

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 230

**DATE:** March 18, 2003

**Version:** First Engrossment

**Authors:** Abeler and others

**Subject:** Licensure of professional counselors

**Analyst:** Jeanne LeFevre, 651-296-5043

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: [www.house.mn/hrd](http://www.house.mn/hrd).

### Overview

This bill establishes a licensure and oversight procedure for professional counselors and establishes a board of licensed professional counselors to implement the requirements and procedures.

#### 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 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.
- 3 Definitions.** For purposes of new sections 148B.50 to 148B.593, defines the terms "approved supervisor," "board," "licensed professional counseling," and "scope of practice."
- 4 Board established.** Composition of the board of licensed professional counselors to include six professional counselors and three public members, all appointed by the governor. Counselor members must represent counselors and counselor education. 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.
- 5 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 and continuing 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.

- 6 **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.
- 7 **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.
- 8 **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.
- 9 **Reciprocity.** Board may issue license to applicant who holds license from another jurisdiction if requirements are substantially similar.
- 10 **Specialties.** Board may approve specialty designations if applicants meet standards of either a nationally recognized certification agency or of the board. A counselor may not advertise a specialty unless approved by the board.
- 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 amended.** The definition of health-related licensing board is amended to include the board of licensed professional counseling.
- 18 **Status of board executive director.** Adds the board of professional counseling to the list of boards whose executive directors and executive secretaries are in the unclassified civil service.
- 19 **Crimes against minors.** Adds persons licensed by the board of professional counseling to the list of professionals who are presumed unfit to practice their profession after conviction of a crime against a minor.
- 20 **Criminal sexual conduct.** Adds licensed professional counselors to the definition of psychotherapist for purposes of certain criminal sexual conduct.
- 21 **Initial board.** Exempts members of first board from licensure requirements provided that all qualifications for eligibility for licensure are met.
- 22 **Interagency agreement.** Requires the board to enter an interagency agreement with the board of psychology for shared administrative services.
- 23 **Appropriation.** Provides an unspecified appropriation from the special revenue fund for the

board.

**Effective date.** Effective July 1, 2003.