



## Section

- 6**      **Grounds for disciplinary action; forms of disciplinary action; restoration of license.**  
Amends § 148B.59. Modifies the list of activities for which an applicant or licensee may be disciplined by the board.
- 7**      **Temporary suspension of license.** Creates § 148B.5901. (a) Allows the board to issue an order to temporarily suspend the credentials of a licensee after conducting a preliminary inquiry to determine if the licensee has violated a statute or rule that the board is empowered to enforce and whether continued practice by the licensee would create an imminent risk of harm to others.
- (b) Allows the order to prohibit the licensee from engaging in the practice of a licensed professional counselor in whole or in part and may condition the end of a suspension on the licensee's compliance with a statute, rule, or order that the board has issued or is empowered to enforce.
- (c) Requires the order to give notice of the right to a hearing and to state the reasons for the entry of the order.
- (d) Specifies when service of the order is effective.
- (e) At the time the board issues a temporary suspension order, requires the board to schedule a hearing to be held before its own members. Specifies when the hearing shall begin and what issues shall be heard. Exempts these hearings from the administrative procedure statutes. Requires evidence presented by the board or the licensee to be in affidavit form only. Allows the licensee or counsel of record to appear for oral argument.
- (f) Requires the board to issue its order within five working days of the hearing and, if the suspension is continued, to schedule a contested case hearing within 30 days of the issuance of the order. Requires the administrative law judge to issue a report within 30 days after closing the contested case hearing record. Requires the board to issue a final order within 30 days of receipt of the administrative law judge's report.
- 8**      **Mental, physical, or chemical dependency examination or evaluation; access to medical data.** Creates § 148B.5905. (a) Allows the board to direct a licensee or applicant to submit to a mental, physical, or chemical dependency examination or evaluation, if the board has probable cause to believe that the licensee or applicant is unable to practice professional counseling with reasonable skill and safety to clients due to any mental or physical illness or condition. Deems every licensee and applicant to have consented to submit to a mental, physical, or chemical dependency examination or evaluation when directed in writing by the board and to have waived all objections to the admissibility of the examining professionals' testimony or examination reports. Makes failure of a licensee or applicant to submit to an examination when directed by the board an admission of the allegations against the person, unless the failure was due to circumstances beyond the person's control. Allows a licensee or applicant affected under this section to be given an opportunity to demonstrate that the person can resume the competent practice of licensed professional counseling with reasonable skill and safety to the public. Prohibits the record of proceedings and the orders entered by the board in any proceedings under this paragraph from being used in any other proceeding against a licensee or applicant.

## Section

(b) Allows the board to obtain medical data and health records relating to a licensee or applicant without the licensee's or applicant's consent if the board has probable cause to believe that the licensee or applicant is unable to practice professional counseling with reasonable skill and safety to clients due to any mental or physical illness or condition. Allows the board to request medical data from a provider, an insurance company, or a government agency, including the Department of Human Services. Requires these entities to comply with any written request of the board under this subdivision and exempts these entities from any liability in any action for damages for releasing the data requested by the board, unless the information is false and the provider giving the information knew, or had reason to believe, the information was false. Classifies information obtained under this subdivision as private.

**9** **Assessment tool security.** Creates § 148B.5925. Specifies that providers are not required to provide copies of assessment tools, assessment tool materials, or scoring keys to certain individuals if the provider reasonably determines that access would compromise the objectivity, fairness, or integrity of the assessment tool process for the individual or others. If the provider makes this determination, requires the provider to, at the discretion of the individual who has completed the assessment tool, release the information to certain other persons or furnish a summary of the assessment tool results to the individual or to a third party designated by the individual.

**10** **General.** Amends § 148C.03, subd. 1. Removes references to an advisory council or committee established by rule. Removes language related to the development and administration of an examination. Makes technical changes.

**11** **Requirements for licensure before July 1, 2008.** Amends § 148C.04, subd. 3. Modifies the requirements for licensure before July 1, 2008.

**12** **Requirements for licensure after July 1, 2008.** Amends § 148C.04, by adding subd. 4. Modifies the requirements for licensure after July 1, 2008.

**13** **Supervised postdegree professional practice.** Amends § 148C.04, by adding subd. 5b. Defines "supervision," "postdegree professional practice," "supervisor requirements," and "supervised practice requirements for licensure."

**14** **Forms of disciplinary action.** Amends § 148C.091, subd 1. Removes references to advisory council members' per deim.

**15** **Authorization for expedited rulemaking authority.** Allows the Board of Behavioral Health and Therapy to use expedited rulemaking authority for adopting and amending rules to conform with sections 1 to 14.

**16** **Repealer.** (a) Repeals sections 148C.02 (alcohol and drug counselors licensing advisory council) and 148C.12, subd. 4 (examination fee).

(b) Repeals Minnesota Rules, parts 4747.0030, subparts 11 and 16 (cultural diversity committee and education committee), 4747.1200 (cultural diversity committee), and 4747.1300 (education committee).

**17** **Effective date.** Makes sections 1 to 16 effective July 1, 2005.