

CHAPTER 148C

ALCOHOL AND DRUG COUNSELORS, LICENSING

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148C.01 DEFINITIONS.

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

Subd. 1a. **Accrediting association.** "Accrediting association" means an organization recognized by the commissioner that evaluates schools and education programs of alcohol and drug counseling or is listed in Nationally Recognized Accrediting Agencies and Associations, Criteria and Procedures for Listing by the U.S. Secretary of Education and Current List (1996), which is incorporated by reference.

Subd. 2. **Alcohol and drug counselor.** "Alcohol and drug counselor" or "counselor" means a person who:

(1) uses, as a representation to the public, any title, initials, or description of services incorporating the words "alcohol and drug counselor";

(2) offers to render professional alcohol and drug counseling services relative to the abuse of or the dependency on alcohol or other drugs to the general public or groups, organizations, corporations, institutions, or government agencies for compensation, implying that the person is licensed and trained, experienced or expert in alcohol and drug counseling;

(3) holds a valid license issued under this chapter to engage in the practice of alcohol and drug counseling; or

(4) is an applicant for an alcohol and drug counseling license.

Subd. 2a. **Alcohol and drug counselor academic course work.** "Alcohol and drug counselor academic course work" means classroom education, which is directly related to alcohol and drug counseling and meets the requirements of section 148C.04, subdivision 5a, and is taken through an accredited school or educational program.

Subd. 2b. **Alcohol and drug counselor continuing education activity.** "Alcohol and drug counselor continuing education activity" means clock hours that meet the requirements of section 148C.075 and Minnesota Rules, part 4747.1100, and are obtained by a licensee at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home study courses. A home study course need not be provided by an accredited school or education program to meet continuing education requirements.

Subd. 2c. **Alcohol and drug counselor technician.** "Alcohol and drug counselor technician" means a person not licensed as an alcohol and drug counselor who is performing acts authorized under section 148C.045.

Subd. 2d. **Alcohol and drug counselor training.** "Alcohol and drug counselor training" means clock hours obtained by an applicant at educational programs of annual conferences, lectures, panel discussions, workshops, seminars, symposiums, employer-sponsored inservices, or courses taken through accredited schools or education programs, including home study courses. Clock hours obtained from accredited

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schools or education programs must be measured under Minnesota Rules, part 4747.1100, subpart 5.

Subd. 2e. **Board.** "Board" means the Board of Behavioral Health and Therapy established by section 148B.51.

Subd. 2f. **Clock hour.** "Clock hour" means an instructional session of 50 consecutive minutes, excluding coffee breaks, registration, meals without a speaker, and social activities.

Subd. 2g. **Credential.** "Credential" means a license, permit, certification, registration, or other evidence of qualification or authorization to engage in the practice of an occupation.

Subd. 3. [Repealed by amendment, 1995 c 164 s 3]

Subd. 4. **Dependency.** "Dependency" means a maladaptive pattern of substance use, leading to clinically significant impairment or distress, as manifested by three or more of the following occurring at any time in the same 12-month period:

(a) tolerance, as defined by either of the following:

(1) a need for markedly increased amounts of the substance to achieve intoxication or desired effect; or

(2) a markedly diminished effect with continued use of the same amount of the substance;

(b) withdrawal, as manifested by either of the following:

(1) the characteristic withdrawal syndrome for the substance, as referred to in the most current edition of the Diagnostic and Statistical Manual of Mental Disorders; or

(2) the same or closely related substance is taken to relieve or avoid withdrawal symptoms;

(c) the substance is often taken in larger amounts or over a longer period than was intended;

(d) a persistent desire or unsuccessful efforts to cut down or control substance use;

(e) a great deal of time is spent in activities necessary to obtain the substance, use the substance, or recover from its effects;

(f) important social, occupational, or recreational activities are given up or reduced because of the substance use; or

(g) substance use continues despite knowledge of having had a persistent or recurrent physical or psychological problem that was likely to have been caused or exacerbated by the substance.

Subd. 4a. **Licensee.** "Licensee" means a person who holds a valid license under this chapter.

Subd. 5. **Abuse.** "Abuse" means a maladaptive pattern of substance use leading to clinically significant impairment or distress, as manifested by one or more of the following occurring at any time during the same 12-month period:

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

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

(3) recurrent substance-related legal problems; and

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

For substance use to be considered abuse, the individual must never have met the criteria for dependence in subdivision 4 for the class of substance in question.

Subd. 6. **Commissioner.** "Commissioner" means the commissioner of health, or a designee.

Subd. 7. **Accredited school or educational program.** "Accredited school or educational program" means a school of alcohol and drug counseling, university, college, or other postsecondary education program that, at the time the student completes the

program, is accredited by a regional accrediting association whose standards are substantially equivalent to those of the North Central Association of Colleges and Postsecondary Education Institutions or an accrediting association that evaluates schools of alcohol and drug counseling for inclusion of the education, practicum, and core function standards in this chapter.

Subd. 8. [Repealed, 1995 c 164 s 35]

Subd. 9. **Core functions.** "Core functions" means the following services provided in alcohol and drug treatment:

(1) "Screening" means the process by which a client is determined appropriate and eligible for admission to a particular program.

(2) "Intake" means the administrative and initial assessment procedures for admission to a program.

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

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

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

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

(7) "Case management" means activities which bring services, agencies, resources, or people together within a planned framework of action toward the achievement of established goals.

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

(9) "Client education" means the provision of information to clients who are receiving or seeking counseling concerning alcohol and other drug abuse and the available services and resources.

(10) "Referral" means identifying the needs of the client which cannot be met by the counselor or agency and assisting the client to utilize the support systems and available community resources.

