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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. 2043

March 13, 2007

Authored by Abeler and Thao

The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to health-related licensing boards; establishing licensure for professional
1.3 clinical counselors; modifying the definitions of mental health professionals;
1.4 amending Minnesota Statutes 2006, sections 62A.152, subdivisions 2, 3;
1.5 148B.50, subdivision 5; 148B.53, subdivision 1; 245.462, subdivision 18;
1.6 245.470, subdivision 1; 245.4871, subdivision 27; 245.488, subdivision 1;
1.7 256B.0623, subdivision 5; 256B.0624, subdivisions 5, 8; 256B.0943, subdivision
1.8 1; 256J.08, subdivision 73a; proposing coding for new law in Minnesota Statutes,
1.9 chapter 148.

1.10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.11 Section 1. Minnesota Statutes 2006, section 62A.152, subdivision 2, is amended to
1.12 read:

1.13 Subd. 2. **Minimum benefits.** (a) All group policies and all group subscriber
1.14 contracts providing benefits for mental or nervous disorder treatments in a hospital shall
1.15 also provide coverage on the same basis as coverage for other benefits for at least 80
1.16 percent of the cost of the usual and customary charges of the first ten hours of treatment
1.17 incurred over a 12-month benefit period, for mental or nervous disorder consultation,
1.18 diagnosis and treatment services delivered while the insured person is not a bed patient
1.19 in a hospital, and at least 75 percent of the cost of the usual and customary charges for
1.20 any additional hours of treatment during the same 12-month benefit period for serious
1.21 or persistent mental or nervous disorders, if the services are furnished by (1) a licensed
1.22 or accredited hospital, (2) a community mental health center or mental health clinic
1.23 approved or licensed by the commissioner of human services or other authorized state
1.24 agency, or (3) a mental health professional, as defined in sections 245.462, subdivision
1.25 18, clauses (1) to ~~(5)~~ (6); and 245.4871, subdivision 27, clauses (1) to ~~(5)~~ (6). Prior
1.26 authorization from an accident and health insurance company, or a nonprofit health service

2.1 corporation, shall be required for an extension of coverage beyond ten hours of treatment.
 2.2 This prior authorization must be based upon the severity of the disorder, the patient's
 2.3 risk of deterioration without ongoing treatment and maintenance, degree of functional
 2.4 impairment, and a concise treatment plan. Authorization for extended treatment may be
 2.5 limited to a maximum of 30 visit hours during any 12-month benefit period.

2.6 (b) For purposes of this section, covered treatment for a minor includes treatment for
 2.7 the family if family therapy is recommended by a provider listed in paragraph (a). For
 2.8 purposes of determining benefits under this section, "hours of treatment" means treatment
 2.9 rendered on an individual or single-family basis. If treatment is rendered on a group basis,
 2.10 the hours of covered group treatment must be provided at a ratio of no less than two group
 2.11 treatment sessions to one individual treatment hour.

2.12 Sec. 2. Minnesota Statutes 2006, section 62A.152, subdivision 3, is amended to read:

2.13 Subd. 3. **Provider discrimination prohibited.** All group policies and group
 2.14 subscriber contracts that provide benefits for mental or nervous disorder treatments in a
 2.15 hospital must provide direct reimbursement for those services if performed by a mental
 2.16 health professional, as defined in sections 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6);
 2.17 and 245.4871, subdivision 27, clauses (1) to ~~(5)~~ (6), to the extent that the services and
 2.18 treatment are within the scope of mental health professional licensure.

2.19 This subdivision is intended to provide payment of benefits for mental or nervous
 2.20 disorder treatments performed by a licensed mental health professional in a hospital and is
 2.21 not intended to change or add benefits for those services provided in policies or contracts
 2.22 to which this subdivision applies.

2.23 Sec. 3. **[148.5301] REQUIREMENTS FOR LICENSURE AS A LICENSED**
 2.24 **PROFESSIONAL CLINICAL COUNSELOR.**

2.25 Subdivision 1. General requirements. (a) To be licensed as a licensed professional
 2.26 clinical counselor (LPCC), an applicant must provide satisfactory evidence to the board
 2.27 that the applicant:

2.28 (1) is at least 18 years of age;

2.29 (2) is of good moral character;

2.30 (3) has completed a master's or doctoral degree program in counseling or a
 2.31 related field, as determined by the board based on the criteria in items (i) to (x), that
 2.32 includes a minimum of 48 semester hours or 72 quarter hours and a supervised field
 2.33 experience in counseling that is not fewer than 700 hours. The degree must be from
 2.34 a counseling program recognized by the Council for Accreditation of Counseling and

