

1 Section 1. Terms used in sections 2 through 50 of this Act mean:

2 (1) "Board," the Board of Examiners for Counselors and Marriage and Family
3 Therapists;

4 (2) "Counselor educator," a professional counselor engaged primarily in developing,
5 implementing, and supervising the educational preparation of professional counselors;

6 (3) "Counseling," the diagnosis and treatment of mental illness or mental and emotional
7 disorders; individual, group, and marriage and family counseling, and psychotherapy; assessment;
8 crisis intervention; counseling and consulting to facilitate normal growth and development;
9 psychoeducational techniques aimed at the prevention of mental and emotional disorders;
10 consultations with individuals, couples, families, groups, organizations, and communities; and
11 clinical research;

12 (4) "Counseling treatment interventions," the application of cognitive, affective,
13 behavioral, and systemic counseling strategies that include principles of development, wellness, and
14 pathology, implemented in the context of a professional counseling relationship;

15 (5) "Doctoral or master's degree in counseling," completion of study following a
16 bachelor's degree in a clearly identified counseling program that stands as a recognizable
17 organizational entity within an approved accredited institution of higher learning;

18 (6) "Licensee," a person who holds a license to practice counseling;

19 (7) "Postgraduate supervision," a period of supervision following the completion of a
20 master's or doctoral degree; and

21 (8) "Practice of professional counseling," the application of mental health, psychological,
22 and human development principles in order to:

23 (a) Facilitate human development and adjustment throughout the life span;

1 (b) Prevent, diagnose, and treat mental, emotional, or behavioral disorders and
2 associated distresses, which interfere with mental health;

3 (c) Conduct assessments and diagnoses to establish treatment goals and
4 objectives; and

5 (d) Develop, implement, and evaluate treatment plans using counseling
6 treatment interventions.

7 Section 2. The board consists of nine members appointed by the Governor. Five members
8 shall be professionals actively engaged in professional counseling or marriage and family therapy and
9 be representative of the various disciplines governed by the board. One member shall be a current
10 or retired counselor educator. Three members shall be individuals who are not licensed to practice in
11 a discipline governed by the board.

12 Section 3. The term of office for each board member is three years and begins on October
13 thirty-first. No member of the board may serve for more than three consecutive full terms. If a
14 person is appointed to fill a vacancy, that service is not counted as a term for purposes of this
15 section.

16 Section 4. The Governor may remove a board member for cause. The Governor shall
17 appoint a new member to serve out an unexpired term in the case of a vacancy for any reason.

18 Section 5. The board shall meet at least annually, at the time and place designated by the
19 president or by a majority of the board. A majority of the board's members constitutes a quorum for
20 the transaction of business.

21 Section 6. The board shall annually elect a president and a vice-president from among its
22 members.

1 Section 7. Each board member shall receive per diem compensation as provided for in § 4-
2 7-10.4 and expense reimbursement at the same rate as state employees, while engaged in official
3 duties.

4 Section 8. The board, its members, and its agents are immune from personal liability for
5 actions taken in good faith in the discharge of the board's duties. The state shall hold the board, its
6 members, and its agents harmless from all costs, damages, and attorney fees arising from claims and
7 suits against them with respect to matters to which this immunity applies.

8 Section 9. The board exists within the Department of Social Services. The board shall
9 exercise all of its prescribed functions, including its administrative functions. The board shall
10 provide records, information, and reports to the Secretary of the Department of Social Services, at
11 the time and in the manner requested by the secretary.

12 Section 10. The board shall forward all moneys received under this Act to the state treasurer
13 for deposit in the Board of Examiners for Counselors and Marriage and Family Therapists fund in
14 the state treasury. Moneys in the account are appropriated on a continuing basis to the board for the
15 purpose of carrying out this Act. Any expenditures shall be paid on warrants drawn by the state
16 auditor and approved by the board or by an officer of the board. The total expenses may not exceed
17 the total moneys collected by the board under this Act.