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

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

Subd. 10. **Practice of alcohol and drug counseling.** "Practice of alcohol and drug counseling" means the observation, description, evaluation, interpretation, and modification of human behavior as it relates to the harmful or pathological use or abuse of alcohol or other drugs by the application of the core functions. The practice of alcohol and drug counseling includes, but is not limited to, the following activities, regardless of whether the counselor receives compensation for the activities:

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

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

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

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

(5) assessing the level of alcohol or other drug use involvement;

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

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

(8) consultation with other professionals;

(9) gaining cultural competence through ongoing training and education according to standards established by rule; and

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

Subd. 11. Sexual contact. "Sexual contact" means contact as defined in section 148A.01 with a client or former client, or engaging in contact that may reasonably be interpreted by a client as sexual, or engaging in any verbal behavior that is seductive or sexually demeaning to the client, or engaging in sexual exploitation of a client or former client.

Subd. 11a. Student. "Student" means a person enrolled in an alcohol and drug counselor education program at an accredited school or educational program and earning a minimum of nine semester credits per calendar year towards completion of an associate's, bachelor's, master's, or doctorate degree requirements that include an additional 18 semester credits or 270 clock hours of alcohol and drug counseling specific course work and 440 clock hours of practicum.

Subd. 12. Supervised alcohol and drug counselor. "Supervised alcohol and drug counselor" means a student, either before, during, or after the student completes a program from an accredited school or educational program of alcohol and drug counseling, an intern, or a person issued a temporary permit under section 148C.04, subdivision 4, and who is supervised by a person either licensed under this chapter or exempt under its provisions.

Subd. 12a. Supervisor. "Supervisor" means a licensed alcohol and drug counselor licensed under this chapter or other licensed professional practicing alcohol and drug counseling under section 148C.11 who monitors activities of and accepts legal liability for the person practicing under supervision. A supervisor shall supervise no more than three trainees practicing under section 148C.04, subdivision 6.

Subd. 13. Alcohol and drug counseling practicum. "Alcohol and drug counseling practicum" means formal experience gained by a student and supervised by a person either licensed under this chapter or exempt under its provisions, in an accredited school or educational program of alcohol and drug counseling as part of the education requirements of this chapter.

Subd. 14. Applicant. "Applicant" means a person seeking a license under this chapter.

Subd. 15. Client. "Client" means an individual who is the recipient of any of the alcohol and drug counseling services described in this section.

Subd. 16. Compensation. "Compensation" means a fee, salary, reward, payment, or the expectation of payment from a client or a client's agent, insurer, employer, or other representative for providing alcohol and drug counseling services. Compensation does not include bartering for services.

Subd. 17. Alcohol and drug counselor internship. "Alcohol and drug counselor internship" means supervised, practical, on-the-job training as an intern, volunteer, or employee in alcohol and drug counseling.

Subd. 18. Psychometrically valid and reliable. "Psychometrically valid and reliable" means developed on the basis of role delineation, validation, reliability, passing point, and sensitivity review factors, according to generally accepted standards.

History: 1986 c 444; 1992 c 559 art 2 s 1; 1Sp1993 c 1 art 3 s 2,3; 1995 c 164 s 3; 1996 c 451 art 4 s 32-34; 2000 c 460 s 36-40; 2003 c 118 s 17; 1Sp2003 c 14 art 5 s 1-12

NOTE: Subdivision 2c, as added by Laws 2003, chapter 118, section 17, is effective July 1, 2005. Laws 2003, chapter 118, section 17, the effective date.

NOTE: Subdivision 6 is repealed by Laws 2003, chapter 118, section 29, paragraph (b), as amended by Laws 2004, chapter 279, article 5, section 10, effective July 1, 2005. Laws 2003, chapter 118, section 29, paragraph (b), the effective date, as amended by Laws 2004, chapter 279, article 5, section 10.

148C.015 SCOPE; DEFINITIONS.

Before engaging in the practice of alcohol and drug counseling as defined in section 148C.01, all persons, except as provided in section 148C.11, regardless of their titles, must obtain a license as provided in this chapter.

History: 1995 c 164 s 4

148C.02 ALCOHOL AND DRUG COUNSELORS LICENSING ADVISORY COUNCIL.

Subdivision 1. **Membership.** The Alcohol and Drug Counselors Licensing Advisory Council consists of 13 members. The commissioner shall appoint:

- (1) except for those members initially appointed, seven members who must be licensed alcohol and drug 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 alcohol and drug dependency training program; and
- (4) one member who must be a former consumer of alcohol and drug 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 advisory council shall:

- (1) provide advice and recommendations to the commissioner on the development of rules for the licensure of alcohol and drug counselors;
- (2) provide advice and recommendations to the commissioner on the development of standards and procedures for the competency testing, licensing, and review of alcohol and drug counselors' professional conduct;
- (3) provide advice and recommendations to the commissioner in disciplinary cases in the areas of counselor competency issues, counselor practice issues, and counselor impairment issues.

Subd. 3. **Terms.** The terms, compensation, and removal of members shall be as provided in section 15.059, except that notwithstanding any contrary law, the advisory council shall not expire.

History: 1992 c 559 art 2 s 2; 1Sp1993 c 1 art 3 s 4; 1995 c 164 s 5; 1996 c 451 art 4 s 35,36

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) collect license fees for alcohol and drug counselors.

Subd. 2. [Repealed, 1995 c 164 s 35]

Subd. 3. [Repealed, 1995 c 164 s 35]

Subd. 4. **Professional accountability.** The commissioner shall maintain and keep current a file containing the reports and complaints filed against alcohol and drug counselors within the commissioner's jurisdiction.

History: 1992 c 559 art 2 s 3; 1Sp1993 c.1 art 3 s 5-7; 1995 c 164 s 6,7; 1996 c 305 art 1 s 42; 1996 c 451 art 4 s 37; 1997 c 187 art 2 s 6; 1998 c 317 s 12; 2000 c 460 s 41; 2001 c 138 s 1; 1Sp2003 c 14 art 5 s 13

148C.035 [Repealed, 1995 c 164 s 35]

148C.0351 PROCEDURES FOR ADMISSION TO LICENSURE.

