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BOARD MEETING NOTICE July 11, 2014

11:30 a.m.

Department of Consumer Affairs
El Dorado Room, #N-220
1625 North Market Blvd.
Sacramento, CA 95834

The Board of Behavioral Sciences will also meet via teleconference at the following locations:

Eisenhower Medical Center
39000 Bob Hope Dr.
Delores Hope Rehab Clinic
Rancho Mirage, CA 92270

800 State College Blvd
Education Classroom Building, #422
Fullerton, CA 92834

2400 Moorpark Ave., #300
San Jose, CA 95128

5506 Ranchito Ave.
Sherman Oaks, CA 91401

8559 Nephi Wy.
Fair Oaks, CA 95628

11470 Henley Ln.
Bel Air, CA 90077

6405 S. Halm Ave.
Los Angeles, CA 90056

5060 Castille Wy.
Riverside, CA 92507

- I. Introductions*
- II. Discussion and Possible Action Regarding Senate Bill 570 (DeSaulnier) Advanced Alcohol and Drug Licensing Act
- III. Suggestions for Future Agenda Items
- IV. Public Comment for Items not on the Agenda
- V. Adjournment

**Introductions are voluntary for members of the public.*

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times are approximate and subject to change. Action may be taken on any item listed on the Agenda.

This Agenda as well as Board Meeting minutes can be found on the Board of Behavioral Sciences website at www.bbs.ca.gov.

NOTICE: *The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.*



Governor
Edmund G. Brown Jr.

State of California

Business, Consumer Services
and Housing Agency

Department of
Consumer Affairs

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CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES

BILL ANALYSIS

BILL NUMBER: SB 570

VERSION: AMENDED JULY 2, 2014

AUTHOR: DESAULNIER

SPONSOR:

- CALIFORNIA ASSOCIATION OF ALCOHOLISM AND DRUG ABUSE COUNSELORS; AND
- CALIFORNIA ASSOCIATION OF ADDICTION RECOVERY RESOURCES

RECOMMENDED POSITION: NONE

SUBJECT: ADVANCED ALCOHOL AND DRUG LICENSING ACT

Summary and Background:

This bill establishes the Advanced Alcohol and Drug Counselor Licensing Board (board) within the Department of Consumer Affairs (DCA) for the purposes of licensing and regulating Advanced Alcohol and Drug Counselor Interns (AADCI) and Licensed Advanced Alcohol and Drug Counselors (LAADCs).

The Assembly Committee on Business, Professions, and Consumer Protection held a special hearing to discuss this bill on June 26, 2014. At this hearing, it was strongly suggested that it may be more efficient to create a committee within the Board of Behavioral Sciences (BBS).

This bill has not been amended to place this license type under the jurisdiction of BBS at this time. For now, the bill still creates a separate licensing board under DCA. If this bill is amended to create a subcommittee under BBS, such amendments will likely not be published until the Legislature reconvenes from summer recess on August 4th. The last day for the Legislature to amend bills is August 22nd.

Existing Law:

- 1) Requires the Department of Health Care Services (DHCS) to review and certify alcohol and other drug programs meeting state standards, and to develop standards for ensuring minimal statewide levels of service quality provided by alcohol and other drug programs. (Health and Safety Code (HSC) §11755(k) and (l)).
- 2) Requires individuals providing alcohol and drug counseling in an alcohol and drug program licensed or certified by DHCS to be certified by a DHCS-approved certifying organization. (9 California Code of Regulations (CCR) §§13000, 13035)
- 3) Requires the DHCS-approved certifying organizations to gain and maintain accreditation with the National Commission for Certifying Agencies (NCCA). (9 CCR §13035)

- 4) Requires all alcohol and drug (AOD) counselors employed by DHCS licensed or certified alcohol and drug program to register to obtain certification as an AOD counselor with one of the approved certifying organizations within 6 months of their hire date. Certification must be completed within 5 years. (9 CCR §13035)
- 5) Sets minimum education and experience requirements that the certifying organizations must require, including the following (9 CCR 13040):
 - At least 155 hours formal AOD education, covering specified topics;
 - At least 160 hours supervised AOD training based on specified curriculum;
 - At least 2,080 hours of work experience providing AOD counseling;
 - Passage of a written or oral exam.
- 6) Prior to certifying a registrant as an AOD counselor, the certifying organization must contact all other DHCS-approved certifying organizations to determine if the registrant's certification was ever revoked. If revoked, the certifying organization must document reasons for granting or denying certification. (9 CCR 13045)

This Bill:

SB 570 establishes a board within DCA for the purposes of licensing and regulating Advanced Alcohol and Drug Counselor Interns (AADCI) and Licensed Advanced Alcohol and Drug Counselors (LAADCs), as follows:

- 1) Allows the board to begin issuing licenses and intern registrations to qualified applicants beginning on January 1, 2017, and to do the following (Business and Professions Code (BPC) §4452.1):
 - a. Take disciplinary action against licensees and interns, when appropriate;
 - b. Establish continuing education requirements;
 - c. Establish procedures related to complaints;
 - d. Establish criteria to determine whether curriculum satisfies licensing requirements;
 - e. Establish unprofessional conduct parameters consistent with the uniform code of conduct adopted by the California Coalition of Certifying Organizations and accepted by the DHCS in June 2013;
 - f. Establish an advisory committee to make recommendations to the board regarding certain matters.
- 2) Allows the board to adopt regulations as necessary to administer and enforce this licensing act. (BPC §4452.1)

Intern Registration

- 3) Sets the following requirements for issuance of an AADCI (intern registration) beginning January 1, 2017 (BPC §4453):

- a. Possession of a masters or doctoral degree, from a board-recognized accredited or approved school, in alcohol and drug counseling, psychology, social work, counseling, marriage and family therapy, counseling psychology, clinical psychology, or other clinically focused major or equivalent degree recognized by the board;
- b. Completion of 315 clock hours of alcohol and drug-specific education from an accredited or approved school recognized by the board. These hours must include:
 - 45 hours psychopharmacology/physiology of addiction;
 - 45 hours clinical evaluation/psychopharmacology;
 - 45 hours counseling/psychotherapy for addiction;
 - 45 hours case management;
 - 45 hours client education; and
 - 45 hours professional responsibility/law and ethics;
- c. Completion of 315 performance/experience hours, including 45 classroom instruction hours and 255 practical experience hours;
- d. Passage of a state and federal criminal background check; and
- e. Completion of application and payment of fees.

Issuance of a License (Non-Grandparent Method)

- 4) Sets the following requirements for issuance of a LAADC (license) beginning January 1, 2017 (BPC §4453.2):
 - a. Possession of a masters or doctoral degree, from a board-recognized accredited or approved school, in alcohol and drug counseling, psychology, social work, counseling, marriage and family therapy, counseling psychology, clinical psychology, or other clinically focused major or equivalent degree recognized by the board from specified accredited agencies;
 - b. Completion of 315 clock hours of alcohol and drug-specific education from an accredited or approved school recognized by the board. These hours must include:
 - 45 hours psychopharmacology/physiology of addiction;
 - 45 hours clinical evaluation/psychopharmacology;
 - 45 hours counseling/psychotherapy for addiction;
 - 45 hours case management;
 - 45 hours client education; and
 - 45 hours professional responsibility/law and ethics;
 - c. Completion of 315 performance/experience hours, including 45 classroom instruction hours and 255 practical experience hours;
 - d. Completes 2,000 hours of work experience as an alcohol and drug counselor. 1,500 of these hours may be substituted by documenting certification in good

standing as an alcohol and drug counselor from one of California's certifying entities.

- e. Passage of a nationally recognized licensing exam designated by the board.
- f. Passage of a state and federal criminal background check; and
- g. Completion of application and payment of fees.

Grandparenting (Option 1)

5) Allows applicants to obtain a license through a grandparenting method if they apply between January 1, 2017 and June 30, 2018 and meet the following requirements on or before January 1, 2017 (BPC §4453.1(a)):

- a. Holds a current, valid advanced alcohol and drug counseling certification, or clinical supervision certification, issued by a certifying organization recognized by the DHCS. This certification must include the following minimum requirements:
 - 315 hours alcohol and drug counseling education, covering specified topics, and approved by the International Certification and Reciprocity Consortium (IC&RC), or board-recognized equivalent;
 - A 45 hour practicum course approved for certification by the IC&RC, or board-recognized equivalent, or a supervised internship approved by the board;
 - 6,000 hours of work experience as an alcohol and drug counselor approved for certification by the IC&RC, or board-recognized equivalent;
 - Have passed a test approved for certification by the IC&RC or board-recognized equivalent;
 - Submittal of a letter from a certifying organization affiliated with the IC&RC and recognized by DHCS, or equivalent, confirming the applicant is an advanced-level counselor in good standing.
- b. Passage of a state and federal criminal background check;
- c. Provides a letter from a certifying organization affiliated with the IC&RC, or equivalent, and recognized by DCA, confirming 10,000 documented hours of experience in alcohol and drug abuse counseling, within the past 10 years, consistent with IC&RC standards for advanced certification.
- d. Allows the following degrees to be counted in lieu of experience, toward the 10,000 required hours, if the degree is substantially related:
 - An associate's degree may count for 2,000 experience hours;
 - A bachelor's degree may count for 4,000 experience hours;
 - A master's degree may count for 6,000 experience hours.
- e. Completion of application and payment of fees.