18 For purposes of this Act, the board may accept gifts, grants, and donations.

19 Section 11. The board has the following powers and duties:

- 20 (1) Administer, coordinate, and enforce the provisions of this Act;
- 21 (2) Establish educational, training, examination, and competency standards for
22 professional counselors and licensees under this Act;
- 23 (3) Establish standards for the safe and qualified practice of counseling and
24 marriage and family therapy;

- 1 (4) Evaluate the qualifications of applicants for licensure and issue and renew
2 licenses and permits;
- 3 (5) Establish standards and responsibilities for post-graduate board approved
4 supervision for candidates for licensure;
- 5 (6) Adopt ethical standards for the practice of counseling and marriage and
6 family therapy;
- 7 (7) Establish competency standards and responsibilities for post-graduate board
8 approved supervisors;
- 9 (8) Maintain the names of persons that meet the qualifications for a license or
10 permit;
- 11 (9) Conduct all disciplinary proceedings;
- 12 (10) Maintain a record of each complaint received by the board;
- 13 (11) Establish reasonable requirements regarding reentry into practice of inactive
14 practitioners and the reinstatement of previously licensed practitioners;
- 15 (12) Establish continuing education and continuing competency requirements for
16 licensees and permit holders under this Act and the procedures for verifying compliance with the
17 established requirements;
- 18 (13) Establish standards for the practice of distance counseling and distance
19 marriage and family therapy;
- 20 (14) Communicate license and permit actions and status to relevant state and
21 federal governing bodies, as required by law, or as the board determines is appropriate; and
- 22 (15) Employ personnel in accordance with the needs and budget of the board and
23 enter into contracts as necessary to carry out its responsibilities under this Act.

1 Section 12. The board may promulgate rules, pursuant to chapter 1-26, to set standards for
2 professional practice and establish procedures for application, professional practice, licensure,
3 eligibility, renewals, ethical standards, continuing education, supervision, and examination of an
4 applicant for and a holder of licensure as a licensed professional counselor, licensed professional
5 counselor-mental health, and licensed marriage and family therapist.

6 Section 13. Each license issued by the board under this Act, shall be conspicuously
7 displayed by the licensee at the licensee's primary place of practice. Each licensee shall post and keep
8 conspicuously displayed the annual renewal certificate issued by the board.

9 Section 14. It is a Class 2 misdemeanor for any person to engage or attempt to engage in the
10 practice of professional counseling, without a license, unless exempted under this Act.

11 Section 15. Unless licensed in accordance with this Act, no person may represent himself or
12 herself as a counselor by using the titles “licensed clinical mental health counselor,” “licensed clinical
13 counselor,” “licensed professional counselor--mental health,” “licensed professional counselor,” or
14 “licensed counselor,” or any similar title.

15 Section 16. No advertising regarding the practice of counseling may be fraudulent or
16 misleading. A violation of this section is a Class 1 misdemeanor.

17 Section 17. No licensee may perform counseling services that are outside the scope of the
18 licensee's relevant education, training, and experience.

19 Section 18. The board may use its own staff or employ or contract with agents or
20 investigators to assist in enforcing of this Act or any rule promulgated by the board.

21 If it appears to the board that a person is violating any section of this Act or any rule
22 promulgated thereunder, the board may, in its own name or in the name of the state, bring an action
23 in the circuit court of any county in which jurisdiction is proper, to enjoin the action, practice, or
24 violation, and to enforce compliance with this Act, or any rule promulgated thereunder. The

1 proceedings shall be prosecuted by the Office of the Attorney General or by a person designated by
2 the attorney general and retained by the board as provided in this Act.

3 Section 19. The board and its members and officers shall assist any person charged with the
4 enforcement of this Act. The board, its members and officers, shall furnish evidence to assist in the
5 prosecution of any violation or enforcement, and the board may make a reasonable expenditure for
6 that purpose. The board may employ an attorney designated by the attorney general. The board shall
7 fix and determine the compensation and period of service of the attorney to be paid out of the
8 board's funds.

9 Section 20. An applicant for a license as a professional counselor shall file an application, in
10 the manner prescribed by the board, together with the application fee prescribed by the board. The
11 board may issue a license as a professional counselor to an applicant who pays the license fee and
12 demonstrates that:

13 (1) The applicant has received a master's or a doctoral degree, which consists of
14 at least forty-eight credit hours in counseling, from an accredited counseling program recognized by
15 the board;

16 (2) The applicant has passed a standardized national examination approved by
17 the board;

18 (3) Within the four years preceding the application, the applicant completed two
19 thousand of postgraduate supervision, in a manner prescribed by the board, in counseling under a
20 plan of supervision approved by the board;

21 (4) The applicant has no pending disciplinary proceeding or unresolved
22 disciplinary complaint;

23 (5) The applicant is of good moral character; and

1 (6) The applicant is not in violation of any section of this Act or any rule
2 promulgated thereunder.