- 3.1 Related Education Programs (CACREP) or from an institution of higher education that is
3.2 accredited by a regional accrediting organization recognized by the Council for Higher
3.3 Education Accreditation (CHEA). Specific academic course content and training must
3.4 include course work in each of the following subject areas:
- 3.5 (i) helping relationship, including counseling theory and practice;
 - 3.6 (ii) human growth and development;
 - 3.7 (iii) lifestyle and career development;
 - 3.8 (iv) group dynamics, processes, counseling, and consulting;
 - 3.9 (v) assessment and appraisal;
 - 3.10 (vi) social and cultural foundations, including multicultural issues;
 - 3.11 (vii) principles of etiology, treatment planning, and prevention of mental and
3.12 emotional disorders and dysfunctional behavior;
 - 3.13 (viii) family counseling and therapy;
 - 3.14 (ix) research and evaluation; and
 - 3.15 (x) professional counseling orientation and ethics;
- 3.16 (4) has demonstrated competence in professional counseling by passing the National
3.17 Clinical Mental Health Counseling Examination (NCMHCE), administered by the
3.18 National Board for Certified Counselors, Inc. (NBCC) and ethical, oral, and situational
3.19 examinations as prescribed by the board. In lieu of the NCMHCE, applicants who have
3.20 taken and passed the National Counselor Examination (NCE) administered by the NBCC,
3.21 or another board-approved examination, need only take and pass the Examination of
3.22 Clinical Counseling Practice (ECCP) administered by the NBCC;
- 3.23 (5) has earned graduate-level semester credits or quarter-credit equivalents in the
3.24 following clinical content areas as follows:
- 3.25 (i) six credits in diagnostic assessment for child or adult mental disorders; normative
3.26 development; and psychopathology, including developmental psychopathology;
 - 3.27 (ii) three credits in clinical treatment planning, with measurable goals;
 - 3.28 (iii) six credits in clinical intervention methods informed by research evidence and
3.29 community standards of practice;
 - 3.30 (iv) three credits in evaluation methodologies regarding the effectiveness of
3.31 interventions;
 - 3.32 (v) three credits in professional ethics applied to clinical practice; and
 - 3.33 (vi) three credits in cultural diversity; and
- 3.34 (6) has demonstrated successful completion of 4,000 hours of supervised,
3.35 postmaster's degree professional practice in the delivery of clinical services in the

4.1 diagnosis and treatment of child and adult mental illnesses and disorders, conducted
4.2 according to subdivision 2.

4.3 (b) If course work in paragraph (a) was not completed as part of the degree program
4.4 required by paragraph (a), clause (3), the course work must be taken and passed for credit,
4.5 and must be earned from a counseling program or institution that meets the requirements
4.6 of paragraph (a), clause (3).

4.7 Subd. 2. **Supervision.** (a) To qualify as a LPCC, an applicant must have completed
4.8 4,000 hours of postmaster's degree supervised professional practice in the delivery of
4.9 clinical services in the diagnosis and treatment of mental illnesses and disorders in
4.10 both children and adults. The supervised practice shall be conducted according to the
4.11 requirements in paragraphs (b) to (e).

4.12 (b) The supervision must have been received under a contract that defines clinical
4.13 practice and supervision from a mental health professional as defined in section 245.462,
4.14 subdivision 18, clauses (1) to (6), or section 245.4871, subdivision 27, clauses (1) to (6),
4.15 or by a board-approved supervisor, who has at least two years of postlicensure experience
4.16 in the delivery of clinical services in the diagnosis and treatment of mental illnesses and
4.17 disorders.

4.18 (c) The supervision must be obtained at the rate of two hours of supervision per 40
4.19 hours of professional practice. The supervision must be evenly distributed over the course
4.20 of the supervised professional practice. At least 75 percent of the required supervision
4.21 hours must be received in person. The remaining 25 percent of the required hours may be
4.22 received by telephone or by audio or audiovisual electronic device. At least 50 percent of
4.23 the required hours of supervision must be received on an individual basis. The remaining
4.24 50 percent may be received in a group setting.

4.25 (d) The supervised practice must include at least 1,800 hours of clinical client
4.26 contact.

4.27 (e) The supervised practice must be clinical practice. Supervision includes the
4.28 observation by the supervisor of the successful application of professional counseling
4.29 knowledge, skills, and values in the differential diagnosis and treatment of psychosocial
4.30 function, disability, or impairment, including addictions and emotional, mental, and
4.31 behavioral disorders.