Grandparenting (Option 2)

- 6) Allows applicants to obtain a license through a grandparenting method if they apply between January 1, 2017 and June 30, 2018 and meet the following requirements on or before January 1, 2017 (BPC §4453.1(b)):
- a. Practices alcohol and drug counseling and is a licensed to practice marriage and family therapy, psychology, clinical social work, clinical counseling, or medicine.
 - b. Provides documentation of 6,000 experience hours providing direct alcohol and drug counseling;
 - c. Completion of application and payment of fees.

Scope of Practice

- 7) Defines “alcohol and drug counseling” as a process involving a psychotherapeutic relationship between a client experiencing addiction, dependence, abuse of alcohol or drugs, or other symptoms related to substance abuse, and a counselor or therapist trained to provide help to address these issues. (BPC §4454(c))
- 8) Provides that alcohol and drug counselors must understand their limited scope and refer a client assessed as needing the services of another licensed professional, in a timely manner. (within 14 days if in a private practice) (BPC §4454.1)

Exemptions from Licensure/Registration

- 9) Exempts the following from licensure and/or registration (BPC §4454.2):
- A person engaging in alcohol and drug counseling exclusively for in – custody services of the Department of Corrections and Rehabilitation, or as an employee or volunteer of the State of California or the government of the United States;
 - An unpaid member of a peer or self-help group, as long as this person does not use a title stating or implying licensure or registration.
 - A cleric or religious leader providing spiritual advice/guidance free of charge;
 - A director, officer, or staff member of a program described in Section 8001 of the Penal Code (PC). (PC §8001 defines a “live-in alternative to incarceration rehabilitation program with special focus on substance abusers” to be any long term (2 year minimum) live-in private, non-profit, no-cost program meeting certain conditions); and
 - A director, officer, or staff member of a program described in Health and Safety Code Section 11752.1(l) or (m). (HSC §1175.2(l) and (m) are defined as an alcohol and other drug service program, or a driving under the influence program, within the Department of Health Care Services.
- 10) States that this bill shall not be construed to constrict, limit, or withdraw the licensing acts of LMFTs, LCSWs, or LPCCs. (BPC §4454.3)

- 11) States that it is unlawful for a person to engage in the practice of alcohol and drug counseling outside of a licensed or certified alcohol and drug treatment facility, unless licensed or registered. (BPC §4454.5)

Revoking/Denying a License or Registration

- 12) Requires the board to revoke or deny a license or registration if the person meets one or more of the following (BPC §4456.8(d)):

- a. Has been convicted of five or more criminal offenses within a 30 month period, within the past two years or less.
- b. Is required to register as a sex offender;
- c. Has been convicted of a violent felony, as defined in law, (including, but not limited to, murder, voluntary manslaughter, attempted murder rape, robbery, and arson), within the past three years. After the expiration of three years, if on parole, he or she may be licensed or registered by the board if the parole officer or the Board of Parole Hearings provides written approval.

The Board of Parole Hearings may withdraw this written approval. In this case, the license or registration shall be revoked by the board. However, if the Board of Parole Hearings reinstates the approval, then the board shall reinstate the license or registration.

This provision also applies to a person convicted of a crime that the board determines is substantially related to the practice of alcohol and drug counseling.

- 13) Prohibits the board from denying or revoking a registration or license solely based on convictions stemming from prior use of drugs and alcohol, if the person meets terms of rehabilitation established by the board in regulation. (BPC §44568(d)(3)(D))

Fiscal Considerations

- 14) States that the startup funds to implement this licensing program shall be derived, as a loan, from the reserve of the fund. (BPC §4457.1(c))

Comments:

1) Background.

Although the regulations promulgated by the DHCS require AOD counselors working within its licensed or certified facilities to become certified, this requirement does not apply outside its licensed or certified facilities. As a result many practitioners of drug and alcohol treatment are not regulated.

In May 2013, the California Senate Office of Oversight and Outcomes (SOOO) published a report titled, "Suspect Treatment: State's lack of scrutiny allows unscreened sex offenders and unethical counselors to treat addicts." The report presents evidence that California's system for addiction treatment allows registered sex offenders and other serious felons, as well as counselors facing current drug and alcohol charges and those already revoked for misconduct, to provide treatment. The report finds that counselors

can easily flout education and training requirements; that the system does not allow for criminal background checks for counselors; and that the system contains gaps that can be exploited by counselors who move between private organizations that register and certify counselors. The SOOO report recommends that drastic changes to California's counselor certification system should be considered. Among a list of many recommendations, the report recommends a requirement for fingerprint-based criminal background checks for anyone working as a counselor.

2) Author's Statement.

The author's office states the following:

"There is currently no statutory authority for the Department of Health Care Services (DHCS), or any other state agency, to impose quality or consumer protection measures for AADCs working outside of licensed and certified facilities, putting consumers at risk. The Affordable Care Act (ACA) requires participating exchange members to maintain accreditation by the National Committee for Quality Assurance (NCQA). The NCQA requires behavioral health practitioners to be licensed in order for a plan to maintain accreditation. Because California is one of the minority of states without licensure for AADC, patients are being referred to other licensed professionals with little training or education in alcohol and drug treatment. Others are being referred for expensive inpatient treatment where early intervention in a private practice setting would have been more appropriate and economic. Funding for treatment via the ACA can be accessed for Californians if AADCs were to be licensed."

- 3) Single Diagnosis Practitioner.** This bill proposes to regulate the practice of drug and alcohol counseling in both licensed facilities and private practice by creating standards for certification and licensure as an alcohol and other drug counselor. Alcohol and drug counseling as defined in this bill, is a number of specified activities performed for the purpose of treating alcohol or other drug problems only.

This bill would create a license to treat only one diagnosis. An LAADC would therefore have to be able to differentiate between an issue that is solely attributed to alcohol and drug abuse problems and symptoms and issues that may be attributable to a diagnosis outside the scope of practice of the LAADC.

- 4) Continuity of Care.** A licensee under this bill must refer any client assessed as needing additional services not within the scope of their practice to another licensed professional (BPC §4454.1). Because alcohol and other drug counseling is a single diagnosis, it is likely that a patient will have other diagnoses outside of their practitioner's scope of practice. This raises a concern about continuity of care, as patients will likely need to seek out a new practitioner at some point within their treatment, which may be disruptive to their treatment and progress.

- 5) Lack of Masters-Level Education:** A concern raised by the California Association of Drug and Alcohol Educators (CAADE) in their opposition letter to the bill (dated June 6, 2014) was that an LAADC with a master's degree would be licensed to the same level as a counselor with a GED or High School Diploma: "... SB 570 would license individuals with high school diploma or GED to the same educational level of an individual with a master degree, and place California far below the national standards..."

BPC §4453.1 is the language that could pave the way for a high school graduate to become licensed. However, this is language grandfathering in people who may be practicing as certified counselors already. It is an attempt to deal with the subset of counselors who have been doing this kind of work for a long time, but who lack a masters or doctoral degree. After June 30, 2018, the provisions in Section 4453.2, which do require a masters or doctoral degree in a related field, would apply and this problem would no longer appear.

- 6) Board of Behavioral Sciences – Incompatibility with Existing Licenses:** Although the bill does not place LAADCs and AADCIs under BBS’s jurisdiction at this time, there has been significant recent discussion at the Legislature about the possibility of doing so.

Unlike the BBS’s current license types, LAADCs and AADCIs are not required to have a master’s degree if they gain licensure during the grandparenting period.

In addition, under this bill, the disciplinary standards for LAADCs and AADCIs is significantly different than the disciplinary standards for LMFTs, LEPs, LCSWs, and LPCCs.

Under this bill, LAADCs and AADCIs would be permitted to have up to five convictions of criminal offenses within a 30 month period, within the past two years, before their license could be revoked or denied. It also permits licensure for persons with a violent felony conviction, as long as it occurred over three years ago and the person’s parole officer approves.

Placing these license types under BBS would require the board to hold these license types to vastly different standards than its LMFT, LEP, LCSW, and LPCCs, who, with these same convictions, would either be denied licensure, or placed under significant probation terms, in order to ensure public protection.

- 7) Incompatibility with DCA’s SB 1441 (Uniform Standards for Substance Abusing Licensees) Regulations.** SB 1441 (Ridley-Thomas) was signed into law in September 2008. This bill was prompted by a concern at the Legislature that there is a lack of consistent policy across healing arts boards under DCA for dealing with licensees or registrants who abuse drugs and alcohol.

SB 1441 required DCA to establish uniform and specific standards that each board would be required to use in dealing with substance abusing licensees. The goal of the uniform standards was to increase public protection by allowing consumers specific and more consistent protection from substance abusing licensees. Each healing arts board under DCA either has, or is in the process of, running regulations to establish the uniform standards.

Some of the requirements of the uniform standards are:

- Clinical diagnostic evaluation (estimated cost: \$1,000 - \$3,000);
- Supervision (estimated cost: \$200-\$400 per month);
- Required Drug Testing (52-104 times per year for first year; 36-104 times per year in years 2-5) (estimated cost: \$70 per test)

AADCIs and LAADCs practice a healing art, and would therefore be subject to the Uniform Standards. Due to the nature of this profession, many AADCIs and LAADCs

would have past substance abuse convictions, and would therefore qualify as substance abusing licensees subject to the uniform standards.

