

TITLE 111

NORTH DAKOTA MARRIAGE AND FAMILY THERAPY LICENSURE BOARD

Article

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Administration

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**ARTICLE 111-01
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Chapter

111-01-01 Organization of Board

**CHAPTER 111-01-01
ORGANIZATION OF BOARD**

Section

111-01-01-01 Organization of North Dakota Marriage and Family Licensure Board

111-01-01-01. Organization of North Dakota Marriage and Family Licensure Board.

1. History and function. The 2005 legislative assembly passed the Marriage and Family Therapy Practice Act, codified as North Dakota Century Code chapter 43-53. This chapter requires the governor to appoint the board. The board, generally speaking, monitors the relationship and interaction between the license holder and the public. It is the responsibility of the board to protect the public against poorly trained marriage and family therapists.

2. Board membership. The board consists of five members, of which at least three must be licensed practicing marriage and family therapists members and at least one must represent the general public. Board members are appointed by the governor. The members serve four-year terms.

3. Inquiries. Inquiries regarding the board may be addressed to:

Rev. Larry J. Giese
3910 Lewis Road NW
Mandan, ND 58554-1361

History:

General Authority: NDCC 28-32-02

Law Implemented: NDCC 28-32-02, 43-53-04, 43-53-05.

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111-02-01-01. Definitions. Unless the context otherwise requires, the following terms have the meanings given:

1. "Applicant" means an individual seeking licensure by the North Dakota Marriage and Family Therapy Licensure Board as a marriage and family therapist.
2. "Certified professions or occupations" means those professions or occupations that have a certification process based upon specific criteria identified as necessary for effective performance of the profession or occupation. The certification process must include:
 - a. eligibility requirements established through education or experience or both;
 - b. successful completion of a competency-based written examination;
 - c. successful demonstration of competent clinical skills; and
 - d. assurance of practitioner competencies through mandatory recertification and continuing education requirements.
3. "Dual relationship" means a relationship between a therapist and another person with whom such relationships are prohibited by law or rule that is both professional and one or more of the following: co-habitational,

familial, or supervisory, or that includes significant personal involvement or financial involvement other than legitimate payment for therapeutic services rendered.

4. "Emeritus" means retired from active practice but retaining one's license and title.
5. "Fee splitting" means the practice of paying commissions to colleagues for referrals.
6. "LAMFT" are the initials permitted to be used by an associate marriage and family therapist licensee to designate that the individual has completed the educational requirements for a marriage and family therapy license, has successfully passed the licensing examination and is in the process of completing post-graduate supervision for the licensing requirements.
7. "Licensee" means a licensed marriage and family therapist.
8. "LMFT" are the initials permitted to be used by a licensed marriage and family therapist to designate that the individual is licensed by the North Dakota Marriage and Family Therapy Licensure Board.
9. "Postgraduate supervised experience" means supervised experience occurring after the accredited educational institution grants the degree for licensure as shown on the applicant's transcript and all educational requirements specified in section 111-02-02-02.
10. ~~"Regionally accredited" means that an educational institution has been accredited by the North Central Association of Schools and Colleges, Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, Northwest Association of Schools and Colleges, Southern Association of Colleges and Schools, Western Association of Schools and Colleges, Accredited institutions or programs--~~ An institution or program which holds accreditation or candidacy status from an accreditation organization recognized by the Council for Higher Education Accreditation (CHEA) or a postgraduate academic program in marriage and family therapy accredited by the Commission on Accreditation of the American Association for Marriage and Family Therapy.
11. "Sexual contact" means any of the following, whether or not occurring with the consent of a person with whom such conduct is prohibited by law or rule:

- a. sexual intercourse, cunnilingus, fellatio, anal intercourse or any intrusion, however slight, into the genital or anal openings of the body by any part of the therapist's body or by any object used by the therapist for this purpose, or any intrusion, however slight, into the genital or anal openings of the therapist's body by any part of another person's body or by any object used by another person for this purpose, if agreed to by the therapist;
- b. kissing of, or the intentional touching by the therapist of another person's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts;
- c. kissing of, or the intentional touching by another person of the therapist's genital area, groin, inner thigh, buttocks, or breast or of the clothing covering any of these body parts if the therapist agrees to the kissing or intentional touching.

Sexual contact includes requests by the therapist for conduct described in subdivisions a to c.

Sexual contact does not include conduct described in subdivision a or b that is a part of standard medical treatment of a patient.

12. "Sexual harassment" includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal or physical conduct or communication of a sexual nature when:
- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining employment, public accommodations or public services, education, or housing;
 - b. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment, public accommodations or public services, education, or housing; or
 - c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public accommodations or public services, education, or housing, or creating an intimidating, hostile, or offensive employment, public accommodations, public services, educational, or housing environment; and in the case of employment, the employer knows or should know of the existence of the harassment and fails to take timely and appropriate action.

13. "Supervisee" means an individual who is engaged in postgraduate, supervised experience under the direction of a supervisor.
14. "Supervision" means taking full professional responsibility for training, work experience, and performance in the practice of marriage and family therapy of a supervisee, including planning for and evaluation of the work product of the supervisee, and including face-to-face contact between the supervisor and supervisee.
15. "Supervisor" means an individual who has met the requirements in section 111-02-02-04 and takes responsibility for the practice of the supervisee during a specific time to enable the supervisee to meet the requirements of licensing.
16. "Therapeutic deception" means a representation by a therapist that sexual contact or unethical conduct with the therapist is consistent with or part of the professional work with a client, student, or supervisee or former client, student, or supervisee.
17. "Therapist" means a licensee of the board.
18. "Variance" means permission from the board to comply with a rule in a manner other than that generally specified.
19. "Family systems" means an open, on-going, goal-seeking, self-regulating, social system which shares features of all such systems. Certain features such as its unique structuring of gender, race, nationality and generation set it apart from other social systems. Each individual family system is shaped by its own particular structural features (size, complexity, composition, life stage), the psychobiological characteristics of its individual members (age, race, nationality, gender, fertility, health and temperament) and its socio-cultural and historic position in its larger environment.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-01, 43-53-02

111-02-01-02. Representation to the public.

1. No person other than those individuals exempt in North Dakota Century Code section 43-53-03 shall engage in marriage and family therapy practice, advertise the performance of such services, or use a title or description denoting marriage and family therapist without obtaining a license issued under North Dakota Century Code chapter 43-53.

2. An individual engages in marriage and family therapy practice if the individual performs or offers to perform marriage and family therapy or if the individual is held out as able to perform such a service.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-02, 43-53-03, 43-53-06, 43-53-12

111-02-01-03. Exemptions. Those qualified individuals of other licensed or certified professions or occupations who are performing services consistent with their training are exempt from licensure so long as they do not represent themselves by a title denoting marriage and family therapist, such as marriage and family therapist, marriage therapist, family therapist, marriage and family counselor, marriage counselor, or family counselor unless specifically allowed to do so under law. Those qualified individuals listed in North Dakota Century Code section 43-43-03 may advertise the performance of marriage and family therapy services.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-03

111-02-01-04. Criminal background checks. The purpose of this section is to comply with North Dakota Century Code section 12-60-24 by establishing background checks for persons applying for license or renewal of license as a licensed marriage and family therapist under North Dakota Century Code chapter 43-53, except that criminal history record checks need not be made unless required by the board. The required fees of a background check are the full responsibility of the applicant or licensee. Furthermore,

