

House Research Act Summary

CHAPTER: 118

SESSION: 2003 Regular Session

TOPIC: Licensure of professional counselors, modification of pharmacy and occupational therapy scope of practice

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Overview

This act establishes a licensure and oversight procedure for professional counselors and establishes a board of licensed professional counselors to implement the requirements and procedures. The act also codifies certain rules and amends certain licensure requirements for alcohol and drug counselors. The act consolidates regulation of licensed professional counselors, marriage and family therapists, and alcohol and drug counselors under the auspices of the newly created board of licensed professional counseling.

Section

- 1 Exclusion from term “business license.”** Excludes licensed professional counselors from the definition of business license for purposes of department of trade and economic development oversight.
- 2 Late fee waived.** Provides for waiver of late fee when the applicant for renewal of a lapsed license demonstrates that he/she has been continuously credentialed in occupational therapy in another jurisdiction during the period of lapse. Effective the day following final enactment.
- 3 Definition of “psychotherapist.”** Includes licensed professional counselors in the definition of psychotherapist for purposes of the statutory cause of action against psychotherapists for sexual exploitation.
- 4 Definitions.** For purposes of new sections 148B.50 to 148B.593, defines the terms “approved supervisor,” “board,” “licensed professional counseling,” and “scope of practice.”
- 5 Board established.** Composition of the board of behavioral health and therapy to include five professional counselors, five alcohol and drug counselors, and three public members, all

Section

appointed by the governor. Chair and vice-chair to be annually elected from the membership and the board shall employ a non-member executive director. Board covered by chapter 214, governing examining and licensing boards generally.

6 Duties of board. Sets forth duties of the board, including: establish means of determining applicant qualifications and standards of professional conduct, issue licenses, establish standards for initial education, establish disciplinary procedures, maintain and publish list of licenses and approved supervisors, establish fees sufficient to cover expenses, educate public about laws pertaining to professional counselors, establish rules pertaining to treatment of impaired practitioners and re-evaluate rules pertaining to standards for licensure.

7 Requirements for licensure. Identifies general requirements for licensure. Applicant must be at least 18, of good moral character, have completed a master's degree program meeting certain requirements, have submitted a plan for initial supervision, and passed the National Counseling Exam. Board must also be satisfied that applicant will abide by standards for professional conduct. Applicant must declare areas of professional competencies and agree to continue to make such declarations. Applicant's degree must be from a program or institution approved by specified accrediting councils and coursework must have included specified subject areas. Application fee to be set by board.

8 License renewals. Board to set time and manner of renewal. Twelve hours of continuing education required during the first two years of licensure. Forty hours required for each subsequent two-year period.

9 Transition period. Provides for licensure without examination for two years provided all other requirements are met, or if the applicant is a licensed psychological practitioner.

10 Reciprocity. Board may issue license to applicant who holds license from another jurisdiction if requirements are substantially similar.

11 Nontransferability. Licenses are not transferable.

12 Discipline. Establishes grounds for disciplinary action by the board and identifies range of possible disciplinary actions which may be imposed.

13 Unlicensed practice prohibited. After board adopts rules, the unlicensed practice of professional counseling and the use of titles including the words "licensed professional counselor" or "LPC" by unlicensed persons are prohibited.

14 Exceptions to license requirement. Exceptions provided to licensing requirement for members of certain other professions, students in supervised coursework, employees of any government agency or public or private educational institution within the scope of their employment, unlicensed mental health practitioners, nonresidents for up to 30 days per calendar year, members of the clergy, and persons offering volunteer or professional services for public or private nonprofit organizations.

15 Confidential communications. Licensees may not disclose client communications without written consent.

16 Definition amended. The definition of an unlicensed mental health practitioner is amended to exclude persons licensed under the new law.

17 Definition added. Defines "board" as the board of behavioral health and therapy for purposes of alcohol and drug counselor licensing, effective July 1, 2005.

18 Scope of practice amended. Pharmacy scope of practice amended to permit pharmacists to administer influenza and pneumococcal vaccines to persons over 18 years old under standing orders from a practitioner who is authorized to prescribe or by written protocol with a physician or nurse practitioner, provided that the pharmacist received specified training and reports the immunization to the patient's primary physician or clinic.

Section

- 19** **Definition amended.** The definition of health-related licensing board is amended to include the board of behavioral health and therapy.
- 20** **Status of board executive director.** Adds the board of behavioral health and therapy to the list of boards whose executive directors and executive secretaries are in the unclassified civil service.
- 21** **Crimes against minors.** Adds persons licensed by the board of behavioral health and therapy to the list of professionals who are presumed unfit to practice their profession after conviction of a crime against a minor.
- 22** **Criminal sexual conduct.** Adds licensed professional counselors to the definition of psychotherapist for purposes of certain criminal sexual conduct.
- 23** **Initial board.** Exempts members of first board from licensure requirements provided that all qualifications for eligibility for licensure are met.
- 24** **Interagency agreement.** Requires the board to enter an interagency agreement with the board of psychology for shared administrative services.
- 25** **Recommendations for merging therapy-related boards.** Requires recommendations on merging the boards of behavioral health and therapy and marriage and family therapists by January 15, 2004.
- 26** **Transfer of powers and duties.** Transfers oversight of alcohol and drug counselors from the department of health to the board of behavioral health and therapy effective July 1, 2005.
- 27** **Appropriation.** Provides an appropriation from the special revenue fund for the board.
- 28** **Revisor instruction.**
- 29** **Repealer.** Repeals provisions relating to office of unlicensed mental health counseling effective July 1, 2004.
- 30** **Effective date.** Effective July 1, 2003.