

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 501

BY HEALTH AND WELFARE COMMITTEE

AN ACT

1 RELATING TO COUNSELORS AND THERAPISTS; AMENDING SECTION 54-3400, IDAHO  
2 CODE, TO REVISE LEGISLATIVE FINDINGS; AMENDING SECTION 54-3401, IDAHO  
3 CODE, TO REVISE DEFINITIONS AND TO DEFINE TERMS; AMENDING SECTION  
4 54-3402, IDAHO CODE, TO REVISE PROHIBITED ACTIVITIES, TO REVISE EX-  
5 EMPTIONS AND TO PROVIDE AN EXEMPTION; AMENDING SECTION 54-3403, IDAHO  
6 CODE, TO REMOVE ARCHAIC PROVISIONS, TO REVISE BOARD COMPOSITION RE-  
7 QUIREMENTS, TO REVISE BOARD MEETING PROVISIONS AND TO REMOVE BOARD  
8 SECRETARY PROVISIONS; AMENDING SECTION 54-3404, IDAHO CODE, TO REVISE  
9 BOARD POWERS; AMENDING CHAPTER 34, TITLE 54, IDAHO CODE, BY THE ADDI-  
10 TION OF A NEW SECTION 54-3405A, IDAHO CODE, TO PROVIDE QUALIFICATION  
11 REQUIREMENTS FOR LICENSED CLINICAL PROFESSIONAL COUNSELORS; AMENDING  
12 SECTION 54-3405C, IDAHO CODE, TO REVISE QUALIFICATION REQUIREMENT PRO-  
13 VISIONS FOR MARRIAGE AND FAMILY THERAPISTS; AMENDING SECTION 54-3406,  
14 IDAHO CODE, TO PROVIDE FOR ENDORSEMENT OF CERTAIN LICENSEES LICENSED  
15 IN ANOTHER STATE, TERRITORY OR FOREIGN COUNTRY AND TO MAKE A TECHNICAL  
16 CORRECTION; AMENDING SECTION 54-3407, IDAHO CODE, TO REVISE PROVISIONS  
17 RELATING TO DISCIPLINE; AMENDING SECTION 54-3408, IDAHO CODE, TO REVISE  
18 PROVISIONS RELATING TO UNLAWFUL ACTS; AMENDING SECTION 54-3410, IDAHO  
19 CODE, TO REVISE VERBIAGE; AMENDING SECTION 54-3410A, IDAHO CODE, TO  
20 PROVIDE FOR INFORMED CONSENT, TO REVISE PROVISIONS RELATING TO INFOR-  
21 MATION DISCLOSURE AND TO PROVIDE FOR DOCUMENTED RECORDS OF DISCLOSURE;  
22 AMENDING SECTION 54-3412, IDAHO CODE, TO REMOVE INCONSISTENT VERBIAGE;  
23 AND AMENDING SECTION 54-3414, IDAHO CODE, TO REVISE SPECIFIED POWERS  
24 AND DUTIES OF THE BUREAU OF OCCUPATIONAL LICENSES RELATING TO COUN-  
25 SELORS AND THERAPISTS.  
26

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

28 SECTION 1. That Section 54-3400, Idaho Code, be, and the same is hereby  
29 amended to read as follows:

30 54-3400. LEGISLATIVE FINDINGS. The practice of counseling and mar-  
31 riage and family therapy in the state of Idaho is hereby declared to affect  
32 the public health, safety and welfare, and to be subject to regulation and  
33 control in the public interest to protect the public from the unprofes-  
34 sional, improper, unauthorized and unqualified practice of counseling or  
35 marriage and family therapy, and from unprofessional conduct by persons li-  
36 censed to practice counseling or marriage and family therapy. This chapter  
37 should be construed liberally to carry out these objectives and purposes.

38 SECTION 2. That Section 54-3401, Idaho Code, be, and the same is hereby  
39 amended to read as follows:

40 54-3401. DEFINITIONS. As used in this chapter:

1 (1) "Board" means the Idaho state licensing board of professional coun-  
2 selors and marriage and family therapists.

