

SENATE BILL No. 100

By Committee on Public Health and Welfare

2-4

1 AN ACT concerning the addictions counselor licensure act; amending
2 section 2, section 4, section 7, section 8, section 9 and section 10 of
3 chapter 45 of the 2010 Session Laws of Kansas and repealing the
4 existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. Section 2 of chapter 45 of the 2010 Session Laws of
8 Kansas is hereby amended to read as follows: Sec. 2. As used in the
9 addictions counselor licensure act:

10 (a) "Board" means the behavioral sciences regulatory board created
11 under K.S.A. 74-7501, and amendments thereto.

12 (b) "Addiction counseling" means the utilization of special skills to
13 assist persons with addictions, and to assist such persons' families and
14 friends to achieve resolution of addiction through the exploration of the
15 disease and its ramifications, the examination of attitudes and feelings,
16 the consideration of alternative solutions and decision making, as these
17 relate specifically to addiction. Evaluation and assessment, treatment
18 including treatment plan development, ~~ease management~~, crisis
19 intervention, referral, record keeping and clinical consultation specifically
20 related to addiction are within the scope of addiction counseling.
21 *Additionally*, at the clinical level of licensure, addiction counseling
22 includes independent practice ~~limited and to~~ the diagnosis and treatment
23 of substance use disorders.

24 (c) "Licensed addiction counselor" means a person who engages in
25 the practice of addiction counseling limited to substance use disorders
26 and who is licensed under this act, except that on and after July 1, 2011,
27 such person shall engage in the practice of addiction counseling only in a
28 state-licensed or certified alcohol and other drug treatment program,
29 *unless otherwise exempt for licensure under subsection (m) of K.S.A. 59-*
30 *29b46, and amendments thereto.*

31 (d) "Licensed clinical addiction counselor" means a person who
32 engages in the independent practice of addiction counseling ~~which~~
33 ~~practice and is limited to~~ the diagnosis and treatment of substance use
34 disorders specified in the edition of the American psychiatric association's
35 diagnostic and statistical manual of mental disorders (DSM) designated
36 by the board by rules and regulations and is licensed under this act.

1 Sec. 2. Section 4 of chapter 45 of the 2010 Session Laws of Kansas
2 is hereby amended to read as follows: Sec. 4. (a) An applicant for
3 licensure as an addiction counselor shall furnish evidence that the
4 applicant:

5 (1) Has attained the age of 21;

6 (2) (A) has completed a baccalaureate degree from an addiction
7 counseling program that is part of a college or university approved by the
8 board; or

9 (B) has completed a baccalaureate degree from a college or
10 university approved by the board in a related field that includes a
11 minimum number of semester hours of coursework supporting the
12 ~~diagnosis and treatment~~ of substance use disorders as approved by the
13 board; or

14 (C) completed a baccalaureate degree from a college or university
15 approved by the board in a related field with additional *course* work in
16 addiction counseling from a college or university approved by the board,
17 and such degree program and the additional *course* work includes the
18 course work requirements provided in paragraph (a)(2)(B) of this
19 subsection; or

20 (D) is currently licensed in Kansas as a licensed psychologist,
21 licensed master social worker, licensed professional counselor, licensed
22 marriage and family therapist or licensed ~~masters~~master's level
23 psychologist;

24 (3) has passed an examination approved by the board;

25 (4) has satisfied the board that the applicant is a person who merits
26 the public trust; and

27 (5) each applicant has paid the application fee established by the
28 board under section 12 *of chapter 45 of the 2010 Session Laws of Kansas,*
29 and amendments thereto.