1. The board may suspend or revoke an existing license, disqualify a person from receiving a license, or deny a person the opportunity to be examined for a license because of a person's conviction of a felony or misdemeanor if the crime directly relates to the duties and responsibilities of a licensee or if the crime involves moral turpitude.
2. In considering whether a criminal conviction directly relates to the occupation of a licensee, the board shall consider:
 - a. the nature and seriousness of the crime;
 - b. the relationship of the crime to the purposes for requiring a license to be a licensed marriage and family therapist or an associate marriage and family therapist. The following felonies

and misdemeanors relate to the license of a licensed marriage and family therapist or associate marriage and family therapist because these criminal offenses indicate an inability to perform as a therapist or a tendency to be unable to perform as a licensed marriage and family therapist or licensed marriage and family therapist associate:

- (1) the misdemeanor of knowingly or intentionally acting as a therapist without a license;
 - (2) a misdemeanor or a felony offense under various chapters of North Dakota Century Code;
 - (i) which relates to offenses against the person;
 - (ii) which relates to offenses against property;
 - (iii) which relates to offenses against public order and decency;
 - (iv) which relates to offenses against public health, safety, and morals;
- c. other misdemeanors and felonies that the board may consider in order to promote the intent of North Dakota Century Code chapter 43-53 and this title;
- d. the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved; and
- e. the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of a licensed marriage and family therapist or associate marriage and family therapist. In making this determination, the board will apply the criteria outlined in North Dakota Century Code chapter 43-53 and this title.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 12-60-24, 43-53-06

111-02-01-05. Code of ethics.

1. The code of ethics applies to all licensees and applicants who practice marriage and family therapy and applies to their conduct during the period of education and training required for licensure.
2. The code of ethics constitutes the standards by which the professional conduct of a marriage and family therapist is measured.
3. A violation of the code of ethics is unprofessional or unethical conduct and is a sufficient reason for disciplinary action or denial of licensure or revocation of license.
4. A marriage and family therapist must act in accordance with the highest standards of professional integrity and competence. A marriage and family therapist must be honest in dealing with clients, students, trainees, colleagues, and the public.
 - a. A therapist must not perform, nor pretend to be able to perform, professional services beyond the therapist's field or fields of competence.
 - b. A therapist must not permit a trainee or intern under the therapist's supervision to perform, nor pretend to be competent to perform, professional services beyond the trainee's or intern's level of training.
 - c. A therapist must recognize the potentially influential position the therapist may have with respect to students, interns, employees, and supervisees, and must avoid exploiting the trust and dependency of these persons. A therapist must make every effort to avoid dual relationships that could impair the therapist's professional judgment or increase the risk of exploitation. Sexual contact between the therapist and students, employees, independent contractors, colleagues, or supervisees is prohibited for two years after the date that the relationship is terminated, whether or not the party is informed that the relationship is terminated. Sexual contact after two years with a former student, intern, employee, or supervisee is prohibited:
 - (1) if the former student, intern, employee, or supervisee was emotionally dependent upon the therapist; or
 - (2) if the sexual contact occurred by means of therapeutic deception.

- d. A therapist must not engage in sexual contact or other harassment, therapeutic deception, or exploitation of students, trainees, interns, employees, independent contractors, colleagues, research subjects, or actual or potential witnesses or complainants in ethical proceedings.
- e. A therapist must not use or exploit the professional relationship with a student, trainee, intern, employee, independent contractor, colleague, research subject, or actual or potential witness or complainant in ethical proceedings in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.
- f. A therapist must recognize that there are other professional, technical, and administrative resources available to clients. The therapist must make referrals to those resources when it is in the best interest of clients to be provided with alternative or complementary services. The therapist must make a reasonably prompt referral when requested to do so by the client, without consideration of limitation of third-party payors.
- g. A therapist must not offer, nor accept, payment for referrals.
- h. A therapist must not knowingly offer services to a client who is in treatment with another professional without consultation among the parties involved. If a client refuses to allow consultation, the therapist should delay the administration of service until the client gives written consent to consultation. The exception to the consultation requirement would be if the client reports ethical violations by the other professional.
- i. A therapist must understand the areas of competence of related professions and act with due regard for the need, special competencies and obligations of their colleagues in other allied professions, and must not disparage the qualifications of any colleague.
- j. A therapist must seek appropriate professional assistance for the therapist's own personal problems or conflicts that are likely to impair the therapist's work performance and clinical judgment.
- k. A therapist must not practice under the influence of alcohol or any controlled substance not lawfully prescribed.

- l. A therapist must not allow an individual or agency that is paying for the professional services of a client to exert undue influence over the therapist's evaluation or treatment of the client.
 - m. A therapist must file a complaint with the board when the therapist has reason to believe that another therapist is or has been engaged in conduct which violates this section, North Dakota criminal statutes, or which is grounds for disciplinary proceedings in North Dakota Century Code section 43-53-10.
 - n. A therapist must not engage in any conduct likely to deceive or defraud the public or the board.
 - o. A therapist must not advertise in a way that is false, fraudulent, or misleading to the public.
 - p. A therapist shall use only academic degrees from ~~regionally~~ accredited institutions that are related to the practice of marriage and family therapy in any situation or circumstance related to the practice of marriage and family therapy. Those therapists holding current North Dakota mental health professional licenses issued by other North Dakota licensing boards may also use degrees and titles directly related to these licenses as permitted by the other boards when the other licensure is cited with the marriage and family licensure.
 - q. A therapist must correct, wherever possible, false, misleading, or inaccurate information and representations made by others concerning the therapist's qualifications, services, or products.
 - r. A therapist must make certain that the qualifications of a person in a therapist's employ as a student, independent contractor, or an intern are represented in a manner that is not false, misleading, or deceptive.
 - s. A therapist must not engage in any unprofessional conduct. Unprofessional conduct is any conduct violating this section or violating those standards of professional behavior that have become established by consensus of the expert opinion of marriage and family therapists as reasonably necessary for the protection of the public interest.
5. A marriage and family therapist's primary professional responsibility is to the client. A marriage and family therapist must make every reasonable effort to advance the welfare and best interests of families and individuals. A marriage and family therapist must respect the rights of those persons

seeking assistance and make reasonable efforts to ensure that the therapist's services are used appropriately. A marriage therapist is bound by these ethics primarily. These ethics supersede any policies of an employer or contractor that may be contrary.

- a. Once a client has been accepted into therapy, a therapist must not discriminate on the basis of age, sex, race, national origin, religion, physical disability, political affiliation, or social or economic status. In addition, a therapist must not discriminate on the basis of affectional preference, or choice of lifestyle. When unable to offer services for any reason, therapist shall make an appropriate referral.
- b. A therapist must recognize the potentially influential position the therapist may have with respect to clients, and must avoid exploiting the trust and dependency of clients. A therapist must make every effort to avoid dual relationships with clients that could impair the therapist's professional judgment or increase the risk of exploitation.
- c. A therapist must be careful to truthfully represent to clients facts regarding services rendered.
- d. A therapist must recognize the importance of clear understandings on financial matters with clients. Arrangements for fees and payments must be made at the beginning of the therapeutic relationship.
- e. A therapist must not engage in sexual contact or other physical intimacies with a client. Sexual contact with a former client is prohibited ~~for two years after termination of services whether informed or not that the relationship is terminated. Sexual contact after two years with a former client is prohibited:~~
 - (1) ~~if the former client was emotionally dependent upon the therapist; or~~
 - (2) ~~if the sexual contact occurred by means of therapeutic deception.~~
- f. A therapist must not engage in sexual or other harassment of a client, nor in any verbal or physical behavior that is sexually seductive or sexually demeaning to the client. For purposes of this item, sexual harassment has the meaning given it in subsection 15 of section 111-02-01-01.

