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Board of Behavioral Health and Therapy

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<https://mn.gov/boards/behavioral-health/>

AT A GLANCE

Licensing

- 7,787 total number of licenses and temporary permits
- 1,162 new licenses and temporary permits issued
- 1,105 new license and temporary permit applications received
- 6,095 licenses and temporary permits renewed

Complaints

- 152 new complaints received
- 145 complaints closed
- 30 disciplinary actions taken

Staff

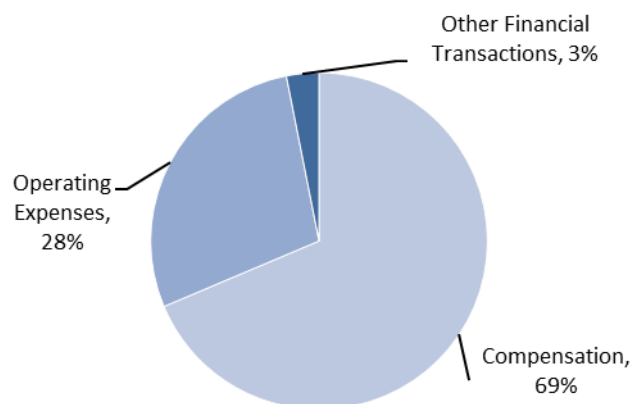
- 7.0 full time equivalent employees

PURPOSE

The Board of Behavioral Health and Therapy exists to regulate the practices of alcohol and drug counseling, professional counseling, and professional clinical counseling in the State of Minnesota. Regulation of these professions is necessary to protect the health, safety, and welfare of the public when they receive mental health and substance use counseling services. The Board carries out its mission through effective licensure and enforcement of statutes and rules that ensure a standard of competent and ethical practice.

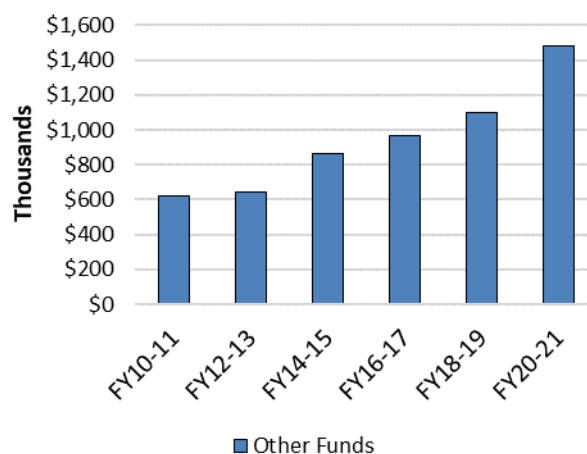
BUDGET

**Spending by Category
FY 2021 Actual**



Source: Budget Planning & Analysis System (BPAS)

Historical Spending



Source: Consolidated Fund Statement

Licensure fees fund the Board and we receive no general fund dollars. Minnesota Statutes section 214.06, subdivision 1(a) compels the Board to collect fees in the amount sufficient to cover direct and indirect expenditures. Funds are deposited as non-dedicated revenue into the state government special revenue fund. From this fund, the Board receives a direct appropriation to pay for agency expenses such as salaries, rent, costs associated with disciplinary/contested cases, and operating expenditures. It also pays statewide indirect costs through an open appropriation.

In addition to Board operations, licensure fees fund activities that support multiple boards and/or other agencies. Some of these are the Department of Administration Small Agency Resource Team (SmART) (inter-board), the Administrative Services Unit (inter-board), Health Professionals Services Program (inter-board), Office of the Attorney General for legal services, and the Criminal Background Check Program (inter-board).

STRATEGIES

The Board of Behavioral Health and Therapy promotes and protects the health and safety of the citizens of Minnesota and accomplishes its public protection mission by:

- Setting educational, supervision, and examination requirements for initial licensure as a licensed professional counselor (LPC), licensed professional clinical counselor (LPCC), or licensed alcohol and drug counselor (LADC).
- Issuing the LADC license or permit, LPC license, or LPCC license to practice only to qualified individuals.
- Setting the requirements for renewal of a license or permit and administering the renewal process.
- Setting standards of ethical practice.
- Responding to inquiries, complaints and reports regarding applicants and licensees.
- Investigating complaints of alleged violations of statutes and rules, holding educational and disciplinary conferences with licensees and applicants, taking disciplinary or corrective action when appropriate against practitioners who fail to meet minimum standards of practice, and reporting public actions to national databanks.
- Maintaining a website that provides information to the public about complaints and discipline, including a list of disciplinary and corrective actions taken by the Board.
- Offering online services from the Board's website, including license verification and links to the full text of public disciplinary orders the Board has adopted against licensed professionals.
- Approving continuing education activities.
- Providing information about licensure requirements and standards of practice to students, applicants, licensees, and other interested parties.