3 The board may refuse to grant a license to an applicant who fails to meet the requirements
4 of this section.

5 Notwithstanding the provisions of subdivision (3), the board may grant a license, to an
6 applicant who does not complete the required postgraduate supervision within four years of the
7 application upon the applicant's show of good cause for exceeding the time.

8 Notwithstanding the provisions of subdivision (5), the board may grant a license to an
9 applicant who has been convicted of or pled guilty to a felony, to any crime involving or relating to
10 the practice of counseling, or to any crime involving dishonesty or moral turpitude, if the board
11 determines that the applicant does not constitute a risk to public safety.

12 An applicant may appeal the denial of a license in accordance with chapter 1-26.

13 Section 21. An applicant for a license as a professional counselor-mental health shall file an
14 application, in the manner prescribed by the board, together with the application fee prescribed by
15 the board. The board may issue a license as a professional counselor-mental health to an applicant
16 who pays the license fee and demonstrates that:

17 (1) The applicant obtains licensure as a professional counselor under section 20 of this Act;

18 (2) The applicant has received a master's or a doctoral degree, which consists of at least
19 forty-eight credit hours in counseling, with an emphasis on mental health counseling, from an
20 accredited counseling program recognized by the board;

21 (3) The applicant has passed a standardized national examination approved by the board;

22 (4) Within the four years preceding the application, the applicant completed two thousand
23 hours of postgraduate supervision in counseling, in a manner prescribed by the board, under a plan
24 of supervision approved by the board;

1 (4) The applicant has no pending disciplinary proceeding or unresolved disciplinary
2 complaint;

3 (5) The applicant is of good moral character; and

4 (6) The applicant is not in violation of any section of this Act or any rule promulgated
5 thereunder.

6 The board may refuse to grant a license to an applicant who fails to meet the requirements
7 of this section.

8 Certain postgraduate supervision hours acquired to meet requirements to be licensed as a
9 professional counselor under section 20 may be used to meet the provisions of subdivision (3), as
10 prescribed by the board.

11 Notwithstanding the provisions of subdivision (3), the board may grant a license, to an
12 applicant who does not complete the required postgraduate supervision within four years of the
13 application upon the applicant's show of good cause for exceeding the time.

14 Notwithstanding the provisions of subdivision (5), the board may grant a license to an
15 applicant who has been convicted of or pled guilty to a felony, to any crime involving or relating to
16 the practice of counseling, or to any crime involving dishonesty or moral turpitude, if the board
17 determines that the applicant does not constitute a risk to public safety.

18 An applicant may appeal the denial of a license in accordance with chapter 1-26.

19 Section 22. If the board suspects that the physical or mental health of any applicant may
20 jeopardize or endanger anyone who seeks assistance from the applicant, the board may require that
21 the applicant be examined by a competent healthcare provider selected by the board. The board
22 shall pay all costs of the examination.

23 If the healthcare provider confirms that the applicant's physical or mental health may
24 jeopardize or endanger anyone who seeks services from the applicant, the board may deny the

1 license until the applicant furnishes proof that the applicant's physical and mental health is sufficient
2 to practice counseling.

3 Section 23. Notwithstanding any other provisions, the board may issue a license as a
4 professional counselor or professional counselor-mental health to an applicant who is licensed to
5 practice counseling in another state or territory of the United States if the applicant demonstrates
6 that:

7 (1) The applicant is currently licensed as a counselor and has been under the
8 jurisdiction of the licensing authority in the other jurisdiction for at least three continuous years
9 prior to the time of submitting an application to the board;

10 (2) The applicant is in good standing with the licensing authority in the other
11 jurisdiction;

12 (3) The applicant has been in an active practice during the three-year period
13 prior to the time of submitting an application to the board;

14 (4) The applicant passed the standard national examination approved by the
15 board for the specific license; and

16 (5) The applicant has no record of unprofessional conduct or any pending
17 disciplinary complaints in another jurisdiction by the applicant.

18 For purposes of this section, the term, active practice, means the applicant accumulated at
19 least one thousand five hundred hours of clinical experience.

20 Section 24. If a professional counselor licensed in another state or territory of the United
21 States has not passed the national examination required by the board for licensure under section 23
22 of this Act, the board may provide the applicant with a temporary license to practice for up to ninety
23 days, provided the applicant demonstrates that:

1 (1) The applicant is currently licensed as a professional counselor or professional
2 counselor-mental health and has been under the jurisdiction of the licensing authority in the other
3 jurisdiction for at least three years prior to the time of submitting an application to the board;

4 (2) The applicant is in good standing with the licensing authority in the other
5 jurisdiction;

6 (3) The applicant has been in active practice during the three-year period prior to
7 the time of submitting an application to the board; and

8 (4) The applicant has no record of unprofessional conduct or pending
9 disciplinary complaints in the other jurisdiction.

