

**ARTICLE 111-01
ADMINISTRATION**

Chapter
111-01-01 Organization of Board

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

Section
111-01-01-01 Organization of Marriage and Family Therapy Licensure Board

111-01-01-01. Organization of marriage and family therapy 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 licenseholder 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 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:

Reverend Larry J. Giese
~~3910 Lewis Road NW~~327 Buckskin Ave.
~~Mandan, ND 58554 1361~~Bismarck, ND 58503

History: Effective July 1, 2010.

General Authority: NDCC 28-32-02

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

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**CHAPTER 111-02-01
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111-02-01-01. Definitions.

Unless the context otherwise requires, the following terms have the meanings given:

1. "Accredited institutions or programs" means institutions or programs which hold accreditation or candidacy status from an accreditation organization recognized by the council for higher education accreditation or postgraduate academic programs in marriage and family therapy accredited by the commission on accreditation of the American association for marriage and family therapy.
2. "Applicant" means an individual seeking licensure by the marriage and family therapy licensure board as a marriage and family therapist.
3. "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.

4. "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: cohabitational, familial, or supervisory, or that includes significant personal involvement or financial involvement other than legitimate payment for therapeutic services rendered.
5. "Emeritus" means retired from active practice but retaining one's license and title.
6. "Family system" means an open, ongoing, 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 sociocultural and historic position in its larger environment.
7. "Fee splitting" means the practice of paying commissions to colleagues for referrals.
8. "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 postgraduate supervision for the licensing requirements.
9. "Licensee" means a licensed marriage and family therapist.
10. "LMFT" are the initials permitted to be used by a licensed marriage and family therapist to designate that the individual is licensed by the marriage and family therapy licensure board.
11. "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.
12. "Provisional License" – a license granted temporarily when an applicant has submitted all the documents and approved an applicant has met criteria for licensure. The provisional license allows an applicant to practice as an LMFT with all the privileges and responsibilities of the profession. This allows a potential licensee to practice prior to being granted full license until completing the oral exam and a full license is granted. A provisional license expires after four months. A provisional license will automatically expire if an applicant does not pass the oral exam.
- ~~12.~~13. "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; or
- 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.

~~13.~~14. "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.

~~14.~~15. "Supervisee" means an individual who is engaged in postgraduate, supervised experience under the direction of a supervisor.

~~15.~~16. "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.

~~16.~~17. "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.

~~17.18.~~ "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.

~~18.19.~~ "Therapist" means a licensee of the board.

~~19.20.~~ "Variance" means permission from the board to comply with a rule in a manner other than that generally specified. To request a variance, submit a letter in writing directly to the board. A variance is not granted until the board has approved the request.

History: Effective July 1, 2010; amended effective January 1, 2018.

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

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

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 payers.
 - 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, a 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.
- 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 to:
- (1) Expect that a therapist has met the minimal qualifications of training and experience required by state law;
 - (2) Examine public records maintained by the marriage and family therapy licensure board which contain the credentials of a therapist;
 - (3) Obtain a copy of the code of ethics from the marriage and family therapy licensure board;
 - (4) Report complaints to the marriage and family therapy licensure board;
 - (5) Be informed of the cost of professional services before receiving the services;
 - (6) Privacy as defined by rule and law;
 - (7) Be free from being the object of discrimination on the basis of race, religion, gender, or other unlawful category while receiving services;
 - (8) Have access to their records; and
 - (9) 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.
- p. It is a violation of the code of ethics for a marriage and family therapist licensed by the board to engage in any practices or treatments that attempt to change or repair the sexual orientation or gender identity of lesbian, gay, bisexual, transgender, and questioning individuals, commonly referred to as conversion or reparative therapy.

As used in this section, "conversion therapy" means any practices or treatments that seek to change an individual's sexual orientation or gender identity, including efforts to change behaviors or gender expressions or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender. Conversion or reparative therapy does not include counseling that provides assistance to a person undergoing gender transition, or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and identity exploration and development, including sexual-orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change an individual's sexual orientation or identity.

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, a 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 ten 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.
- l. 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: Effective July 1, 2010; amended effective January 1, 2018.

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 section.