- g. A therapist must not use or exploit the professional relationship with a client in any manner for the therapist's emotional, financial, sexual, religious, political, or personal advantage or benefit.
- h. A therapist must not use any confidence of a client to the client's disadvantage.
- i. A therapist must terminate a client relationship when it is reasonably clear that the treatment no longer serves the client's needs or interests.
- j. A therapist must not provide services to a client when the therapist's objectivity or effectiveness is impaired. Whenever a therapist's objectivity or effectiveness becomes impaired during a professional relationship with a client, the therapist must notify the client orally and in writing that the therapist can no longer see the client professionally and must assist the client in obtaining services from another professional.
- k. A therapist must respect the right of a client to make decisions and must help the client understand the consequences of the decisions. A therapist must advise a client that a decision on marital status is the responsibility of the client.
- l. A therapist must inform a client of a divergence of interests, values, attitudes, or biases between a client and the therapist that is sufficient to impair their professional relationship. Either the client or the therapist may terminate the relationship.
- m. In the course of professional practice, a therapist must not violate any law concerning the reporting of abuse of children under North Dakota Century Code chapter 50-25 and vulnerable adults under North Dakota Century Code chapter 50-25.2.
- n. A therapist must display prominently on the premises of the therapist's professional practice or make available as a handout the bill of rights of clients, including a statement that consumers of marriage and family therapy services offered by marriage and family therapists licensed by the State of North Dakota have the right:
 - (1) to expect that a therapist has met the minimal qualifications of training and experience required by state law;

- (2) to examine public records maintained by the North Dakota Marriage and Family Therapy Licensure Board which contain the credentials of a therapist;
 - (3) to obtain a copy of the code of ethics from the North Dakota Marriage and Family Therapy Licensure Board;
 - (4) to report complaints to the North Dakota Marriage and Family Therapy Licensure Board;
 - (5) to be informed of the cost of professional services before receiving the services;
 - (6) to privacy as defined by rule and law;
 - (7) to be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;
 - (8) to have access to their records, and
 - (9) to be free from exploitation for the benefit or advantage of a therapist.
- o. A therapist must, upon request from the client, provide information regarding the procedure for filing a complaint with the board.
6. A marriage and family therapist must hold in confidence all information obtained in the course of professional services. A marriage and family therapist must safeguard client confidences as required by law.
- a. A therapist, and employees and professional associates of the therapist, must not disclose any private information that the therapist, employee, or associate may have acquired in rendering services except as provided by law. All other private information must be disclosed only with the informed consent of the client.
 - b. A therapist must be responsible for informing clients of the limits of confidentiality.
 - c. For purposes of safeguarding confidentiality, when seeing a couple or a family, a therapist must define who the "client" is as soon as it is possible to determine the client. For example, therapist must define whether the couple or family, as a unit, is the client or whether the individuals who make up the couple or family are the clients.

- d. When seeing a couple or a family, a therapist must inform the client, at the beginning of the relationship, what the therapist's procedures are for handling confidences from individual members of the family and for protecting individuals' privacy while safeguarding the integrity of the therapy process.
- e. Whenever marriage and family therapy services are requested or paid for by one client for another, the therapist must inform both clients of the therapist's responsibility to treat any information gained in the course of rendering the services as private information.
- f. A therapist must limit access to client records and must inform every individual associated with the agency or facility of the therapist, such as a staff member, student, or volunteer, that access to client records must be limited to only the therapist with whom the client has a professional relationship, an individual associated with the agency or facility whose duties require access, and an individual authorized to have access by the informed written consent of the client.
- g. A therapist must continue to maintain as private information the records of a client for 10 years after the professional relationship between the therapist and the client has ceased. The therapist must store and dispose of records in ways that maintain confidentiality.
- h. A therapist must disclose to the board and its agents client records that the board and its agents consider to be germane to a disciplinary proceeding.
- i. A therapist must obtain written, informed consent from each client before electronically recording sessions with that client or before permitting third-party supervisory observation of their sessions. The consent form should specify the purpose and proposed audience for the recording.
- j. A therapist must disguise adequately the identity of a client when using material derived from a counseling relationship for purposes of training, research, professional meetings, or publications.
- k. A client who is the recipient of marriage and family therapy services has the right to access the records related to the service maintained by the licensee on that client, provided the records are not classified as confidential by North Dakota law.

- I. A marriage and family therapist must maintain an accurate record for each client. Each record must minimally contain:
 - (1) a client personal data record which shall include the presenting problem;
 - (2) a treatment plan with a diagnosis and justification for it and treatment goals;
 - (3) an accurate chronological listing of all client contacts and a summary of each;
 - (4) records of any consultation or supervision received in relation to the client;
 - (5) a termination statement indicating the date and reason for termination, the client's condition at the time, and any recommendations made to the client;
 - (6) copies of all client authorization for release of information and any other legal forms pertaining to the client; and
 - (7) a chronological listing of all fees or charges for services related to the client and to whom the fees were charged. This record may be kept separate from the client's clinical file.

7. A marriage and family therapist must conduct research activities with full respect for the rights and dignity of participants and with full concern for their welfare according to the requirements of the "Ethical Principles of Psychologists, General Principle 9: Research with Human Participants," American Psychological Association, as amended June 2, 1989. These requirements are incorporated by reference. The requirements were published in "American Psychologist" March 1990, Volume 45, Number 3, pages 390-395. Participation in research is voluntary.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-05, 43-53-10, 43-53-11

111-02-01-06. Continuing education.

1. A licensee must regularly engage in continuing education related to the practice of marriage and family therapy as defined in this part.

2. ~~Licensees Licensed marriage and family therapists~~ must complete a minimum of 30 hours of continuing education every two years, of which six hours must be ethics. Licensed associates must complete 15 hours of continuing education every ~~two~~ years, of which ~~six~~ three hours must be ethics. A Board Approved Supervisor/AAMFT Approved Supervisor must dedicate 10% (3.0 CEU) of continuing education in courses on Supervision. The required number of hours shall be prorated for persons who are initially licensed during a given reporting period. ~~Proof of completion of the required hours must be submitted to the board by December 31 of each odd-numbered year. The initial two-year period begins on January 1 of each even-numbered year.~~ Licensed marriage and family therapists must attest to the board as to completion of the required hours upon renewal of the license in each odd-numbered year. Licensed associate marriage and family therapist must attest to the board as to completion of the required hours upon renewal of the license each year. At the time of license renewal in each odd-numbered year or at the time of application for reinstatement of a license, a licensed marriage and family therapist must attest to completion of a minimum of 30 approved continuing education hours since last renewal or the minimum number required for reinstatement. Failure to complete the attestation required will result in nonrenewal of licensure.

3. When the licensee applies for renewal of the license in the odd numbered year or is audited, the licensee must submit documentation of the licensee's completion of the required hours of continuing education on an appropriate form furnished by the board. A receipt for payment of the fees for the course is not sufficient evidence of completion of the required hours of continuing education. Licensees shall keep attendance certificates for at least five years as the board may conduct random audits to verify compliance with subsection 2.

4. A course may not be counted toward a licensee's continuing education requirements unless it has been approved by the board according to the procedures in this subsection and subsections 5 to ~~9~~10. Courses may be approved for all attendees when submitted by the sponsor as prescribed in subsection ~~6~~11 or a licensee may request individual approval as prescribed in subsection ~~7~~6. The board shall consider the following factors in determining whether a course should be approved:
 - a. The course's relevance to the therapeutic practices of marriage and family therapy.

