

CHAPTER 148C

CHEMICAL DEPENDENCY COUNSELORS,
LICENSING

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148C.01 DEFINITIONS.

Subdivision 1. **Applicability.** For the purposes of sections 148C.01 to 148C.11 and 595.02, subdivision 1, the following terms have the meanings given them.

Subd. 2. **Licensed chemical dependency counselor.** "Licensed chemical dependency counselor" means a person who:

(1) uses, as a representation to the public, any title or description of services incorporating the words "licensed chemical dependency counselor";

(2) offers to render professional chemical dependency counseling services 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 chemical dependency counseling; and

(3) holds a valid license issued under sections 148C.01 to 148C.11 to engage in the practice of chemical dependency counseling.

Subd. 3. **Other titles.** For the purposes of sections 148C.01 to 148C.11 and 595.02, subdivision 1, all individuals who practice, as their main vocation, chemical dependency counseling as defined in subdivision 2, regardless of their titles, shall be covered by sections 148C.01 to 148C.11. This includes, but is not limited to, individuals who may refer to themselves as "alcoholism counselor," "drug abuse therapist," "chemical dependency recovery counselor," "chemical dependency relapse prevention planner," "addiction therapist," "chemical dependency intervention specialist," "family chemical dependency counselor," "chemical health specialist," "chemical health coordinator," and "substance abuse counselor."

Subd. 4. **Chemical dependency.** "Chemical dependency" means a condition in which a person pathologically uses alcohol or a controlled substance as defined in chapter 152, accompanied by physical manifestation of increased tolerance to the chemical or chemicals being used, or withdrawal syndrome following cessation of chemical use.

Subd. 5. **Chemical abuse.** "Chemical abuse" means a pattern of inappropriate and harmful use of alcohol or a controlled substance governed by chapter 152. Chemical abuse includes inappropriate and harmful patterns of chemical use that are linked to specific situations in an individual's life such as loss of a job, death of a loved one, or a sudden change in life circumstances. Chemical abuse does not involve a pattern of pathological use, but it may progress to pathological use.

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of human services.

Subd. 7. **Accredited school or educational program of chemical dependency counseling.** "Accredited school or educational program of chemical dependency counseling" means a school of chemical dependency counseling or other educational program that has been recognized by the commissioner.

Subd. 8. **Private practice.** "Private practice" means chemical dependency counseling practice conducted by an individual who is either self-employed or a member of

a partnership or a group practice, rather than being employed by a public agency or an agency licensed under chapter 245A.

Subd. 9. **Twelve core functions.** "Twelve core functions" means the following services provided in chemical dependency treatment:

- (1) screening;
- (2) intake;
- (3) orientation;
- (4) assessment;
- (5) treatment planning;
- (6) counseling;
- (7) case management;
- (8) crisis intervention;
- (9) client education;
- (10) referral;
- (11) reports and record keeping; and
- (12) consultation with other professionals regarding client treatment and services.

History: 1986 c 444; 1992 c 559 art 2 s 1

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 1, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.

148C.02 CHEMICAL DEPENDENCY COUNSELING LICENSING ADVISORY COUNCIL.

Subdivision 1. **Membership.** The chemical dependency licensing advisory council consists of 13 members. The governor shall appoint:

- (1) seven members who must be licensed chemical dependency counselors;
- (2) three members who must be public members as defined by section 214.02;
- (3) one member who must be a director or coordinator of an accredited chemical dependency training program; and
- (4) one member who must be a former consumer of chemical dependency counseling service and who must have received the service more than three years before the person's appointment.

The American Indian advisory committee to the department of human services chemical dependency office shall appoint the remaining member.

Subd. 2. **Duties.** The council shall study the provision of chemical dependency counseling and advise the commissioner, the profession, and the public.

History: 1992 c 559 art 2 s 2

148C.03 DUTIES OF THE COMMISSIONER.