3 (2) "Bureau chief" means the chief of the bureau of occupational li-  
4 censes of the state of Idaho.

5 (3) "Department" means the department of self-governing agencies of  
6 the state of Idaho.

7 (4) "Licensed associate marriage and family therapist" means any per-  
8 son licensed under this chapter as an associate marriage and family thera-  
9 pist to practice marriage and family therapy under supervision as set forth  
10 in this chapter.

11 (5) "Licensed clinical professional counselor" means any person li-  
12 icensed under this chapter as a licensed clinical professional counselor to  
13 practice clinical professional counseling as set forth in this chapter.

14 (6) "Licensed marriage and family therapist" means any person licensed  
15 under this chapter to practice marriage and family therapy as defined in this  
16 chapter.

17 (67) "Licensed professional counselor" means any person licensed under  
18 this chapter to practice professional counseling as defined in this chapter.

19 (78) "Marriage and family therapy" means the evaluation and treatment  
20 of mental and emotional disorders, whether cognitive, affective or behav-  
21 ioral, within the context of marriage and family systems. Marriage and fam-  
22 ily therapy includes the professional application of psychotherapeutic and  
23 family systems theories and techniques in the delivery of services to indi-  
24 viduals, couples and families for the purpose of treating nervous and mental  
25 disorders including, but not limited to, addictive disorders.

26 (89) "Practice of marriage and family therapy" means the rendering  
27 of professional marriage and family therapy services to individuals, cou-  
28 ples and families, singly or in groups, whether such services are offered  
29 directly to the general public or through organizations, either public or  
30 private. A licensed associate marriage and family therapist shall only  
31 practice marriage and family therapy under supervision as established in  
32 this chapter and rules of the board. The practice of marriage and family  
33 therapy is restricted to marriage and family therapists competent in the  
34 area of practice, and in the use of such methods, techniques or modalities.

35 (910) "Practice of professional counseling" means the application of  
36 mental health, psychological, and human development principles in order to  
37 facilitate human development and adjustment throughout the life span; pre-  
38 vent, assess, and treat mental, emotional or behavioral disorders and asso-  
39 ciated distresses which interfere with mental health; conduct assessments  
40 for the purpose of establishing treatment goals and objectives; and plan,  
41 implement and evaluate treatment plans using counseling treatment interven-  
42 tions. "Counseling treatment interventions" The practice of professional  
43 counseling also means the application of cognitive, affective, behavioral,  
44 and systemic counseling strategies, which across the continuum of care. It  
45 includes principles of development, wellness and pathology that reflect a  
46 pluralistic contemporary society. Such interventions are specifically im-  
47 plemented in the context of a professional counseling relationship setting.

48 The practice of professional counseling includes, but is not limited  
49 to:

- 1 (a) Individual, group, ~~marriage and couples~~, family counseling and  
 2 therapy;  
 3 (b) Assessment;  
 4 (c) Crisis intervention;  
 5 (d) Treatment of persons with mental and emotional disorders  
 6 including, but not limited to, addictive disorders;  
 7 (e) Guidance and consulting to facilitate normal growth and develop-  
 8 ment, including educational and career development;  
 9 (f) Utilization of functional assessment and counseling for persons  
 10 requesting assistance in adjustment to a disability;  
 11 (g) Consulting;  
 12 (h) Research; and  
 13 (i) Referral.

14 The use of specific methods, techniques, or modalities within the prac-  
 15 tice of professional counseling is restricted to professional counselors  
 16 appropriately trained in the use of such methods, techniques or modalities.

17 (11) "Supervised experience" and "experience under supervision" means  
 18 a face-to-face process by which an approved supervisor facilitates the  
 19 professional growth of a supervisee and monitors the supervisee's clini-  
 20 cal performance. A supervisor provides professional direction to help the  
 21 supervisee attain knowledge, improve case conceptualization and process  
 22 skills, address personal issues as it pertains to clinical work, and  
 23 strengthen professional development, ethics and boundary-setting as the  
 24 supervisee provides clinical services to clients. A supervisor monitors the  
 25 supervisee's clinical performance through direct and indirect observation  
 26 of the services delivered by the supervisee, such as audio or video record-  
 27 ings, live supervision and other methods of observation of services.

