

Corrected
SESSION OF 2010

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2577

As Amended by House Committee on
Health and Human Services

Brief*

HB 2577 would create the Addictions Counselor Licensure Act. The following is the outline of the Act:

Behavioral Sciences Regulatory Board

- The membership of the Board would increase to 12 members. The new member of the Board would be a licensed addiction counselor or a licensed clinical addiction counselor, appointed by the Governor.
- The Board would be required to develop and administer the rules and regulations of the Act.
- Any person currently licensed as an addiction counselor, licensed addiction counselor, or substance abuse counselor would be prohibited from practicing without being licensed under this Act and meeting applicable requirements effective August 1, 2011. However, the Act would provide for a grandfathering of anyone registered by the Board, credentialed by the Department of Social and Rehabilitation Services, or credentialed by the Kansas Association of Addiction Professionals as an alcohol and other drug abuse counselor or an alcohol and drug credentialed counselor may be licensed under the Act upon application, payment of fees, and completing applicable continuing education requirements if they have

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

practiced within three years prior to the effective date, July 1, 2011, of the Act and their last registration or credential was not suspended or revoked.

Application Disclosure Information Requirement

- A person licensed under the Act and employees or professional associates of the licensee would be required to disclose information acquired in rendering addiction counseling services if:
 - Disclosure is required by other state laws;
 - Failure to disclose the information presents a clear and present danger to the health and safety of an individual;
 - The person, employee, or associate is a party defendant to a civil, criminal, or disciplinary action arising from the therapy;
 - The client is a defendant in a criminal proceeding and the use of the privilege would violate the defendant's right to a compulsory process or the right to present testimony and witnesses in the person's behalf; or
 - A client agrees to a waiver of the privilege.

Refusal, Suspension, Revoking of Licensure

- The Board may refuse to grant licensure, or may suspend, revoke, condition, limit, qualify, or restrict licensure after determination that a practitioner:
 - Is incompetent to practice or is found to engage in the practice of counseling in a manner harmful or dangerous to a client or to the public;

- Is convicted of a felony, misdemeanor crime against persons, or substantiation of abuse against a child, adult, or resident of a care facility, even if not practice related;
- Has violated a provision of the Act or one or more of the rules and regulations of the Board;
- Has obtained or attempted to obtain a license or license renewal by bribery or fraudulent representation;
- Has knowingly made a false statement on a form required by the Board;
- Has failed to obtain continuing education credits required by rules and regulations of the Board;
- Has been found guilty of unprofessional conduct as defined by rules and regulations established by the Board; or
- Has had a registration, license, or certificate as an addiction counselor revoked, suspended, or limited, or has had other disciplinary action taken, or an application for registration, licensure, or certificate denied, by the proper regulatory authority of another state, territory, the District of Columbia, or another country, a certified copy of the record of the action of the other jurisdiction being conclusive evidence.

Temporary License

- A temporary license may be granted by the Board for a person waiting to take the examination for licensure upon payment of fees and meeting applicable requirements set by the Board;

- A temporary license would expire upon issuance or denial of licensure or 12 months after the date of issuance; and
- A temporary license would limit a person to practice in Kansas for no more than 15 days per year.

Fees and Licenses

- The application, original license, and renewal license fee to practice as an addiction counselor or clinical addiction counselor would not exceed \$150;
- The fee for a temporary permit to practice as an addiction counselor would not exceed \$100;
- The fee for a temporary permit and the extension of a temporary permit would not exceed \$200; and
- The licenses would be valid for a period of 24 months.

Background

Proponents of the bill included: representatives of the Kansas Department of Social and Rehabilitation Services; Kansas Department of Health and Environment; Behavioral Sciences Regulatory Board (BSRB); Kansas Association of Addiction Professionals; and ValueOptions-Kansas.

Representatives of the National Association of Social Workers, Kansas Chapter, and Licensed Specialist Clinical Social Workers appeared in opposition to the bill because of wording in the definition section of the Act which would have allowed licensed addiction counselor(s) to diagnose substance abuse disorders.

The House Committee amended the bill to delete, in the definition of licensed addiction counselors, the terms “assessment,” “diagnosis,” and under certain circumstances

“treatment.” The language in the bill associated with these terms also was deleted.

The fiscal note made the following findings:

- The BSRB indicates that the additional costs to add a new Board member would total \$3,095 from the fee fund in FY 2011 (this position was deleted in the amended bill).
- The BSRB estimates that the bill would increase state revenue by \$175,000 in FY 2011, of which \$140,000 would be deposited into the fee fund and the remaining \$35,000 (20 percent) would be credited to the State General Fund.
- Any fiscal effect resulting from this bill is not included in *The FY 2011 Governor’s Budget Report*.