4.32 Subd. 3. **Conversion from licensed professional counselor to licensed clinical**
4.33 **counselor.** (a) Until August 1, 2011, an individual currently licensed in the state of
4.34 Minnesota as a licensed professional counselor may convert to a LPCC by providing
4.35 evidence satisfactory to the board that the applicant has met the following requirements:

4.36 (1) is at least 18 years of age;

- 5.1 (2) is of good moral character;
- 5.2 (3) has a license that is active and in good standing;
- 5.3 (4) has no complaints pending, uncompleted disciplinary orders, or corrective
- 5.4 action agreements;
- 5.5 (5) has completed a master's or doctoral degree program in counseling or a related
- 5.6 field, as determined by the board, and whose degree was from a counseling program
- 5.7 recognized by CACREP or from an institution of higher education that is accredited by a
- 5.8 regional accrediting organization recognized by CHEA;
- 5.9 (6) has earned 24 graduate-level semester credits or quarter-credit equivalents in
- 5.10 clinical course work which includes content in the following clinical areas:
- 5.11 (i) diagnostic assessment for child and adult mental disorders; normative
- 5.12 development; and psychopathology, including developmental psychopathology;
- 5.13 (ii) clinical treatment planning, with measurable goals;
- 5.14 (iii) clinical intervention methods informed by research evidence and community
- 5.15 standards of practice;
- 5.16 (iv) evaluation methodologies regarding the effectiveness of interventions;
- 5.17 (v) professional ethics applied to clinical practice; and
- 5.18 (vi) cultural diversity;
- 5.19 (7) has demonstrated, to the satisfaction of the board, successful completion of
- 5.20 4,000 hours of supervised, postmaster's degree professional practice in the delivery
- 5.21 of clinical services in the diagnosis and treatment of child and adult mental illnesses
- 5.22 and disorders; and
- 5.23 (8) has paid the LPCC application and licensure fees required in section 148.53,
- 5.24 subdivision 3.
- 5.25 (b) If the course work in paragraph (a) was not completed as part of the degree
- 5.26 program required by paragraph (a), clause (5), the course work must be taken and passed
- 5.27 for credit, and must be earned from a counseling program or institution that meets the
- 5.28 requirements in paragraph (a), clause (5).
- 5.29 (c) This subdivision expires August 1, 2011.
- 5.30 **Subd. 4. Conversion to licensed professional clinical counselor after August 1,**
- 5.31 **2011. An individual licensed in the state of Minnesota as a licensed professional counselor**
- 5.32 **may convert to a LPCC by providing evidence satisfactory to the board that the applicant**
- 5.33 **has met the requirements of subdivisions 2 and 3, subject to the following:**
- 5.34 (1) the individual's license must be active and in good standing;
- 5.35 (2) the individual must not have any complaints pending, uncompleted disciplinary
- 5.36 orders, or corrective action agreements; and

6.1 (3) the individual has paid the LPCC application and licensure fees required in
 6.2 section 148B.53, subdivision 3.

6.3 Subd. 5. **Scope of practice.** The scope of practice of a LPCC shall include all
 6.4 those services provided by mental health professionals as defined in section 245.462,
 6.5 subdivision 18, and section 245.4871, subdivision 27.

6.6 Subd. 6. **Jurisdiction.** LPCC's are subject to the board's statutes and rules to the
 6.7 same extent as licensed professional counselors.

6.8 Sec. 4. Minnesota Statutes 2006, section 148B.50, subdivision 5, is amended to read:

6.9 Subd. 5. **Scope of practice.** (a) The scope of practice of a licensed professional
 6.10 counselor includes, but is not limited to:

6.11 (1) the implementation of professional counseling treatment interventions including
 6.12 evaluation, treatment planning, assessment, and referral;

6.13 (2) direct counseling services to individuals, groups, and families;

6.14 (3) counseling strategies that effectively respond to multicultural populations;

6.15 (4) knowledge of relevant laws and ethics impacting practice;

6.16 (5) crisis intervention;

6.17 (6) consultation; and

6.18 (7) program evaluation and applied research.

6.19 (b) For the purposes of paragraph (a), clause (1), "professional counseling treatment
 6.20 interventions" means the application of cognitive, affective, behavioral, systemic, and
 6.21 community counseling strategies which include principles of human development,
 6.22 wellness, and pathology. Counselors provide mental health services for clients whose
 6.23 symptoms significantly interfere with daily functioning and would most likely not improve
 6.24 in a reasonable time period without intervention.

6.25 (c) Licensed professional counseling does not include activities or services
 6.26 undertaken by persons listed in section 148B.592, or the performance of any act that
 6.27 licensed professional counselors are not educated and trained to perform.

6.28 ~~(d) In order to evaluate and treat mental illness, a licensed professional counselor~~
 6.29 ~~must complete the postgraduate training specified in section 245.462, subdivision 18,~~
 6.30 ~~clause (6), or 245.4871, subdivision 27, clause (6).~~

6.31 Sec. 5. Minnesota Statutes 2006, section 148B.53, subdivision 1, is amended to read:

6.32 Subdivision 1. **General requirements.** (a) To be licensed as a licensed professional
 6.33 counselor (LPC), an applicant must provide evidence satisfactory to the board that the
 6.34 applicant:

- 7.1 (1) is at least 18 years of age;
- 7.2 (2) is of good moral character;
- 7.3 (3) has completed a master's or doctoral degree program in counseling or a related
7.4 field, as determined by the board based on the criteria in paragraph (b), that includes a
7.5 minimum of 48 semester hours or 72 quarter hours and a supervised field experience of
7.6 not fewer than 700 hours that is counseling in nature;
- 7.7 (4) has submitted to the board a plan for supervision during the first 2,000 hours
7.8 of professional practice or has submitted proof of supervised professional practice that
7.9 is acceptable to the board; and
- 7.10 (5) has demonstrated competence in professional counseling by passing the National
7.11 Counseling Exam (NCE) administered by the National Board for Certified Counselors,
7.12 Inc. (NBCC) or an equivalent national examination as determined by the board, and
7.13 ethical, oral, and situational examinations if prescribed by the board.
- 7.14 (b) The degree described in paragraph (a), clause (3), must be from a counseling
7.15 program recognized by the Council for Accreditation of Counseling and Related Education
7.16 Programs (CACREP) or from an institution of higher education that is accredited by
7.17 a regional accrediting organization recognized by the Council for Higher Education
7.18 Accreditation (CHEA). ~~Except as provided in paragraph (c),~~ Specific academic course
7.19 content and training must include course work in each of the following subject areas:
- 7.20 (1) the helping relationship, including counseling theory and practice;
- 7.21 (2) human growth and development;
- 7.22 (3) lifestyle and career development;
- 7.23 (4) group dynamics, processes, counseling, and consulting;
- 7.24 (5) assessment and appraisal;
- 7.25 (6) social and cultural foundations, including multicultural issues;
- 7.26 (7) principles of etiology, treatment planning, and prevention of mental and
7.27 emotional disorders and dysfunctional behavior;
- 7.28 (8) family counseling and therapy;
- 7.29 (9) research and evaluation; and
- 7.30 (10) professional counseling orientation and ethics.
- 7.31 (c) To be licensed as a professional counselor, a psychological practitioner licensed
7.32 under section 148.908 need only show evidence of licensure under that section and is not
7.33 required to comply with paragraph (a), clauses (1) to (3) and (5), or paragraph (b).
- 7.34 (d) To be licensed as a professional counselor, a Minnesota licensed psychologist
7.35 need only show evidence of licensure from the Minnesota Board of Psychology and is not
7.36 required to comply with paragraph (a) or (b).

8.1 ~~(e) If the degree described in paragraph (a), clause (3), is from a counseling program~~
8.2 ~~recognized by the Council for Accreditation of Counseling and Related Education~~
8.3 ~~Programs (CACREP), the applicant is deemed to have met the specific course work~~
8.4 ~~requirements of paragraph (b):~~

8.5 Sec. 6. Minnesota Statutes 2006, section 245.462, subdivision 18, is amended to read:

8.6 Subd. 18. **Mental health professional.** "Mental health professional" means a
8.7 person providing clinical services in the treatment of mental illness who is qualified in at
8.8 least one of the following ways:

8.9 (1) in psychiatric nursing: a registered nurse who is licensed under sections 148.171
8.10 to 148.285; and:

8.11 (i) who is certified as a clinical specialist or as a nurse practitioner in adult or family
8.12 psychiatric and mental health nursing by a national nurse certification organization; or

8.13 (ii) who has a master's degree in nursing or one of the behavioral sciences or related
8.14 fields from an accredited college or university or its equivalent, with at least 4,000 hours
8.15 of post-master's supervised experience in the delivery of clinical services in the treatment
8.16 of mental illness;

8.17 (2) in clinical social work: a person licensed as an independent clinical social worker
8.18 under chapter 148D, or a person with a master's degree in social work from an accredited
8.19 college or university, with at least 4,000 hours of post-master's supervised experience in
8.20 the delivery of clinical services in the treatment of mental illness;

8.21 (3) in psychology: an individual licensed by the Board of Psychology under sections
8.22 148.88 to 148.98 who has stated to the Board of Psychology competencies in the diagnosis
8.23 and treatment of mental illness;

8.24 (4) in psychiatry: a physician licensed under chapter 147 and certified by the
8.25 American Board of Psychiatry and Neurology or eligible for board certification in
8.26 psychiatry;

8.27 (5) in marriage and family therapy: the mental health professional must be a
8.28 marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least
8.29 two years of post-master's supervised experience in the delivery of clinical services in
8.30 the treatment of mental illness; ~~or~~

8.31 (6) in licensed professional clinical counseling, the mental health professional must
8.32 be a licensed professional clinical counselor under section 148B.5301; or

8.33 (7) in allied fields: a person with a master's degree from an accredited college or
8.34 university in one of the behavioral sciences or related fields, with at least 4,000 hours of

9.1 post-master's supervised experience in the delivery of clinical services in the treatment of
9.2 mental illness.