Subdivision 1. **General.** The commissioner shall:

- (a) adopt and enforce rules for licensure of chemical dependency counselors and for regulation of professional conduct. The rules must be designed to protect the public;
- (b) adopt rules establishing standards and methods of determining whether applicants and licensees are qualified under section 148C.04. The rules must provide for examinations and must establish standards for professional conduct, including adoption of a professional code of ethics;
- (c) hold examinations at least twice a year to assess applicants' knowledge and skills. The examinations may be written or oral and may be administered by the commissioner or by a nonprofit agency under contract with the commissioner to administer the licensing examinations. Examinations must minimize cultural bias and must be balanced in various theories relative to practice of chemical dependency;
- (d) issue licenses to individuals qualified under sections 148C.01 to 148C.11;
- (e) issue copies of the rules for licensure to all applicants;

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(f) establish and implement procedures, including a standard disciplinary process and a code of ethics, to ensure that individuals licensed as chemical dependency counselors will comply with the commissioner's rules;

(g) establish, maintain, and publish annually a register of current licensees;

(h) establish initial and renewal application and examination fees sufficient to cover operating expenses of the commissioner;

(i) educate the public about the existence and content of the rules for chemical dependency counselor licensing to enable consumers to file complaints against licensees who may have violated the rules; and

(j) evaluate the rules in order to refine and improve the methods used to enforce the commissioner's standards.

Subd. 2. Continuing education committee. The commissioner shall appoint a continuing education committee of five persons, including a chair, which shall advise the commissioner on the administration of continuing education requirements in section 148C.05, subdivision 2.

Subd. 3. Restrictions on membership. A member or an employee of the department that carries out the functions under this section may not be an officer, employee, or paid consultant of a trade association in the counseling services industry.

History: 1992 c 559 art 2 s 3

148C.035 FEE COLLECTION; REPORTS.

Subdivision 1. Fee collection. The commissioner shall, by rule, with the approval of the commissioner of finance, set and adjust license fees for chemical dependency counselors so that the total fees collected will as closely as possible equal anticipated expenditures during the fiscal biennium, as provided in section 16A.128. The fee established must include an amount necessary to recover, over a five-year period, the commissioner's direct expenditures for the adoption of the rules providing for the licensure of chemical dependency counselors. All fees received shall be deposited in the state treasury and credited to the special revenue fund.

Subd. 2. Reports. The commissioner shall prepare reports on activities related to the licensure of chemical dependency counselors according to this subdivision by October 1 of each even-numbered year. Copies of the reports shall be delivered to the legislature in accordance with Minnesota Statutes, section 3.195, and to the governor. The reports shall contain the following information on the commissioner's activities relating to the licensure of chemical dependency counselors, for the two-year period ending the previous June 30:

(1) a general statement of these activities;

(2) the number of staff hours spent on these activities;

(3) the receipts and disbursements of funds;

(4) the names of advisory council members and their addresses, occupations, and dates of appointment and reappointment;

(5) the names and job classifications of employees;

(6) a brief summary of rules proposed or adopted during the reporting period with appropriate citations to the State Register and published rules;

(7) the number of persons having each type of license issued by the commissioner as of June 30 in the year of the report;

(8) the locations and dates of the administration of examinations by the commissioner;

(9) the number of persons examined by the commissioner with the persons subdivided into groups showing age categories, sex, and states of residency;

(10) the number of persons licensed by the commissioner after taking the examinations referred to in clause (8) with the persons subdivided by age categories, sex, and states of residency;

(11) the number of persons not licensed by the commissioner after taking the examinations referred to in clause (8) with the persons subdivided by age categories, sex, and states of residency;

(12) the number of persons not taking the examinations referred to in clause (8) who were licensed by the board or who were denied licensing with the reasons for the licensing or denial thereof and with the persons subdivided by age categories, sex, and states of residency;

(13) the number of persons previously licensed by the commissioner whose licenses were revoked, suspended, or otherwise altered in status with brief statements of the reasons for the revocation, suspension, or alteration;

(14) the number of written and oral complaints and other communications received by the commissioner which allege or imply a violation of a statute or rule which the commissioner is empowered to enforce;

(15) a summary, by specific category, of the substance of the complaints and communications referred to in clause (14) and, for each specific category, the responses or dispositions thereof; and

(16) any other objective information which the commissioner believes will be useful in reviewing the commissioner's activities.