- b. Whether the course is structured on sound educational principles and fits into one of the following categories:
- (1) structured educational programs with an instructor as a part of conventions, workshops, seminars, lectures, interactive media, and graduate and postgraduate courses from regionally accredited institutions. All course work must include the areas described in subdivision d; and
 - (2) home study courses related to marriage and family therapy as described in subdivision d. Programs must have an independently graded test component. No more than one-fourth, or ~~7-5-15~~ CEU hours, of the required 30 continuing education hours may be earned by this method.
- c. Whether the course is at least one hour in length. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format. Time for home study courses shall be based on developer's research on average time to complete.
- d. Whether the subject of the course is related to marriage and family therapy with an emphasis upon systemic approaches or the theory, research, or practice of psychotherapeutic work with couples or families. Continuing education for marriage and family therapy generally evolves from the following areas:
- (1) historical, theoretical foundations, and contemporary conceptual directions of the field of marriage and family therapy;
 - (2) assessment, diagnosis, and treatment in marriage and family therapy including both dysfunctional relationship patterns and nervous and mental disorders, whether cognitive, affective, or behavioral;
 - (3) family studies including the life cycle of the family, the process and modification of family structures over time, and issues related to ethnicity, race, socioeconomic status, culture, gender, and sexuality;
 - (4) human development including human behavior, personality theory, sexuality, psychopathology, behavior pathology, and physical and mental impairments and disabilities that affect normal development;

- (5) ethics and professional studies covering legal responsibilities and liabilities of licensure, clinical practice, research, family law, and confidentiality issues; and
 - (6) supervision in marriage and family therapy including theories and practices.
- e. Whether the course's instructors or developers are qualified by practical or academic experience to teach, lecture, make presentations, or develop courses.
5. The board may use a committee, which may include non-board members, to evaluate applications for course approval.

~~6. Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in subdivisions a to d to receive and maintain course approval.~~

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- a. ~~The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the sponsor's application and a annual non-refundable continuing education course fee of \$75.00 US dollars.~~
- b. ~~The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subsection 4:~~
 - (1) ~~a statement of the objectives of the course and the knowledge the participants will have gained upon completion of the course;~~
 - (2) ~~a description of the content and methodology of the course which will allow the participants to meet the objectives;~~
 - (3) ~~a description of the method to be used by the participants to evaluate the course;~~
 - (4) ~~a listing of the qualifications of each instructor or developer which shows the instructor's or developer's current knowledge and skill in the course's subject; and~~
 - (5) ~~a description of the certificate or other form of verification of attendance distributed to each participant upon successful completion of the course.~~

~~e. If the board approves a course, it shall assign a number to the course. The approval remains in effect for one year from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in subdivisions a and b and the application fee for approval of a continuing education course required before the expiration of the one-year period.~~

~~(1) Each sponsor of an approved course may announce, as to a course that has been approved by the board, that: "This course has been approved by the North Dakota Marriage and Family Therapy Licensure Board for ____ hours of credit."~~

~~(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.~~

~~d. The board shall approve or disapprove a sponsor's application for course approval.~~

~~e. The board shall deny approval of a course if it does not meet the standards in subsection 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.~~

~~f. The board shall revoke its approval of a course if a course sponsor fails to comply with subdivision c and any part of subsection 4, or if a course sponsor falsifies information requested by the board in the application for approval of a course.~~

76. A licensee's application for course approval:

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a. A licensee must apply individually for approval of continuing education courses that have not been approved by the board in subsection 6.11. The licensee must submit information required in subdivision b, as well as other information the board reasonably requires to evaluate the course for approval. An application fee of \$10.00 per course for approval will be assessed by the Board for non-preapproved CEU's in Section 11 for licensed marriage and family therapists. An application fee of \$5.00 per course for approval will be assessed by the Board for non-preapproved CEU's in Section 11 for licensed associate marriage and family therapists.

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- b. The following information must be submitted to the board, in addition to the form required in subsection 3, by the licensee:
 - (1) the name and address of the organization sponsoring the course;
 - (2) a detailed description of the course content;
 - (3) the name of each instructor or presenter and the instructor's or presenter's credentials; and
 - (4) the location, including the name and address of the facility, at which the course will be conducted.
- c. Licensees seeking approval for a course not previously approved by the board are strongly encouraged to seek board approval before attending the course. Licensees have 60 days following the continuing education event to seek approval for a course not pre-approved in advance by the board.
- ~~d. All AAMFT approved continuing education will be deemed approved by the NDMFTLB. All individual state MFT board approved continuing education will be approved by the NDMFTLB.~~
- d.e. The board shall deny approval for a course if it does not meet the standards in subsection 4. The board shall notify the applicant in writing of its reasons for denying approval of a course under this subpart.

~~§7.~~ Continuing education credit may not be applied for marketing the business aspects of one's practice, time management, supervisory sessions, staff orientation, agency activities that address procedural issues, personal therapy, or other methods not structured on sound education principles or contrary to the code of ethics. Continuing education credit may be applied for the following programs that comply with the requirements of subsection 4:

- a. programs specifically listed in subsection 4, subdivision b, paragraphs (1) and (2);
- b. teaching a marriage and family course in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the licensee teaches the course. The course must be related to marriage and family therapy as described in subsection 4, subdivision d. Ten continuing

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education hours may be earned for each semester credit hour taught;

- c. research of an original nature directly related to marriage and family therapy as described in section 4, subdivision d, paragraphs (1) to (6). This activity must be preapproved by the board. Hours of credit for this activity shall be negotiated based on the nature of the project. Contact the board for appropriate preapproval forms;
- d. authoring, editing, or reviewing in an area of marriage and family therapy as described in subsection 4, subdivision d. Continuing education hours may be earned only in the year of publication. The maximum hours earned are as follows:
 - (1) author of a professional book, 30 hours;
 - (2) author of a professional book chapter or journal article, 15 hours;
 - (3) editor of a professional book or journal, 25 hours; and
 - (4) journal article review, one hour per manuscript;
- e. presentations at workshops, seminars, symposia, meetings of professional organizations, or postgraduate institutes. The presentation must be related to marriage and family therapy as described in subsection 4, subdivision d. One hour of development time equals one continuing education hour and up to three hours of development time may be claimed for each hour of presentation. Continuing education hours may be earned only for the licensee's first presentation on the subject developed; and
- f. individually designed continuing education activity. Licensees may submit proposals for continuing education activities which do not meet other guidelines established within this part. The proposal request must include the following:
 - (1) the rationale for pursuing an individually designed activity;
 - (2) specific goals and objectives, and an explanation of how the goals and objectives are related to the enhancement of the licensee's professional skills;
 - (3) an outline of the topics to be covered;
 - (4) a description of related resources and activities;

- (5) the proposed documentation of completion of activity; and
- (6) the estimate of time to be expended on the activity and the number of continuing education hours requested. The board shall have final say in the number of hours credited for completion of such activity. Subdivisions d to F require preapproval. The applicant must obtain preapproval forms from the board.

~~98.~~ Continuing education shall be credited on an hour-for-hour basis except as noted in subsection ~~8-7~~. "One hour" means at least 50 minutes spent as a student in direct participation in a structured educational format.

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~~409.~~ A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this part if the licensee files with the board an affidavit specifying that the licensee:

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- a. is retired from practice and does not perform marriage and family therapy services on a volunteer or free basis;
- b. is permanently disabled and unable to practice marriage and family therapy, accompanied by a statement from the licensee's physician;
- c. has been granted emeritus status as specified in section 10-02-04-05; or
- d. has been called to "active duty" in the armed forces of the United States of America.