Subdivision 1. **Application forms.** Unless exempted under section 148C.11, a person who practices alcohol and drug counseling in Minnesota must:

- (1) apply to the commissioner for a license to practice alcohol and drug counseling on forms provided by the commissioner;
- (2) include with the application a statement that the statements in the application are true and correct to the best of the applicant's knowledge and belief;
- (3) include with the application a nonrefundable application fee specified in section 148C.12;
- (4) include with the application information describing the applicant's experience, including the number of years and months the applicant has practiced alcohol and drug counseling as defined in section 148C.01;
- (5) include with the application the applicant's business address and telephone number, or home address and telephone number if the applicant conducts business out of the home, and if applicable, the name of the applicant's supervisor, manager, and employer;
- (6) include with the application a written and signed authorization for the commissioner to make inquiries to appropriate state regulatory agencies and private credentialing organizations in this or any other state where the applicant has practiced alcohol and drug counseling; and
- (7) complete the application in sufficient detail for the commissioner to determine whether the applicant meets the requirements for filing. The commissioner may ask the applicant to provide additional information necessary to clarify incomplete or ambiguous information submitted in the application.

Subd. 2. [Repealed, 1Sp2003 c 14 art 5 s 30]

Subd. 3. **Requirement to maintain current information.** An alcohol and drug counselor must notify the commissioner within 30 days of the occurrence of any of the following:

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

(2) a settlement or award based on negligent or intentional acts committed in providing alcohol and drug counseling services.

Subd. 4. Initial license; term. (a) An initial license is effective on the date the commissioner indicates on the license certificate, with the license number, sent to the applicant upon approval of the application.

(b) An initial license is valid for a period beginning with the effective date in paragraph (a) and ending on the date specified by the commissioner on the license certificate placing the applicant in an existing two-year renewal cycle, as established under section 148C.05, subdivision 1.

History: 1995 c 164 s 8; 1Sp2003 c 14 art 5 s 14,15

148C.0355 COMMISSIONER ACTION ON APPLICATIONS FOR LICENSURE.

The commissioner shall act on each application for licensure within 90 days from the date the completed application and all required information is received by the commissioner. The commissioner shall determine if the applicant meets the requirements for licensure and whether there are grounds for denial of licensure under this chapter. If the commissioner denies an application on grounds other than the applicant's failure of an examination, the commissioner shall:

(1) notify the applicant, in writing, of the denial and the reason for the denial and provide the applicant 30 days from the date of the letter informing the applicant of the denial in which the applicant may provide additional information to address the reasons for the denial. If the applicant does not respond in writing to the commissioner within the 30-day period, the denial is final. If the commissioner receives additional information, the commissioner shall review it and make a final determination thereafter;

(2) notify the applicant that an application submitted following denial is a new application and must be accompanied by the appropriate fee as specified in section 148C.12; and

(3) notify the applicant of the right to request a hearing under chapter 14.

History: 1Sp2003 c 14 art 5 s 16

148C.04 REQUIREMENTS FOR LICENSURE.

Subdivision 1. General requirements. The commissioner shall issue licenses to the individuals qualified under this chapter to practice alcohol and drug counseling.

Subd. 2. Fee. Each applicant shall pay a nonrefundable fee as specified in section 148C.12. Fees paid to the commissioner shall be deposited in the special revenue fund.

Subd. 3. Requirements for licensure before July 1, 2008. An applicant for a license must furnish evidence satisfactory to the 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 18 semester credits or 270 clock hours of academic course work in accordance with subdivision 5a, paragraph (a), from an accredited school or educational program and 880 clock hours of supervised alcohol and drug counseling practicum;

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

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

Subd. 4. Requirements for licensure after July 1, 2008. An applicant for a license 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 18 semester credits or 270 clock hours of academic course work in accordance with subdivision 5a, paragraph (a), from an accredited school or educational program and 880 clock hours of supervised alcohol and drug counseling practicum;

(ii) completed a written case presentation and satisfactorily passed an oral examination established by the commissioner 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. 5. [Repealed, 2000 c 460 s 66]

Subd. 5a. **Academic course work.** (a) Minimum academic course work requirements for licensure as referred to under subdivision 3, clause (1), and subdivision 4, clause (1), item (i), must be in the following areas:

(1) overview of alcohol and drug counseling focusing on the transdisciplinary foundations of alcohol and drug counseling and providing an understanding of theories of chemical dependency, the continuum of care, and the process of change;

(2) pharmacology of substance abuse disorders and the dynamics of addiction;

(3) screening, intake, assessment, and treatment planning;

(4) counseling theory and practice, crisis intervention, orientation, and client education;

(5) case management, consultation, referral, treatment planning, reporting, record keeping, and professional and ethical responsibilities; and

(6) multicultural aspects of chemical dependency to include awareness of learning outcomes described in Minnesota Rules, part 4747.1100, subpart 2, and the ability to know when consultation is needed.

(b) Advanced academic course work includes, at a minimum, the course work required in paragraph (a) and additional course work in the following areas:

(1) advanced study in the areas listed in paragraph (a);

(2) chemical dependency and the family;

(3) treating substance abuse disorders in culturally diverse and identified populations;

(4) dual diagnoses/co-occurring disorders with substance abuse disorders; and

(5) ethics and chemical dependency.