Although this may place a substantial financial hardship on a large number of these licensees, the uniform standards must be applied equally to all healing arts licensees under DCA. Exempting them from the uniform standards could create an incentive for other licensed healing arts professionals, who abuse substances and are disciplined, to become alcohol and drug counselors in order to avoid high-cost disciplinary actions required of them in order to keep their license.

8) Board of Behavioral Sciences – Resources: These two new license types represent an estimated 36,000 new licensees and registrants.

The BBS is in the process of recovering from the hiring freezes, furloughs, and lack of resources of the past five years. Currently, the BBS is experiencing significant backlogs in its processing of LMFT, LCSW, and LPCC applications.

In addition, over the next two years, the BBS is legislatively mandated to implement several new processes that will require a significant amount of staff time and outreach to implement correctly. These include the following:

- Examination restructure (effective 1/1/16);
- New out-of-state requirements for LMFT and LPCC applicants (effective 1/1/16);
- New continuing education program (likely effective 7/1/15); and
- Changes to LMFT/LPCC supervision requirements to streamline the licensing process and reduce processing times (work is ongoing at committee level).

In addition, a significant amount of staff resources are still being utilized to work out issues with the new Breeze database system.

A mandate to create a new licensing program, (including extensive immediate, up-front workload evaluating equivalent coursework, Breeze database programming, outreach, and the extensive regulations required by this bill) coupled with a year-and-a-half grandparenting period, would effectively halt all of the above operations.

9) Need for Extensive Academic Expertise. There are several instances in this bill which require the licensing entity to determine if an applicant's education or experience is "equivalent" to a third party's standard.

Examples are as follows:

- a. Grandparenting requirement that applicants have certain education, practicum, and work experience approved for certification by the International Certification & Reciprocity Consortium (IC&RC), or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC. (BPC §4453.1)
- b. Grandparenting requirement of a letter from a certifying organization affiliated with the IC&RC, or any other organization recognized by the board to have standards equal to or higher than the IC&RC, that the applicant is an advanced-level counselor in good standing.

- c. Grandparenting requirement of passage of a test approved for certification by the IC&RC, or any other organization recognized by the board to have standards equal to or higher than the IC&RC.
- d. Grandparenting requirement of a 45-hour practicum course approved for certification by the IC&RC or any other organization recognized by the board to have standards equal to or higher than those of the IC&RC, or a supervised internship approved by the board.

There are numerous methods of certifying alcohol and drug counselors across the country. These requirements set an expectation that, if it receives an application with experience, education, test scores, or an internship that is not approved for certification by the IC&RC, then the board must be able to determine whether or not it is “equivalent.”

This will require employment and extensive reliance on subject matter experts (typically educators in the field with Ph.Ds.) to do an in-depth analysis of the programs providing the experience, education, tests, etc., for each grandparenting applicant, to determine equivalency.

10) Fiscal Impact. Staff has prepared a preliminary fiscal impact analysis to estimate potential costs if this bill were amended to place AADCs and LAADCs under BBS’s jurisdiction.

Staff is estimating a total cost of approximately \$8.7 million. This includes the following:

- 36 additional positions (majority in enforcement to handle the increased number of convictions/disciplinary actions of this licensing population)
- Additional furniture and office space for the new positions.
- Additional fingerprinting costs
- Additional investigative costs (Attorney General and Office of Administrative Hearings)
- Examination Costs
- IT costs to program a new license type into the Breeze database.

11) Past Legislation:

- **AB 2007 (Williams) of 2012** would have established a licensing and certification system for AADCs to be administered by the Department of Public Health. This bill was held in Assembly Health Committee.
- **SB 1203 (DeSaulnier) of 2010** would have instituted a licensing and certification structure for AOD counselors by DADP. SB 1203 was held in the Assembly Rules Committee.
- **SB 707 (DeSaulnier) of 2009**, which was substantially similar to SB 1203 of 2010, died on the Assembly Appropriations Committee Suspense File.
- **AB 239 (DeSaulnier) of 2008** would have established two categories of licensed alcoholism and drug abuse counselors for persons licensed to practice alcoholism and drug abuse counseling under clinical supervision, and persons licensed to conduct an

independent practice of alcoholism and drug abuse counseling, and to provide supervision to other counselors, both to be overseen by BBS. AB 239 was vetoed by Governor Arnold Schwarzenegger who stated, in his veto message, that he was directing DADP to work to craft a uniform standard for all alcohol and drug counselors whether in private practice or in facilities.

- **AB 1367 (DeSaulnier) of 2007** would have provided for the licensing, registration and regulation of Alcoholism and Drug Abuse Counselors, as defined, by BBS. AB 1367 died on Assembly Appropriations Committee Suspense File.
- **AB 2571 (Longville) of 2004** would have created the Board of Alcohol and Other Drugs of Abuse Professionals in DCA and established requirements for licensure of AOD abuse counselors. AB 2571 failed passage in the Assembly Health Committee.
- **AB 1100 (Longville) of 2003** would have enacted the Alcohol and Drug Abuse Counselors Licensing Law, to be administered by BBS. AB 1100 was held in the Assembly Business and Professions Committee.
- **SB 1716 (Vasconcellos) of 2002** would have required BBS to license and regulate alcohol and drug abuse counselors. SB 1716 was held in the Assembly Business and Professions Committee.
- **SB 537 (Vasconcellos) of 2001** would have required DCA to initiate a comprehensive review of the need for licensing substance abuse counselors. SB 537 was vetoed by Governor Gray Davis due to cost concerns. In his veto message, the Governor directed DADP to require counselors in drug and alcohol treatment facilities to be certified for quality assurance purposes.

12) Support and Opposition.

Support:

- California Association of Alcoholism and Drug Abuse Counselors (sponsor)
- California Association of Addiction Recovery Resources (sponsor)
- 2 Shine Again, Inc.
- ACCESS
- Alpha Project
- Amity Vista Ranch
- Associated Rehabilitation Program for Women, Inc.
- Butte County Department of Behavioral Health Alcohol and Drug Program
- Central Valley Recovery Services, Inc.
- Clean and Sober Recovery Services, Inc.
- Community Recovery Resources
- Day By Day
- Gateway Corp., Inc.
- Genesis Programs, Inc.
- Healthy Partnerships, Inc.
- Living Free Recovery
- National Association on Alcohol, Drugs and Disability
- New Heights
- New Perspectives
- New Start Life Coaching
- Oceanside Malibu
- Parisi House on the Hill

- Research West Behavioral Health Services
- Sacramento Native American Health Center
- Sacramento Recovery House, Inc.
- Soroptimist House of Hope, Inc.
- The Ness Counseling Center, Inc.
- WellSpace Health

Oppose:

- California Association of DUI Treatment Programs
- California Association of Marriage and Family Therapists
- California Psychiatric Association
- California Psychological Association
- National Association of Social Workers, California Chapter

8) History

07/02/14	Read second time and amended. Re-referred to Com. on APPR.
07/01/14	From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 8. Noes 5.) (June 26).
06/26/14	Joint Rule 62(a) file notice suspended. (Ayes 53. Noes 22. Page 5691.)
06/25/14	Read second time and amended. Re-referred to Com. on B.,P. & C.P.
06/24/14	From committee: Do pass as amended and re-refer to Com. on B.,P. & C.P. (Ayes 10. Noes 2.) (June 24).
06/17/14	From committee with author's amendments. Read second time and amended. Re-referred to Com. on HEALTH.
06/09/14	From committee: Be re-referred to Com. on HEALTH. (Ayes 10. Noes 0.) (June 9). Re-referred to Com. on HEALTH.
05/23/14	Re-referred to Com. on RLS. pursuant to Assembly Rule 97.
05/23/14	Ordered to third reading.
05/23/14	Read third time and amended. (Ayes 53. Noes 20. Page 5108.)
05/20/14	Ordered to third reading.
05/20/14	From inactive file.
05/19/14	Notice of intention to remove from inactive file given by Assembly Member V. Manuel Pérez.
09/11/13	Ordered to inactive file on request of Assembly Member Atkins.
09/06/13	Ordered to third reading.
09/06/13	Read third time and amended. (Page 2955.)
09/04/13	Read second time. Ordered to third reading.
09/03/13	Read second time and amended. Ordered to second reading.
08/30/13	From committee: Do pass as amended. (Ayes 17. Noes 0.) (August 30).
08/21/13	Set, first hearing. Referred to APPR. suspense file.

08/15/13	Read second time and amended. Re-referred to Com. on APPR.
08/14/13	From committee: Do pass as amended and re-refer to Com. on APPR. (Ayes 18. Noes 0.) (August 13).
08/06/13	From committee with author's amendments. Read second time and amended. Re-referred to Com. on HEALTH.
06/27/13	From committee with author's amendments. Read second time and amended. Re-referred to Com. on HEALTH.
06/27/13	Referred to Com. on HEALTH.
05/30/13	In Assembly. Read first time. Held at Desk.
05/29/13	Read third time. Passed. (Ayes 39. Noes 0. Page 1160.) Ordered to the Assembly.
05/24/13	Read second time and amended. Ordered to third reading.
05/23/13	From committee: Do pass as amended. (Ayes 7. Noes 0. Page 1017.) (May 23).
05/17/13	Set for hearing May 23.
05/06/13	Placed on APPR. suspense file.
04/26/13	Set for hearing May 6.
04/23/13	From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0. Page 640.) (April 23). Re-referred to Com. on APPR.
04/19/13	Set for hearing April 23.
04/18/13	Re-referred to Com. on G.O.
04/16/13	From committee with author's amendments. Read second time and amended. Re-referred to Com. on RLS.
03/11/13	Referred to Com. on RLS.
02/25/13	Read first time.
02/24/13	From printer. May be acted upon on or after March 26.
02/22/13	Introduced. To Com. on RLS. for assignment. To print.