RESULTS

The information included below was generated using the Board's licensure and regulatory database. The total number of licensees continues to rise.

<i>Type of Measure</i>	<i>Name of Measure</i>	<i>Previous</i>	<i>Current</i>	<i>Dates</i>
Quantity	Number of new licenses issued	971	1,162	FY21 & FY22
Quality	Percent of licensees renewing their licenses online	76%	77%	FY21 & FY22
Quantity	Number of disciplinary actions taken	17	30	FY21 & FY22

The Board's activities are governed by Minnesota Statutes sections 148B.50 to 148B.593 (<https://www.revisor.mn.gov/statutes/?id=148b.50>) and Minnesota Rules chapter 2150 (<https://www.revisor.mn.gov/rules/?id=2150>) (professional counseling and professional clinical counseling), Minnesota Statutes chapter 148F (<https://www.revisor.mn.gov/statutes/?id=148F>) and Minnesota Rules chapter 4747 (<https://www.revisor.leg.state.mn.us/rules/?id=4747>) (alcohol and drug counseling), and Minnesota Statutes chapter 214 (<https://www.revisor.mn.gov/statutes/?id=214>).

(Dollars in Thousands)

	Actual FY20	Actual FY21	Actual FY22	Estimate FY23	Forecast Base FY24 FY25		Governor's Recommendation FY24 FY25	
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Expenditures by Fund

1201 - Health Related Boards	699	733	690	1,062	875	875	1,022	1,044
2000 - Restrict Misc Special Revenue	25	25	28	38	28	28	28	28
Total	723	758	718	1,100	903	903	1,050	1,072
Biennial Change				336		(12)		304
Biennial % Change				23		(1)		17
Governor's Change from Base								316
Governor's % Change from Base								18

Expenditures by Program

Behavioral Health & Therapy	723	758	718	1,100	903	903	1,050	1,072
Total	723	758	718	1,100	903	903	1,050	1,072

Expenditures by Category

Compensation	460	519	526	666	635	645	757	789
Operating Expenses	239	215	188	424	267	257	292	282
Other Financial Transaction	25	24	4	10	1	1	1	1
Total	723	758	718	1,100	903	903	1,050	1,072

Full-Time Equivalents

5.46	6.02	6.14	8.40	7.50	7.50	8.50	8.50
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(Dollars in Thousands)

	Actual	Actual	Actual	Estimate	Forecast Base		Governor's Recommendation	
	FY20	FY21	FY22	FY23	FY24	FY25	FY24	FY25
1201 - Health Related Boards								
Balance Forward In		272		187				
Direct Appropriation	937	858	877	875	875	875	1,022	1,044
Transfers Out		215						
Cancellations		182						
Balance Forward Out	238		187					
Expenditures	699	733	690	1,062	875	875	1,022	1,044
Biennial Change in Expenditures				320		(2)		314
Biennial % Change in Expenditures				22		(0)		18
Governor's Change from Base								316
Governor's % Change from Base								18
Full-Time Equivalents	5.46	6.02	6.14	8.40	7.50	7.50	8.50	8.50

2000 - Restrict Misc Special Revenue

Balance Forward In	5	7	11	10				
Receipts	25	29	27	28	28	28	28	28
Balance Forward Out	5	11	10					
Expenditures	25	25	28	38	28	28	28	28
Biennial Change in Expenditures				16		(10)		(10)
Biennial % Change in Expenditures				32		(15)		(15)
Governor's Change from Base								0
Governor's % Change from Base								0

(Dollars in Thousands)

	FY23	FY24	FY25	Biennium 2024-25
Direct				
Fund: 1201 - Health Related Boards				
FY2023 Appropriations	875	875	875	1,750
Forecast Base	875	875	875	1,750
Change Items				
Maintain Current Service Levels		47	69	116
Additional Staff		100	100	200
Total Governor's Recommendations	875	1,022	1,044	2,066
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Planned Spending	38	28	28	56
Forecast Base	38	28	28	56
Total Governor's Recommendations	38	28	28	56
Revenue Change Summary				
Dedicated				
Fund: 2000 - Restrict Misc Special Revenue				
Forecast Revenues	28	28	28	56
Total Governor's Recommendations	28	28	28	56
Non-Dedicated				
Fund: 1201 - Health Related Boards				
Forecast Revenues	1,680	1,680	1,680	3,360
Total Governor's Recommendations	1,680	1,680	1,680	3,360

Board of Behavioral Health and Therapy

FY 2024-25 Biennial Budget Change Item

Change Item Title: Maintain Current Service Levels

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Other Funds				
Expenditures	47	69	69	69
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	47	69	69	69
FTEs	0	0	0	0

Recommendation:

The Governor recommends additional funding of \$47,000 in FY 2024 and \$69,000 in each subsequent year from the State Government Special Revenue Fund to maintain the current level of service delivery at the Board of Behavioral Health and Therapy.