10 For purposes of this section, the term, active practice, means at least one thousand five
11 hundred hours of clinical experience.

12 An applicant for a temporary license shall submit an application on a form approved by the
13 board, along with the application fee and the temporary license fee prescribed by the board. The
14 board shall issue a temporary license as a professional counselor or professional counselor-mental
15 health to an applicant who meets the requirements of this section and pays the required fee. A
16 temporary license automatically expires upon the applicant's passage of the required national
17 examination or at the conclusion of the term for which the temporary license was issued, whichever
18 occurs first. A temporary license may only be renewed once.

19 Section 25. Any person practicing under a temporary license is subject to supervision and
20 discipline by the board, in the same manner as any other licensee under this Act. A person practicing
21 under a temporary license submits to the jurisdiction of the board.

22 Section 26. Any licensee shall furnish the board with updated information within thirty days
23 upon a change in the licensee's name, place of employment, or place of business.

1 Section 27. A license issued under this Act, other than a temporary license, is valid until
2 November thirtieth of the next even numbered year following the date of issuance. A license
3 expires automatically unless it is renewed.

4 Section 28. Any licensee holding a valid license under this Act may renew that license by
5 submitting an application for renewal prior to the date of expiration, paying the required renewal fee,
6 and providing proof of compliance with the continuing education requirements prescribed by the
7 board. If a licensee fails to renew a license on or before the thirtieth day of November in an even
8 numbered year, the license is automatically suspended.

9 The board shall notify the licensee that a renewal application has not been received by the
10 board and that the licensee may not practice counseling. Any person who submits a license renewal
11 application and provides proof of compliance with the continuing education requirements set by the
12 board within thirty days after the expiration date of the license may be granted a license renewal.

13 Section 29. Except as otherwise provided in this section, any person licensed this Act shall
14 complete at least forty hours of continuing education every two years in a manner and with an
15 instructor approved by the board.

16 Any person whose initial license is granted for a period of less than two years shall, during
17 that initial licensure period, complete a prorated number of hours of continuing education, in a
18 manner and with an instructor approved by the board.

19 The required continuing education hours may be obtained through electronic means. The
20 board may extend or waive the continuing education requirements for a licensee upon a showing of
21 good cause, prior to the expiration of the license.

22 Section 30. The board may place a license on inactive status at the request of the licensee
23 and the payment of a fee prescribed by the board. An inactive license expires four years after the
24 date of issuance. An inactive license may be reactivated by payment of the license renewal fee and

1 proof of having completed at least forty hours of continuing education during the two-year period
2 immediately preceding the reactivation request. If a license is not reactivated prior to its expiration,
3 all provisions applicable to an applicant for licensure apply in order for the license to be restored to
4 active status.

5 Any license on inactive status as of July 1, 2020, expires on November 30, 2022, unless the
6 licensee meets the requirements for restoration prior to that time.

7 Section 31. An expired license may be reactivated within the four-year period following the
8 expiration of the license, if the applicant:

9 (1) Pays all applicable renewal fees required for the period of expiration;

10 (2) Provides proof of all continuing education required for the period of
11 expiration; and

12 (3) Provides proof of passing a national examination approved by the board
13 after the date the license expired.

14 Section 32. Sections 2 through 49 of this Act do not apply to the activities and services of a
15 person practicing counseling as part of that person's duties if the person is:

16 (1) Licensed or certified under this title and acting in a manner consistent with
17 state law regarding the scope of practice;

18 (2) Employed by a school, college, university, or other institution of higher
19 learning and is engaged primarily in the education of students;

20 (3) Employed by a federal, state, county, or local governmental institution or
21 agency and performing the duties for which the person was employed;

22 (4) Employed by a licensed health care facility, an accredited prevention or
23 treatment facility, a community support provider, a nonprofit mental health center, or a licensed or
24 registered child welfare agency;

1 (5) A member of the clergy and acting in a ministerial capacity, if the activity is
2 within the scope of the person's regular or specialized duties; and

3 (6) A student enrolled in a recognized program of study leading to a counseling
4 degree, provided that the student practices only under the direct supervision of a counselor educator
5 or a counselor licensed under sections 2 through 49 of this Act.