History: 1992 c 559 art 2 s 4

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 4, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.

148C.04 REQUIREMENTS FOR LICENSURE.

Subdivision 1. General requirements. The commissioner shall issue licenses to the individuals qualified under sections 148C.01 to 148C.11 to practice chemical dependency counseling.

Subd. 2. Fee. Each applicant shall pay a nonrefundable fee set by the commissioner. Fees paid to the commissioner shall be deposited in the general fund.

Subd. 3. Licensing requirements for chemical dependency counselor; evidence. (a) To be licensed as a chemical dependency counselor, an applicant must meet the requirements in clauses (1) to (3).

(1) Except as provided in subdivision 4, the applicant must have received an associate degree including 270 clock hours of chemical dependency education and 880 clock hours of chemical dependency practicum.

(2) The applicant must have completed a written and oral case presentation that demonstrates competence in the 12 core functions.

(3) The applicant must have satisfactorily passed a written examination as established by the commissioner.

(b) To be licensed as a chemical dependency counselor, an applicant must furnish evidence satisfactory to the commissioner that the applicant has met the requirements of paragraph (a).

Subd. 4. Additional licensing requirements. Beginning five years after the effective date of sections 148C.01 to 148C.11, an applicant for licensure must have received a bachelor's degree in a human services area, and must have completed 480 clock hours of chemical dependency education and 880 clock hours of chemical dependency practicum.

History: 1992 c 559 art 2 s 5

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 5, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.

148C.05 LICENSE RENEWAL REQUIREMENTS.

Subdivision 1. Renewal. Licensees shall renew licenses at the time and in the manner established by the commissioner.

Subd. 2. Continuing education. At the time of renewal, each licensee shall furnish

evidence satisfactory to the commissioner that the licensee has completed annually at least the equivalent of 40 clock hours of continuing professional postdegree education every two years, in programs approved by the commissioner, and that the licensee continues to be qualified to practice under sections 148C.01 to 148C.11.

History: 1992 c 559 art 2 s 6

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 6, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.

148C.06 LICENSE WITHOUT EXAMINATION; TRANSITION PERIOD.

For two years from July 1, 1993, the commissioner shall issue a license without examination to an applicant if the applicant meets one of the following qualifications:

(a) is credentialed as a certified chemical dependency counselor (CCDC) or certified chemical dependency counselor reciprocal (CCDCR) by the Institute for Chemical Dependency Professionals of Minnesota, Inc.;

(b) has three years or 6,000 hours of supervised chemical dependency counselor experience, 270 clock hours of chemical dependency training, 300 hours of chemical dependency practicum, and has successfully completed a written and oral test;

(c) has five years or 10,000 hours of chemical dependency counselor experience as defined by the 12 core functions, 270 clock hours of chemical dependency training, and has successfully completed a written or oral test or is credentialed as a certified chemical dependency practitioner (CCDP) by the Institute for Chemical Dependency Professionals of Minnesota, Inc.; or

(d) has seven years or 14,000 hours of supervised chemical dependency counselor experience as defined by the 12 core functions and 270 clock hours of chemical dependency training with 60 hours of this training occurring within the past five years.

After July 1, 1995, no person may be licensed without passing the examination.

History: 1992 c 559 art 2 s 7

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 7, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.

148C.07 RECIPROCITY.

The commissioner shall issue an appropriate license to an individual who holds a current license or other credential from another jurisdiction if the commissioner finds that the requirements for that credential are substantially similar to the requirements in sections 148C.01 to 148C.11.

History: 1992 c 559 art 2 s 8

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 8, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.

148C.08 NONTRANSFERABILITY OF LICENSES.

A chemical dependency counselor license is not transferable.

History: 1992 c 559 art 2 s 9

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 9, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.

148C.09 DENIAL, SUSPENSION, OR REVOCATION OF LICENSE.