28 SECTION 3. That Section 54-3402, Idaho Code, be, and the same is hereby  
 29 amended to read as follows:

30 54-3402. LICENSE REQUIRED -- EXEMPTIONS. It shall be unlawful for any  
 31 person to engage in any of the following acts:

32 (1) To practice professional counseling or marriage and family therapy  
 33 for compensation without first having complied with the provisions of this  
 34 chapter and without a valid license as required by this chapter.

35 (2) To represent himself/herself to be a licensed professional coun-  
 36 selor or licensed clinical professional counselor or licensed marriage and  
 37 family therapist or licensed associate marriage and family therapist unless  
 38 he/she shall first obtain a license pursuant to this chapter.

39 (3) To make use of any title, words, letters or abbreviations which may  
 40 reasonably be confused with a designation provided by this chapter.

41 (4) To materially refuse to furnish the board information or records  
 42 required or requested pursuant to this chapter or pursuant to an investiga-  
 43 tion commenced pursuant to this chapter.

44 Nothing in this chapter shall be construed to apply to the activities  
 45 and services of licensed or credentialed members of other professions, such  
 46 as physicians, psychologists, registered nurses, social workers, drug and  
 47 alcohol counselors, or attorneys performing duties consistent with the laws  
 48 of this state, their training, and any code of ethics of their professions,

1 provided they do not represent themselves by any title or practice descrip-  
2 tion in the manner prescribed in section 54-3401, Idaho Code.

3 Nothing in this chapter shall be construed to apply to the activities,  
4 services and use of an official title on the part of a person certified by  
5 the state to render counseling or marriage and family therapy or counsel-  
6 ing-related services, provided such persons are performing these activities  
7 within the scope of their employment, including school and vocational coun-  
8 selors.

9 Nothing in this chapter shall be construed to apply to the activities  
10 and services of a student or trainee pursuing a course of study in counsel-  
11 ing or in marriage and family therapy in a regionally accredited institu-  
12 tion of higher education or training institution, if these activities are  
13 performed under supervision and constitute a part of the supervised course  
14 of study, or of an intern in counseling acting under the direct supervision  
15 of a licensed professional counselor ~~in private practice~~ as established and  
16 limited by rules of the board, or of an intern in marriage and family ther-  
17 apy acting under the direct supervision as established and limited by rules  
18 of the board provided, that such person be designated, for example, a "coun-  
19 selor intern" or "marriage and family therapy intern."

20 Nothing in this chapter shall be construed to apply to the activities  
21 and services of a person obtaining their postgraduate marriage and family  
22 therapy clinical experience, provided these activities are provided under  
23 supervision, and provided they have registered according to procedures to be  
24 established by the board.

25 Nothing in this chapter shall be construed to apply to a nonresident  
26 whose counseling or marriage and family therapy activities and services are  
27 rendered not more than ten (10) days during any calendar year, provided that  
28 such a person is duly authorized to perform such activities and services  
29 under the laws of the state or country of that person's residence.

30 Nothing in this chapter shall be construed to apply to the activities  
31 and services of any religious denomination or sect or faith-based counseling  
32 of any kind.

33 Nothing in this chapter shall be construed to apply to the activities  
34 and descriptions of persons offering volunteer or professional services for  
35 public and private nonprofit organizations or agencies for which the ser-  
36 vices are rendered.

37 Nothing in this chapter shall be construed to apply to a person autho-  
38 rized to practice counseling or marriage and family therapy in another state  
39 or country rendering care in a time of disaster.