Subd. 6. **Temporary permit requirements.** (a) The commissioner shall issue a temporary permit to practice alcohol and drug counseling prior to being licensed under this chapter if the person:

(1) either:

(i) submits verification of a current and unrestricted credential for the practice of alcohol and drug counseling from a national certification body or a certification or licensing body from another state, United States territory, or federally recognized tribal authority;

(ii) submits verification of the completion of at least 64 semester credits, including 270 clock hours or 18 semester credits of formal classroom education in alcohol and drug counseling and at least 880 clock hours of alcohol and drug counseling practicum from an accredited school or educational program;

(iii) applies to renew a lapsed license according to the requirements of section 148C.055, subdivision 3, clauses (1) and (2), or section 148C.055, subdivision 4, clauses (1) and (2); or

(iv) meets the requirements of section 148C.11, subdivision 6, clauses (1), (2), and (5);

(2) applies, in writing, on an application form provided by the commissioner, which includes the nonrefundable temporary permit fee as specified in section 148C.12 and an

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affirmation by the person's supervisor, as defined in paragraph (c), clause (1), which is signed and dated by the person and the person's supervisor; and

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

(b) The commissioner must notify the person in writing within 90 days from the date the completed application and all required information is received by the commissioner whether the person is qualified to practice under this subdivision.

(c) A person practicing under this subdivision:

(1) may practice under tribal jurisdiction or under the direct supervision of a person who is licensed under this chapter;

(2) is subject to the Rules of Professional Conduct set by rule; and

(3) is not subject to the continuing education requirements of section 148C.075.

(d) A person practicing under this subdivision must use the title or description stating or implying that the person is a trainee engaged in the practice of alcohol and drug counseling.

(e) A person practicing under this subdivision must annually submit a renewal application on forms provided by the commissioner with the renewal fee required in section 148C.12, subdivision 3, and the commissioner may renew the temporary permit if the trainee meets the requirements of this subdivision. A trainee may renew a practice permit no more than five times.

(f) A temporary permit expires if not renewed, upon a change of employment of the trainee or upon a change in supervision, or upon the granting or denial by the commissioner of a license.

Subd. 7. Effect and suspension of temporary permit. Approval of a person's application for temporary permit creates no rights to or expectation of approval from the commissioner for licensure as an alcohol and drug counselor. The commissioner may suspend or restrict a person's temporary permit status according to section 148C.09.

History: 1986 c 444; 1992 c 559 art 2 s 5; 1Sp1993 c 1 art 3 s 8-10; 1995 c 164 s 9-12; 1996 c 451 art 4 s 38-40; 1998 c 317 s 13; 2000 c 460 s 42-44; 2001 c 10 s 1-3; 1Sp2003 c 14 art 5 s 17; 2004 c 279 art 6 s 1

148C.045 ALCOHOL AND DRUG COUNSELOR TECHNICIAN.

An alcohol and drug counselor technician may perform the services described in section 148C.01, subdivision 9, paragraphs (1), (2), and (3), while under the direct supervision of a licensed alcohol and drug counselor.

History: 1Sp2003 c 14 art 5 s 18

148C.05 LICENSE RENEWAL REQUIREMENTS; LAPSE.

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

Subd. 1a. **Renewal requirements.** To renew a license, an applicant must submit to the commissioner:

(1) a completed and signed application for license renewal, including a signed consent authorizing the commissioner to obtain information about the applicant from third parties, including, but not limited to, employers, former employers, and law enforcement agencies;

(2) the renewal fee required under section 148C.12; and

(3) additional information as requested by the commissioner to clarify information presented in the renewal application. The licensee must submit information within 30 days of the date of the commissioner's request.

Subd. 2. [Repealed, 1Sp2003 c 14 art 5 s 30]

Subd. 3. [Repealed, 1Sp2003 c 14 art 5 s 30]

Subd. 4. [Repealed, 1Sp2003 c 14 art 5 s 30]

Subd. 5. **License renewal notice.** At least 60 calendar days before the renewal deadline date in subdivision 6, the commissioner shall mail a renewal notice to the licensee's last known address on file with the commissioner. The notice must include an application for license renewal, the renewal deadline, and notice of fees required for renewal. The licensee's failure to receive notice does not relieve the licensee of the obligation to meet the renewal deadline and other requirements for license renewal.

Subd. 6. **Renewal deadline and lapse of licensure.** (a) Licensees must comply with paragraphs (b) to (d).

(b) Each license certificate must state an expiration date. An application for license renewal must be received by the commissioner or postmarked at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date.

(c) An application for license renewal not received within the time required under paragraph (b) must be accompanied by a late fee in addition to the renewal fee required in section 148C.12.

(d) A licensee's license lapses if the licensee fails to submit to the commissioner a license renewal application by the licensure expiration date. A licensee shall not engage in the practice of alcohol and drug counseling while the license is lapsed. A licensee whose license has lapsed may renew the license by complying with section 148C.055.

History: 1992 c 559 art 2 s 6; 1Sp1993 c 1 art 3 s 11; 1995 c 164 s 13; 1996 c 451 art 4 s 41; 1998 c 317 s 14; 1Sp2003 c 14 art 5 s 19-22

148C.055 INACTIVE OR LAPSED LICENSE.

Subdivision 1. **Inactive license status.** Unless a complaint is pending against the licensee, a licensee whose license is in good standing may request, in writing, that the license be placed on the inactive list. If a complaint is pending against a licensee, a license may not be placed on the inactive list until action relating to the complaint is concluded. The commissioner must receive the request for inactive status before expiration of the license. A request for inactive status received after the license expiration date must be denied. A licensee may renew a license that is inactive under this subdivision by meeting the renewal requirements of subdivision 2, except that payment of a late renewal fee is not required. A licensee must not practice alcohol and drug counseling while the license is inactive.

Subd. 2. **Renewal of inactive license.** A licensee whose license is inactive shall renew the inactive status by the inactive status expiration date determined by the commissioner or the license will lapse. An application for renewal of inactive status must include evidence satisfactory to the commissioner that the licensee has completed 40 clock hours of continuing professional education required in section 148C.075, and be received by the commissioner at least 30 calendar days before the expiration date. If the postmark is illegible, the application must be considered timely if received at least 21 calendar days before the expiration date. Late renewal of inactive status must be accompanied by a late fee as required in section 148C.12.

