

As Amended by Senate Committee

Session of 2011

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
11 created under K.S.A. 74-7501, and amendments thereto.

12 (b) "Addiction counseling" means the utilization of special skills
13 to assist persons with addictions, and to assist such persons' families
14 and friends to achieve resolution of addiction through the exploration
15 of the disease and its ramifications, the examination of attitudes and
16 feelings, the consideration of alternative solutions and decision making,
17 as these relate specifically to addiction. Evaluation and assessment,
18 treatment including treatment plan development, ~~case management,~~
19 crisis intervention, referral, record keeping and clinical consultation
20 specifically related to addiction are within the scope of addiction
21 counseling. *Additionally*, at the clinical level of licensure, addiction
22 counseling includes independent practice ~~limited and to~~ the diagnosis
23 and treatment 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
28 a state-licensed or certified alcohol and other drug treatment program,
29 *unless otherwise exempt for licensure under subsection (m) of K.S.A.*
30 *59-29b46, 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

1 disorders specified in the edition of the American psychiatric
2 association's diagnostic and statistical manual of mental disorders
3 (DSM) designated by the board by rules and regulations and is licensed
4 under this act.

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

9 (1) Has attained the age of 21;

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

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

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

24 (D) is currently licensed in Kansas as a licensed psychologist,
25 licensed master social worker, licensed professional counselor, licensed
26 marriage and family therapist or licensed ~~masters~~ *master's* level
27 psychologist;

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

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

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

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

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

- 1 (i) has completed a master's degree from an addiction counseling
2 program that is part of a college or university approved by the board; or
3 (ii) has completed a master's degree from a college or university
4 approved by the board in a related field that includes a minimum
5 number of semester hours of coursework supporting the diagnosis and
6 treatment of substance use disorders as approved by the board; or
7 (iii) has completed a master's degree from a college or university
8 approved by the board in a related field with additional work in
9 addiction counseling from a college or university approved by the
10 board and such degree program and the additional work includes the
11 course work requirements provided in paragraph (b)(2)(B) of this
12 subsection; ~~and or~~
13 (iv) *has completed a master's degree in a related field and is*
14 *licensed as an addiction counselor; and*
15 (B) has completed not less than two years of postgraduate
16 supervised professional experience in accordance with a clinical
17 supervision plan approved by the board of not less than 4,000 hours of
18 supervised professional experience including at least 1,500 hours of
19 direct client contact conducting substance abuse assessments and
20 treatment with individuals, couples, families or groups and not less than
21 150 hours of clinical supervision, including not less than 50 hours of
22 person-to-person individual supervision, integrating diagnosis and
23 treatment of substance use disorders with use of the diagnostic and
24 statistical manual of mental disorders of the American psychiatric
25 association, except that ~~one-half~~ ½ of the requirement of this paragraph
26 (B) may be waived for persons with a doctoral degree in addiction
27 counseling or a related field acceptable to the board; and
28 (C) has passed an examination approved by the board; and
29 (D) has paid the application fee fixed under section 12 *of chapter*
30 *45 of the 2010 Session Laws of Kansas*, and amendments thereto.
31 (2) A person who was registered by the behavioral sciences
32 regulatory board as an alcohol and other drug counselor or credentialed
33 by the department of social and rehabilitation services as an alcohol and
34 drug credentialed counselor or credentialed by the Kansas association
35 of addiction professionals as an alcohol and other drug abuse counselor
36 in Kansas at any time prior to the effective date of this act, ~~who has~~
37 ~~been actively engaged in the practice of addiction counseling in Kansas~~
38 ~~as a registered~~ *who was registered in Kansas as an* alcohol and other
39 drug counselor, an alcohol and drug credentialed counselor or a

1 credentialed alcohol and other drug abuse counselor within three years
2 prior to the effective date of this act and whose last registration or
3 credential in Kansas prior to the effective date of this act was not
4 suspended or revoked, upon application to the board, payment of fees
5 and completion of applicable continuing education requirements, shall
6 be licensed as a licensed addiction counselor by providing
7 demonstration acceptable to the board of competence to perform the
8 duties of an addiction counselor.

9 (3) Any person who was registered by the behavioral sciences
10 regulatory board as an alcohol and other drug counselor or credentialed
11 by the department of social and rehabilitation services as an alcohol and
12 drug credentialed counselor or credentialed by the Kansas association
13 of addiction professionals as an alcohol and other drug abuse counselor
14 in Kansas at any time prior to the effective date of this act, and who is
15 also licensed to practice independently as a mental health *practitioner*
16 or person licensed to practice medicine and surgery, and who ~~has been~~
17 ~~actively engaged in the practice of addiction counseling in Kansas as a~~
18 ~~registered or credentialed~~ *was registered or credentialed in Kansas as*
19 *an alcohol and other drug counselor within three years prior to the*
20 *effective date of this act and whose last registration or credential in*
21 *Kansas prior to the effective date of this act was not suspended or*
22 *revoked, upon application to the board, payment of fees and completion*
23 *of applicable continuing education requirements, shall be licensed as a*
24 *licensed clinical addiction counselor and may engage in the*
25 *independent practice of addiction counseling and is authorized to*
26 *diagnose and treat substance use disorders specified in the edition of*
27 *the diagnostic and statistical manual of mental disorders of the*
28 *American psychiatric association designated by the board by rules and*
29 *regulations.*