40 SECTION 4. That Section 54-3403, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 54-3403. BOARD -- ORGANIZATION AND MEETINGS. There is hereby created  
43 in the department of self-governing agencies an Idaho state licensing board  
44 of professional counselors and marriage and family therapists as follows:

45 (1) The board shall consist of six (6) members, residents of the state  
46 of Idaho, who shall be appointed by the governor. In making appointments,  
47 the governor shall give consideration to recommendations submitted by the  
48 Idaho counseling association in consultation with other state counselor or-  
49 ganizations, and the Idaho association for marriage and family therapy in

1 consultation with other state marriage and family therapy organizations. If  
 2 recommendations are not made within sixty (60) days of notification and re-  
 3 quest, the governor may make appointments of any qualified individual.

4 ~~(2) Beginning July 1, 1982, i~~Initial appointments to the board shall be  
 5 for the following terms: one (1) member for a term ending in one (1) year; one  
 6 (1) member for a term ending in two (2) years; one (1) member for a term end-  
 7 ing in three (3) years; and one (1) member for a term ending in four (4) years.  
 8 Upon the effective date of this act, the governor shall also initially ap-  
 9 point to the board one (1) person eligible for licensure as a marriage and  
 10 family therapist for a term of four (4) years, and one (1) person eligible for  
 11 licensure as both a professional counselor and a marriage and family thera-  
 12 pist for a term of four (4) years.

13 (3) When the ~~initial~~ term of each member ends, the governor shall ap-  
 14 point the successor for a term of four (4) years from qualified candidates.  
 15 Any vacancy occurring on the board shall be filled by the governor by ap-  
 16 pointment for the unexpired term. The governor may remove any board member  
 17 for misconduct, incompetency, or neglect of duty after giving the board mem-  
 18 ber written notice of the charges and an opportunity to be heard thereon.

19 (4) At all times, the board shall have two (2) members who are licensed  
 20 as clinical professional counselors or professional counselors and who are  
 21 engaged primarily in rendering counseling service; one (1) member who is  
 22 engaged or has been engaged primarily in teaching, training or research  
 23 in higher education in counseling or marriage and family therapy; one (1)  
 24 member who is licensed or is eligible for licensure as both a professional  
 25 counselor and a marriage and family therapist and who is engaged primarily in  
 26 rendering marriage and family therapy or marriage and family counseling; one  
 27 (1) member who is licensed as a marriage and family therapist and who is en-  
 28 gaged primarily in rendering marriage and family therapy; and one (1) member  
 29 from the general public. Except for the initial appointment, all members of  
 30 the board except the member from the general public shall be licensed under  
 31 this chapter.

32 (5) ~~The first appointees, other than the member from the general pub-~~  
 33 ~~lic, must meet the qualifications for licensure and shall become licensed~~  
 34 ~~under the provisions of this act immediately upon their appointment as mem-~~  
 35 ~~bers of the board.~~

36 ~~(6)~~ No board member shall serve more than two (2) full consecutive  
 37 terms.

38 ~~(7)~~ The members of the board shall be compensated as provided in sec-  
 39 tion 59-509(m), Idaho Code.

40 ~~(8)~~ The board shall ~~within sixty (60) days after the effective date of~~  
 41 ~~this chapter, and annually thereafter~~ hold a meeting and elect a chairman,  
 42 ~~and vice chairman and secretary~~ from among its members. The board shall meet  
 43 at such other times as deemed necessary and advisable by the chairman, or by a  
 44 majority of its members, or by the governor. Notice of all meetings shall be  
 45 given in the manner prescribed by law. A majority of the board shall consti-  
 46 tute a quorum at any meeting or hearing.

47 ~~(9)~~ ~~The secretary of the board shall take and maintain the minutes of~~  
 48 ~~the board proceedings.~~

49 SECTION 5. That Section 54-3404, Idaho Code, be, and the same is hereby  
 50 amended to read as follows:

1 54-3404. IDAHO STATE LICENSING BOARD OF PROFESSIONAL COUNSELORS AND  
 2 MARRIAGE AND FAMILY THERAPISTS -- POWERS. The board shall have the following  
 3 powers:

4 (1) To regulate the practice of professional counselors, clinical pro-  
 5 professional counselors, associate marriage and family therapists and marriage  
 6 and family therapists in the state of Idaho.