~~4410.~~ A licensee claiming exemption under subsection ~~409~~ who later decides to resume practice must submit to the board, before resuming practice, a written notice that the licensee intends to resume practice. The licensee must also submit evidence that the licensee has completed continuing education requirements that are equivalent to what the requirements would have been without the exemption for the five years or any portion of the five years immediately preceding the date of the notice of intent to resume practice.

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11. Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval must submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in subdivisions a to d to receive and maintain course approval.

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a. The application for course approval must be submitted at least 60 days before the course is scheduled to begin and must include the sponsor's application and a annual non-refundable continuing education course fee of ~~\$75.00~~ 100.00 US dollars.

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b. The application for course approval must include the following information to enable the board to determine whether the course meets the standards for board approval specified in subsection 4:

(1) a statement of the objectives of the course and the knowledge the participants will have gained upon completion of the course;

(2) a description of the content and methodology of the course which will allow the participants to meet the objectives;

(3) a description of the method to be used by the participants to evaluate the course;

(4) a listing of the qualifications of each instructor or developer which shows the instructor's or developer's current knowledge and skill in the course's subject; and

(5) a description of the certificate or other form of verification of attendance distributed to each participant upon successful completion of the course.

c. If the board approves a course, it shall assign a number to the course. The approval remains in effect for one year from the date of initial approval. The board shall compile a list of approved courses at least once per calendar year. To retain course approval, a course sponsor must submit to the board a new application for course approval required in subdivisions a and b and the application fee for approval of a continuing education course required before the expiration of the one-year period.

(1) Each sponsor of an approved course may announce, as to a course that has been approved by the board, that: "This course has been approved by the North Dakota Marriage and Family Therapy Licensure Board for _____ hours of credit."

(2) The course sponsor must submit proposed changes in an approved course to the board for its approval.

- d. The board shall approve or disapprove a sponsor's application for course approval.
- e. The board shall deny approval of a course if it does not meet the standards in subsection 4. The board shall notify the course sponsor in writing of its reasons for denying approval of a course.
- f. The board shall revoke its approval of a course if a course sponsor fails to comply with subdivision c and any part of subsection 4, or if a course sponsor falsifies information requested by the board in the application for approval of a course.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-05, 43-53.09

CHAPTER 111-02-02
PRELIMINARY LICENSING REQUIREMENTS

111-02-02-01	Licenses
111-02-02-02	Educational Requirements; Determination of Equivalent Degree
111-02-02-03	Experience Requirements
111-02-02-04	Requirements for Supervisor
111-02-02-05	Responsibilities of Supervisor

111-02-02-01. Licenses.

1. To be eligible for licensure, an applicant must meet the following requirements:
 - a. complete the education requirements in subsections 2 or 3 of North Dakota Century Code section 43-53-06.
 - b. complete the experience requirements in subsections 2 or 3 North Dakota Century Code section 43-53-06.
 - c. provide evidence of meeting the requirements of North Dakota Century Code section 43-53-06 through endorsements from another jurisdiction.
 - d. agree to conduct all professional activities as a licensed marriage and family therapist in accordance with the code of ethics for marriage and family therapists in section 110-02-02-02.

- e. pass both parts of the examination listed in North Dakota Century Code section 43-53-07.
- 2. An applicant who fails to meet all requirements in this part shall be denied a license.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06

111-02-02-02. Educational requirements; determination of equivalent degree.

- 1. In determining whether an applicant holds a master's or doctoral degree that is equivalent to degrees described in North Dakota Century Code section 43-53-06 the board shall evaluate the applicant's transcripts, documentation from the educational institution that describes the substance and purpose of the applicant's academic training, accreditation and other professional recognition of the educational institution by regional accrediting bodies, and other necessary information as determined by the board. All requested documentation must be sent directly from the educational institution to the board.
- 2. A master's or doctoral degree is equivalent to a master's or doctoral degree in marriage and family therapy if the degree is from a regionally accredited institution, if the degree is in a related subject field, and if the degree contains the following coursework of 54 semester hours minimum:
 - a. nine semester hours in human development covering human development, human behavior, personality theory, human sexuality, psychopathology including the etiology and diagnosis of mental illness, and behavior-pathology;
 - b. three semester hours required in Systemic/Relational assessment and Mental Health Diagnosis and Treatment, covering the development of competency in traditional psycho-diagnostic categories, assessment, diagnosis, and treatment of major mental health issues as well as a wide variety of common presenting problems including, addiction, suicide, trauma, abuse, intra-familial violence, and therapy for individuals, couples, and families managing acute chronic medical conditions, utilizing a relational/systemic philosophy.
 - b.c. six semester hours in marital and family studies covering theories of family development, theories of family

functioning, the family life cycle, sociology of the family, families under stress, contemporary family forms, family subsystems, theories of marital and family interaction, theories of child development, life span, and theories of gerontology;

c.d. twelve semester hours in marital and family therapy covering marital and family communication, family psychology, family therapy, methods of intervention, family assessment, treatment planning, sex therapy, major theories of marital and family therapy such as structural, strategic, trans-generational, experiential, object relations, contextual, systemic therapy, solution focused therapy, narrative, and bio-feedback methodologies;

e.e. three semester hours in research covering research design, methods, statistics, and special issues research in marital and family studies or a related field;

e.f. three semester hours in professional studies covering professional socialization, professional organizations, legal issues, inter-professional cooperation, professional ethics, and family law;

f.g. nine semester hours required to demonstrate courses which include content on issues of diversity, (race, gender, sexual orientation, spirituality, class, etc.) and psychopharmacology

g.h. nine semester hours in a clinical practicum in marriage and family therapy ~~of or~~ at least 500 hours or 12 months/~~nine semester hours~~ of clinical client contact with individuals, couples, and families for the purpose of assessment and intervention. Of the 500 hours ~~or its~~, no more than 250 hours may be with individuals. This clinical experience must be supervised on site or at the academic institution by a licensed and family therapist or an American Association for Marriage and Family approved supervisor.

3. Four quarter credit hours shall be equivalent to three semester hours in meeting the requirements in subsection 2, subdivisions a to fh. This curriculum may be completed during the qualifying master's or doctoral degree programs; or additional course work may be taken at a college or university accredited by a regionally accredited educational institution after receiving the graduate degree in order to fulfill the requirements for each of the areas described in subsection 2, subdivisions a to fh. An applicant may not use a course for more than one area described in subsection 2 of subdivisions a to fh.

4. A professional track may give credit for experience with a minimum of 5 years providing the applicant had a valid equivalent degree as described in subsection 1 during the time of providing working with couples and families. The applicant will take twelve semester hours from coursework requirements described in subsection 2, subdivision c and three semester hours from subsection 2, subdivision e. The Clinical Client Contact requirements will remain the same.
5. The burden is on the applicant to prove by a preponderance of the evidence that the coursework is equivalent to the requirements in subsection 2.
6. An applicant for Licensed Associate Marriage and Family Therapy must be enrolled before August 15, 2018 to be eligible to apply under the old Title 111.02.02.02 section rules. On August 16, 2018 the new educational requirement rules apply.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 42-53-06

111-02-02-03. Experience requirements.