6 Section 33. No licensee or an employee of a licensee may disclose information that was
7 acquired from any person consulting the licensee in a professional capacity and which was necessary
8 to render services in a professional capacity, except:

9 (1) If mandated by state law or authorized under the Health Insurance
10 Portability and Accountability Act of 1996, as amended through January 1, 2020;

11 (2) With the written consent of the person or, in the case of the person's death
12 or disability, with the written consent of a personal representative, a person authorized to sue on the
13 person's behalf, or the beneficiary of an insurance policy related to the person's life, health, or
14 physical condition;

15 (3) If the information is necessary to prevent or mitigate a serious and imminent
16 threat to the health or safety of a person or to the public, provided the disclosure is made to a
17 person reasonably able to prevent or mitigate the threat, including the target of the threat;

18 (4) If the licensed professional counselor or professional counselor-mental
19 health is a party defendant to a civil, criminal, or disciplinary action arising from such professional
20 capacity, in which case any waiver of the privilege accorded by this section is limited to that action;

21 (5) If the client is a defendant in a criminal proceeding and the use of the
22 privilege would violate the defendant's right to a compulsory process or right to present testimony
23 and evidence; or

24 (6) If the person waives the privilege by bringing charges against the licensee.

1 Section 34. If both parties to a marriage have obtained counseling by a licensed professional
2 counselor or a licensed professional counselor-mental health, the counselor may not testify in an
3 alimony or divorce action concerning information acquired in the course of the therapeutic
4 relationship. This section does not apply to custody actions.

5 Section 35. The board shall receive complaints regarding any person licensed under this Act.
6 A record of each complaint shall be maintained by the board. An investigation shall be conducted by
7 a member, agent or an appointee of the board to determine whether the alleged violation has been
8 committed. The investigator, if a member of the board, may dismiss a complaint if it appears to the
9 member, either with or without consulting of the board, that no violation has been committed. If
10 the investigator is an agent or an appointee of the board, dismissal of the complaint may only be
11 made by the board president. Any agreed upon disposition made between the investigator and the
12 licensee or permit holder shall be made known to and approved by the board.

13 If the complaint is not dismissed and an agreed upon disposition is not reached, the
14 investigator may request that the board set a date for a hearing on the complaint. All disciplinary
15 proceedings held under the authority of this Act shall be conducted in accordance with chapter 1-26.
16 Any decision of the board entered in a contested proceeding may be appealed to the circuit court
17 within thirty days. A license or permit shall remain in effect during the pendency of an appeal, unless
18 suspended under section 37 of this Act.

19 Section 36. Upon receiving a complaint regarding the health or safety of patients or the
20 public, any authorized board member, officer, agent, or employee may enter and inspect, during
21 business hours, any place where counseling is practiced for the purpose of enforcing this Act.
22 Refusal to allow an inspection may constitute unprofessional or dishonorable conduct.

23 Section 37. Testimony or documentary evidence of any kind obtained during the
24 investigation of a complaint is not subject to discovery or disclosure under chapter 15-6 or any other

1 provision of law and is not admissible as evidence in any legal proceeding, until such time as the
2 complaint becomes a contested case, as defined in § 1-26-1. No person who has participated in the
3 investigation of a complaint may testify as an expert witness or be compelled to testify for any party
4 in any civil action, if the subject matter of the complaint investigated is a basis for the civil action.

5 Section 38. A license or permit may be suspended, revoked, or canceled if:

6 (1) The licensee or permit holder is guilty of fraud in the practice of counseling
7 or of fraud or deceit in the licensee's admission to the practice of counseling;

8 (2) The licensee or permit holder has been convicted during the past five years
9 of a felony, or of any crime which, if committed in this state would constitute a felony;

10 (3) The licensee or permit holder is engaged in the practice of counseling under
11 a false or assumed name and has not registered that name under chapter 37-11, or is impersonating
12 another practitioner having a like or different name;

13 (4) The licensee or permit holder is addicted to the habitual use of intoxicating
14 liquors, narcotics, or stimulants, to an extent that incapacitates the licensee from the performance of
15 professional duties;

16 (5) The physical or mental condition of the licensee or permit holder is
17 determined by a competent healthcare provider to be at risk of jeopardizing or endangering those
18 who seek services from the licensee, provided that a majority of the board may demand an
19 examination of the licensee or permit holder at the board's expense, and further provided that if the
20 licensee or permit holder fails to submit to the examination, this constitutes grounds for the
21 immediate suspension of the license or permit;

22 (6) Obtaining or attempting to obtain a license, certificate, permit, or renewal
23 through means of bribery or fraudulent representation;

1 (7) Knowingly making a false statement in connection with any application
2 under this Act;

3 (8) Knowingly making a false statement on any form required by the board in
4 accordance with this Act or any rules promulgated thereunder;

5 (9) The licensee or permit holder has violated any section of this Act or any rule
6 promulgated thereunder; or

7 (10) The licensee or permit holder has been found to be in violation of ethical
8 standards adopted by the board.