7 (2) To pass upon the qualifications and fitness of applicants for li-  
 8 censes and to adopt rules requiring annual continuing education as a condi-  
 9 tion for the renewal of licenses issued under this chapter.

10 (3) To adopt and from time to time revise such rules as may be neces-  
 11 sary to carry into effect the provisions of this chapter. Such rules shall  
 12 include, but not be limited to, a code of ethics for professional counselors  
 13 and a code of ethics for marriage and family therapists in the state, which  
 14 shall be adopted in compliance with chapter 52, title 67, Idaho Code.

15 (4) To review the practice of professional counselors, clinical pro-  
 16 professional counselors, associate marriage and family therapists and marriage  
 17 and family therapists licensed under this chapter and charged with a viola-  
 18 tion of the provisions of this chapter. This review may include the notes  
 19 of the license holder and other materials related to the practice. The re-  
 20 view will remain subject to disclosure according to chapter 3, title 9, Idaho  
 21 Code, unless the written consent of the client is received by the board.

22 (5) To establish a peer review system whereby each license holder's  
 23 practice may be reviewed to ensure continuing practice in an appropriate and  
 24 ethical manner.

25 (6) To examine for, deny, approve, issue, revoke, suspend and renew the  
 26 licenses of applicants pursuant to this chapter, and to conduct hearings in  
 27 connection therewith.

28 (7) To conduct hearings to suspend or revoke licenses for violations of  
 29 the law and rules adopted pursuant to this chapter and cause the prosecution  
 30 and enjoinder of all such violations.

31 (8) In any proceeding before the board authorized by this chapter, the  
 32 board or its designee may administer oaths or affirmations to witnesses ap-  
 33 pearing before it.

34 (9) To authorize, by written agreement, the chief of the bureau of occu-  
 35 pational licenses as agent to act in its interest.

36 (10) To provide, by rule, licensed professional counselor, licensed  
 37 clinical professional counselor, licensed associate marriage and family  
 38 therapist and licensed marriage and family therapist specialty standards.

39 SECTION 6. That Chapter 34, Title 54, Idaho Code, be, and the same is  
 40 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
 41 ignated as Section 54-3405A, Idaho Code, and to read as follows:

42 54-3405A. QUALIFICATIONS FOR LICENSURE. Licensure as a "licensed  
 43 clinical professional counselor" shall be restricted to persons who have  
 44 successfully completed each of the following requirements:

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

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

1 (3) Successful completion of a written examination as approved by the  
2 board and defined in rules of the board.

3 SECTION 7. That Section 54-3405C, Idaho Code, be, and the same is hereby  
4 amended to read as follows:

5 54-3405C. QUALIFICATIONS FOR LICENSURE. Licensure as a "marriage and  
6 family therapist" shall be restricted to persons who have successfully com-  
7 pleted each of the following requirements:

8 (1) A graduate degree which consists of at least sixty (60) semester  
9 hours or ninety (90) quarter credits in marriage and family therapy from a  
10 program accredited by the commission on accreditation for marriage and fam-  
11 ily therapy education, or a marriage and family counseling or therapy pro-  
12 gram which is accredited by the council for accreditation of counseling and  
13 related educational programs, or a graduate degree from a regionally accred-  
14 ited educational institution and an equivalent course of study as approved  
15 by the board. The course of study for any graduate degree shall include a  
16 minimum of thirty-nine (39) semester credits in the following areas:

17 (a) Marriage and family studies -- nine (9) semester credit minimum.  
18 Studies in this area shall include:

19 (i) Theoretical foundations, history, philosophy, etiology and  
20 contemporary conceptual directions of marriage and family therapy  
21 or marriage and family counseling;

22 (ii) Family systems theories and other relevant theories and  
23 their application in working with a wide variety of family struc-  
24 tures, including families in transition, nontraditional families  
25 and blended families, and a diverse range of presenting issues;  
26 and

27 (iii) Preventive approaches, including premarital counseling,  
28 parent skill training and relationship enhancement, for working  
29 with couples, families, individuals, subsystems and other sys-  
30 tems.