Subd. 3. **Renewal of lapsed license.** An individual whose license has lapsed for less than two years may renew the license by submitting:

- (1) a completed and signed license renewal application;
- (2) the inactive license renewal fee or the renewal fee and the late fee as required under section 148C.12; and
- (3) proof of having met the continuing education requirements in section 148C.075 since the individual's initial licensure or last license renewal. The license issued is then effective for the remainder of the next two-year license cycle.

Subd. 4. **License renewal for two years or more after license expiration date.** An individual who submitted a license renewal two years or more after the license expiration date must submit the following:

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(1) a completed and signed application for licensure, as required by section 148C.0351;

(2) the initial license fee as required in section 148C.12; and

(3) verified documentation of having achieved a passing score within the past year on an examination required by the commissioner.

History: 1Sp2003 c 14 art 5 s 23

148C.06 [Repealed, 1Sp2003 c 14 art 5 s 30]

148C.07 RECIPROCITY.

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

(b) The applicant must request the credentialing authority of the jurisdiction in which the credential is held to send directly to the commissioner a statement that the credential is current and in good standing, the applicant's qualifications that entitled the applicant to the credential, and a copy of the jurisdiction's credentialing laws and rules that were in effect at the time the applicant obtained the credential.

(c) The commissioner shall issue a license if the commissioner finds that the requirements, which the applicant had to meet to obtain the credential from the other jurisdiction were substantially similar to the current requirements for licensure in this chapter, and the applicant is not otherwise disqualified under section 148C.09.

History: 1992 c 559 art 2 s 8; 1995 c 164 s 15; 1Sp2003 c 14 art 5 s 24

148C.075 CONTINUING EDUCATION REQUIREMENTS.

Subdivision 1. **General requirements.** The commissioner shall establish a two-year continuing education reporting schedule requiring licensees to report completion of the requirements of this section. Licensees must document completion of a minimum of 40 clock hours of continuing education activities each reporting period. A licensee may be given credit only for activities that directly relate to the practice of alcohol and drug counseling, the core functions, or the Rules of Professional Conduct in Minnesota Rules, part 4747.1400. The continuing education reporting form must require reporting of the following information:

(1) the continuing education activity title;

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

(3) the sponsor, presenter, or author;

(4) the location and attendance dates;

(5) the number of clock hours; and

(6) a statement that the information is true and correct to the best knowledge of the licensee.

Only continuing education obtained during the previous two-year reporting period may be considered at the time of reporting. Clock hours must be earned and reported in increments of one-half clock hour with a minimum of one clock hour for each continuing education activity.

Subd. 2. **Continuing education requirements for licensee's first four years.** A licensee must, as part of meeting the clock hour requirement of this section, obtain and document 18 hours of cultural diversity training within the first four years after the licensee's initial license effective date according to the commissioner's reporting schedule. Cultural diversity training includes gaining knowledge in areas described in Minnesota Rules, part 4747.1100, subpart 2, and in identified population groups defined in Minnesota Rules, part 4747.0030, subpart 20.

Subd. 3. **Continuing education requirements after licensee's initial four years.** Beginning four years following a licensee's initial license effective date and according to the board's reporting schedule, a licensee must document completion of a minimum of

six clock hours each reporting period of cultural diversity training. Licensees must also document completion of six clock hours in courses directly related to the Rules of Professional Conduct in Minnesota Rules, part 4747.1400.

Subd. 4. **Standards for approval.** In order to obtain clock hour credit for a continuing education activity, the activity must:

- (1) constitute an organized program of learning;
- (2) reasonably be expected to advance the knowledge and skills of the alcohol and drug counselor;
- (3) pertain to subjects that directly relate to the practice of alcohol and drug counseling and the core functions of an alcohol and drug counselor, or the Rules of Professional Conduct in Minnesota Rules, part 4747.1400;
- (4) be conducted by individuals who have education, training, and experience and are knowledgeable about the subject matter; and
- (5) be presented by a sponsor who has a system to verify participation and maintains attendance records for three years, unless the sponsor provides dated evidence to each participant with the number of clock hours awarded.

Subd. 5. **Course work.** A licensee may obtain a maximum of six clock hours in any two-year continuing education period for teaching course work in an accredited school or educational program that meets the requirements of section 148C.04, subdivision 5a. A licensee may earn a maximum of two clock hours as preparation time for each clock hour of presentation time. Clock hours may be claimed only once per course in any two-year continuing education period. The licensee shall maintain a course schedule or brochure for audit.

History: *1Sp2003 c 14 art 5 s 25; 2004 c 279 art 6 s 2,3*

148C.08 NONTRANSFERABILITY OF LICENSES.

An alcohol and drug counselor license is not transferable.

History: *1992 c 559 art 2 s 9; 1995 c 164 s 16*

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 determines that a licensee or applicant:

- (1) is incompetent to engage in alcohol and drug counseling practice or is found to be engaged in alcohol and drug counseling practice in a manner harmful or dangerous to a client or the public;
- (2) has violated the rules of the commissioner or the statutes the commissioner is empowered to enforce; or any law, rule order, stipulation and consent order, agreement, or settlement;
- (3) has obtained or attempted to obtain a license or license renewal by bribery or fraudulent misrepresentation;
- (4) has knowingly made a false statement on the form required to be submitted to the commissioner for licensing or license renewal;
- (5) has failed to obtain continuing education credits required by the commissioner;
- (6) has failed to demonstrate the qualifications or satisfy the requirements for a license contained in this chapter or rules of the commissioner. The burden of proof shall be upon the applicant to demonstrate qualifications or satisfaction of requirements;
- (7) has been convicted of a crime, including a finding or verdict of guilt, an admission of guilt, or a no contest plea, in any court in Minnesota or any other jurisdiction in the United States, reasonably related to the provision of alcohol and drug counseling services. Conviction, as used in this subdivision, includes conviction of an offense which, if committed in this state, would be deemed a felony or gross misdemeanor without regard to its designation elsewhere, or a criminal proceeding

