standard of care with respect to such clients.

B. An alcohol and drug counselor fluently speaks the primary or preferred language of the client, works with a certified or qualified interpreter according to Minnesota Statutes, section 546.44, and uses the services of a certified or qualified interpreter or refers the client to a licensee who either is fluent in the client's primary or preferred language or works with qualified interpreters.

C. Licensees who practice alcohol and drug counseling with deaf, deaf-blind, hard-of-hearing, or late-deafened clients:

(1) are proficient in American Sign Language at the advanced-plus level or higher of the Sign Communication Proficiency Interview (SCPI) ratings, if the client's primary or preferred language is American Sign Language; or

(2) are trained in working with and work with an American Sign Language interpreter who qualifies as both a certified interpreter and a certified transliterator by the Registry of Interpreters for the Deaf or certified at level four or higher by the National Association of the Deaf; or

(3) refer the client to a licensee who is either proficient in American Sign Language at the advanced-plus or higher level or who is trained to work with a certified American Sign Language interpreter or transliterator. Licensees who practice with such clients must submit a statement signed by a supervisor that the licensee has demonstrated a minimum proficiency in practicing with such clients.

D. Licensees inexperienced compared to the professional community's standard of care in practicing alcohol and drug counseling with members of identified population groups:

(1) engage in ongoing consultation with a licensee who meets the professional community's standard of care with respect to such clients;

(2) practice under the supervision of a licensee who meets the professional community's standard of care with respect to such clients; or

(3) refer the client to a licensee who meets the professional community's standard of care with respect to such clients.

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.

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.

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.

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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28*

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.";

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(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.

Statutory Authority: *MS s 148C.03*

History: *22 SR 1257; L 2003 c 118 s 28; L 2007 c 147 art 10 s 15*

4747.1600 [Repealed, L 2003 1Sp14 art 5 s 30]