31 (b) Marriage and family therapy -- nine (9) semester credit minimum.  
32 Studies in this area shall include:

33 (i) The practice of marriage and family therapy related to the-  
34 ory, and a comprehensive survey and substantive understanding of  
35 the major models of marriage and family therapy or marriage and  
36 family counseling; and

37 (ii) Interviewing and assessment skills for working with couples,  
38 families, individuals, subsystems and other systems, and skills  
39 in the appropriate implementation of systematic interventions  
40 across a variety of presenting clinical issues including, but not  
41 limited to, socioeconomic disadvantage, abuse and addiction.

42 (c) Human development -- nine (9) semester credit minimum. Studies in  
43 this area shall include:

44 (i) Individual development and transitions across the life span;

45 (ii) Family, marital and couple life cycle development and  
46 family relationships, family of origin and intergenerational in-  
47 fluences, cultural influences, ethnicity, race, socioeconomic  
48 status, religious beliefs, gender, sexual orientation, social and  
49 equity issues and disability;

- 1 (iii) Human sexual development, function and dysfunction, impacts  
2 on individuals, couples and families, and strategies for inter-  
3 vention and resolution; and  
4 (iv) Issues of violence, abuse and substance use in a relational  
5 context, and strategies for intervention and resolution.
- 6 (d) Psychological and mental health competency -- six (6) semester  
7 credit minimum. Studies in this area shall include:  
8 (i) Psychopathology, including etiology, assessment, evaluation  
9 and treatment of mental disorders, use of the current diagnostic  
10 and statistical manual of mental disorders, differential diagno-  
11 sis and multiaxial diagnosis;  
12 (ii) Standard mental health diagnostic assessment methods and in-  
13 struments, including standardized tests; and  
14 (iii) Psychotropic medications and the role of referral to and  
15 cooperation with other mental health practitioners in treatment  
16 planning, and case management skills for working with individu-  
17 als, couples and families.
- 18 (e) Professional ethics and identity -- three (3) semester credit mini-  
19 mum. Studies in this area shall include:  
20 (i) Professional identity, including professional socializa-  
21 tion, professional organizations, training standards, creden-  
22 tialing bodies, licensure, certification, practice settings and  
23 collaboration with other disciplines;  
24 (ii) Ethical and legal issues related to the practice of marriage  
25 and family therapy, legal responsibilities of marriage and family  
26 therapy and marriage and family counseling practice and research,  
27 business aspects, reimbursement, recordkeeping, family law, con-  
28 fidentiality issues and the relevant codes of ethics, including  
29 the code of ethics specified by the board; and  
30 (iii) The interface between therapist responsibility and the pro-  
31 fessional, social and political context of treatment.
- 32 (f) Research -- three (3) semester credit minimum. Studies in this area  
33 shall include:  
34 (i) Research in marriage and family therapy or marriage and fam-  
35 ily counseling and its application to working with couples and  
36 families; and  
37 (ii) Research methodology, quantitative and qualitative methods,  
38 statistics, data analysis, ethics and legal considerations of  
39 conducting research, and evaluation of research.
- 40 (2) Completion of a one (1) year practicum of supervised marriage and  
41 family therapy experience, consisting of a minimum of three hundred (300)  
42 direct client contact hours, of which one hundred fifty (150) hours shall be  
43 with couples or families, as part of the graduate program.
- 44 (3) Supervised experience in marriage and family therapy of three thou-  
45 sand (3,000) hours, acceptable to the board as defined by rule. A minimum  
46 of two hundred (200) hours of supervision of the postgraduate experience.  
47 Supervision may be provided by a clinical member of the American association  
48 for marriage and family therapy, by a licensed marriage and family thera-  
49 pist, or another qualified licensed professional as determined by the board  
50 and defined in rule who has a minimum of five (5) years experience providing



1 marriage and family therapy, including: a licensed clinical professional  
 2 counselor, private practice; licensed psychologist; certified licensed  
 3 clinical social worker, private and independent practice; or licensed psy-  
 4 chiatrist.