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where a finding or verdict of guilty is made or returned but the adjudication of guilt is either withheld or not entered;

(8) has been convicted of a crime against another person. For purposes of this chapter, a crime against another person means an offense listed in section 148B.68, subdivision 1, paragraph (b);

(9) has failed to comply with the self-reporting requirements of section 148C.095, subdivision 7;

(10) has engaged in sexual contact with a client, or a former client, as defined in section 148A.01, or has engaged in conduct that may be reasonably interpreted by a client as sexual, or has engaged in any verbal behavior that is seductive or sexually demeaning to the client, or has engaged in sexual exploitation of a client or former client;

(11) has engaged in false, fraudulent, deceptive, or misleading advertising;

(12) has engaged in conduct likely to deceive, defraud, or harm the public; or has demonstrated a willful or careless disregard for the health, welfare, or safety of a client; or any other practice that may create unnecessary danger to any client's life, health, or safety, in any of which cases, proof of actual injury need not be established;

(13) has been adjudicated as mentally incompetent, or as a person who has a psychopathic personality, or who is dangerous to self, or has been adjudicated as a person who is chemically dependent, mentally ill, mentally retarded, or mentally ill and dangerous to the public pursuant to chapter 253B;

(14) is unable to provide alcohol and drug counseling services with reasonable safety to clients;

(15) has habitually overindulged in the use of or the dependence on alcohol within the past two years;

(16) has engaged in the improper or unauthorized personal or other use of any legend drugs as defined in section 151.01, any chemicals as defined in section 151.01, or any controlled substance as defined in section 152.01 within the past two years;

(17) reveals a communication from, or relating to, a client except when required or permitted by law;

(18) fails to comply with a client's request for health records made under section 144.335, or to furnish a client record or report required by law;

(19) has engaged in fee splitting or promises to pay a portion of a fee to any other professional other than for services rendered by the other professional to the client;

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

(21) fails to make reports as required by section 148C.095, or cooperate with an investigation of the commissioner;

(22) obtains money, property, or services from a client, other than reasonable fees for services provided to the client, through the use of undue influence, harassment, duress, deception, or fraud;

(23) undertakes or continues a professional relationship with a client in which the objectivity of the alcohol and drug counselor may be impaired;

(24) engages in conduct that constitutes grounds for discipline as established by the commissioner in rule; or

(25) engages in bartering for services with a client.

Subd. 1a. Background investigation. The applicant must sign a release authorizing the commissioner to obtain information from the Bureau of Criminal Apprehension, the Federal Bureau of Investigation, the Office of Mental Health Practice, the Department of Human Services, the Office of Health Facilities Complaints, and other agencies specified in the rules. After the commissioner has given written notice to an individual who is the subject of a background investigation, the agencies shall assist the commissioner with the investigation by giving the commissioner criminal conviction data, reports about substantiated maltreatment of minors and vulnerable adults, and

other information specified in the rules. The commissioner may contract with the commissioner of human services to obtain criminal history data from the Bureau of Criminal Apprehension.

Subd. 2. **Appeal; restoring a license.** If a license is denied, suspended, restricted, or revoked, an applicant or licensee may request a hearing under the contested case provisions of chapter 14. The commissioner may, for good cause demonstrated by the applicant or counselor, grant a license previously refused, restore a license that has been revoked, or reduce a period of suspension or restriction of a license. The commissioner may impose any conditions or limitations as the commissioner deems reasonable.

Subd. 3. [Repealed, 1995 c 164 s 35]

Subd. 4. **Evidence.** In disciplinary actions alleging violations of subdivision 1, paragraph (7), (8), (13), or (14), a copy of the judgment or proceedings under the seal of the court administrator or of the administrative agency that entered the judgment or proceeding is admissible into evidence without further authentication and constitutes prima facie evidence of its contents.

History: 1992 c 559 art 2 s 10; 1995 c 164 s 17; 1996 c 451 art 4 s 43; 2000 c 460 s 47,48; 2002 c 221 s 5

148C.091 DISCIPLINARY ACTIONS.

Subdivision 1. **Forms of disciplinary action.** When the commissioner finds that an applicant or a licensed alcohol and drug counselor has violated a provision or provisions of sections 148C.01 to 148C.11, or rules promulgated under this chapter, the commissioner may take one or more of the following actions:

- (1) refuse to grant a license;
- (2) revoke the license;
- (3) suspend the license;
- (4) impose limitations or conditions;
- (5) impose a civil penalty not exceeding \$10,000 for each separate violation, the amount of the civil penalty to be fixed so as to deprive the counselor of any economic advantage gained by reason of the violation charged or to reimburse the commissioner for all costs of the investigation and proceeding; including, but not limited to, the amount paid by the commissioner for services from the Office of Administrative Hearings, attorney fees, court reports, witnesses, reproduction of records, advisory council members' per diem compensation, staff time, and expense incurred by advisory council members and staff of the department;
- (6) order the counselor to provide uncompensated professional service under supervision at a designated public hospital, clinic, or other health care institution;
- (7) censure or reprimand the counselor; or
- (8) any other action justified by the case.

Subd. 2. **Discovery; subpoenas.** In all matters relating to the commissioner's investigation and enforcement activities related to alcohol and drug counselors, the commissioner of health may issue subpoenas and compel the attendance of witnesses and the production of all necessary papers, books, records, documents, and other evidentiary materials. Any person failing or refusing to appear or testify regarding any matter about which the person may be lawfully questioned or failing to produce any papers, books, records, documents, or other evidentiary materials in the matter to be heard, after having been required by order of the commissioner or by a subpoena of the commissioner to do so may, upon application by the commissioner to the district court in any district, be ordered to comply with the order or subpoena. The commissioner may administer oaths to witnesses or take their affirmation. Depositions may be taken within or without the state in the manner provided by law for the taking of depositions in civil actions. A subpoena or other process or paper may be served upon a person it names anywhere within the state by any officer authorized to serve

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subpoenas or other process or paper in civil actions in the same manner as prescribed by law for service of process issued out of the district court of this state.

