

IN THE SENATE

SENATE BILL NO. 1018

BY COMMERCE AND HUMAN RESOURCES COMMITTEE

AN ACT

1 RELATING TO COUNSELORS AND THERAPISTS; AMENDING SECTION 54-3405, IDAHO  
2 CODE, TO PROVIDE THAT FINGERPRINT-BASED CRIMINAL HISTORY BACKGROUND  
3 CHECKS SHALL BE SUBMITTED IF REQUIRED BY THE DIVISION OF OCCUPATIONAL  
4 AND PROFESSIONAL LICENSES; AMENDING SECTION 54-3405A, IDAHO CODE, TO  
5 PROVIDE THAT FINGERPRINT-BASED CRIMINAL HISTORY BACKGROUND CHECKS  
6 SHALL BE SUBMITTED IF REQUIRED BY THE DIVISION OF OCCUPATIONAL AND PRO-  
7 FESSIONAL LICENSES; AMENDING SECTION 54-3405B, IDAHO CODE, TO PROVIDE  
8 THAT FINGERPRINT-BASED CRIMINAL HISTORY BACKGROUND CHECKS SHALL BE  
9 SUBMITTED IF REQUIRED BY THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL  
10 LICENSES; AMENDING SECTION 54-3405C, IDAHO CODE, TO PROVIDE THAT FIN-  
11 GERPRINT-BASED CRIMINAL HISTORY BACKGROUND CHECKS SHALL BE SUBMITTED  
12 IF REQUIRED BY THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSES;  
13 AND DECLARING AN EMERGENCY.  
14

15 Be It Enacted by the Legislature of the State of Idaho:

16 SECTION 1. That Section 54-3405, Idaho Code, be, and the same is hereby  
17 amended to read as follows:

18 54-3405. QUALIFICATIONS FOR LICENSURE. (1) Licensure as a "licensed  
19 professional counselor" shall be restricted to persons who:

20 (a) Have not been convicted, found guilty, or received a withheld judg-  
21 ment or a suspended sentence in this state or in any other state of a  
22 crime that is deemed relevant in accordance with section 67-9411(1),  
23 Idaho Code;

24 (b) Have submitted to a fingerprint-based criminal history background  
25 check in accordance with section 67-9411A, Idaho Code, if required by  
26 the division of occupational and professional licenses; and

27 (c) Have successfully completed each of the following requirements:

28 (i) A master's degree or higher in counseling or a related field  
29 of study, as approved by the board, that includes completion of a  
30 practicum of supervised clinical contact as defined by rule;

31 (ii) An examination, if required by the board's rules; and

32 (iii) One thousand (1,000) hours of supervised experience in coun-  
33 seling acceptable to the board.

34 (2) A license will not be issued to an individual whose license, certi-  
35 fication or registration has been revoked or suspended in this or any other  
36 state and in this or any other related field. Such an individual may not be  
37 licensed under this chapter unless the period of revocation or suspension  
38 has been completed and the board has conducted a competency review and deter-  
39 mined that an acceptable degree of rehabilitation has been accomplished.

40 SECTION 2. That Section 54-3405A, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

1           54-3405A. QUALIFICATIONS FOR LICENSURE. Licensure as a "licensed  
2 clinical professional counselor" shall be restricted to persons who:

3           (1) Hold a valid licensed professional counselor license in good stand-  
4 ing;

5           (2) Document two thousand (2,000) hours of direct client contact expe-  
6 rience under supervision in no less than a two (2) year period as set forth in  
7 this chapter and the rules of the board;

8           (3) Successfully complete a written examination as approved by the  
9 board and defined in rules of the board; and

10           (4) Submit to a fingerprint-based criminal history background check in  
11 accordance with section 67-9411A, Idaho Code, if required by the division of  
12 occupational and professional licenses.

13           SECTION 3. That Section 54-3405B, Idaho Code, be, and the same is hereby  
14 amended to read as follows:

15           54-3405B. QUALIFICATIONS FOR LICENSURE. (1) In addition to such other  
16 information as the board may require by rule, each applicant for licensure as  
17 a licensed associate marriage and family therapist shall:

18           (a) Hold a master's degree or higher in marriage and family therapy or a  
19 related field of study as approved by the board and complete a practicum  
20 of supervised clinical contact with individuals, couples, families and  
21 other systems as part of the graduate program and as defined by rule;

22           (b) Submit an application in the form prescribed by the board;

23           (c) Pay the fee determined by the board by rule;

24           (d) Provide evidence satisfactory to the board of having successfully  
25 passed an examination approved by the board and defined by rule; and

26           (e) Submit to a fingerprint-based criminal history background check in  
27 accordance with section 67-9411A, Idaho Code, if required by the divi-  
28 sion of occupational and professional licenses.

29           (2) A license will not be issued to an individual whose license, certi-  
30 fication or registration has been revoked or suspended in this or any other  
31 state and in this or any other related field. Such an individual may not be  
32 licensed under this chapter unless the period of revocation or suspension  
33 has been completed and the board has conducted a competency review and deter-  
34 mined that an acceptable degree of rehabilitation has been accomplished.

35           SECTION 4. That Section 54-3405C, Idaho Code, be, and the same is hereby  
36 amended to read as follows:

37           54-3405C. QUALIFICATIONS FOR LICENSURE. (1) In addition to such other  
38 information as the board may require by rule, each applicant for licensure as  
39 a licensed marriage and family therapist shall:

40           (a) Hold a master's degree or higher in marriage and family therapy or a  
41 related field of study as approved by the board and complete a practicum  
42 of supervised clinical contact with individuals, couples, families and  
43 other systems as part of the graduate program and as defined by rule;

44           (b) Document postgraduate supervised experience in marriage and family  
45 therapy acceptable to the board as defined by rule;

46           (c) Submit an application in the form prescribed by the board;

47           (d) Pay the fee determined by the board by rule;

1 (e) Provide evidence satisfactory to the board of having successfully  
2 passed an examination approved by the board and defined by rule; and

3 (f) Submit to a fingerprint-based criminal history background check in  
4 accordance with section 67-9411A, Idaho Code, if required by the divi-  
5 sion of occupational and professional licenses.

6 (2) A license will not be issued to an individual whose license, certi-  
7 fication or registration has been revoked or suspended in this or any other  
8 state and in this or any other related field. Such an individual may not be  
9 licensed under this chapter unless the period of revocation or suspension  
10 has been completed and the board has conducted a competency review and deter-  
11 mined that an acceptable degree of rehabilitation has been accomplished.

12 SECTION 5. An emergency existing therefor, which emergency is hereby  
13 declared to exist, this act shall be in full force and effect on and after its  
14 passage and approval.