1. The two years (full time, or up to 48 months part-time) supervised, postgraduate experience required by subsection 3 of North Dakota Century Code section 43-53-06 must meet the following:
2. In calculating two years of supervised postgraduate experience in marriage and family therapy, the board shall accept a minimum of 3,000 hours, of which 1,500 hours of direct clinical client contact including the assessment, diagnosis, and treatment of mental illness as specified in subsection 3 with 200 hours of postgraduate supervision by a North Dakota or other approved jurisdiction licensed marriage and family therapist supervisor over a period of not less than 24 months, full time, and no more than 48 months, part-time. All additional work used to complete this two-year experience may be supervised in a legal and ethical manner by a licensed marriage and family therapist credentialed for supervision, or a licensed mental health professional as specified in listed in the North Dakota Century Code Chapter 43-53 approved supervisor definition.
3. The applicant must demonstrate at least 500 hours of the direct clinical client contact required in each of the following categories of cases:

- a. unmarried couples, married couples, separating and divorcing couples; and
- b. family groups including children.
- c. individual services.

This contact shall include experience in the assessment, diagnosis, and treatment of mental illness. The board may consider waiving part of this requirement for good cause shown.

- 4. The supervision by a North Dakota or other jurisdiction licensed marriage and family therapist shall take place in individual and group settings, according to the following:
 - a. The individual supervision shall take place in a setting in which a supervisor and not more than two supervisees are present.
 - b. The group supervision shall take place in a setting in which a supervisor and not more than six supervisees but not less than three are present.
- 5. Supervision must involve:
 - a. at least 200 hours of face-to-face contact between the supervisor and supervisee of which at least 100 hours must be in individual settings;
 - b. 100 hours of supervision per year full time or 50 hours per year part-time; and
 - c. a focus on the raw data from the supervisee's clinical work that is made directly available to the supervisor through means of written clinical materials, direct observation, and audio or video recordings.
 - d. During the period of supervised experience, an associate may be employed on a salary basis or be used within an established supervisory setting. The established settings must be structured with clearly defined job descriptions and areas of responsibility. The board may require that the applicant provide documentation of all work experience.
 - e. During the post graduate supervision, both the supervisor and the associate may have disciplinary actions taken against their licenses for violations of the Act or Administrative rules.

- f. Supervision must be conducted under a supervision agreement, which must be submitted to the board on the official form within 60 days of the initiation of supervision.
 - g. The associate must receive a minimum of one hour of supervision every two weeks. A supervision hour is ~~45~~ 50 minutes. Up to ~~50~~ 100 hours of the 200 hours of face-to-face supervision may occur via secured telephonic or other electronic media, as approved by the supervisor.
 - h. An associate may have no more than two board-approved supervisors at a time, unless given prior approval by the board or its designee.
 - i. The associate may receive credit for up to ~~250~~ 500 clock hours toward the required ~~2,000~~ 3,000 hours of supervised clinical services by providing services via telephonic or other electronic media, as approved by the supervisor.
6. A supervisee must verify the required supervised experience by completing a form supplied by the board. The form must be signed by the applicant's supervisor and be deemed truthful subject to penalties for making a false statement under North Dakota Century Code section 12.1-11-02. The form must include the setting, nature, and extent of the supervised experience, the time period involved, the number of hours of clinical client contact, the number of hours of supervision, and the name and qualifications of each supervisor.

History:

General Authority: NDCC 23-32-02, 43-53-05

Law Implemented: NDCC 43-53-06

111-02-02-04. Requirements for supervisor.

- 1. Supervisors are recognized by the board when subsections 1 or 2 are met by submitting an application which includes the following four documents:
 - a. a graduate degree in marriage and family therapy or a graduate degree in a related mental health field, such as counseling and guidance, psychology, psychiatry, or clinical social work, from a recognized educational institution;
 - b. a license (which is not a provisional or an associate license) issued by the board or a license as a marriage and family therapist in another jurisdiction;

- c. one of the following:
 - (1) successful completion of a one-semester graduate course in marriage and family therapy supervision from an accredited institution; or
 - (2) a ~~40~~ 30 hour continuing education course in clinical supervision offered by a board approved provider; and
 - d. at least 3,000 hours of direct client contact in the practice of marriage and family therapy over a minimum of three years as a licensed marriage and family therapist.
2. In lieu of meeting the qualifications set forth in subsection 1, ~~subdivision a~~, a person is an acceptable supervisor if the person has been designated as an approved supervisor or supervisor-in-training by the American Association for Marriage and Family Therapy (AAMFT) before the person provides any supervision.
 3. A supervisor may not be employed by the person whom he or she is supervising.
 4. A supervisor may not be related within the second degree by affinity (marriage) or within the third degree by consanguinity (blood or adoption) to the person whom he or she is supervising.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06

111-02-02-05. Responsibilities of supervisor. A supervisor must:

1. be knowledgeable of the clinical skills required for effective delivery of marriage and family therapy services;
2. be knowledgeable of the important literature in the field of marriage and family therapy and professional ethics, and the supervisor must be knowledgeable about the basic skills and service delivery of supervision;
3. that all supervised work is conducted in appropriate professional settings, with adequate administrative and clerical controls; and
4. devote at least ten percent of the required continuing education hours to supervision.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06

**CHAPTER 111-02-03
LICENSURE PROCESS FOR LICENSED MARRIAGE AND FAMILY THERAPISTS**

Section

111-02-03-01	Process
111-02-03-02	Examination
111-02-03-03	Procedures for Admission to Licensure
111-02-03-04	Concurrent Applications for Examination and Licensure
111-02-03-05	Examination Methods; Subjects and Procedures
111-02-03-06	License by Endorsement.

111-02-03-01. Process. The process of licensure by the board as a marriage and family therapist is divided into two separate parts: admission to written examination and admission to licensure.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06, 43-53-07

111-02-03-02. Examination.

1. To be admitted to written examination, an applicant must submit to the board the following information.
 - a. The applicant must submit a completed application for admission to written examination on a form provided by the board. The application must include an affirmation by the applicant that the statements made in the application are true and correct to the best knowledge of the applicant.
 - b. The applicant must submit the required nonrefundable fee for application for admission to written examination specified in subdivision c of subsection 3 of North Dakota Century Code section 43-53-06 made payable to the North Dakota Marriage and Family Therapy Licensure Board.
 - c. The applicant must submit official transcripts of all graduate education of the applicant, including verification of the degree

granted. The transcripts must be sent directly to the board from the institution granting the degree.

(1) The applicant must demonstrate to the board, by a preponderance of the evidence, that the degreed program documented by the applicant's transcripts meets the requirements of subdivisions a and b of subsection 3 of North Dakota Century Code section 43-53-06.

(2) The institution granting the degree must be regionally accredited at the time the degree is granted.

- d. An applicant for licensure must inform the board within 30 days of any changes in name, residential address, or cell, business and residential telephone numbers.
2. The board has authority to investigate or contact persons to verify the authenticity of the information in the application for admission to written examination and to require the applicant to provide verification.
 3. An applicant's file shall be closed if the applicant fails to complete the application for admission to written examination and provide all information required within six months from the date the board receives the application.
 4. An applicant shall be admitted to the first regularly scheduled written, objective part of the examination that occurs in the next testing window. ~~60 days or more~~ after the applicant has met the requirements of subsection 1, unless admission is denied under subsection 5. Admission to the examination shall be complete only after receipt by the board from the applicant of the examination fee.
 5. The board shall deny an applicant admission to written examination if the applicant has not met the education requirements of subdivision a of subsection 3 of North Dakota Century Code section 43-53-06. The board shall notify the applicant of the denial in writing and state the reasons for the denial. Any applicant who fails an examination conducted by the board may not be admitted to a subsequent examination for a period of at least ~~six~~ three months.
 6. An application for admission to written examination submitted after denial shall be considered a new application for admission to written examination which must be accompanied by the fee for application for admission to written examination.

