

CHAPTER 148C

ALCOHOL AND DRUG COUNSELORS, LICENSING

148C.03	Duties of commissioner.	148C.10	Prohibition against unlicensed practice or use of titles; penalty.
148C.04	Requirements for licensure.	148C.11	Exceptions to license requirement.
148C.099	Investigations; professional cooperation; exchanging information.		

148C.03 DUTIES OF COMMISSIONER.

Subdivision 1. **General.** The commissioner shall, after consultation with the advisory council or a committee established by rule:

(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) develop and, at least twice a year, administer an examination to assess applicants' knowledge and skills. The commissioner may contract for the administration of an examination with an entity designated by the commissioner. The examinations must be psychometrically valid and reliable; must be written and oral, with the oral examination based on a written case presentation; must minimize cultural bias; and must be balanced in various theories relative to the practice of alcohol and drug counseling;

(c) issue licenses to individuals qualified under sections 148C.01 to 148C.11;

(d) issue copies of the rules for licensure to all applicants;

(e) adopt rules to establish and implement procedures, including a standard disciplinary process and rules of professional conduct;

(f) carry out disciplinary actions against licensees;

(g) establish, with the advice and recommendations of the advisory council, written internal operating procedures for receiving and investigating complaints and for taking disciplinary actions as appropriate;

(h) 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;

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

(j) set, collect, and adjust license fees for alcohol and drug counselors so that the total fees collected will as closely as possible equal anticipated expenditures during the biennium, as provided in section 16A.1285; fees for initial and renewal application and examinations; late fees for counselors who submit license renewal applications after the renewal deadline; and a surcharge fee. The surcharge fee 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 alcohol and drug counselors. All fees received shall be deposited in the state treasury and credited to the special revenue fund.

[For text of subd 4, see M.S.2000]

History: 2001 c 138 s 1

148C.04 REQUIREMENTS FOR LICENSURE.

[For text of subs 1 and 2, see M.S.2000]

Subd. 3. **Licensing requirements for the first five years.** For five years after the effective date of the rules authorized in section 148C.03, the applicant, unless qualified

under section 148C.06 during the 25-month period authorized therein, under section 148C.07, or under subdivision 4, must furnish evidence satisfactory to the commissioner 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 270 clock hours of alcohol and drug counseling classroom education from an accredited school or educational program and 880 clock hours of supervised alcohol and drug counseling practicum;

(2) completed a written case presentation and satisfactorily passed an oral examination that demonstrates competence in the core functions; and

(3) satisfactorily passed a written examination as established by the commissioner;

Subd. 4. **Licensing requirements after five years.** Beginning five years after the effective date of the rules authorized in section 148C.03, subdivision 1, an applicant for licensure must submit evidence to the commissioner 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 480 clock hours of alcohol and drug counseling education 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; and

(iii) satisfactorily passed a written examination as established by the commissioner;

or

(2) the applicant must meet the requirements of section 148C.07.

Subd. 6. **Temporary practice requirements.** (a) A person may temporarily practice alcohol and drug counseling prior to being licensed under this chapter if the person:

(1) either:

(i) meets the associate degree education and practicum requirements of subdivision 3, clause (1);

(ii) meets the bachelor's degree education and practicum requirements of subdivision 4, clause (1), item (i); or

(iii) 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;

(2) requests, in writing, temporary practice status with the commissioner on an application form according to section 148C.0351, which includes the nonrefundable license fee and an affirmation by the person's supervisor, as defined in paragraph (b), clause (1), and which is signed and dated by the person and the person's supervisor;

(3) has not been disqualified to practice temporarily on the basis of a background investigation under section 148C.09, subdivision 1a; and

(4) has been notified in writing by the commissioner that the person is qualified to practice under this subdivision.

(b) A person practicing under this subdivision:

(1) may practice only in a program licensed by the department of human services and under the direct, on-site supervision of a person who is licensed under this chapter and employed in that licensed program;

(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.05.

(c) A person practicing under this subdivision may not use with the public any title or description stating or implying that the person is licensed to engage in the practice of alcohol and drug counseling.

(d) The temporary status of a person applying for temporary practice under this subdivision expires on the date the commissioner grants or denies licensing.

[For text of subd 7, see M.S.2000]

History: 2001 c 10 s 1-3

148C.099 INVESTIGATIONS; PROFESSIONAL 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 commissioner, shall cooperate fully with the investigation. Cooperation includes responding fully to any question raised by or on behalf of the commissioner relating to the subject of the investigation whether tape recorded or not. Challenges to requests of the commissioner may be brought before the appropriate agency or court.

Subd. 2. **Exchanging information.** (a) The commissioner shall establish internal operating procedures for:

(1) exchanging information with state boards; agencies, including the office of ombudsman for mental health and mental retardation; health-related and law 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 commissioner shall establish procedures for exchanging information with other states regarding disciplinary action against alcohol and drug counselors.

(d) The commissioner shall forward to another governmental agency any complaints received by the commissioner that do not relate to the commissioner'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 commissioner of the disposition of the complaint. A complaint or other information received by another governmental agency relating to a statute or rule that the commissioner is empowered to enforce must be forwarded to the commissioner to be processed according to this section.

(e) The commissioner shall furnish to a person who made a complaint a description of the actions of the commissioner relating to the complaint.

History: 2001 c 138 s 2

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

[For text of subd 1, see M.S.2000]

Subd. 1a. **Practice allowed; certain individuals.** (a) Notwithstanding subdivision 1, individuals may engage in alcohol and drug counseling practice only until the commissioner issues a license or denies the license application, whichever occurs sooner, provided the individual:

(1) was employed as an alcohol and drug counselor before January 28, 2000;

(2) is under the supervision of an alcohol and drug counselor who is licensed under this chapter or employed in a program licensed by the department of human services;

(3) has not applied and been rejected or denied a license by the commissioner on any grounds under this chapter, other than failure to satisfy examination requirements, or on the basis of an investigation under chapter 148B; and

(4) either:

(i) made application to the commissioner for a license as an alcohol and drug counselor before January 28, 2000; or

(ii) made application to the administrator of the exam or exams required by the commissioner before January 28, 2000, passes the examinations before July 1, 2002, and within 90 calendar days of passing the examinations makes application to the commissioner for a license under this chapter.

(b) As used in this subdivision, supervision means monitoring activities of and accepting legal liability for the individual practicing without a license.

(c) Practice allowed under this subdivision creates no rights or expectations of approval from the commissioner for licensing as an alcohol and drug counselor. The commissioner may suspend or restrict practice under this subdivision as authorized under section 148C.09.

[For text of subs 2 and 3, see M.S.2000]

History: 2001 c 10 s 4

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, 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, licensed professional counselors, licensed school counselors, and registered occupational therapists or occupational therapy assistants. These persons must not, however, 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. Persons engaged in the practice of alcohol and drug counseling are not exempt from the commissioner's jurisdiction solely by the use of one of the above titles.

[For text of subd 2, see M.S.2000]

Subd. 3. **Federally recognized tribes; ethnic minorities.** (a) Alcohol and drug counselors licensed to practice 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 licensed under that authority shall be afforded the same rights, responsibilities, and recognition as persons licensed pursuant to this chapter.

(b) The commissioner 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 criteria specified in section 148C.04. To develop, implement, and evaluate the effect of these criteria, the commissioner shall establish a committee comprised of, but not limited to, representatives from the Minnesota commission serving deaf and hard-of-hearing people, 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.

[For text of subs 4 and 5, see M.S.2000]

History: 2001 c 138 s 3; 2001 c 161 s 26