7) Attachments.

- **Attachment A:** Relevant Existing Law
- **Attachment B:** Executive Summary from *“Suspect Treatment: State’s Lack of Scrutiny Allows Unscreened Sex Offenders and Unethical Counselors to Treat Addicts.”* California Senate Office of Oversight and Outcomes, May 13, 2013.
- **Attachment C:** List of registration and certification options, and corresponding requirements, from California Association of Alcoholism & Drug Abuse Counselors (CAADAC) website.

WestlawNext California Code of Regulations[Home Table of Contents](#)**§ 13000. Application and Purpose of Chapter.**

9 CA ADC § 13000

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Title 9. Rehabilitative and Developmental Services

Division 4. Department of Alcohol and Drug Programs

Chapter 8. Certification of Alcohol and Other Drug Counselors

Subchapter 1. Application and Purpose of Chapter and Definitions

9 CCR § 13000

§ 13000. Application and Purpose of Chapter.

The regulations contained in this Chapter shall apply to all individuals providing counseling services in an alcohol or other drug (AOD) program, to all organizations certifying AOD counselors, and to all AOD programs, as defined in Section 13005.

Note: Authority cited: Sections 11755 and 11834.50, Health and Safety Code. Reference: Sections 11833 and 11834.27, Health and Safety Code.

HISTORY

1. New chapter 8 (subchapters 1-3), subchapter 1 (sections 13000-13005) and section filed 3-25-2005; operative 4-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 12).

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9 CCR § 13000, 9 CA ADC § 13000

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WestlawNext California Code of Regulations[Home Table of Contents](#)**§ 13005. Definitions.**

9 CA ADC § 13005

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Title 9. Rehabilitative and Developmental Services

Division 4. Department of Alcohol and Drug Programs

Chapter 8. Certification of Alcohol and Other Drug Counselors

Subchapter 1. Application and Purpose of Chapter and Definitions

9 CCR § 13005

§ 13005. Definitions.

(a) The following definitions apply to terminology used in this Chapter:

(1) "Alcohol and other drug (AOD) program" means any of the following:

(A) A driving under the influence program licensed pursuant to Chapter 9 (commencing with Section 11836), Part 2, Division 10.5 of the Health and Safety Code (HSC), and the provisions of Chapter 3 (commencing with Section 9795), Division 4, Title 9 of the California Code of Regulations (CCR);

(B) A narcotic treatment program licensed pursuant to Article 1, Chapter 10 (commencing with Section 11839), Part 2, Division 10.5, HSC, and the provisions of Chapter 4 (commencing with Section 9995), Division 4, Title 9, CCR;

(C) A residential alcohol or drug abuse recovery or treatment program licensed pursuant to Chapter 7.5 (commencing with Section 11834.01), Part 2, Division 10.5, HSC, and the provisions of Chapter 5 (commencing with Section 10500), Division 4, Title 9, CCR;

(D) An alcohol or drug recovery or treatment program certified to receive Medi-Cal reimbursement pursuant to Section 51200, Title 22, CCR;

(E) An alcohol or drug recovery or treatment program certified pursuant to Section 11830, Chapter 7, Part 2, Division 10.5, HSC; or

(F) An alcohol or drug recovery or treatment program funded pursuant to Part 2, Division 10.5, HSC (commencing with Section 11760).

(2) "Certified AOD counselor" means an individual certified by a certifying organization pursuant to Section 13035.

(3) "Certifying organization" means an organization approved to certify individuals as AOD counselors, as listed in Section 13035.

(4) "Counseling services" means any of the following activities:

(A) Evaluating participants', patients', or residents' AOD treatment or recovery needs, including screening prior to admission, intake, and assessment of need for services at the time of admission;

(B) Developing and updating of a treatment or recovery plan;

(C) Implementing the treatment or recovery plan;

(D) Continuing assessment and treatment planning;

(E) Conducting individual counseling sessions, group counseling sessions, face-to-face interviews, or counseling for families, couples, and other individuals significant in the life of the participants, patients, or residents; and

(F) Documenting counseling activities, assessment, treatment and recovery planning, clinical reports related to treatment provided, progress notes, discharge summaries, and all other client related data.

(5) "Days" means calendar days unless otherwise specified.

(6) "Department" means the Department of Alcohol and Drug Programs.

(7) "Hour" means sixty (60) minutes unless otherwise specified.

(8) "Registrant" means an individual registered with any certifying organization to obtain certification as an AOD counselor.

Note: Authority cited: Sections 11755 and 11834.50, Health and Safety Code. Reference: Sections 11833 and 11834.27, Health and Safety Code.

HISTORY

1. New section filed 3-25-2005; operative 4-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 12).

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9 CCR § 13005, 9 CA ADC § 13005

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WestlawNext California Code of Regulations[Home Table of Contents](#)**§ 13035. Certifying Organizations.**

9 CA ADC § 13035

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Title 9. Rehabilitative and Developmental Services

Division 4. Department of Alcohol and Drug Programs

Chapter 8. Certification of Alcohol and Other Drug Counselors

Subchapter 2. Requirement for Certification for Individuals Providing Counseling Services in Aod Recovery and Treatment Programs

9 CCR § 13035

§ 13035. Certifying Organizations.

(a) As of April 1, 2005, the following organizations are approved by the Department to register and certify AOD counselors pursuant to this Chapter:

- (1) The Breining Institute,
- (2) The California Association of Addiction Recovery Resources,
- (3) The California Association for Alcohol/ Drug Educators,
- (4) The California Association of Alcoholism and Drug Abuse Counselors,
- (5) The California Association of Drinking Driver Treatment Programs,
- (6) The Forensic Addictions Corrections Treatment,
- (7) The Indian Alcoholism Commission of California, Inc.,
- (8) The American Academy of Health Care Providers,
- (9) The Association of Christian Alcohol & Drug Counselors, or
- (10) The California Certification Board of Chemical Dependency Counselors

(b) The Department will also approve any other organization that certifies counselors if it requests in writing that the Department recognize it and it provides written documentation that it complies with all of the requirements of (c) of this regulation, except that the accreditation required by (c)(2) must be in place by the time the organization requests recognition, if the organization requests recognition after September 30, 2007.

(c) The certifying organizations listed in (a) of this regulation shall:

- (1) Maintain a business office in California, and
- (2) Become accredited with the National Commission for Certifying Agencies (NCCA) by September 30, 2007 and shall continuously maintain such accreditation. Certifying organizations may obtain information on NCCA accreditation by contacting the NCCA at 2025 M Street NW, Suite 800, Washington D.C. 20036-3309; telephone (202) 367-1165; internet address www.noca.org;
- (3) Provide written documentation from the NCCA that the NCCA has determined that the certifying organization complies with the requirements of this Chapter; and
- (4) Comply with the requirements of this Chapter.

(d) If any of the certifying organizations specified in this regulation fails to comply with the requirements of this regulation, within five (5) working days following receipt of written notification by the Department that it is no longer approved to certify AOD counselors, the certifying organization shall send written notification to each AOD counselor registered with or certified by the certifying organization, informing him/her of his/her rights and responsibilities, including the following:

- (1) Before expiration of his/her certification or within six (6) months of the notice (whichever is sooner), the counselor shall register with one of the other certifying organizations listed in (a) of this regulation;

(2) For purposes of this Chapter, the AOD counselor's certification remains valid until it expires only if the certified counselor re-registers as required by (d)(1) of this regulation;

(3) The new certifying organization shall give credit for any continuing education credits earned while certified by the former certifying organization; and

(4) The new certifying organization shall give registrants sufficient credit for education and experience completed to place the registrant at an equivalent level in the new certifying organization.

(e) If any of the certifying organizations specified in (a) of this regulation voluntarily chooses to stop certifying AOD counselors, it shall notify the Department in writing of its decision and follow the steps outlined in (d) of this regulation.

(f) By October 1, 2005 or within six (6) months of the date of hire, whichever is later, all non-licensed or non-certified individuals providing counseling services in an AOD program shall be registered to obtain certification as an AOD counselor by one of the certifying organizations specified in this regulation.

(1) Registrants shall complete certification as an AOD counselor within five (5) years of the date of registration.

(2) The certifying organization may allow up to two (2) years additional time for a leave of absence due to medical problem or other hardship, consistent with the policy developed by the certifying organization.

Note: Authority cited: Sections 11755 and 11834.50, Health and Safety Code. Reference: Sections 11833 and 11834.27, Health and Safety Code.

HISTORY

1. New section filed 3-25-2005; operative 4-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 12).

2. Amendment of subsections (b) and (c)(2) filed 5-24-2007 as an emergency; operative 5-24-2007 (Register 2007, No. 21). A Certificate of Compliance must be transmitted to OAL by 11-20-2007 or emergency language will be repealed by operation of law on the following day.

3. Certificate of Compliance as to 5-24-2007 order transmitted to OAL 10-26-2007 filed 12-10-2007 (Register 2007, No. 50).