Subdivision 1. **Grounds.** The commissioner may refuse to grant a license to, or may suspend, revoke, or restrict the license of an individual if the commissioner, after a hearing under the contested case provisions of chapter 14, determines that a licensee or applicant:

(1) is incompetent to engage in chemical dependency counseling practice or is found to be engaged in chemical dependency counseling practice in a manner harmful or dangerous to a client or the public;

(2) has violated the rules of the commissioner or the statutes the commissioner is empowered to enforce;

(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 by the commissioner for licensing or license renewal; or

(5) has failed to obtain continuing education credits required by the commissioner.

Subd. 2. Restoring a license. For reasons it finds sufficient, the commissioner may grant a license previously refused, restore a license that has been revoked, or reduce a period of suspension or restriction of a license.

Subd. 3. Annual review. Suspension, revocation, or restriction of a license shall be reviewed by the commissioner at the request of the licensee against whom the disciplinary action was taken.

History: 1992 c 559 art 2 s 10

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 10, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.

148C.10 PROHIBITION AGAINST UNLICENSED PRACTICE OR USE OF TITLES; PENALTY.

Subdivision 1. Practice. After the commissioner adopts rules, no individual shall engage in chemical dependency counseling practice unless that individual holds a valid license as a chemical dependency counselor.

Subd. 2. Use of titles. After the commissioner adopts rules, no individual shall be presented to the public by any title incorporating the words "chemical dependency counselor" unless that individual holds a valid license. City, county, and state agency chemical dependency counselors who are not licensed under sections 148C.01 to 148C.11 may use the title "city agency chemical dependency counselor," "county agency chemical dependency counselor," or "state agency chemical dependency counselor." Hospital chemical dependency counselors who are not licensed under sections 148C.01 to 148C.11 may use the title "hospital chemical dependency counselor" while acting within the scope of their employment.

Subd. 3. Penalty. A person who violates sections 148C.01 to 148C.11 is guilty of a misdemeanor.

History: 1992 c 559 art 2 s 11

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 11, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.

148C.11 EXCEPTIONS TO LICENSE REQUIREMENT.

Subdivision 1. Other professionals. Nothing in sections 148C.01 to 148C.10 shall prevent 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, psychological practitioners, members of the clergy, attorneys, probation officers, marriage and family therapists, social workers, professional counselors, school counselors, and registered occupational therapists or certified occupational therapist assistants. These persons must not, however, use a title incorporating the words "chemical dependency counselor" or "licensed chemical dependency counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed to engage in the practice of chemical dependency counseling.

Subd. 2. Students. Nothing in sections 148C.01 to 148C.10 shall prevent students enrolled in an accredited school of chemical dependency counseling from engaging in the practice of chemical dependency counseling under qualified supervision in an accredited school of chemical dependency counseling.

Subd. 3. Federally recognized tribes and private nonprofit agencies with a minority focus. (a) The licensing of chemical dependency counselors who are employed by federally recognized tribes shall be voluntary.

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(b) The commissioner shall develop special licensing criteria for issuance of a license to chemical dependency counselors who: (1) are members of ethnic minority groups; and (2) are employed by private, nonprofit agencies, including agencies operated by private, nonprofit hospitals, whose primary agency service focus addresses ethnic minority populations. These licensing criteria may differ from the licensing criteria specified in section 148C.04. To develop these criteria, the commissioner shall establish a committee comprised of representatives from the council on hearing impaired, the council on affairs of Spanish-speaking people, the council on Asian-Pacific Minnesotans, the council on Black Minnesotans, and the Indian affairs council.

Subd. 4. Hospital chemical dependency counselors. Except as provided in subdivision 3, paragraph (b), the licensing of hospital chemical dependency counselors shall be voluntary. Hospitals employing chemical dependency counselors shall not be required to employ licensed chemical dependency counselors, nor shall they require their chemical dependency counselors to be licensed.

History: 1991 c 255 s 19; 1992 c 559 art 2 s 12

NOTE: This section, as added by Laws 1992, chapter 559, article 2, section 12, is effective July 1, 1993. See Laws 1992, chapter 559, article 2, section 15.