5 (4) Successful completion of a written examination as approved by the  
 6 board and defined by rule.

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

13 SECTION 8. That Section 54-3406, Idaho Code, be, and the same is hereby  
 14 amended to read as follows:

15 54-3406. ENDORSEMENT. Upon payment of the fee enumerated in this  
 16 chapter, the board may grant a license to any person who, at the time of ap-  
 17 plication, is licensed or certified as a licensed professional counselor,  
 18 licensed clinical professional counselor, licensed associate marriage and  
 19 family therapist or licensed marriage and family therapist by an agency lo-  
 20 cated in another ~~state~~ state, territory or foreign country and who meets the  
 21 qualifications established by board rule.

22 SECTION 9. That Section 54-3407, Idaho Code, be, and the same is hereby  
 23 amended to read as follows:

24 54-3407. DISCIPLINARY PROCEEDINGS. Subject to the provisions of chap-  
 25 ter 52, title 67, Idaho Code, the board may refuse to issue, refuse to re-  
 26 new, revoke, ~~or~~ suspend or otherwise sanction a licensee upon the following  
 27 grounds:

- 28 (1) Fraud or deception in procuring or renewing the license;
- 29 (2) Conviction of a felony by a court of competent jurisdiction;
- 30 (3) Gross incompetency;
- 31 (4) Fraud or deceit in the performance of official duties;
- 32 (5) For violation of any of the provisions of this chapter or any of the  
 33 rules promulgated by the board under the authority of this chapter;
- 34 (6) Failure to comply with a board order;
- 35 (7) Having had a license revoked, suspended or otherwise disciplined by  
 36 the proper authorities of another state, territory or country.

37 The board may reinstate any revoked or suspended license upon such terms  
 38 as it may impose.

39 SECTION 10. That Section 54-3408, Idaho Code, be, and the same is hereby  
 40 amended to read as follows:

41 54-3408. CERTAIN ACTS PROHIBITED. The following acts shall be unlaw-  
 42 ful and punishable as a misdemeanor:

- 43 (1) The violation of any of the provisions of this chapter and any rules  
 44 promulgated pursuant thereto;

1 (2) A person representing himself to be a licensed clinical profes-  
2 sional counselor or licensed professional counselor or licensed associate  
3 marriage and family therapist or licensed marriage and family therapist  
4 without having first complied with the provisions of this chapter;

5 (3) A person who shall practice or attempt to offer to practice profes-  
6 sional counseling or marriage and family therapy, as defined in this chap-  
7 ter, without having at the time of so doing, a valid, unexpired, unrevoked  
8 and unsuspended license issued under this chapter or the laws of Idaho or any  
9 other state governing mental health professionals.

10 SECTION 11. That Section 54-3410, Idaho Code, be, and the same is hereby  
11 amended to read as follows:

12 54-3410. CONFIDENTIAL COMMUNICATION. Confidentiality of communica-  
13 tion between any person licensed under this chapter and client shall be priv-  
14 ileged from disclosure as provided in section 9-203, Idaho Code, with the  
15 exception of the board of review as provided in section 54-3404, Idaho Code.