History:

General Authority: NDCC 28-32-02, 43-53-05
Law Implemented: NDCC 43-53-06, 43-53-07, 43-53-09

111-02-03-03. Procedures for admission to licensure.

1. To be eligible for admission to licensure, an applicant must submit to the board the following information:
 - a. The applicant must submit evidence of having passed the written part of the examination in subdivision c of subsection 3 of North Dakota Century Code section 43-53-06.
 - b. The applicant must submit a completed application for licensure on a form provided by the board. The application must include an affirmation by the applicant that the statements in the application are true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities as a licensed marriage and family therapist according to the code of ethics in section 110-02-03-02.
 - c. The applicant must submit the required, nonrefundable application for initial licensure fee specified in subsection 4 of section 110-02-04-01, payable to the North Dakota Marriage and Family Therapy Licensure Board.
 - d. The applicant must submit a completed form provided by the board, verifying the applicant's postgraduate, supervised experience, conforming to the requirements for primary source verification of subsection 3 of North Dakota Century Code section 43-53-06.
 - e. The applicant must submit ~~two~~ three endorsements attesting to the applicant's good moral character. The endorsements must be completed and signed by individuals who meet the requirements for endorsers under subsection 2. The endorsements must be truthful, and are subject to the penalties of perjury.
2. Requirements for Endorsement.
 - a. For an endorsement to meet the requirements of subsection 1, subdivision e, the endorser must:
 - (1) be licensed by the board; or
 - (2) be licensed to practice marriage and family therapy by another jurisdiction whose licensure standards are at least

equivalent to or exceed the requirements for licensure in North Dakota.

- b. An endorser must not be an employee, independent contractor, patient, or former patient, or be related in any way to the applicant.
3. The board has authority to investigate or contact persons to verify the authenticity of the information in the application for licensure and to require the applicant to provide verification.
4. An applicant who fails to meet all the requirements in subsection 1 shall be denied licensure. An applicant who is denied licensure shall be informed in writing of the denial and the reasons for it. An application for licensure submitted following denial is a new application for licensure which must be accompanied by the fee for application for licensure specified in subsection 3 of North Dakota Century Code section 43-53-06.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06, 43-53-07, 43-53-08, 43-53-09

111-02-03-04. Concurrent applications for examination and licensure. An applicant may file both the application for admission to written examination and the application for licensure at the same time if the experience requirements in subdivision b of subsection 3 of North Dakota Century Code section 43-53-06 have been met.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06, 43-53-07

111-02-03-05. Examination methods; subjects and procedures.

1. Examination of an applicant for a license as a marriage and family therapist shall be composed of:
 - a. a written, objective part designed and scored by a professional examination service approved by the Association of Marriage and Family Therapy Regulatory Boards; and
 - b. a state part conducted by members of the board.
2. An applicant who is admitted to written examination must pay the written examination fee to the North Dakota Marriage and Family Therapy Licensure Board or its designee before taking the examination.

3. The written examination is the examination approved by the Association of Marriage and Family Therapy Regulatory Boards. The written examination shall be offered on dates established by the Association of Marriage and Family Therapy Regulatory Boards.
4. The state examination of an applicant shall be held according to those methods determined by the board to be the most practical and expeditious in testing the applicant's qualifications for licensure. The state examination of an applicant shall take place after the applicant's application for licensure has been accepted by the board and before the applicant is approved for licensure. The state examination of an applicant shall cover:
 - a. the applicant's knowledge of the laws governing marriage and family therapists;
 - b. the applicant's knowledge of the code of ethics;
 - c. the applicant's awareness of the responsibilities to the board and to the public; and
 - d. other practice-related areas.
5. The board shall notify an applicant in writing of admission to either part of the examination at least 30 days before either part of the examination is scheduled to take place. The notice shall state the date, time, and place where the applicant is scheduled to be examined.
6. The passing score of the written part of the examination is the passing score determined by the Association of Marriage and Family Therapy Regulatory Boards. The passing score for the state examination shall be determined by the board. An applicant must pass both parts of the examination to qualify for licensure as a marriage and family therapist.
7. An applicant who has failed a part of the examination may be reexamined on the part the applicant failed, but not more than five times without a variance. An applicant who is reexamined on the written part of the examination must pay the written examination fee.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-04, 43-53-07

111-02-03-06. License by endorsement.

1. The board shall issue a marriage and family therapist license to an applicant who holds a current license as a marriage and family therapist from another state or country if the board determines that the standards for licensure in effect when the individual was licensed in the other state or country are at least equivalent to or exceed the current requirements for licensure in North Dakota. If an applicant for licensure by endorsement was licensed in another state or country without passing the written examination specified in the Section 110-1-02-03-02, but meets all other North Dakota requirements, the applicant may submit an application for licensure by endorsement after passing the examination under subsections 1 through 3 of section 110-1-02-03-05. All applicants for licensure by endorsement must pass the state examination specified in subsection 4 of section 110-1-02-03-05.
2. An individual who holds a current license as a marriage and family therapist from another state or country must file a completed application for licensure by endorsement and must pay the fee for an original license in North Dakota. The application must be on a form provided by the board. The application must include a statement that the information in the application is true and correct to the best knowledge of the applicant and an agreement by the applicant that the applicant will conduct all professional activities according to the code of ethics in section 110-1-02-01-05.
3. If an applicant for licensure by endorsement has been licensed continuously as a marriage and family therapist in a United States jurisdiction for the five years preceding the application, the educational requirements for licensure are considered satisfied. If licensed for any period less than five years, the Board will determine whether educational requirements are satisfied.
- ~~3-4.~~ The applicant must direct the board of examiners of the state or country in which the license is held to send to the board directly a statement that the license is in effect and in good standing on a form provided by the board, and a copy of the state's current licensing law and rules.
- ~~4-5.~~ The board may refuse to grant a license or may impose disciplinary action, for:
 - a. revocation, suspension, restriction, limitation, or other disciplinary action against the applicant's license in another state or jurisdiction;
 - b. failure to report to the board that charges regarding the applicant's license have been brought in another state or jurisdiction; or

c. having been refused a license by another state or jurisdiction.

~~5-6.~~ The burden is on the applicant to establish, by a preponderance of the evidence, that the standards for licensing in effect when the individual was licensed in the other state or jurisdiction are at least equivalent to or exceed the current licensing requirements in North Dakota.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-08

**CHAPTER 111-02-04
LICENSEE - RENEWAL OF LICENSE AND FEES**

Section

111-02-04-01	Renewal of License and Fees
111-02-04-02	Term of License
111-02-04-03	Reinstatement of License
111-02-04-04	Termination of License
111-02-04-05	Emeritus License Status

111-02-04-01. Renewal of license and fees.

1. Licenses issued by the board must be renewed biennially upon the payment of the renewal fee required in subsection 4, completion of a renewal application, and the ~~fulfilled~~ attested reporting of continuing education requirements in section 111-02-01-06. Licensed associates renew on an annual basis up to 48 months.
2. The board shall send the licensee a written renewal notice identifying the amount of the renewal fee. The notice shall be sent to the licensee's last known address on record with the board. A licensee must notify the board in writing of any change of name, address, cell, residential or business telephone numbers within 30 days after any change. Failure to receive the renewal notice does not relieve the licensee of the obligation to renew the license.
3. The licensee must submit to the board a completed renewal application on a form provided by the board. The licensee must submit the renewal application so that the application is postmarked on or before December 31. If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first work day after December 31.

