

Chapter 28

2019 Regular Session

Subject Mental health professional licensing

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Overview

This act makes changes to the Board of Behavioral Health and Therapy (BBHT) licensing reciprocity requirements for licensed alcohol and drug counselors, licensed professional counselors, and licensed professional clinical counselors, and expands duty to warn and disclosure requirements for counselors.

Summary

Section	Description
1	<p>Reciprocity. Amends § 148B.56.</p> <p>Subd. 1. Persons licensed in another jurisdiction for less than five years. Adds subdivision 1, specifies new headnote.</p> <p>Subd. 2. Persons licensed in another jurisdiction for five or more years. Paragraph (a) allows the BBHT to grant licensing reciprocity as a licensed professional counselor or licensed professional clinical counselor to an individual licensed in another jurisdiction, in active practice for at least five years. Removes the requirement that the requirements for licensure in the other jurisdiction be substantially similar to the Minnesota requirements, for reciprocity.</p> <p>Paragraph (b) gives the BBHT the authority to determine reciprocal licensure based on experience and qualifications.</p>
2	<p>Disclosure of information.</p> <p>Amends § 148B.593. Specifies that a licensee, applicant, or student practicing licensed professional counseling or licensed professional clinical counseling may disclose private information without the client's consent when a duty to warn exists, or as otherwise provided by law or court order.</p> <p>Specifies the circumstances under which a duty to warn arises, and that a provider fulfills the duty to warn by making reasonable efforts to communicate the threat to law enforcement, the potential victim, the client's family, or other appropriate third parties. Exempts a provider from monetary liability or board discipline for an erroneous disclosure made in good faith.</p> <p>Defines "provider," "other person," and "reasonable efforts" for purposes of this section.</p>

Section	Description
3	<p>Duty to warn.</p> <p>Amends § 148E.240, subd. 6. Specifies that “licensee” includes interns and students, for purposes of the social worker duty to warn section.</p> <p>Makes this section effective the day following final enactment.</p>
4	<p>Reciprocity. Amends § 148F.03.</p> <p>Subd. 1. Persons licensed in another jurisdiction for less than five years. Adds subdivision 1, specifies new headnote.</p> <p>Subd. 2. Persons licensed in another jurisdiction for five or more years.</p> <p>Paragraph (a) requires an individual seeking licensing reciprocity as a licensed alcohol and drug counselor from another jurisdiction to file an application with the board.</p> <p>Paragraph (b) requires that the applicant request a statement from their credentialing authority that the applicant’s credential is current and in good standing.</p> <p>Paragraph (c) allows the BBHT to grant licensing reciprocity to an individual licensed in good standing in another jurisdiction, in active practice for at least five years. Removes the requirement that the requirements for licensure in the other jurisdiction be substantially similar to the Minnesota requirements, for reciprocity.</p> <p>Paragraph (d) gives the BBHT the authority to determine reciprocal licensure based on experience and qualifications.</p>
5	<p>Duty to warn; limitation on liability.</p> <p>Amends § 148F.13, subd. 2. Adds cross-reference for definitions of “other person” and “reasonable efforts,” for purposes of the alcohol and drug counselor duty to warn section.</p>



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