9.3 Sec. 7. Minnesota Statutes 2006, section 245.470, subdivision 1, is amended to read:

9.4 Subdivision 1. **Availability of outpatient services.** (a) County boards must provide
9.5 or contract for enough outpatient services within the county to meet the needs of adults
9.6 with mental illness residing in the county. Services may be provided directly by the
9.7 county through county-operated mental health centers or mental health clinics approved
9.8 by the commissioner under section 245.69, subdivision 2; by contract with privately
9.9 operated mental health centers or mental health clinics approved by the commissioner
9.10 under section 245.69, subdivision 2; by contract with hospital mental health outpatient
9.11 programs certified by the Joint Commission on Accreditation of Hospital Organizations;
9.12 or by contract with a licensed mental health professional as defined in section 245.462,
9.13 subdivision 18, clauses (1) to ~~(4)~~ (6). Clients may be required to pay a fee according to
9.14 section 245.481. Outpatient services include:

- 9.15 (1) conducting diagnostic assessments;
- 9.16 (2) conducting psychological testing;
- 9.17 (3) developing or modifying individual treatment plans;
- 9.18 (4) making referrals and recommending placements as appropriate;
- 9.19 (5) treating an adult's mental health needs through therapy;
- 9.20 (6) prescribing and managing medication and evaluating the effectiveness of
9.21 prescribed medication; and
- 9.22 (7) preventing placement in settings that are more intensive, costly, or restrictive
9.23 than necessary and appropriate to meet client needs.

9.24 (b) County boards may request a waiver allowing outpatient services to be provided
9.25 in a nearby trade area if it is determined that the client can best be served outside the
9.26 county.

9.27 Sec. 8. Minnesota Statutes 2006, section 245.4871, subdivision 27, is amended to read:

9.28 Subd. 27. **Mental health professional.** "Mental health professional" means a
9.29 person providing clinical services in the diagnosis and treatment of children's emotional
9.30 disorders. A mental health professional must have training and experience in working with
9.31 children consistent with the age group to which the mental health professional is assigned.
9.32 A mental health professional must be qualified in at least one of the following ways:

- 9.33 (1) in psychiatric nursing, the mental health professional must be a registered nurse
9.34 who is licensed under sections 148.171 to 148.285 and who is certified as a clinical

10.1 specialist in child and adolescent psychiatric or mental health nursing by a national nurse
 10.2 certification organization or who has a master's degree in nursing or one of the behavioral
 10.3 sciences or related fields from an accredited college or university or its equivalent, with
 10.4 at least 4,000 hours of post-master's supervised experience in the delivery of clinical
 10.5 services in the treatment of mental illness;

10.6 (2) in clinical social work, the mental health professional must be a person licensed
 10.7 as an independent clinical social worker under chapter 148D, or a person with a master's
 10.8 degree in social work from an accredited college or university, with at least 4,000 hours of
 10.9 post-master's supervised experience in the delivery of clinical services in the treatment
 10.10 of mental disorders;

10.11 (3) in psychology, the mental health professional must be an individual licensed by
 10.12 the board of psychology under sections 148.88 to 148.98 who has stated to the board of
 10.13 psychology competencies in the diagnosis and treatment of mental disorders;

10.14 (4) in psychiatry, the mental health professional must be a physician licensed under
 10.15 chapter 147 and certified by the American board of psychiatry and neurology or eligible
 10.16 for board certification in psychiatry;

10.17 (5) in marriage and family therapy, the mental health professional must be a
 10.18 marriage and family therapist licensed under sections 148B.29 to 148B.39 with at least
 10.19 two years of post-master's supervised experience in the delivery of clinical services in the
 10.20 treatment of mental disorders or emotional disturbances; ~~or~~

10.21 (6) in licensed professional clinical counseling, the mental health professional must
 10.22 be a licensed professional clinical counselor under section 148B.5301; or

10.23 (7) in allied fields, the mental health professional must be a person with a master's
 10.24 degree from an accredited college or university in one of the behavioral sciences or related
 10.25 fields, with at least 4,000 hours of post-master's supervised experience in the delivery of
 10.26 clinical services in the treatment of emotional disturbances.

10.27 Sec. 9. Minnesota Statutes 2006, section 245.488, subdivision 1, is amended to read:

10.28 Subdivision 1. **Availability of outpatient services.** (a) County boards must provide
 10.29 or contract for enough outpatient services within the county to meet the needs of each
 10.30 child with emotional disturbance residing in the county and the child's family. Services
 10.31 may be provided directly by the county through county-operated mental health centers or
 10.32 mental health clinics approved by the commissioner under section 245.69, subdivision 2;
 10.33 by contract with privately operated mental health centers or mental health clinics approved
 10.34 by the commissioner under section 245.69, subdivision 2; by contract with hospital
 10.35 mental health outpatient programs certified by the Joint Commission on Accreditation

11.1 of Hospital Organizations; or by contract with a licensed mental health professional as
 11.2 defined in section 245.4871, subdivision 27, clauses (1) to ~~(4)~~ (6). A child or a child's
 11.3 parent may be required to pay a fee based in accordance with section 245.481. Outpatient
 11.4 services include:

- 11.5 (1) conducting diagnostic assessments;
- 11.6 (2) conducting psychological testing;
- 11.7 (3) developing or modifying individual treatment plans;
- 11.8 (4) making referrals and recommending placements as appropriate;
- 11.9 (5) treating the child's mental health needs through therapy; and
- 11.10 (6) prescribing and managing medication and evaluating the effectiveness of
 11.11 prescribed medication.

