

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 100

As Amended by Senate Committee on Public
Health and Welfare

Brief*

SB 100, as amended, would make changes in Chapter 45 of the 2010 Session Laws of Kansas (the Addictions Counselor Licensure Act, which becomes effective on July 1, 2011) with regard to definitions, requirements for licensure and continuing education, denial or restriction of licensure, and the scope of the Act. The bill also would make technical amendments.

Definitions (Section 1)

The bill would:

- Eliminate case management from the scope of “addiction counseling”;
- Expand independent practice, as applied to addiction counseling and licensed clinical addiction counselors, to include not only the diagnosis and treatment of substance abuse disorders but to allow for both independent practice and diagnosis and treatment of substance abuse disorders; and
- Allow a licensed addiction counselor, on and after July 1, 2011, to practice in treatment facilities exempted under KSA 59-29b46(m). (Among the exempted facilities are licensed medical care facilities, licensed adult care homes, community-based alcohol and drug safety action

*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>

programs, and state institutions at which detoxification services may have been obtained.)

Licensure Requirements (Section 2)

The bill would:

- Provide that applicants for licensure as addiction counselors who hold a Baccalaureate degree in a related field have:
 - Included as part of the related field course work, a minimum number of semester hours of course work in substance abuse disorders, without the specific requirement that the course work be in the diagnosis and treatment of substance abuse disorders; or
 - Additional course work in addiction counseling including course work in substance abuse disorders, to be distinguished from practicum;
- Provide applicants seeking licensure as clinical addiction counselors (who are licensed addiction counselors or meet all of the requirements for licensure as addiction counselors) a new option to enable the applicants to meet a part of the licensure requirements. This option would be completion of a Master's degree in a related field and licensure as an addiction counselor;
- Eliminate, as a condition of licensure, that individuals who would be grandfathered in under the Act as licensed addiction counselors have been actively engaged in the practice of addiction counseling in Kansas as registered alcohol and other drug counselors, alcohol and drug credentialed counselors or credentialed alcohol and other drug abuse counselors within three years of the effective date of this act, and instead would require that these individuals be registered in Kansas in those capacities in the same amount of time;

- Eliminate, as a condition of licensure, that individuals who would be grandfathered in under the Act as licensed clinical addiction counselors have been actively engaged in the practice of addiction counseling in Kansas as alcohol and other drug counselors within three years of the effective date of this act, and instead would require registration in Kansas in that capacity in the same amount of time.
- Provide (upon application, payment of fees and completion of applicable continuing education requirements) that individuals credentialed by the Department of Social and Rehabilitation Services (SRS) as alcohol and drug counselors who have been actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four years; hold a Master's degree in a related field; and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, be:
 - Licensed as clinical addiction counselors;
 - Able to engage in the independent practice of addiction counseling; and
 - Authorized to diagnose and treat substance use disorders specified in the edition of *The Diagnostic and Statistical Manual of Mental Disorders* of the American Psychiatric Association designated by the Behavioral Sciences Regulatory Board (Board) by rules and regulations.

Licensure Requirements-Other Jurisdictions (Section 3)

The bill would provide for the issuance of a license to applicants currently registered, certified or licensed to practice addiction counseling in another jurisdiction if:

- The standards required in that jurisdiction are substantially equivalent to the requirements of the

Addictions Counselor Licensure Act and rules and regulations of the Board; or

- The applicant demonstrates compliance with standards adopted by the Board.

Continuing Education (Section 4)

The bill would clarify the continuing education requirements to distinguish between requirements applicable only to clinical addiction counselor applicants, and those applicable to both the clinical addiction counselor applicants and addiction counselor applicants.

Denial or Restriction of Licenses

The bill would remove the hearing requirement prior to Behavioral Sciences Regulatory Board refusal to grant a license to or Board action to suspend, revoke, condition, limit, qualify or restrict any licensure issued under this Act and require only the opportunity for a hearing.

Scope (Section 6)

The bill would clarify the scope of the Act so as not to be construed as authorizing the practice or applying to the activities and services of other professions licensed by the Board.

Background

SB 100 was introduced by the Senate Committee on Public Health and Welfare at the request of the Kansas Association of Addiction Professionals (KAAP). Proponents of the bill testifying before the Committee included representatives from KAAP and the Central Kansas Foundation. Written testimony in favor of the bill was

submitted by representatives of SRS and DCCCA. A representative of KAAP stated the changes to the Addictions Counselor Licensure Act (passed during the 2010 Legislative Session and effective on July 1, 2011) proposed in the bill would address workforce issues and assure those who are qualified through education, experience and previous credentialing are grandfathered in for licensing as addiction counselors.

A representative of the Kansas Chapter of the National Association of Social Workers (KNASW) testified in opposition to the bill. The KNASW representative stated the bill would allow individuals without a Bachelor's degree to enter into the independent clinical level of licensure that would permit them to diagnose and treat persons with substance use disorders with no supervision required.

The Senate Committee on Public Health and Welfare recommended amendments which included limiting the grandfathering in of clinical addiction counselors by reducing the number of years those persons credentialed by SRS as alcohol and drug counselors must have been actively engaged in the practice, supervision or administration of addiction counseling in Kansas from not less than ten years to not less than four years, and requiring a Master's degree in a related field. The amendments were agreed to by KAAP and KNASW.

The fiscal note on the original bill prepared by the Division of the Budget stated that the Behavioral Sciences Regulatory Board estimated the bill would increase state revenue in FY 2012 by \$75,000, of which \$15,000 would be credited to the State General Fund and \$60,000 would be credited to the Board. The increase in revenue is attributable to the addition of an estimated 1,000 addiction counselor licensees and a \$75 licensing fee. No additional expenditures would be required. Any fiscal effect resulting from enactment of the bill is not accounted for in *The FY 2012 Governor's Budget Report*.