Rationale/Background:

Each year, the cost of doing business rises—employer-paid health care contributions, FICA and Medicare, along with other salary and compensation-related costs increase. Other operating costs, like rent and lease, fuel and utilities, and IT and legal services also grow. This cost growth puts pressure on agency operating budgets that remain flat from year to year.

Agencies face challenging decisions to manage these costs within existing budgets, while maintaining the services Minnesotans expect. From year to year, agencies find ways to become more efficient with existing resources. However, cost growth typically outstrips efficiencies, and without additional resources added to agency budgets, service delivery erodes.

For the Board, operating cost pressures exist in multiple categories—increases in compensation and insurance costs at the agency, increasing costs to maintain our current staff complement in a challenging labor market, and increasing IT costs. If an operational increase is not provided, the Board will be unable to maintain public protection responsibilities, including timely and efficient licensure of mental health and substance use professionals to serve Minnesotans.

Proposal:

The Governor recommends increasing agency operating budgets to support maintaining the delivery of current services. For the Board, this funding will support expected and anticipated employee compensation growth and known cost increases in lease rates and IT services.

Results:

This proposal is intended to allow the Board of Behavioral Health and Therapy to continue to provide current levels of service and information to the public.

Board of Behavioral Health and Therapy

FY 2024-25 Biennial Budget Change Item

Change Item Title: Additional Staff

Fiscal Impact (\$000s)	FY 2024	FY 2025	FY 2026	FY 2027
General Fund				
Expenditures	0	0	0	0
Revenues	0	0	0	0
Other Funds				
Expenditures	100	100	100	100
Revenues	0	0	0	0
Net Fiscal Impact = (Expenditures – Revenues)	0	0	0	0
FTEs	1	1	1	1

Recommendation:

The Governor recommends a base budget increase to add a FTE position. The Board issues licenses to LADCs (Licensed Alcohol and Drug Counselors), LPCs (Licensed Professional Counselors), and LPCCs (Licensed Professional Clinical Counselors). These professionals provide essential mental health and substance use counseling services to Minnesota citizens. This request supports the Governor's goals to keep Minnesotans safe and ensure access to quality mental health and substance use services for children and families.

The Board is requesting a permanent increase of \$100,00 in FY 2024 and FY 2025 to its base budget. This change item request is an increase to the Board's current annual base budget of \$875,000 (11% increase).

Rationale/Background:

The mission of the Board is to protect the public through effective licensure and enforcement of the statutes and rules governing the practice of alcohol and drug counseling, professional counseling, and professional clinical counseling.

The Board currently collects sufficient dollars through fees paid by counselors to fund this base budget increase. No fee increases are necessary. The items in this change item request will be funded through fees deposited in the State Government Special Revenue Fund. The Board receives no General Fund dollars.

Proposal:

This proposal is a request to increase the spending authority of the Board. This will create a new position to assist the Board's complaint resolution and compliance process.

Every year, the number of licensees increases. Between June 30, 2012 and June 30, 2022, the number of regulated persons has more than doubled, going from approximately 3,400 licensees to approximately 7,800 licensees. We expect this number to continue to increase. In turn, the number of complaints received against licensees and applicants has increased, including the number of licensees with disciplinary or corrective action. In FYs 2011 and 2012, the Board received 191 new complaints and issued 16 disciplinary orders. In FYs 2021 and 2022, the Board received 398 new complaints and issued 47 disciplinary orders. We have determined that with the number of complaints and disciplinary orders, complexity of complaints, and time it takes to complete administrative tasks, we require a full-time position to assist the complaint resolution and compliance process. This position will also assist with continuing education audits and continuing education sponsor applications.

Impact on Children and Families:

This proposal will help the Board to address delays in the complaint resolution process. Addressing delays will help to ensure that children and families have access to safe and competent counselors.

Equity and Inclusion:

The increased spending authority would not have an adverse equity and inclusion impact. Adding this position will help to ensure that all Minnesotans have access to safe mental health and substance use services.

Tribal Consultation:

Does this proposal have a substantial direct effect on one or more of the Minnesota Tribal governments?

☐ Yes

☒ No

Results:

Numbers show that the Board's number of regulated professionals will continue to increase. The Board anticipates the number of complaints will also increase. With increased spending authority, the Board can achieve the following results:

1. Maintain public protection responsibilities by processing complaints in an efficient and timely manner.
2. Afford necessary staffing to effectively manage the Board's complaint resolution and compliance process.

Statutory Change(s):

No changes required.