30 (b) (1) Applications for licensure as a clinical addiction counselor
31 shall be made to the board on a form and in the manner prescribed by the
32 board. Each applicant shall furnish evidence satisfactory to the board that
33 the applicant:

34 (A) Is licensed by the board as a licensed addiction counselor or
35 meets all requirements for licensure as an addiction counselor; and

36 (i) has completed a master's degree from an addiction counseling
37 program that is part of a college or university approved by the board; or

38 (ii) has completed a master's degree from a college or university
39 approved by the board in a related field that includes a minimum number
40 of semester hours of coursework supporting the diagnosis and treatment
41 of substance use disorders as approved by the board; or

42 (iii) has completed a master's degree from a college or university
43 approved by the board in a related field with additional work in addiction

1 counseling from a college or university approved by the board and such
2 degree program and the additional work includes the course work
3 requirements provided in paragraph (b)(2)(B) of this subsection; ~~and or~~

4 *(iv) has completed a master's degree in a related field and is*
5 *licensed as an addiction counselor; and*

6 (B) has completed not less than two years of postgraduate supervised
7 professional experience in accordance with a clinical supervision plan
8 approved by the board of not less than 4,000 hours of supervised
9 professional experience including at least 1,500 hours of direct client
10 contact conducting substance abuse assessments and treatment with
11 individuals, couples, families or groups and not less than 150 hours of
12 clinical supervision, including not less than 50 hours of person-to-person
13 individual supervision, integrating diagnosis and treatment of substance
14 use disorders with use of the diagnostic and statistical manual of mental
15 disorders of the American psychiatric association, except that ~~one-half~~ $\frac{1}{2}$
16 of the requirement of this paragraph (B) may be waived for persons with
17 a doctoral degree in addiction counseling or a related field acceptable to
18 the board; and

19 (C) has passed an examination approved by the board; and

20 (D) has paid the application fee fixed under section 12 *of chapter 45*
21 *of the 2010 Session Laws of Kansas*, and amendments thereto.

22 (2) A person who was registered by the behavioral sciences
23 regulatory board as an alcohol and other drug counselor or credentialed
24 by the department of social and rehabilitation services as an alcohol and
25 drug credentialed counselor or credentialed by the Kansas association of
26 addiction professionals as an alcohol and other drug abuse counselor in
27 Kansas at any time prior to the effective date of this act, ~~who has been~~
28 ~~actively engaged in the practice of addiction counseling in Kansas as a~~
29 ~~registered~~ *who was registered in Kansas as an* alcohol and other drug
30 counselor, an alcohol and drug credentialed counselor or a credentialed
31 alcohol and other drug abuse counselor within three years prior to the
32 effective date of this act and whose last registration or credential in
33 Kansas prior to the effective date of this act was not suspended or
34 revoked, upon application to the board, payment of fees and completion
35 of applicable continuing education requirements, shall be licensed as a
36 licensed addiction counselor by providing demonstration acceptable to
37 the board of competence to perform the duties of an addiction counselor.

38 (3) Any person who was registered by the behavioral sciences
39 regulatory board as an alcohol and other drug counselor or credentialed
40 by the department of social and rehabilitation services as an alcohol and
41 drug credentialed counselor or credentialed by the Kansas association of
42 addiction professionals as an alcohol and other drug abuse counselor in
43 Kansas at any time prior to the effective date of this act, and who is also

1 licensed to practice independently as a mental health *practitioner* or
2 person licensed to practice medicine and surgery, and who ~~has been~~
3 ~~actively engaged in the practice of addiction counseling in Kansas as a~~
4 ~~registered or credentialed~~ *was registered or credentialed in Kansas as an*
5 *alcohol and other drug counselor within three years prior to the effective*
6 *date of this act and whose last registration or credential in Kansas prior to*
7 *the effective date of this act was not suspended or revoked, upon*
8 *application to the board, payment of fees and completion of applicable*
9 *continuing education requirements, shall be licensed as a licensed clinical*
10 *addiction counselor and may engage in the independent practice of*
11 *addiction counseling and is authorized to diagnose and treat substance use*
12 *disorders specified in the edition of the diagnostic and statistical manual*
13 *of mental disorders of the American psychiatric association designated by*
14 *the board by rules and regulations.*