11.12 (b) County boards may request a waiver allowing outpatient services to be provided
 11.13 in a nearby trade area if it is determined that the child requires necessary and appropriate
 11.14 services that are only available outside the county.

11.15 (c) Outpatient services offered by the county board to prevent placement must be at
 11.16 the level of treatment appropriate to the child's diagnostic assessment.

11.17 Sec. 10. Minnesota Statutes 2006, section 256B.0623, subdivision 5, is amended to
 11.18 read:

11.19 Subd. 5. **Qualifications of provider staff.** Adult rehabilitative mental health
 11.20 services must be provided by qualified individual provider staff of a certified provider
 11.21 entity. Individual provider staff must be qualified under one of the following criteria:

11.22 (1) a mental health professional as defined in section 245.462, subdivision 18,
 11.23 clauses (1) to (5). If the recipient has a current diagnostic assessment by a licensed mental
 11.24 health professional as defined in section 245.462, subdivision 18, clauses (1) to ~~(5)~~ (6),
 11.25 recommending receipt of adult mental health rehabilitative services, the definition of
 11.26 mental health professional for purposes of this section includes a person who is qualified
 11.27 under section 245.462, subdivision 18, clause ~~(6)~~ (7), and who holds a current and valid
 11.28 national certification as a certified rehabilitation counselor or certified psychosocial
 11.29 rehabilitation practitioner;

11.30 (2) a mental health practitioner as defined in section 245.462, subdivision 17. The
 11.31 mental health practitioner must work under the clinical supervision of a mental health
 11.32 professional; or

11.33 (3) a mental health rehabilitation worker. A mental health rehabilitation worker
 11.34 means a staff person working under the direction of a mental health practitioner or mental
 11.35 health professional and under the clinical supervision of a mental health professional in

12.1 the implementation of rehabilitative mental health services as identified in the recipient's
12.2 individual treatment plan who:

12.3 (i) is at least 21 years of age;

12.4 (ii) has a high school diploma or equivalent;

12.5 (iii) has successfully completed 30 hours of training during the past two years in all
12.6 of the following areas: recipient rights, recipient-centered individual treatment planning,
12.7 behavioral terminology, mental illness, co-occurring mental illness and substance abuse,
12.8 psychotropic medications and side effects, functional assessment, local community
12.9 resources, adult vulnerability, recipient confidentiality; and

12.10 (iv) meets the qualifications in subitem (A) or (B):

12.11 (A) has an associate of arts degree in one of the behavioral sciences or human
12.12 services, or is a registered nurse without a bachelor's degree, or who within the previous
12.13 ten years has:

12.14 (1) three years of personal life experience with serious and persistent mental illness;

12.15 (2) three years of life experience as a primary caregiver to an adult with a serious
12.16 mental illness or traumatic brain injury; or

12.17 (3) 4,000 hours of supervised paid work experience in the delivery of mental health
12.18 services to adults with a serious mental illness or traumatic brain injury; or

12.19 (B)(1) is fluent in the non-English language or competent in the culture of the
12.20 ethnic group to which at least 20 percent of the mental health rehabilitation worker's
12.21 clients belong;

12.22 (2) receives during the first 2,000 hours of work, monthly documented individual
12.23 clinical supervision by a mental health professional;

12.24 (3) has 18 hours of documented field supervision by a mental health professional
12.25 or practitioner during the first 160 hours of contact work with recipients, and at least six
12.26 hours of field supervision quarterly during the following year;

12.27 (4) has review and cosignature of charting of recipient contacts during field
12.28 supervision by a mental health professional or practitioner; and

12.29 (5) has 40 hours of additional continuing education on mental health topics during
12.30 the first year of employment.

12.31 Sec. 11. Minnesota Statutes 2006, section 256B.0624, subdivision 5, is amended to
12.32 read:

12.33 Subd. 5. **Mobile crisis intervention staff qualifications.** For provision of adult
12.34 mental health mobile crisis intervention services, a mobile crisis intervention team is
12.35 comprised of at least two mental health professionals as defined in section 245.462,

13.1 subdivision 18, clauses (1) to ~~(5)~~ (6), or a combination of at least one mental health
13.2 professional and one mental health practitioner as defined in section 245.462, subdivision
13.3 17, with the required mental health crisis training and under the clinical supervision of
13.4 a mental health professional on the team. The team must have at least two people with
13.5 at least one member providing on-site crisis intervention services when needed. Team
13.6 members must be experienced in mental health assessment, crisis intervention techniques,
13.7 and clinical decision-making under emergency conditions and have knowledge of local
13.8 services and resources. The team must recommend and coordinate the team's services
13.9 with appropriate local resources such as the county social services agency, mental health
13.10 services, and local law enforcement when necessary.