Subd. 3. Temporary suspension. In addition to any other remedy provided by law, the commissioner may, without a hearing, temporarily suspend the right of an alcohol and drug counselor to practice if the commissioner finds that the counselor has violated a statute or rule that the commissioner has authority to enforce and that continued practice by the practitioner would create a serious risk of harm to others. The suspension takes effect upon service of a written order on the practitioner specifying the statute or rule violated. The order remains in effect until the commissioner issues a final order in the matter after a hearing or upon agreement between the commissioner and the counselor. Service of the order is effective if the order is served on the counselor or the counselor's attorney either personally or by first class mail. Within ten days of service of the order, the commissioner shall hold a hearing on the sole issue of whether there is a reasonable basis to continue, modify, or lift the suspension. Evidence presented by the commissioner or counselor must be by affidavit only. The counselor or the counselor's attorney of record may appear for oral argument. Within five working days after the hearing, the commissioner shall issue an order and, if the suspension is continued, schedule a contested case hearing within 45 days after issuance of the order. The administrative law judge shall issue a report within 30 days after closing of the contested case hearing record. The commissioner shall issue a final order within 30 days after receipt of that report, the hearing record, and any exceptions to the report filed by the parties.

Subd. 4. Automatic suspension. The right to practice is automatically suspended if (1) a guardian of an alcohol and drug counselor is appointed by order of a district court under sections 524.5-101 to 524.5-502, or (2) the counselor is committed by order of a district court under chapter 253B. The right to practice remains suspended until the counselor is restored to capacity by a court and, upon petition by the counselor, the suspension is terminated by the commissioner after a hearing or upon agreement between the commissioner and the counselor.

History: 1995 c 164 s 18; 1995 c 189 s 8; 1996 c 277 s 1; 2004 c 146 art 3 s 47

148C.093 ADDITIONAL REMEDIES.

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

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

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

In the event of noncompliance with a cease and desist order, the commissioner may institute a proceeding in district court to obtain injunctive relief or other

appropriate relief, including a civil penalty payable to the commissioner not exceeding \$10,000 for each separate violation.

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

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

History: 1995 c 164 s 19

148C.095 REPORTING OBLIGATIONS.

Subdivision 1. **Permission to report.** A person who has knowledge of any conduct constituting grounds for disciplinary action relating to the practice of alcohol and drug counseling under this chapter may report the violation to the commissioner.

Subd. 2. **Institutions.** A state agency, political subdivision, agency of a local unit of government, private agency, hospital, clinic, prepaid medical plan, or other health care institution or organization located in this state shall report to the commissioner any action taken by the agency, institution, or organization or any of its administrators or medical or other committees to revoke, suspend, restrict, or condition an alcohol and drug counselor's privilege to practice or treat patients or clients in the institution, or as part of the organization, any denial of privileges, or any other disciplinary action for conduct that might constitute grounds for disciplinary action by the commissioner under this chapter. The institution, organization, or governmental entity shall also report the resignation of any alcohol and drug counselors before the conclusion of any disciplinary action proceeding for conduct that might constitute grounds for disciplinary action under this chapter, or before the commencement of formal charges but after the practitioner had knowledge that formal charges were contemplated or were being prepared.

Subd. 3. **Professional societies.** A state or local professional society for alcohol and drug counselors shall report to the commissioner any termination, revocation, or suspension of membership or any other disciplinary action taken against an alcohol and drug counselor. If the society has received a complaint that might be grounds for discipline under this chapter against a member on which it has not taken any disciplinary action, the society shall report the complaint and the reason why it has not taken action on it or shall direct the complainant to the commissioner.

Subd. 4. **Licensed professionals.** A licensed health professional shall report to the commissioner personal knowledge of any conduct that the licensed health professional reasonably believes constitutes grounds for disciplinary action under this chapter by an alcohol and drug counselor, including conduct indicating that the individual may be medically incompetent, or may be medically or physically unable to engage safely in the provision of services. If the information was obtained in the course of a client relationship, the client is an alcohol and drug counselor, and the treating individual successfully counsels the alcohol and drug counselor to limit or withdraw from practice to the extent required by the impairment, the commissioner may deem this limitation of or withdrawal from practice to be sufficient disciplinary action.

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

- (1) the total number of malpractice settlements or awards made;
- (2) the date the malpractice settlements or awards were made;

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

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

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

(6) the name of the alcohol and drug counselor against whom an award was made or with whom a settlement was made.

The insurance company shall, in addition to the above information, submit to the commissioner any information, records, and files, including clients' charts and records, it possesses that tend to substantiate a charge that a licensed alcohol and drug counselor may have engaged in conduct violating this chapter.

Subd. 6. **Self-reporting.** An alcohol and drug counselor shall report to the commissioner any personal action that would require that a report be filed with the commissioner by any person, health care facility, business, or organization under subdivisions 2 to 5. The alcohol and drug counselor shall also report the revocation, suspension, restriction, limitation, or other disciplinary action in this state and report the filing of charges regarding the practitioner's license or right of practice in another state or jurisdiction.

Subd. 7. **Deadlines; forms.** Reports required by subdivisions 2 to 6 must be submitted no later than 30 days after the reporter learns of the occurrence of the reportable event or transaction. The commissioner may provide forms for the submission of the reports required by this section, may require that reports be submitted on the forms provided, and may adopt rules necessary to assure prompt and accurate reporting.