15 (4) *Any person who was credentialed by the department of*
16 *social and rehabilitation services as an alcohol and drug counselor and*
17 *has been actively engaged in the practice, supervision or administration*
18 *of addiction counseling in Kansas for not less than 10 years by providing*
19 *demonstration acceptable to the board of competence to perform the*
20 *duties of a licensed clinical addiction counselor and was credentialed by*
21 *the Kansas association of addiction professionals as an alcohol and*
22 *other drug abuse counselor level II or III in Kansas at any time prior to*
23 *the effective date of this act, or holds a master's degree in a related field*
24 *and whose last registration or credential in Kansas prior to the effective*
25 *date of this act was not suspended or revoked, upon application to the*
26 *board, payment of fees and completion of applicable continuing*
27 *education requirements, shall be licensed as a clinical addiction*
28 *counselor and may engage in the independent practice of addiction*
29 *counseling and is authorized to diagnose and treat substance use*
30 *disorders specified in the edition of the diagnostic and statistical manual*
31 *of mental disorders of the American psychiatric association by the board*
32 *by rules and regulations.*

33 ~~(4)~~(5) On and after July 1, 2011, a licensed addiction counselor
34 ~~may~~shall engage in the practice of addiction counseling only ~~within~~
35 a state licensed or certified alcohol and other drug treatment program,
36 *unless otherwise exempt for licensure under subsection (m) of K.S.A. 59-*
37 *29b46, and amendments thereto.*

38 Sec. 3. Section 7 of chapter 45 of the 2010 Session Laws of Kansas
39 is hereby amended to read as follows: Sec. 7. (a) The board may issue a
40 license to an individual who is currently registered, certified or licensed
41 to practice addiction counseling in another jurisdiction if the board
42 determines that:

43 (1) The standards for registration, certification or licensure to

1 practice addiction counseling in the other jurisdiction are substantially the
2 equivalent of the requirements of the addictions counselor licensure act
3 and rules and regulations of the board; ~~and/or~~

4 (2) the applicant demonstrates on forms provided by the board
5 compliance with the following standards as adopted by the board:

6 (A) Continuous registration, certification or licensure to practice
7 addiction counseling during the five years immediately preceding the
8 application with at least the minimum professional experience as
9 established by rules and regulations of the board;

10 (B) the absence of disciplinary actions of a serious nature brought by
11 a registration, certification or licensing board or agency; and

12 (C) completion of a baccalaureate or ~~masters~~ *master's* degree in
13 addiction counseling from a college or university approved by the board
14 or completion of a baccalaureate or master's degree in a related field that
15 includes all required addiction coursework.

16 (b) Applicants for licensure as a clinical addiction counselor shall
17 additionally demonstrate competence to diagnose and treat substance
18 abuse disorders through meeting the requirements of either paragraph (1)
19 or (2) of subsection (a) and at least two of the following areas acceptable
20 to the board:

21 (1) Either coursework as established by rules and regulations of the
22 board or passing a national clinical examination approved by the board;

23 (2) three years of clinical practice with demonstrated experience
24 supporting diagnosing or treating substance use disorders; or

25 (3) attestation from a professional licensed to diagnose and treat
26 mental disorders, or substance use disorders, or both, in independent
27 practice or licensed to practice medicine and surgery stating that the
28 applicant is competent to diagnose and treat substance use disorders.

29 (c) An applicant for a license under this section shall pay an
30 application fee established by the board under section 12 *of chapter 45 of*
31 *the 2010 Session Laws of Kansas*, and amendments thereto.

32 Sec. 4. Section 8 of chapter 45 of the 2010 Session Laws of Kansas
33 is hereby amended to read as follows: Sec. 8. (a) An applicant who
34 meets the requirements for licensure pursuant to this act, has paid the
35 license fee provided for by section 12 *of chapter 45 of the 2010 Session*
36 *Laws of Kansas*, and amendments thereto, and has otherwise complied
37 with the provisions of this act shall be licensed by the board.

38 (b) Licenses issued pursuant to this act shall expire 24 months from
39 the date of issuance unless revoked prior to that time. A license may be
40 renewed upon application and payment of the fee provided for by section
41 12 *of chapter 45 of the 2010 Session Laws of Kansas*, and amendments
42 thereto. The application for renewal shall be accompanied by evidence
43 satisfactory to the board that the applicant has completed during the

1 previous 24 months the continuing education required by rules and
2 regulations of the board. As part of such continuing education, the
3 *clinical addiction counselor* applicant shall complete not less than six
4 continuing education hours relating to diagnosis and treatment of
5 substance use disorders. ~~and Both the clinical addiction counselor~~
6 *applicant and the addiction counselor applicant shall complete* not less
7 than three continuing education hours of professional ethics.