30 (4) *Any person who was credentialed by the department of*
31 *social and rehabilitation services as an alcohol and drug counselor*
32 *and has been actively engaged in the practice, supervision or*
33 *administration of addiction counseling in Kansas for not less than*
34 ~~10~~ *four years by providing demonstration acceptable to the board of*
35 ~~competence to perform the duties of a licensed clinical addiction~~
36 ~~counselor and was credentialed by the Kansas association of addiction~~
37 ~~professionals as an alcohol and other drug abuse counselor level II or~~
38 ~~III in Kansas at any time prior to the effective date of this act, or~~ *and*
39 *holds a master's degree in a related field and whose last registration or*

1 *credential in Kansas prior to the effective date of this act was not*
2 *suspended or revoked, upon application to the board, payment of fees*
3 *and completion of applicable continuing education requirements, shall*
4 *be licensed as a clinical addiction counselor and may engage in the*
5 *independent practice of addiction counseling and is authorized to*
6 *diagnose and treat substance use disorders specified in the edition of*
7 *the diagnostic and statistical manual of mental disorders of the*
8 *American psychiatric association **designated** by the board by rules and*
9 *regulations.*

10 ~~(4)~~(5) On and after July 1, 2011, a licensed addiction counselor
11 ~~may~~shall engage in the practice of addiction counseling only ~~within~~ a
12 state licensed or certified alcohol and other drug treatment program,
13 *unless otherwise exempt for licensure under subsection (m) of K.S.A.*
14 *59-29b46, and amendments thereto.*

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

20 (1) The standards for registration, certification or licensure to
21 practice addiction counseling in the other jurisdiction are substantially
22 the equivalent of the requirements of the addictions counselor licensure
23 act and rules and regulations of the board; ~~and/or~~

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

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

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

32 (C) completion of a baccalaureate or ~~masters~~master's degree in
33 addiction counseling from a college or university approved by the
34 board or completion of a baccalaureate or master's degree in a related
35 field that includes all required addiction coursework.

36 (b) Applicants for licensure as a clinical addiction counselor shall
37 additionally demonstrate competence to diagnose and treat substance
38 abuse disorders through meeting the requirements of either paragraph
39 (1) or (2) of subsection (a) and at least two of the following areas

1 acceptable to the board:

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

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

7 (3) attestation from a professional licensed to diagnose and treat
8 mental disorders, or substance use disorders, or both, in independent
9 practice or licensed to practice medicine and surgery stating that the
10 applicant is competent to diagnose and treat substance use disorders.

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

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

20 (b) Licenses issued pursuant to this act shall expire 24 months
21 from the date of issuance unless revoked prior to that time. A license
22 may be renewed upon application and payment of the fee provided for
23 by section 12 *of chapter 45 of the 2010 Session Laws of Kansas*, and
24 amendments thereto. The application for renewal shall be accompanied
25 by evidence satisfactory to the board that the applicant has completed
26 during the previous 24 months the continuing education required by
27 rules and regulations of the board. As part of such continuing
28 education, the *clinical addiction counselor* applicant shall complete not
29 less than six continuing education hours relating to diagnosis and
30 treatment of substance use disorders. ~~and~~ *Both the clinical addiction*
31 *counselor applicant and the addiction counselor applicant shall*
32 *complete* not less than three continuing education hours of professional
33 ethics.

34 (c) A person whose license has been suspended or revoked may
35 make written application to the board requesting reinstatement of the
36 license upon termination of the period of suspension or revocation in a
37 manner prescribed by the board, which application shall be
38 accompanied by the fee provided for by section 12 *of chapter 45 of the*
39 *2010 Session Laws of Kansas*, and amendments thereto.

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

6 (a) Is incompetent to practice addiction counseling, or is found to
7 engage in the practice of addiction counseling in a manner harmful or
8 dangerous to a client or to the public;

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

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

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

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

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

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

22 (h) has had a registration, license or certificate as an addiction
23 counselor revoked, suspended or limited, or has had other disciplinary
24 action taken, or an application for registration, license or certificate
25 denied, by the proper regulatory authority of another state, territory,
26 District of Columbia or another country, a certified copy of the record
27 of the action of the other jurisdiction being conclusive evidence thereof.

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

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

37 (b) to authorize the practice of psychology, medicine and surgery,
38 professional counseling, marriage and family therapy, ~~masters~~*master's*
39 level psychology or social work *or other professions licensed by the*

1 *behavioral sciences regulatory board*;

2 (c) to apply to the activities and services of a rabbi, priest,
3 minister, clergy person or organized ministry of any religious
4 denomination or sect, including a Christian-Science practitioner, unless
5 such person or individual who is a part of the organized ministry is a
6 licensed addiction counselor;

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

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

20 Sec. 7. Section 2, section 4, section 7, section 8, section 9, and
21 section 10 of chapter 45 of the 2010 Session Laws of Kansas are
22 hereby repealed.

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

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