2. Licensed marriage and family therapists must complete a minimum of thirty hours of continuing education every two years, of which six hours must be ethics. Licensed associates must complete fifteen hours of continuing education every year, of which three hours must be ethics. A board approved supervisor or American association for marriage and family therapy approved supervisor shall dedicate ten percent, three continuing education units, 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. Licensed marriage and family therapists shall 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 therapists shall 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 shall attest to completion of a minimum of thirty approved continuing education hours since last renewal or the minimum number required for reinstatement. Failure to complete the attestation required results 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 10. Courses may be approved for all attendees when submitted by the sponsor as prescribed in subsection 11 or a licensee may request individual approval as prescribed in subsection 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 coursework 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-half, or fifteen continuing education unit hours, of the required thirty 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 fifty 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 nonboard members, to evaluate applications for course approval.
6. A licensee's application for course approval:
- a. A licensee must apply individually for approval of continuing education courses that have not been approved by the board in subsection 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 ten dollars per course for approval must be assessed by the board for non-preapproved continuing education units in subsection 11 for licensed marriage and family therapists. An application fee of five dollars per course for approval must be assessed by the board for non-preapproved continuing education units in subsection 11 for licensed associate marriage and family therapists.~~

- 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 sixty days following the continuing education event to seek approval for a course not preapproved in advance by the board.
 - d. All American association for marriage and family therapy approved continuing education are deemed approved by the North Dakota marriage and family therapy licensure board. All individual state marriage and family therapy board approved continuing education must be approved by the North Dakota marriage and family therapy licensure board.
 - 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 subsection.
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 paragraphs 1 and 2 of subdivision b of subsection 4;
 - 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 subdivision d of subsection 4. Ten continuing 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 paragraphs 1 to 6 of subdivision d of subsection 4. 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 subdivision d of subsection 4. 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, thirty hours;
 - (2) Author of a professional book chapter or journal article, fifteen hours;
 - (3) Editor of a professional book or journal, twenty-five 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 subdivision d of subsection 4. 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 section. 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.
8. Continuing education shall be credited on an hour-for-hour basis except as noted in subsection 7. "One hour" means at least fifty minutes spent as a student in direct participation in a structured educational format.

9. A licensee whose license has not expired and who meets any of the following conditions is exempt from continuing education requirements in this section if the licensee files with the board an affidavit specifying that the licensee:
 - 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 111-02-04-05; or
 - d. Has been called to active duty in the armed forces of the United States.
10. A licensee claiming exemption under subsection 9 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.
11. Individuals, organizations, associations, corporations, educational institutions, or groups intending to offer courses for approval shall submit to the board a completed application on a form provided by the board. The course sponsor must meet the requirements in subdivisions a through d to receive and maintain course approval.
 - a. The application for course approval must be submitted at least sixty days before the course is scheduled to begin and must include the sponsor's application and an annual nonrefundable continuing education course fee of one hundred 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.
- c. If the board approves a course, the board 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 shall 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: Effective July 1, 2010; amended effective January 1, 2018.

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**

Section

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

111-02-02-03. Experience requirements.

1. The two years (full time, or up to forty-eight months part time) of 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 three thousand hours, of which one thousand five hundred hours of direct clinical client contact, including the assessment, diagnosis, and treatment of mental illness as specified in subsection 3 with two hundred 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 twenty-four months, full time, and no more than forty-eight 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 the North Dakota Century Code chapter 43-53 approved supervisor definition.
3. The applicant must demonstrate at least five hundred hours of the direct clinical client contact required in each of the following categories of cases:
 - a. Unmarried couples, married couples, and separating and divorcing couples;
 - b. Family groups, including children; and
 - 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 supervisees, are present.

5. Supervision must involve:
 - a. At least two hundred hours of face-to-face contact between the supervisor and supervisee of which at least one hundred hours must be in individual settings.
 - b. One hundred hours of supervision per year full time or fifty hours per year part time.
 - 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 postgraduate 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 sixty days of the initiation of supervision. The associate must receive a minimum of one hour of supervision every two weeks. There is no limit to the number of hours that can be completed via two-way interactive audio and visual communications. All supervision hours completed through real-time two-way interactive communication that has both audio and visual count as in-person supervision hours.
 - g. The associate must receive a minimum of one hour of supervision every two weeks. ~~A supervision hour is fifty minutes. Up to one hundred hours of the two hundred 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 five hundred clock-hours from their practicum toward the required three thousand hours of supervised clinical services ~~by providing services via telephonic or other electronic media, as approved by the supervisor.~~ There is no limit to the number of hours that can be completed via two-way interactive audio and visual communications. All supervision hours completed through real-time two-way interactive communication that has both audio and visual count as in-person supervision hours.
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: Effective July 1, 2010; amended effective January 1, 2018.