8 (c) A person whose license has been suspended or revoked may
9 make written application to the board requesting reinstatement of the
10 license upon termination of the period of suspension or revocation in a
11 manner prescribed by the board, which application shall be accompanied
12 by the fee provided for by section 12 of chapter 45 of the 2010 Session
13 *Laws of Kansas*, and amendments thereto.

14 Sec. 5. Section 9 of chapter 45 of the 2010 Session Laws of Kansas
15 is hereby amended to read as follows: Sec. 9. The board may refuse to
16 grant licensure to, or may suspend, revoke, condition, limit, qualify or
17 restrict the licensure issued under this act of any individual who the
18 board, after *the opportunity for* a hearing, determines:

19 (a) Is incompetent to practice addiction counseling, or is found to
20 engage in the practice of addiction counseling in a manner harmful or
21 dangerous to a client or to the public;

22 (b) is convicted by a court of competent jurisdiction of a felony,
23 misdemeanor crimes against persons or substantiation of abuse against a
24 child, adult or resident of a care facility, even if not practice related;

25 (c) has violated a provision of the addictions counselor licensure act
26 or one or more of the rules and regulations of the board;

27 (d) has obtained or attempted to obtain a license or license renewal
28 by bribery or fraudulent representation;

29 (e) has knowingly made a false statement on a form required by the
30 board for license or license renewal;

31 (f) has failed to obtain continuing education credits required by rules
32 and regulations of the board;

33 (g) has been found guilty of unprofessional conduct as defined by
34 rules and regulations established by the board; or

35 (h) has had a registration, license or certificate as an addiction
36 counselor revoked, suspended or limited, or has had other disciplinary
37 action taken, or an application for registration, license or certificate
38 denied, by the proper regulatory authority of another state, territory,
39 District of Columbia or another country, a certified copy of the record of
40 the action of the other jurisdiction being conclusive evidence thereof.

41 Sec. 6. Section 10 of chapter 45 of the 2010 Session Laws of Kansas
42 is hereby amended to read as follows: Sec. 10. Nothing in the
43 addictions counselor licensure act shall be construed:

1 (a) To prevent addiction counseling practice by students or interns or
2 individuals preparing for the practice of addiction counseling to practice
3 under qualified supervision of a professional, recognized and approved
4 by the board, in an educational institution or agency so long as they are
5 designated by titles such as "student," "trainee," "intern" or other titles
6 clearly indicating training status;

7 (b) to authorize the practice of psychology, medicine and surgery,
8 professional counseling, marriage and family therapy, ~~masters~~master's
9 level psychology or social work *or other professions licensed by the*
10 *behavioral sciences regulatory board*;

11 (c) to apply to the activities and services of a rabbi, priest, minister,
12 clergy person or organized ministry of any religious denomination or sect,
13 including a Christian-Science practitioner, unless such person or
14 individual who is a part of the organized ministry is a licensed addiction
15 counselor;

16 (d) to apply to the activities and services of qualified members of
17 other professional groups including, but not limited to, attorneys,
18 physicians, psychologists, ~~masters~~master's level psychologists, marriage
19 and family therapists, professional counselors, *or other professions*
20 *licensed by the behavioral sciences regulatory board*, registered nurses or
21 social workers performing services consistent with the laws of this state,
22 their training and the code of ethics of their profession, so long as they do
23 not represent themselves as being an addiction counselor; or

24 (e) to prevent qualified persons from doing work within the
25 standards and ethics of their respective professions and callings provided
26 they do not hold themselves out to the public by any title or description of
27 services as being an addiction counselor.

28 Sec. 7. Section 2, section 4, section 7, section 8, section 9, and
29 section 10 of chapter 45 of the 2010 Session Laws of Kansas are hereby
30 repealed.

31 Sec. 8. This act shall take effect and be in force from and after its
32 publication in the statute book.