13.11 Sec. 12. Minnesota Statutes 2006, section 256B.0624, subdivision 8, is amended to
13.12 read:

13.13 Subd. 8. **Adult crisis stabilization staff qualifications.** (a) Adult mental health
13.14 crisis stabilization services must be provided by qualified individual staff of a qualified
13.15 provider entity. Individual provider staff must have the following qualifications:

13.16 (1) be a mental health professional as defined in section 245.462, subdivision 18,
13.17 clauses (1) to ~~(5)~~ (6);

13.18 (2) be a mental health practitioner as defined in section 245.462, subdivision 17.

13.19 The mental health practitioner must work under the clinical supervision of a mental health
13.20 professional; or

13.21 (3) be a mental health rehabilitation worker who meets the criteria in section
13.22 256B.0623, subdivision 5, clause (3); works under the direction of a mental health
13.23 practitioner as defined in section 245.462, subdivision 17, or under direction of a
13.24 mental health professional; and works under the clinical supervision of a mental health
13.25 professional.

13.26 (b) Mental health practitioners and mental health rehabilitation workers must have
13.27 completed at least 30 hours of training in crisis intervention and stabilization during
13.28 the past two years.

13.29 Sec. 13. Minnesota Statutes 2006, section 256B.0943, subdivision 1, is amended to
13.30 read:

13.31 Subdivision 1. **Definitions.** For purposes of this section, the following terms have
13.32 the meanings given them.

13.33 (a) "Children's therapeutic services and supports" means the flexible package of
13.34 mental health services for children who require varying therapeutic and rehabilitative

14.1 levels of intervention. The services are time-limited interventions that are delivered using
14.2 various treatment modalities and combinations of services designed to reach treatment
14.3 outcomes identified in the individual treatment plan.

14.4 (b) "Clinical supervision" means the overall responsibility of the mental health
14.5 professional for the control and direction of individualized treatment planning, service
14.6 delivery, and treatment review for each client. A mental health professional who is an
14.7 enrolled Minnesota health care program provider accepts full professional responsibility
14.8 for a supervisee's actions and decisions, instructs the supervisee in the supervisee's work,
14.9 and oversees or directs the supervisee's work.

14.10 (c) "County board" means the county board of commissioners or board established
14.11 under sections 402.01 to 402.10 or 471.59.

14.12 (d) "Crisis assistance" has the meaning given in section 245.4871, subdivision 9a.

14.13 (e) "Culturally competent provider" means a provider who understands and can
14.14 utilize to a client's benefit the client's culture when providing services to the client. A
14.15 provider may be culturally competent because the provider is of the same cultural or
14.16 ethnic group as the client or the provider has developed the knowledge and skills through
14.17 training and experience to provide services to culturally diverse clients.

14.18 (f) "Day treatment program" for children means a site-based structured program
14.19 consisting of group psychotherapy for more than three individuals and other intensive
14.20 therapeutic services provided by a multidisciplinary team, under the clinical supervision
14.21 of a mental health professional.

14.22 (g) "Diagnostic assessment" has the meaning given in section 245.4871, subdivision
14.23 11.

14.24 (h) "Direct service time" means the time that a mental health professional, mental
14.25 health practitioner, or mental health behavioral aide spends face-to-face with a client
14.26 and the client's family. Direct service time includes time in which the provider obtains
14.27 a client's history or provides service components of children's therapeutic services and
14.28 supports. Direct service time does not include time doing work before and after providing
14.29 direct services, including scheduling, maintaining clinical records, consulting with others
14.30 about the client's mental health status, preparing reports, receiving clinical supervision
14.31 directly related to the client's psychotherapy session, and revising the client's individual
14.32 treatment plan.

14.33 (i) "Direction of mental health behavioral aide" means the activities of a mental
14.34 health professional or mental health practitioner in guiding the mental health behavioral
14.35 aide in providing services to a client. The direction of a mental health behavioral aide

15.1 must be based on the client's individualized treatment plan and meet the requirements in
15.2 subdivision 6, paragraph (b), clause (5).

15.3 (j) "Emotional disturbance" has the meaning given in section 245.4871, subdivision
15.4 15. For persons at least age 18 but under age 21, mental illness has the meaning given in
15.5 section 245.462, subdivision 20, paragraph (a).

15.6 (k) "Individual behavioral plan" means a plan of intervention, treatment, and
15.7 services for a child written by a mental health professional or mental health practitioner,
15.8 under the clinical supervision of a mental health professional, to guide the work of the
15.9 mental health behavioral aide.