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

Law Implemented: NDCC 43-53-06

**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 attested reporting of continuing education requirements in section 111-02-01-06. Licensed associates renew on an annual basis up to forty-eight 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, and cell, residential, or business telephone numbers within thirty 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 thirty-first. If the postmark is illegible, the renewal application is timely if received in the board office by mail on the first workday after December thirty-first.
4. The original license fee is ~~four hundred fifty~~ two hundred eighty-eight dollars ~~plus a forty-dollar application fee~~. The renewal license fee is ~~three hundred sixty~~ two hundred eight-eight dollars. These fees must accompany the original and renewal applications to be complete. The licensed associate original fee is ~~one hundred eighty~~ ninety dollars ~~plus a forty-dollar application fee per year~~. The renewal associate fee is ~~ninety~~ seventy-five dollars per year.

Other fees:

- a. Application for admission to the written examination fee shall be the current rate as established by the association of marriage and family therapy regulatory boards and a written examination fee in accordance with the current contracted examination fee.
- b. Application for original licensure by endorsement fee, ~~five hundred fifty~~ three hundred dollars ~~plus a forty-dollar application fee~~.
- c. Oral examination fee, ~~seventy-five~~ forty dollars.

- d. Duplicate license fee, ~~thirty~~fifteen dollars. Duplicate wallet renewal card, fifteen dollars.
 - e. Sponsor's application for approval of a continuing education course fee, one hundred dollars.
 - f. Late fee for renewal, ~~three~~one hundred dollars postmarked one through ~~ninety~~ days late, ~~four hundred dollars postmarked ninety one through three hundred sixty-five~~ days late. Licensed associate late fee, ~~one hundred~~fifty dollars postmarked one through three hundred sixty-five days late.
 - g. Renewal application fee for a licensed associate marriage and family therapy license fee, forty dollars. Renewal application fee for a licensed marriage and family therapist, forty dollars.
 - h. Renewal of associate marriage and family therapy license annual fee, ninety dollars. May be renewed up to four years or three renewals.
 - i. The cost of background checks are the burden of the applicant.
 - j. The one-time emeritus license fee, two hundred dollars.
 - k. License verification fee, twenty-five dollars.
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 thirty-first, the license expires and the licensee's right to practice terminates on December thirty-first. 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 section may be reinstated under section 111-02-04-03.

History: Effective July 1, 2010; amended effective January 1, 2018.

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.
 - d. The applicant has met all the requirements of the application and has completed the oral exam and background check.

2. An original license granted by the board is valid for a two-year period beginning with the effective date in subsection 1 and ending on December thirty-first of the biennial year in which the license was initially granted. For example, an original license granted on May 6, 2017, is valid from May 6, 2017, to December 31, 2019. A subsequent renewal license is valid for a two-year period ending on December thirty-first, 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, 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 provisional license is effective after:
 - a. The board notifies the applicant in writing that the applicant has been approved for a provisional license;
 - b. The applicant has paid the original license fee in subsection 4 of section 111-02-04-01;
 - c. The board assigns a license number to the applicant; and
 - d. The applicant has submitted an application with all necessary documentation and two board members have approved the application as having met requirements and an oral exam is scheduled.

- ~~3.4.~~ 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: Effective July 1, 2010; amended effective January 1, 2018.

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 whose license expired under subsection 5 of section 111-02-04-01 and has actively been practicing in another state under an equivalent marriage and family license, before 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 has not expired; and
 - b. Pay the licensure renewal fee and an additional one-hundred-dollar reinstatement fee; and
 - c. Provide documentation from the Marriage and Family therapy licensure board of their current state of licensure to demonstrate their license is current and in good standing; and
 - d. Must not have any pending or unresolved board investigations or complaints.
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 subsection 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: Effective July 1, 2010.

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

Law Implemented: NDCC 43-53-06

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

- 1. A license may be ~~terminated~~surrendered 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~~surrendered until any indicated action relative to the complaint is concluded. The board must receive the request to ~~terminate~~surrendered before expiration of the license for failure to renew under subsection 5 of section 111-02-04-01. A licensee who has voluntarily ~~terminated~~surrendered 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-, unless the license has passed the original expiration date.
- 2. Involuntary ~~termination~~surrender of license. A license may be temporarily suspended by the board under North Dakota Century Code section 43-53-10.1 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: Effective July 1, 2010; amended effective January 1, 2018.

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

Law Implemented: NDCC 43-53-06, 43-53-10.1