9 Section 39. Proceedings for the suspension, revocation, or cancellation of a license or
10 permit may be initiated when the board has information that a person may have committed any
11 misconduct as provided for in section 37 of this Act or is guilty of gross incompetence or
12 unprofessional or dishonorable conduct.

13 Section 40. If the board finds that a person, entity, licensee, or permit holder has violated
14 any section from 2 through 49 of this Act or any rule promulgated thereunder, the board may:

15 (1) Revoke a license or permit for an indefinite period;

16 (2) Suspend a license or permit for a specific or an indefinite period;

17 (3) Place a limit or a condition on a license or permit;

18 (4) Issue a censure or a letter of reprimand;

19 (5) Place a licensee or permit holder on probationary status and require the

20 licensee or permit holder report regularly to the board on the matters that are the basis for
21 probation, limit the licensee's or permit holder's practice to areas prescribed by the board, and
22 require professional education until a satisfactory degree of skill has been attained in those areas that
23 are the basis of the probation, provided the board may withdraw the probation if the board finds the
24 deficiencies that required disciplinary action have been remedied;

1 (6) Impose any other sanction that the board determines is appropriate;

2 (7) Impose a fee to reimburse the board in an amount equal to some or all of the
3 costs incurred for the investigation and proceedings resulting in disciplinary action, or for the
4 issuance of a cease and desist order; or

5 (8) Deny an application for a license or permit.

6 Section 41. The board may suspend a license or permit in advance of a final adjudication or
7 during the appeals process, if the board finds that allowing a licensee or permit holder to continue
8 practicing would represent a clear and immediate or imminent danger to public health and safety. A
9 person whose license or permit is suspended under this section is entitled to a hearing before the
10 board within twenty days after the effective date of the suspension. The suspension may
11 subsequently be appealed to the circuit court in accordance with chapter 1-26.

12 Section 42. All proceedings regarding the suspension, revocation, or cancellation of a license
13 or permit shall conform to the procedure set forth in chapter 1-26.

14 A party may appeal any act, ruling, or decision regarding a license, in accordance with
15 chapter 1-26.

16 Section 43. At the board's discretion, the board may reinstate or issue a new license or
17 permit. The board may require the applicant to pay all costs of the proceedings resulting in the
18 suspension, revocation, reinstatement, or issuance of a license or permit.

19 Section 44. The board shall investigate and report an alleged violation of any section from 2
20 through 49 of this Act. The board may employ special counsel subject to the supervision, control,
21 and direction of the attorney general to assist in the prosecution of alleged criminal violations and
22 may expend the necessary funds for this purpose.

1 Section 45. Any person violating any section of this Act may be enjoined from further
2 violations at the suit of the state's attorney of the county where the violations occurred. In the
3 alternative, suit may be brought by any resident of this state.

4 Section 46. Any person who practices counseling through electronic means and provides
5 counseling services to a patient located in this state is engaged in the practice of counseling in this
6 state, regardless of the provider's physical location. Any service provided by a person through
7 electronic means shall comply with this Act and rules promulgated thereunder.

8 Section 47. The board shall promulgate rules in accordance with chapter 1-26, to establish
9 the following:

- 10 (1) An application fee, not exceeding two hundred dollars;
- 11 (2) A biennial renewal fee, not exceeding five hundred dollars;
- 12 (3) A duplicate license fee, not exceeding fifteen dollars;
- 13 (4) An inactive license fee, not exceeding one hundred dollars;
- 14 (5) A temporary license fee, not exceeding two hundred dollars; and
- 15 (6) A license verification fee, not exceeding twenty-five dollars.

16 Section 48. Any person licensed as a professional counselor under § 36-32-13 before
17 June 30, 2020, shall be licensed as a professional counselor-mental health pursuant to sections 2
18 through 47 of this Act.

19 Section 49. Any person licensed as a professional counselor-mental health under § 36-32-42
20 before June 30, 2020, shall be licensed as a professional counselor-mental health pursuant to
21 sections 2 through 47 of this Act.

22 Section 50. That §§ 36-32-1 to 36-32-46, inclusive be repealed.