15.10 (l) "Individual treatment plan" has the meaning given in section 245.4871,
15.11 subdivision 21.

15.12 (m) "Mental health professional" means an individual as defined in section 245.4871,
15.13 subdivision 27, clauses (1) to ~~(5)~~ (6), or tribal vendor as defined in section 256B.02,
15.14 subdivision 7, paragraph (b).

15.15 (n) "Preschool program" means a day program licensed under Minnesota Rules,
15.16 parts 9503.0005 to 9503.0175, and enrolled as a children's therapeutic services and
15.17 supports provider to provide a structured treatment program to a child who is at least 33
15.18 months old but who has not yet attended the first day of kindergarten.

15.19 (o) "Skills training" means individual, family, or group training designed to improve
15.20 the basic functioning of the child with emotional disturbance and the child's family in the
15.21 activities of daily living and community living, and to improve the social functioning of the
15.22 child and the child's family in areas important to the child's maintaining or reestablishing
15.23 residency in the community. Individual, family, and group skills training must:

15.24 (1) consist of activities designed to promote skill development of the child and the
15.25 child's family in the use of age-appropriate daily living skills, interpersonal and family
15.26 relationships, and leisure and recreational services;

15.27 (2) consist of activities that will assist the family's understanding of normal child
15.28 development and to use parenting skills that will help the child with emotional disturbance
15.29 achieve the goals outlined in the child's individual treatment plan; and

15.30 (3) promote family preservation and unification, promote the family's integration
15.31 with the community, and reduce the use of unnecessary out-of-home placement or
15.32 institutionalization of children with emotional disturbance.

15.33 Sec. 14. Minnesota Statutes 2006, section 256J.08, subdivision 73a, is amended to read:

16.1 Subd. 73a. **Qualified professional.** (a) For physical illness, injury, or incapacity,
16.2 a "qualified professional" means a licensed physician, a physician's assistant, a nurse
16.3 practitioner, or a licensed chiropractor.

16.4 (b) For developmental disability and intelligence testing, a "qualified professional"
16.5 means an individual qualified by training and experience to administer the tests necessary
16.6 to make determinations, such as tests of intellectual functioning, assessments of adaptive
16.7 behavior, adaptive skills, and developmental functioning. These professionals include
16.8 licensed psychologists, certified school psychologists, or certified psychometrists working
16.9 under the supervision of a licensed psychologist.

16.10 (c) For learning disabilities, a "qualified professional" means a licensed psychologist
16.11 or school psychologist with experience determining learning disabilities.

16.12 (d) For mental health, a "qualified professional" means a licensed physician or a
16.13 qualified mental health professional. A "qualified mental health professional" means:

16.14 (1) for children, in psychiatric nursing, a registered nurse who is licensed under
16.15 sections 148.171 to 148.285, and who is certified as a clinical specialist in child
16.16 and adolescent psychiatric or mental health nursing by a national nurse certification
16.17 organization or who has a master's degree in nursing or one of the behavioral sciences
16.18 or related fields from an accredited college or university or its equivalent, with at least
16.19 4,000 hours of post-master's supervised experience in the delivery of clinical services in
16.20 the treatment of mental illness;

16.21 (2) for adults, in psychiatric nursing, a registered nurse who is licensed under
16.22 sections 148.171 to 148.285, and who is certified as a clinical specialist in adult psychiatric
16.23 and mental health nursing by a national nurse certification organization or who has a
16.24 master's degree in nursing or one of the behavioral sciences or related fields from an
16.25 accredited college or university or its equivalent, with at least 4,000 hours of post-master's
16.26 supervised experience in the delivery of clinical services in the treatment of mental illness;

16.27 (3) in clinical social work, a person licensed as an independent clinical social worker
16.28 under chapter 148D, or a person with a master's degree in social work from an accredited
16.29 college or university, with at least 4,000 hours of post-master's supervised experience in
16.30 the delivery of clinical services in the treatment of mental illness;

16.31 (4) in psychology, an individual licensed by the Board of Psychology under sections
16.32 148.88 to 148.98, who has stated to the Board of Psychology competencies in the
16.33 diagnosis and treatment of mental illness;

16.34 (5) in psychiatry, a physician licensed under chapter 147 and certified by the
16.35 American Board of Psychiatry and Neurology or eligible for board certification in
16.36 psychiatry; ~~and~~

17.1 (6) in marriage and family therapy, the mental health professional must be a
17.2 marriage and family therapist licensed under sections 148B.29 to 148B.39, with at least
17.3 two years of post-master's supervised experience in the delivery of clinical services in the
17.4 treatment of mental illness; and

17.5 (7) in licensed professional clinical counseling, the mental health professional must
17.6 be a licensed professional clinical counselor under section 148.5301.