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9 CCR § 13035, 9 CA ADC § 13035

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9 CA ADC § 13040

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Title 9. Rehabilitative and Developmental Services

Division 4. Department of Alcohol and Drug Programs

Chapter 8. Certification of Alcohol and Other Drug Counselors

Subchapter 3. Requirements for Certification of Aod Counselors

9 CCR § 13040

§ 13040. Requirements for Initial Certification of AOD Counselors.

Prior to certification as an AOD counselor, the certifying organization shall require each registrant to:

(a) Complete a minimum of 155 documented hours of formal classroom AOD education, which shall include at least the following subjects:

(1) The curriculum contained in "Addiction Counseling Competencies: The Knowledge, Skills, and Attitudes of Professional Practice", Technical Assistance Publication Series 21 (TAP 21), published by the Substance Abuse and Mental Health Services Administration, United States Department of Health and Human Services, Reprinted 2002;

(2) Provision of services to special populations such as aging individuals; individuals with co-occurring disorders (e.g., alcoholism and mental illness); individuals with post traumatic stress disorder [PTSD]; individuals with disabilities; diverse populations; individuals with cultural differences, individuals on probation/parole, etc.;

(3) Ethics;

(4) Communicable diseases including tuberculosis, HIV disease, and Hepatitis C; and

(5) Prevention of sexual harassment;

(b) Complete a minimum of 160 documented hours of supervised AOD training based on the curriculum contained in TAP 21 [as defined in (a) of this regulation] and supervised on-site by an AOD counselor who has been licensed or certified pursuant to this Chapter. As used in this regulation, "supervised" means that the individual supervising the training shall:

(1) Be physically present and available on site or at an immediately adjacent site, but not necessarily in the same room at all times, and

(2) Document in the registrant's record that the registrant has completed the supervised training required by this subsection.

(c) Complete, an additional 2,080 or more documented hours of paid or unpaid work experience providing counseling services in an AOD program prior to, after, or at the same time as completion of the education required in (a) of this regulation and the supervised AOD training required in (b) of this regulation.

(d) Obtain a score of at least seventy percent (70%) on a written or oral examination approved by the certifying organization;

(e) Sign a statement documenting whether his/her prior certification as an AOD counselor has ever been revoked; and

(f) Sign an agreement to abide by the certifying organization's code of conduct, developed pursuant to Section 13060.

Note: Authority cited: Sections 11755 and 11834.50, Health and Safety Code. Reference: Sections 11833 and 11834.27, Health and Safety Code.

HISTORY

1. New subchapter 3 (sections 13040-13075) and section filed 3-25-2005; operative 4-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 12).

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9 CCR § 13040, 9 CA ADC § 13040

WestlawNext California Code of Regulations[Home Table of Contents](#)**§ 13045. Issuance of Certification as an AOD Counselor.**

9 CA ADC § 13045

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Title 9. Rehabilitative and Developmental Services

Division 4. Department of Alcohol and Drug Programs

Chapter 8. Certification of Alcohol and Other Drug Counselors

Subchapter 3. Requirements for Certification of Aod Counselors

9 CCR § 13045

§ 13045. Issuance of Certification as an AOD Counselor.

(a) Prior to certifying a registrant as an AOD counselor, the certifying organization shall contact all other certifying organizations listed in Section 13035 to determine if the registrant's certification was ever revoked.

(b) If previous certification was revoked, the certifying organization shall document in the registrant's file its reasons for granting or denying certification. The certifying organization shall send written notification to the Department that it has granted certification to a registrant whose previous certification was revoked within 48 hours of granting such certification.

(c) If the certifying organization denies certification it shall send the registrant a written notice of denial. The notice shall specify the registrant's right to appeal the denial in accordance with the provisions of Section 13070.

(d) If the certifying organization decides to grant certification, upon completion of all program requirements, as specified in Section 13040, and payment of all fees charged by the certifying organization, the certifying organization shall issue a written certificate to the registrant, stating that he/she is certified as an AOD counselor.

Note: Authority cited: Sections 11755 and 11834.50, Health and Safety Code. Reference: Sections 11833 and 11834.27, Health and Safety Code.

HISTORY

1. New section filed 3-25-2005; operative 4-1-2005 pursuant to Government Code section 11343.4 (Register 2005, No. 12).

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Suspect Treatment: State's lack of scrutiny allows unscreened sex offenders and unethical counselors to treat addicts

*This report was prepared for the California Senate
Rules Committee*

May 13, 2013



Prepared by John Hill

California Senate Office of
Oversight and Outcomes

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Suspect Treatment: State's lack of scrutiny allows unscreened sex offenders and unethical counselors to treat addicts

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California Senate Office of
Oversight and Outcomes

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Executive Summary

J.M. found his way onto the state's registry of sex offenders by having sex six times with a 12-year-old girl, the daughter of his father's live-in girlfriend. The girl had been the victim of a previous rape. Two years later, in 1999, he was in trouble again, this time for molesting a 15-year-old. After he violated probation, a Los Angeles judge tacked another three years onto his sentence.

Shortly after leaving prison, J.M. registered with one of seven California organizations authorized to certify drug and alcohol counselors. The registration allowed him to work in a field in which the number one complaint from clients is sexual misconduct.

While registered as a counselor, J.M. was convicted of a drug offense. For one-third of the time he was registered to provide counseling to addicts, he was sentenced to sit behind bars.

J.M.'s case illustrates some of the shortcomings in the state's oversight of those entrusted to counsel alcoholics and other addicts.

Californians who seek help

Becoming a counselor in California

To begin working as a drug and alcohol counselor in a treatment program regulated by the Department of Alcohol and Drug Programs (ADP), an individual must register with one of seven private organizations. No experience is required. These "certifying organizations" have been approved by a national accreditor. Within five years of registering, counselors must meet education, training and testing requirements and become certified. Counselors who can demonstrate a hardship may be granted a two-year extension. ADP investigates complaints made against both registrants and certified counselors. The certifying organization may also investigate. ADP can order the certifying organization to revoke a counselor's registration or certification, or to take other disciplinary action.

for addictions must rely on a system that allows them to be treated by registered sex offenders and other serious felons, as well as counselors facing current drug and alcohol charges and those already revoked for misconduct, an investigation by the Senate Office of Oversight and Outcomes found. Counselors can easily flout education and training requirements.

For three decades, the state and the treatment industry have been unable to agree on a framework to give the state the authority to credential counselors. Instead, California created a public-private hybrid that precludes criminal background checks and leaves gaps that can be exploited by counselors who move between seven private organizations that register and certify them. Under the current system, these private organizations register novice counselors. When they achieve a certain level of training and experience, the organizations certify them. Despite its lack of involvement in this certification process, the state is in charge of investigating when counselors break the rules.

About 36,000 registered or certified counselors work in 2,534 private and publicly funded drug and alcohol programs, ranging from luxury residential rehabs to DUI and outpatient programs. This workforce is key to the successful treatment of alcoholics and other addicts. Demand for their services will grow as people newly insured under the Affordable Care Act seek help for substance dependence.

Many counselors draw from their own struggles with alcoholism and drug addiction to excel at a difficult job for not much pay. But some come to the profession with serious criminal backgrounds that raise questions about their fitness to treat clients, who are often at one of the most vulnerable points in their lives.

California is one of only two states among the nation's 15 largest that makes no attempt to review counselors' criminal backgrounds. Even within California, drug and alcohol counselors are the only health-related profession not required to undergo these checks. Among those who submit to screening are acupuncturists, dental hygienists, optometrists and veterinarians.

Our investigation found 23 sex offenders permitted to work as counselors. The actual number is undoubtedly much higher – we focused only on those whose names were unusual enough that we could confirm that the counselor and sex offender were one in the same.

Most are rapists and pedophiles. K.F., for instance, was convicted in Los Angeles of 110 counts of lewd acts upon a child for molesting four children in three separate families. He had been hired to babysit the victims, who

ranged in age from a 6-month-old infant to a 9-year-old. Upon release from prison in 2005, he signed up with one of the state's seven private organizations accredited to certify drug and alcohol counselors.

Sex offenses are not the only cause for concern. In one case detailed in our report, a Santa Rosa woman with four theft convictions became a counselor and stole \$55,000 from a client.

Almost all other large states want to know about serious convictions before credentialing drug and alcohol counselors, even if the disclosure doesn't automatically disqualify them. Among the 14 other states we contacted – accounting with California for two-thirds of the U.S. population – only Pennsylvania resembles California in neither requiring a criminal background check nor asking applicants to report their criminal histories. (Two others that require criminal background checks for licensing allow some unlicensed counselors to treat clients.)

Some bar applicants if they've been convicted of certain crimes. Others look at each case individually. Some do fingerprint-based computer searches. Others trust applicants to report their own criminal histories. There are almost as many approaches as states. What they all have in common is an attempt to screen out individuals who could put clients at risk.

In Part II of this report, we show how California also is unusual in its lack of a system for detecting arrests or convictions that occur after someone has become a counselor. The entities that might act on such information – the state, certifying organizations and treatment programs – have no way of being alerted if a counselor with a history of addiction has suffered a relapse, possibly jeopardizing their clients' recoveries. Our investigation found several cases in which counselors racked up DUI or drug convictions or committed sex offenses while employed as counselors.

Part III reveals that California's counselor workforce includes health-care professionals who have lost their credentials for misconduct. Among them are certified nurse assistants found to have abused patients, a San Bernardino County doctor who prescribed dangerous medications over the Internet to patients he'd never met, including an addict, and a nurse who stole the identities of elderly and deceased patients at a San Bernardino hospital. Several other states contacted by the oversight office say they consult a national database of disciplined health care professionals before licensing or certifying drug and alcohol counselors.