History: 1995 c 164 s 20

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

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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: 1995 c 164 s 21; 2001 c 138 s 2

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

Subdivision 1. **Practice.** No person, other than those individuals exempted under section 148C.11 or 148C.045, shall engage in alcohol and drug counseling without first being licensed under this chapter as an alcohol and drug counselor. For purposes of this chapter, an individual engages in the practice of alcohol and drug counseling if the individual performs or offers to perform alcohol and drug counseling services as defined in section 148C.01, subdivision 10, or if the individual is held out as able to perform those services.

Subd. 1a. [Repealed, 1Sp2003 c 14 art 5 s 30]

Subd. 2. **Use of titles.** No person shall present themselves or any other individual to the public by any title incorporating the words "licensed alcohol and drug counselor" or otherwise hold themselves out to the public by any title or description stating or implying that they are licensed or otherwise qualified to practice alcohol and drug counseling unless that individual holds a valid license. Persons issued a temporary permit must use titles consistent with section 148C.04, subdivision 6, paragraph (c).

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; 1995 c 164 s 22; 2000 c 460 s 49; 2001 c 10 s 4; 1Sp2003 c 14 art 5 s 26,27

148C.11 EXCEPTIONS TO LICENSE REQUIREMENT.

Subdivision 1. **Other professionals.** (a) Nothing in this chapter prevents members of other professions or occupations from performing functions for which they are qualified or licensed. This exception includes, but is not limited to, licensed physicians, registered nurses, licensed practical nurses, licensed psychological practitioners, members of the clergy, American Indian medicine men and women, licensed attorneys, probation officers, licensed marriage and family therapists, licensed social workers, licensed professional counselors, licensed school counselors, registered occupational therapists or occupational therapy assistants, and until July 1, 2005, individuals providing integrated dual-diagnosis treatment in adult mental health rehabilitative programs certified by the Department of Human Services under section 256B.0622 or 256B.0623.

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

(c) Any person who is exempt under this section but who elects to obtain a license under this chapter is subject to this chapter to the same extent as other licensees.

(d) 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.

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

Subd. 3. **Federally recognized tribes; ethnic minorities.** (a) Alcohol and drug counselors practicing alcohol and drug counseling according to standards established by federally recognized tribes, while practicing under tribal jurisdiction, are exempt from the requirements of this chapter. In practicing alcohol and drug counseling under tribal jurisdiction, individuals practicing under that authority shall be afforded the same rights, responsibilities, and recognition as persons licensed pursuant to this chapter.

(b) The 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 requirements 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.

(c) MS 2002 [Expired, 2002 c 354 s 1]

Subd. 4. **Hospital alcohol and drug counselors.** Effective January 1, 2006, hospitals employing alcohol and drug counselors shall be required to employ licensed alcohol and drug counselors. An alcohol or drug counselor employed by a hospital must be licensed as an alcohol and drug counselor in accordance with this chapter.

Subd. 5. **City, county, and state agency alcohol and drug counselors.** Effective January 1, 2006, city, county, and state agencies employing alcohol and drug counselors shall be required to employ licensed alcohol and drug counselors. An alcohol and drug counselor employed by a city, county, or state agency must be licensed as an alcohol and drug counselor in accordance with this chapter.

Subd. 6. **Transition period for hospital and city, county, and state agency alcohol and drug counselors.** For the period between July 1, 2003, and January 1, 2006, the commissioner shall grant a license to an individual who is employed as an alcohol and drug counselor at a Minnesota school district or hospital, or a city, county, or state agency in Minnesota, if the individual:

- (1) was employed as an alcohol and drug counselor at a school district, a hospital, or a city, county, or state agency before August 1, 2002;
- (2) has 8,000 hours of alcohol and drug counselor work experience;
- (3) has completed a written case presentation and satisfactorily passed an oral examination established by the commissioner;
- (4) has satisfactorily passed a written examination as established by the commissioner; and
- (5) meets the requirements in section 148C.0351.

History: 1991 c 255 s 19; 1992 c 559 art 2 s 12; 1993 c 13 art 1 s 28; 1Sp1993 c 1 art 3 s 13-14; 1995 c 164 s 23; 1996 c 451 art 4 s 44,45; 1997 c 7 art 3 s 4; 1998 c 317 s 16; 2000 c 460 s 50; 2001 c 138 s 3; 2001 c 161 s 26; 2002 c 354 s 1; 1Sp2003 c 14 art 5 s 28; 2004 c 279 art 6 s 4,5

148C.12 FEES.

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

Subd. 2. **Biennial renewal fee.** The license renewal fee is \$295. If the commissioner establishes the renewal schedule and the expiration date is less than two years, the fee must be prorated.

Subd. 3. **Temporary permit fee.** The initial fee for applicants under section 148C.04, subdivision 6, paragraph (a), is \$100. The fee for annual renewal of a temporary permit is \$100, but when the first expiration date occurs in less or more than one year, the fee must be prorated.

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Subd 4 **Examination fee.** The examination fee for the written examination is \$95 and for the oral examination is \$200

Subd 5 **Inactive renewal fee.** The inactive renewal fee is \$150

Subd 6 **Late fee.** The late fee is 25 percent of the biennial renewal fee, the inactive renewal fee, or the annual fee for renewal of temporary practice status

Subd 7 **Fee to renew after expiration of license.** The fee for renewal of a license that has expired for less than two years is the total of the biennial renewal fee, the late fee, and a fee of \$100 for review and approval of the continuing education report

Subd 8 **Fee for license verifications.** The fee for license verification to institutions and other jurisdictions is \$25

Subd 9 **Surcharge fee.** Notwithstanding section 16A 1285, subdivision 2, a surcharge of \$99 shall be paid at the time of initial application for or renewal of an alcohol and drug counselor license until June 30, 2013

Subd 10 **Nonrefundable fees.** All fees are nonrefundable

History: *1Sp2003 c 14 art 5 s 29, art 7 s 53, 2004 c 279 art 6 s 6,7*