4. The original license fee shall be ~~\$490~~ 450 dollars. The renewal license fee shall be ~~\$440~~ 360 dollars. These fees must accompany the original and renewal applications to be complete. Licensed associate original fee shall be ~~\$75~~ 180.00 per year. The renewal associate fee shall be ~~\$50~~ 90 per year.

Other fees:

- a. Application for admission to the written examination fee shall be the current rate as established by the AMFTRB; written examination fee in accordance with the current contracted examination fee.
 - b. Application for original licensure by endorsement fee, ~~\$300~~ 550.
 - c. Oral Examination fee, \$75.00
 - d. Duplicate license fee, \$25 30. Duplicate wallet renewal card, \$15.00.
 - ~~e.~~ Sponsor's application for approval of a continuing education course fee, ~~\$75~~ 100.
 - e.f. late fee for renewal, ~~\$250~~ 300 postmarked 1-90 days late, ~~\$350~~ 400 postmarked 91-365 days late. Licensed associate late fee, \$100 postmarked 1-365 days late.
 - f.g. Renewal application fee for an licensed associate marriage and family therapy license fee, \$40. Renewal application fee for a licensed marriage and family therapist, \$40.00
 - g.h. Renewal of associate marriage and family therapy license annual fee, ~~\$50~~ 90. May be renewed up to four years or (3 renewals).
 - ~~h.~~i. The cost of background checks are the burden of the applicant.
 - j. The one time emeritus license fee, \$200.00
 - k. License verification fee, \$25.00.
5. Failure to renew.
- a. The following procedure applies if a licensee fails to submit the renewal application according to subsection 3 or fails to fulfill or report continuing education requirements in section 111-02-01-06.

- b. If the licensee fails to submit to the board the renewal application, information about continuing education requirements, and the renewal fees specified in subsection 4, on or before December 31, the license expires and the licensee's right to practice terminates on December 31. The board shall mail to the former licensee a written notice that the licensee's license has expired and the licensee's right to practice has terminated. The board shall send the notice to the licensee's last known address on record with the board. The board shall instruct the former licensee to promptly return the licensee's board issued license certificate, written in calligraphy, to the board office.
- c. A license that expired under this part may be reinstated under section 111-02-04-03.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06, 43-53-09

111-02-04-02. Term of license.

- 1. An original license is effective after:
 - a. the board notifies the applicant in writing that the applicant has been approved for licensure;
 - b. the applicant has paid the original license fee in subsection 4 of section 111-02-04-01; and
 - c. the board assigns a license number to the applicant.
- 2. An original license granted by the board is valid for a two year period beginning with the effective date in subpart 1 and ending on December 31 of the biennial year in which the license was initially granted. For example, an original license granted on May 6, ~~2008~~2017, is valid from May 6, ~~2008~~2017, to December 31, 2019. A subsequent renewal license is valid for a two-year period ending on December 31, and shall prorate the fees per month which are not covered in the original license fee. For example, an original license which was granted on May 6, ~~2008~~ 2017 expires on December 31, 2019. The months not covered by the original license fees are seven, from May through December. The license must be renewed for a two year period according to the procedures in section 111-02-04-01.

3. A licensed marriage and family therapist or an associate marriage and family therapist must display the therapist's license and evidence of current renewal in a conspicuous place in the therapist's office, or place of business or employment. Evidence of current renewal will be provided by the board upon renewal of the license. A duplicate license shall be issued to a licensee after the licensee requests a duplicate license from the board and the fee is paid.

History:

General Authority: NDCC 43-32-02, 43-53-05

Law Implemented: NDCC 43-53-06, 43-53-09

111-02-04-03. Reinstatement of license.

1. A license that has expired under subsection 5 of section 111-02-04-01 may be reinstated if:
 - a. no fact, circumstance, or condition exists which, if the license were reinstated, would justify its revocation or suspension;
 - b. the former licensee verifies that the former licensee has not engaged in the practice of marriage and family therapy in this state or any other jurisdiction, or used a title denoting marriage and family therapist since expiration of the license unless licensed by another jurisdiction. The verification must be accompanied by an affirmation that the statement is true and correct to the best knowledge and belief of the former licensee;
 - c. the former licensee submits to the board a completed application for reinstatement on a form provided by the board;
 - d. the former licensee pays the late fee specified in subsection 4 of section 111-02-04-01,
 - e. the former licensee includes with the application for reinstatement a letter stating the reasons for applying for reinstatement; and
 - f. the former licensee complies with the applicable provisions of subsections 2 and 3.
2. A former licensee whose license expired under subsection 5 of section 111-02-04-01 less than five years previous to the application for reinstatement must:

- a. submit evidence of meeting the continuing education requirements that would have applied to the former licensee if the license had not expired; and
 - b. pay the late fee specified in subsection 4 of section 111-02-04-01, for each of the years between the date the license expired and the date the former licensee submits a reinstatement application.
3. A former licensee whose license expired under subsection 5 of section 111-02-04-01 five years or more before the application for reinstatement must:
 - a. retake the written examination required for licensure of marriage and family therapists given by the board according to section 111-02-03-02,
 - b. submit evidence of meeting the continuing education requirements that would have applied to the former licensee if the license had not expired; and
 - c. pay the late fee specified in subsection 4 of section 111-02-04-01 for each of the five years immediately preceding application for reinstatement.
4. A former licensee who has engaged in the practice of marriage and family therapy in this state or used a title denoting marriage and family therapist since the date of expiration of the license, is subject to denial of reinstatement or disciplinary action at the time of reinstatement. Nothing in this subpart precludes the board from seeking injunctive relief under applicable law for the unauthorized practice of marriage and family therapy or from referring the matter to criminal law enforcement officials.
5. Upon reinstatement, the licensee shall be assigned the same license number which the licensee was assigned before expiration of the license.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06

111-02-04-04. Termination of license.

1. A license may be terminated at any time upon written request by the licensee to the board, unless a complaint is pending against the licensee. If a complaint is pending against a licensee, a license may not be voluntarily terminated until any indicated action relative to the complaint is concluded.

The board must receive the request to terminate before expiration of the license for failure to renew under subsection 5 of section 111-02-04-01. A licensee who has voluntarily terminated the license may be relicensed by complying with the requirements for reinstatement of an expired license in section 111-02-04-03, except that payment of the renewal fees shall not be required.

2. Involuntary termination of license. A license may be temporarily suspended by the Board under section 2 of 2017 S.B. No. 2240 if after investigation of misconduct the board deems a licensee to be in violation of ethical and professional standards and disciplinary action proceedings are in process.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06

111-02-04-05. Emeritus license status.

1. A marriage and family therapist duly licensed to practice marriage and family therapy in the state under North Dakota Century Code title 43-53, who has reached the age of 62 and is retired from the active practice of marriage and family therapy, may apply to the board for emeritus status:
 - a. by indicating on the licensee's renewal form or by petitioning the board in writing;
 - b. by indicating the licensee has not been the subject of disciplinary action resulting in the suspension, revocation, qualification, condition, or restriction to practice marriage and family therapy.
2. A licensee who has emeritus status shall not engage in marriage and family therapy practice or practice as a mental health professional as defined in North Dakota Century Code title 43.
3. Continuing education requirements are not applicable to emeritus status.
4. In the exceptional case that a marriage and family therapist issued an emeritus license should wish to resume practice, the board shall reactivate the license according to the procedure in section 111-02-04-03.

History:

General Authority: NDCC 28-32-02, 43-53-05

Law Implemented: NDCC 43-53-06