Our review also turned up counselors who've been barred from receiving Medicare or Medi-Cal payments as the result of misconduct, including an Orange County counselor who was part of a conspiracy to steal \$250,000

from patients at an extended care hospital, and a San Leandro nursing home owner convicted of inflating bills by almost \$3 million.

Part IV illustrates how California's system is so lax it can be easily manipulated by those who have been disciplined. We found cases in which counselors revoked for misconduct kept working by simply signing up with another certifying organization. An Orange County counselor, for instance, had his certification revoked for getting paid to compile clients' names on a referral list for an insurance company, a major breach of confidentiality. He signed up with a different organization and kept working.

The ability to easily evade regulators represents a gaping loophole in California's system. While the state's seven certifying organizations are required to check with their counterparts to see if a counselor has ever been revoked, the regulation states that this must be done only upon certification. But counselors can work for five years before they must become certified.

Even that loophole does not explain the case of O.Z., a counselor in Hawaiian Gardens. The state Department of Alcohol and Drug Programs (ADP) ordered her certification revoked after an investigation found that she was living with a client, a blatant violation of ethical standards. Less than a month after ADP's investigation, O.Z. registered with a different certifying organization, the Breining Institute, and continued working. Two years later, Breining certified her. Before taking this step, Breining was required by regulation to check to see if she had ever been revoked and to notify ADP if it chose to certify her. ADP says it was never notified.

Other cases underscore the flimsiness of the system. A San Bernardino counselor and her boyfriend embezzled \$136,000 from the program where they both worked. She had registered with two certifying organizations, but only one revoked her, allowing her to keep providing treatment.

In another case, a program allowed a Modesto counselor to keep performing admissions, a counselor function, even after his certifying organization revoked him for having an affair with a client. After the counselor admitted a patient who was too sick to be there, who later died, ADP interviewed him but failed to note that his registration had been revoked. Even then, he continued to work at the same program until he registered with a different certifying organization and someone made a complaint to ADP.

In a related problem, as described in Part V, some counselors are flouting a state regulation that requires them to get the training and education qualifying them for certification within five years of registering. We found 52 counselors who appear to have gone past the five-year deadline by

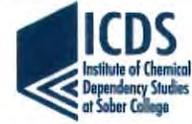
simply changing registration from one certifying organization to another. S.J., a counselor in Riverside, registered with Breining five days before she hit the five-year limit with California Association of Alcoholism and Drug Abuse Counselors. When her renewal date arrives in 2015, S.J. will have worked nine years without certification. The number of counselors working past five years could have been higher if we had been able to test cross-registrants in all seven certifying organizations.

This is an opportune time for an overhaul of the counselor certification system, since ADP is scheduled to be disbanded in July 2013, and its duties handed over to the Department of Health Care Services, which plans to take a fresh look at many of ADP's practices.

The report makes several recommendations. In light of our findings, the Legislature may want to reconsider past efforts to give the state the authority to license and/or certify counselors. Alternatively, the state could authorize and require certifying organizations to do criminal background checks and subsequent arrest notifications, and set up an advisory panel of industry professionals to evaluate criminal histories and make recommendations.

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Specialty Certifications

CA-CCS/CCS
CCJP
CCPS

Endorsement

WTS

Registry and Certification

RS

Requirements:



Completed RS Application
Signed RS Code of Ethics/Conduct
Proof of current enrollment in an AODA studies program/classes
Payment of registration fee.



RRW

Requirements:
Completed RRW Application
Signed RRW Code of Ethics/Conduct and Scope of Practice
Employment verification letter or letter verifying intent of seeking employment at an AODA facility
Payment of registration fee.



CADCA

Requirements:
315 hours approved education
255 hour field practicum
Passing score on the ICRC written exam



CADC-I

Requirements:
315 hours approved education
255 hour field practicum
Passing score on the ICRC written exam
4,000 hours supervised work experience



CADC-II

Requirements:
315 hours approved education
255 hour field practicum
Passing score on the ICRC written exam
6,000 hours supervised work experience



LAADC

Requirements:
Meet all requirements of CADC-II
10,000 hours or five (5) years of counseling experience as a CADC-II with 4,000 hours clinical supervisory experience
pass ICRC written examination
30 hours clinical supervision specific education

Specialty Certifications

CCS

Requirements:
Meet all requirements of CADC-II
10,000 hours or five (5) years of counseling experience as a CADC-II with 4,000 hours clinical



supervisory experience
 pass ICRC written examination
 30 hours clinical supervision specific education



CCJP

Requirements:
 Meet all requirements of CCJP
 10,000 hours or five (5) years of counseling experience as a CCJP with 4,000 hours clinical
 supervisory experience
 pass ICRC written examination
 30 hours clinical supervision specific education



CCPS

Requirements:
 Completed CCPS Application
 Signed CCPS Code of Ethics/Conduct and Scope of Practice
 Proof of current enrollment in an AODA studies program/classes
 Payment of registration fee.

CAADAC has the rights and privileges to offer the SAP exam through IC&RC.

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AMENDED IN ASSEMBLY SEPTEMBER 3, 2013
AMENDED IN ASSEMBLY AUGUST 15, 2013
AMENDED IN ASSEMBLY AUGUST 6, 2013
AMENDED IN ASSEMBLY JUNE 27, 2013
AMENDED IN SENATE MAY 24, 2013
AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 570

Introduced by Senator DeSaulnier

February 22, 2013

An act to add Chapter 9.7 (commencing with Section 4450) to Division 2 of the Business and Professions Code, relating to alcohol and drug counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, DeSaulnier. Advanced Alcohol and Drug Licensing Act.

Existing law provides for the registration, certification, and licensure of various healing arts professionals. Existing law provides for various

programs to eliminate alcohol and drug abuse, and states the finding of the Legislature that state government has an affirmative role in alleviating problems related to the inappropriate use of alcoholic beverages and other drug use.

This bill would establish licensure and registration provisions relating to advanced alcohol and drug counselors and advanced alcohol and drug counselor interns, respectively, to be administered by the newly created Advanced Alcohol and Drug Counselor Licensing Board within the Department of Consumer Affairs, and would authorize the board to commence issuing these licenses and registrations on January 1, 2017. The bill would make it a misdemeanor for a person to style himself or herself or to hold himself or herself out to be a licensed advanced alcohol and drug counselor or advanced alcohol and drug counselor intern, without holding a license or registration in good standing under these provisions, and commencing on January 1, 2017, it would be unlawful for a person to engage in the practice of alcohol and drug counseling outside of a licensed or certified alcohol and drug treatment facility, unless at the time of so doing, the person holds a valid, unexpired, and unrevoked license or registration under these provisions. *The bill would require a licensed alcohol and drug counselor working in a private practice setting to refer all clients to prescribed professionals, within 14 days of intake, to assess any cooccurring needs or disorders.* Because the bill would create a new crime, it would impose a state-mandated local program.

This bill would authorize the board to assess related fees and penalties to be deposited into the Advanced Alcohol and Drug Counselors License Fund available, upon appropriation by the Legislature, to the board for the purposes of supporting licensing and registration activities. The bill would set various licensing and registration fees, until the board establishes different fees by regulation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9.7 (commencing with Section 4450) is
2 added to Division 2 of the Business and Professions Code, to read:

3
4 CHAPTER 9.7. ADVANCED ALCOHOL AND DRUG COUNSELOR
5 LICENSING AND ADVANCED ALCOHOL AND DRUG COUNSELOR
6 INTERN REGISTRATION

7
8 Article 1. General Provisions
9

10 4450. (a) This chapter shall be known, and may be cited, as
11 the Advanced Alcohol and Drug Counselor Licensing Act.

12 (b) This chapter shall be liberally construed to achieve its
13 objectives.

14 4450.1. For purposes of this chapter, the following definitions
15 apply:

16 (a) “Advanced alcohol and drug counselor intern” or “AADCI”
17 means an unlicensed person who has fulfilled the testing and
18 education requirements in Section 4453 to become licensed, who
19 is seeking to meet the supervised experience requirements of this
20 chapter, and is registered with the board for this purpose.

21 (b) “Advertise” includes, but is not limited to, the issuance of
22 any card, sign, or device to any person, or the causing, permitting,
23 or allowing of any sign or marking on or in any building or
24 structure, or in any newspaper or magazine or in any directory, or
25 any printed matter, with or without any limiting qualification.
26 Advertising also includes business solicitations communicated by
27 radio or television broadcasting, the Internet, or any other electronic
28 medium.

29 (c) “Board” means the Advanced Alcohol and Drug Counselor
30 Licensing Board.

31 (d) “Clinical supervision” means the ongoing process performed
32 by a supervisor, or monitoring the performance of one or more
33 supervisees to ensure high-quality service delivery across domains
34 of alcohol and drug counselor development, professional and
35 ethical standards, program development, quality assurance,
36 performance evaluation, and administration.

37 (e) “Clock hour” means 50 continuous minutes of instruction.
38 Fifteen clock hours is equal to one semester unit of college credit.