16 SECTION 12. That Section 54-3410A, Idaho Code, be, and the same is  
17 hereby amended to read as follows:

18 54-3410A. INFORMED CONSENT AND INFORMATION DISCLOSURE TO  
19 CLIENTS. Informed consent involves a licensee's reasonable disclosure of  
20 information to clients and the discussion of such information with clients  
21 so that they are agreeing to treatment with knowledge of the material facts  
22 necessary to make the decision. Persons licensed under this chapter shall  
23 provide clients at the beginning of treatment with accurate disclosure  
24 information concerning their practice, including the right of clients to  
25 refuse treatment, the responsibility of clients for choosing the provider  
26 and treatment modality, and the extent of confidentiality. The disclosure  
27 information provided by the counselor or the marriage and family therapist,  
28 the receipt of which shall be acknowledged in writing by the counselor and  
29 client, or the marriage and family therapist and client, shall include  
30 any relevant education and training, the therapeutic orientation of the  
31 practice, modalities or treatment utilized, and all financial requirements.  
32 The disclosure information shall include a statement that licensure of an  
33 individual under this chapter does not imply endorsement by the licensing  
34 board nor effectiveness of treatment to each client at the beginning and at  
35 other appropriate times within the context of the counseling or therapy an  
36 accurate and informative description that allows the client to make an in-  
37 formed decision about the client's care. The specific minimum requirements  
38 of a documented record of the disclosure shall be defined in the rules of the  
39 board.

40 SECTION 13. That Section 54-3412, Idaho Code, be, and the same is hereby  
41 amended to read as follows:

42 54-3412. DISPOSITION OF RECEIPTS -- EXPENSES -- ~~REFUND~~. All fees re-  
43 ceived under the provisions of this chapter shall be deposited in the state  
44 treasury to the credit of the occupational license account in the dedicated  
45 fund and all costs and expenses incurred by the board under the provisions of

1 this chapter shall be a charge against and paid from the account for such pur-  
 2 poses, and the funds collected hereunder shall be immediately available for  
 3 the administration of this chapter, the provisions of any other law notwith-  
 4 standing. In no instance will the occupational license account be obligated  
 5 to pay any claims which in aggregate with claims already paid exceed the in-  
 6 come to the occupational license account which has been derived by the appli-  
 7 cation of this chapter.

8 The money paid into the occupational license account is continuously  
 9 appropriated to the board for expenditure in the manner prescribed herein  
 10 to defray the expenses of the board and in carrying out and enforcing the  
 11 provisions of this chapter.

12 SECTION 14. That Section 54-3414, Idaho Code, be, and the same is hereby  
 13 amended to read as follows:

14 54-3414. POWERS AND DUTIES OF BUREAU OF OCCUPATIONAL LICENSES. The bu-  
 15 reau of occupational licenses shall have the following powers and duties:

16 (1) To accept applications for and issue licenses to professional and  
 17 clinical professional counselors, associate marriage and family thera-  
 18 pists, and marriage and family therapists pursuant to requirements of this  
 19 chapter.

20 (2) To maintain in a registry appropriate for that purpose a pub-  
 21 lic record of all applications for licenses, the action of the department  
 22 thereon, of all licenses issued and of all licenses revoked or forfeited with  
 23 the reasons for such revocation or forfeiture and of all renewals.

24 (3) To forward complaints against a licensed professional counselor,  
 25 a licensed clinical professional counselor, a licensed associate marriage  
 26 and family therapist or a licensed marriage and family therapist to the state  
 27 licensing board for review and investigation.

28 (4) To assist in the investigation and prosecution of complaints filed  
 29 against a licensed professional counselor, a licensed clinical professional  
 30 counselor, ~~or~~ a licensed marriage and family therapist or a licensed asso-  
 31 ciate marriage and family therapist under section 54-3408, Idaho Code.

32 (5) At the discretion of the chief of the bureau and upon apparent  
 33 failure or refusal of the state licensing board to investigate or prosecute  
 34 a complaint against a licensed professional counselor, a licensed clini-  
 35 cal professional counselor, ~~or~~ a licensed marriage and family therapist  
 36 or a licensed associate marriage and family therapist, to investigate the  
 37 complaint and forward the report of investigation to the state licensing  
 38 board and upon apparent failure or refusal of the state licensing board to  
 39 take further action, to file an action in the district court under section  
 40 54-3408, Idaho Code, against a licensed professional counselor, a licensed  
 41 clinical professional counselor, ~~or~~ a licensed marriage and family ther-  
 42 apist or a licensed associate marriage and family therapist violating the  
 43 terms of this chapter.