- 1 (f) “Department” means the Department of Consumer Affairs.
- 2 (g) “Director” means the Director of Consumer Affairs.
- 3 (h) “Independent counseling practice” means an individual or
- 4 individuals who are licensed pursuant to terms of this chapter to
- 5 engage in the practice of alcohol and drug counseling, as defined
- 6 in Section 4454, in a setting outside of a licensed or certified
- 7 facility.
- 8 (i) “IC&RC” means the International Certification and
- 9 Reciprocity Consortium.
- 10 (j) “Licensed advanced alcohol and drug counselor” or
- 11 “LAADC” means a person licensed by the board pursuant to
- 12 Section 4453.1 or 4453.2 to practice alcohol and drug counseling,
- 13 who may provide clinical supervision to registered interns in the
- 14 State of California, and who may maintain an independent alcohol
- 15 and drug counseling practice outside of a program licensed or
- 16 certified by the state to provide alcohol and drug treatment services.
- 17 (k) “Student” means an unlicensed person who is currently
- 18 enrolled in a master’s or ~~doctorate~~ doctoral degree program, as
- 19 specified in paragraph (1) of subdivision (a) of Section 4453.2 that
- 20 is designed to qualify him or her for licensure under this chapter.

21

22 Article 2. The Advanced Alcohol and Drug Counselor Licensing

23 Board

24

25 4451. (a) There is in the Department of Consumer Affairs, the

26 Advanced Alcohol and Drug Counselor Licensing Board that

27 consists of the following members:

- 28 (1) Five state licensed advanced alcohol and drug counselors.
- 29 (2) Six public members.
- 30 (b) Each member, except the six public members, shall have at
- 31 least two years of experience in his or her profession.
- 32 (c) Each member shall reside in the State of California.
- 33 (d) (1) The Governor shall appoint four of the public members
- 34 and the five licensed members with the advice and consent of the
- 35 Senate.
- 36 (2) The Senate Committee on Rules shall appoint one public
- 37 member.
- 38 (3) The Speaker of the Assembly shall appoint one public
- 39 member.

1 (e) From the commencement of appointments and until licenses
2 for advanced alcohol and drug counselors are issued, the Governor
3 shall appoint alcohol and drug addiction counselors certified by a
4 certifying organization recognized by the department.

5 (f) Each member of the board shall be appointed for a term of
6 four years.

7 (1) A member appointed by the Speaker of the Assembly or the
8 Senate Committee on Rules shall hold office until the appointment
9 and qualification of his or her successor or until one year from the
10 expiration date of the term for which he or she was appointed,
11 whichever occurs first.

12 (2) Pursuant to Section 1774 of the Government Code, a member
13 appointed by the Governor shall hold office until the appointment
14 and qualification of his or her successor or until 60 days from the
15 expiration date of the term for which he or she was appointed,
16 whichever occurs first.

17 (g) A vacancy on the board shall be filled by appointment for
18 the unexpired term by the authority who appointed the member
19 whose membership was vacated.

20 (h) Not later than the first of June of each calendar year, the
21 board shall elect a chairperson and a vice chairperson from its
22 membership.

23 (i) Each member of the board shall receive a per diem of one
24 hundred dollars (\$100) for each day actually spent in the discharge
25 of official duties, and shall be reimbursed for traveling and other
26 expenses necessarily incurred in the performance of official duties.
27 The payments in each instance shall be made only from the fund
28 from which the expenses of the department are paid and shall be
29 subject to the availability of money. Notwithstanding any other
30 law, no public officer or employee shall receive per diem salary
31 compensation for serving on those boards, commissions,
32 committees, or the Consumer Advisory Council on any day when
33 the officer or employee also received compensation for his or her
34 regular public employment.

35 4451.1. (a) The board may appoint an executive officer. This
36 position is designated as a confidential position and is exempt from
37 civil service under subdivision (e) of Section 4 of Article VII of
38 the California Constitution.

39 (b) The executive officer serves at the pleasure of the board.

1 (c) The executive officer shall exercise the powers and perform
2 the duties delegated by the board and that are vested in him or her
3 by this chapter.

4 (d) With the approval of the director, the board shall fix the
5 salary of the executive officer.

6 (e) The chairperson of the board may call meetings of the board
7 and any duly appointed committee at a specified time and place.
8 For purposes of this section, “call meetings” means setting the
9 agenda, time, date, or place for a meeting of the board or a
10 committee.

11 4451.2. Subject to the State Civil Service Act (Part 2
12 (commencing with Section 18500) of Division 5 of Title 2 of the
13 Government Code), the board may employ any clerical, technical,
14 and other personnel as it deems necessary to carry out the
15 provisions of this chapter and the other chapters it administers and
16 enforces, within budget limitations.

17 4451.3. The board shall keep an accurate record of all of its
18 proceedings and a record of all applicants for licensure and all
19 individuals to whom it has issued a license.

20 4451.4. The duty of administering and enforcing this chapter
21 is vested in the board and the executive officer subject to, and
22 under the direction of, the board. In the performance of this duty,
23 the board and the executive officer have all the powers and are
24 subject to all the responsibilities vested in, and imposed upon, the
25 head of a department by Chapter 2 (commencing with Section
26 11150) of Part 1 of Division 3 of Title 2 of the Government Code.

27 4451.5. Protection of the public shall be the highest priority
28 for the board in exercising its licensing, regulatory, and disciplinary
29 functions. Whenever the protection of the public is inconsistent
30 with other interests sought to be promoted, the protection of the
31 public shall be paramount.

32

33

Article 3. Administration

34

35 4452. The board shall administer and enforce this chapter.

36 4452.1. In order to carry out the provisions of this chapter, the
37 board shall do, but shall not be limited to doing, all of the
38 following:

39 (a) Adopt rules and regulations as necessary to administer and
40 enforce this chapter. The adoption, amendment, and repeal of those

1 rules and regulations shall be made in accordance with the
2 rulemaking provisions of the Administrative Procedure Act
3 (Chapter 3.5 (commencing with Section 11340) of Part 1 of
4 Division 3 of Title 2 of the Government Code).

5 (b) Issue licenses and register interns seeking licensure
6 beginning January 1, 2017, to those who meet the qualifications
7 of this chapter and any regulations adopted pursuant to this chapter.

8 (c) Take disciplinary action against licensees and registered
9 interns where appropriate, including reprimand or probation,
10 suspension, or revocation of the license; or registration, issuance
11 of administrative citations, ~~or~~ imposition of administrative fines
12 not to exceed five thousand dollars (\$5,000), or any combination
13 of these. The board shall not take action against certified counselors
14 and staff of licensed and certified facilities who are not registered
15 with the board as interns or who are not licensed by the board.

16 (d) Establish continuing education requirements.

17 (e) Establish procedures for the receipt, investigation, and
18 resolution of complaints.

19 (f) Establish criteria to determine whether the curriculum of an
20 educational institution satisfies the requirements imposed by this
21 chapter.

22 (g) Establish parameters of unprofessional conduct that are
23 consistent with the uniform code of conduct adopted by the
24 California Coalition of Certifying Organizations and accepted by
25 the ~~department~~ *State Department of Health Care Services* in June
26 2013.

27 (h) Establish reinstatement procedures for an expired or revoked
28 certificate or license.

29 (i) Establish policies to implement and enforce clinical
30 supervision requirements for registered interns prescribed in
31 Section 5543.2.

32 (j) Adopt one examination for administering to prospective
33 licensees. The test may be administered by the board or by a public
34 or private entity selected by the board.

35 (k) Maintain a database of licensees and registered interns,
36 including the individual's status, any public record of discipline,
37 and other information as the board may require.

38 (l) Establish an advisory committee composed of one or more
39 representatives of consumers, alcohol and drug counselors, alcohol
40 and drug counselor employers, counties, educators, referral sources,

1 and other persons as the board may determine, that shall meet at
 2 least two times per year and make recommendations to the board
 3 concerning curriculum, criminal background checks, unprofessional
 4 conduct, and other matters as the board may refer to the committee.
 5 This committee shall become inoperative two years after the
 6 ~~issuance of licenses~~ *board issues the first license pursuant to this*
 7 *chapter.*

8

9 Article 4. Qualifications and Requirements for Licensure and
 10 Registration

11

12 4453. (a) Commencing January 1, 2017, the board shall issue
 13 a registration for an advanced alcohol and drug counselor intern
 14 (AADCII) who meets all of the following requirements:

15 (1) Possesses an earned master of arts, master of science, or
 16 doctoral degree in alcohol and drug counseling, psychology, social
 17 work, counseling, marriage and family therapy, counseling
 18 psychology, clinical psychology, or other clinically focused major
 19 or an equivalent degree recognized by the board, from an institution
 20 of higher learning accredited by the Western Association of
 21 Schools and ~~Colleges~~, *Colleges*, the Bureau for Private
 22 Postsecondary Education, or state or regional accrediting agency
 23 approved by the board. The board has the authority to make the
 24 final determination as to whether a degree meets all requirements,
 25 including, but not limited to, course requirements, regardless of
 26 approval.

27 (2) Completes 315 clock hours of alcohol and drug specific
 28 education approved by the board from an institution of higher
 29 learning accredited by the Western Association of Schools and
 30 Colleges, the Bureau for Private Postsecondary Education, or a
 31 state or regional accrediting agency approved by the board. This
 32 education shall include, but is not limited to, all of the following:

33 (A) Forty-five clock hours of psychopharmacology/physiology
 34 of addiction including the following areas: examination of the
 35 effects of alcohol and similar legal psychoactive drugs to the body
 36 and behavior; damage to the body and behaviors; damage to the
 37 brain, liver, and other organs; tolerance, cross tolerance, and
 38 synergistic effects; physiological differences between males and
 39 females; disease model including neurobiological signs and
 40 symptoms.

1 (B) Forty-five clock hours of clinical
2 evaluation/psychopathology, including the following areas: initial
3 interviewing process; biopsychosocial assessment; differential
4 diagnosis; diagnostic summaries; co-occurring disorders, referral
5 processes, and the evaluation of clients using placement criteria,
6 including the ASAM patient placement criteria or other validated
7 clinical tools, to determine the most appropriate level of care for
8 the client and eligibility for admission to a particular alcohol and
9 other drug abuse treatment program.

10 (C) Forty-five clock hours of counseling/psychotherapy for
11 addiction, including the following areas: introduction to counseling;
12 introduction to techniques and approaches; crisis intervention;
13 individual counseling focused on addiction; group counseling; and
14 family counseling as it pertains to addiction treatment.

15 (D) Forty-five clock hours in case management, including the
16 following areas: community resources; consultation;
17 documentation; and HIV positive resources.

18 (E) Forty-five clock hours of client education, including the
19 following areas: addiction recovery; psychological client education;
20 biochemical/medical client education; sociocultural client
21 education; addiction recovery and psychological family education;
22 biomedical and sociocultural family education; and community
23 and professional education.

24 (F) Forty-five clock hours of professional responsibility/law
25 and ethics, including the following: ethical standards, legal aspects,
26 cultural competency, professional growth, personal growth,
27 dimensions of recovery, clinical supervision, and consultation;
28 community involvement; and operating a private practice.

29 (3) Completes a supervised practicum of no less than 315
30 performance (experience) hours, including 45 hours of classroom
31 instruction and 255 hours of practical experience performed at an
32 agency approved by the practicum instructor. The practical
33 experience shall include the core functions demonstrating the
34 application of knowledge and skills in practice setting essential to
35 professional alcohol and drug counseling.

36 (4) Submits to a state and federal level criminal offender record
37 information search and passes both background checks as specified
38 in Section 4456.8.

39 (5) Pays the required fees as set by the board.

40 (6) Completes the application for registration.

1 (b) The board may accept any or all of the hours of education
2 stipulated in Section 5543.2 as part of the education leading to a
3 person's earned master of arts, master of science, or doctoral
4 degree.

5 4453.1. Commencing January 1, 2017, and ceasing with the
6 disposition of all completed applications actually received by the
7 board by June 30, 2018, the board shall issue a licensed advanced
8 alcohol and drug counselor (LAADC) license pursuant to
9 subdivision (b) of Section 4452.1 to each person who the board
10 determines is qualified either pursuant to subdivision (a) or (b):

11 (a) A license shall be granted by the board to a certified alcohol
12 and drug counselor who meets all of the following requirements
13 on or before January 1, 2017:

14 (1) Holds a current, valid, advanced alcohol and drug counseling
15 certification, or clinical supervision certification issued by a
16 certifying organization recognized by the ~~department~~ *State*
17 *Department of Health Care Services* on or before January 1, 2017.
18 For the purpose of this subdivision, an "advanced alcohol and drug
19 counseling certification" or "clinical supervision certification"
20 shall include all of the following minimum requirements for
21 purposes of applying for licensure under this section:

22 (A) Documentation of 315 hours of alcohol and drug counseling
23 education approved for certification by the IC&RC or any other
24 organization recognized by the board to have standards equal to
25 or higher than those of the IC&RC.

26 (B) A 45-hour practicum course approved for certification by
27 the IC&RC or any other organization recognized by the board to
28 have standards equal to or higher than those of the IC&RC, or a
29 supervised internship approved by the board.

30 (C) Documentation of 6,000 hours of work experience as an
31 alcohol and drug counselor approved for certification by the
32 IC&RC or any other organization recognized by the board to have
33 standards equal to or higher than those of the IC&RC.

34 (D) Receipt of a passing score on a test approved for certification
35 by the IC&RC or any other organization recognized by the board
36 to have standards equal to or higher than those of the IC&RC.

37 (E) A letter from a certifying organization affiliated with the
38 IC&RC and recognized by the department, or any other
39 organization recognized by the board to have standards equal to
40 or higher than those of the IC&RC, that confirms that the applicant

1 is an advanced-level counselor in good standing at the time of the
2 application.

3 (2) The education described in subparagraph (A) of paragraph
4 (1) shall include, but is not limited to, both of the following:

5 (A) Forty-five clock hours of clinical
6 evaluation/psychopathology, including the following areas: initial
7 interviewing process; biopsychosocial assessment; differential
8 diagnosis; diagnostic summaries; and cooccurring disorders,
9 referral processes, and the evaluation of clients using placement
10 criteria, including the ASAM patient placement criteria or other
11 validated clinical tools, to determine the most appropriate level of
12 care for the client and eligibility for admission to a particular
13 alcohol and other drug abuse treatment program.

14 (B) Forty-five clock hours of professional responsibility/law
15 and ethics, including the following: ethical standards, legal aspects,
16 cultural competency, professional growth, personal growth,
17 dimensions of recovery, clinical supervision, consultation;
18 community involvement; and operating a private practice.

19 (3) Submits to a state and federal level criminal offender record
20 information search no later than January 1, 2017, and passes both
21 background checks as specified in Section 4456.8.

22 (4) Provides a letter from a certifying organization affiliated
23 with the IC&RC and recognized by the ~~department~~ *State*
24 *Department of Health Care Services*, or any other organization
25 recognized by the board to have standards equal to or higher than
26 those of the IC&RC, that confirms that the applicant has
27 documented a total of 10,000 hours of experience in alcohol and
28 drug abuse counseling consistent with IC&RC standards for
29 advanced certification. Work experience documented to meet this
30 requirement shall have occurred within 10 years prior to the
31 implementation of this chapter.

32 (A) Documentation of an associate of arts degree may be
33 counted for 2,000 experience hours.

34 (B) Documentation of a bachelor's degree may be counted for
35 4,000 experience hours.

36 (C) Documentation of a master's degree may be counted for
37 6,000 hours of experience.

38 (D) A degree used in lieu of experience hours is required to be
39 substantially related to alcohol and drug counseling.

40 (5) Pays the required fees as set by the board.

1 (6) Completes the application for a license.

2 (b) A license shall be granted by the board to a person licensed
3 in the State of California who practices alcohol and drug counseling
4 and who meets all of the following requirements on or before
5 January 1, 2016:

6 (1) Provides documentation to the board that he or she currently
7 holds a valid license in the state to practice marriage family
8 therapy, psychology, social work, professional counseling, or
9 medicine.

10 (2) Provides documentation to the board of 6,000 hours of
11 experience in providing alcohol and drug counseling services
12 directly to patients.

13 (3) Pays the required fees as set by the board.

14 (4) Completes the application for a license.

15 (c) All of the hours of education and experience stipulated in
16 Section 4453.2 may be gained as part of the education leading to
17 a person's earned master of arts, master of science, doctoral degree,
18 or certification preparation.

19 4453.2. (a) Commencing January 1, 2017, the board shall issue
20 a LAADC license pursuant to subdivision (b) of Section 4452.1
21 to each person who the board determines meets all of the following
22 requirements:

23 (1) Possesses an earned master of arts, master of science, or
24 doctoral degree in alcohol and drug counseling, psychology, social
25 work, counseling, marriage and family therapy, counseling
26 psychology, clinical psychology, or other clinically focused major
27 or an equivalent degree recognized by the board, from an institution
28 of higher learning accredited by the Western Association of
29 Schools and Colleges or an equivalent accrediting agency approved
30 by the United States Department of Education.

31 (2) Completes the educational requirements in paragraphs (2)
32 and (3) of subdivision (a) of Section 4453.

33 (3) Submits documentation of 2,000 hours of work experience
34 as an alcohol and drug counselor, of which 1,500 hours may be
35 substituted by documenting certification in good standing as an
36 alcohol and drug counselor as per certification regulations of this
37 state.

38 (4) Receives a passing score on a nationally recognized exam
39 for licensure designated by the board.

1 (5) Submits to a state and federal level criminal offender record
2 information search and passes both background checks as specified
3 in Section 4456.8.

4 (6) Pays the required fees as set by the board.

5 (7) Completes the application for a license.

6 (b) The board may accept any or all of the hours of education
7 required by this section as part of the education leading to a
8 person's earned master of arts, master of science, or doctoral
9 degree.

10 4453.3. (a) Education, supervised experience, and work
11 experience gained outside of California may be accepted toward
12 the licensing requirements if it is substantially the equivalent of
13 the requirements of this chapter.

14 (b) The board may issue a license to a person who, at the time
15 of application, meets all of the following requirements:

16 (1) Has held a valid, active alcohol and drug counseling license
17 or certification issued by a board of alcohol and drug counseling
18 examiners or corresponding authority of any state.

19 (2) Passes the current applicable examination.

20 (3) Pays the required fees.

21 (4) Passes the required background check, as specified in Section
22 4456.8.

23 (5) Is not subject to denial of licensure under this chapter.

24 4453.4. (a) The supervised experience required in Section
25 4453.2 may be gained under the clinical supervision of an LAADC,
26 or a licensed health professional specified by the board. This
27 experience shall meet all of the following criteria:

28 (1) Every two years, completion of a clinical supervision training
29 program approved by the board.

30 (2) A minimum of 70 percent of the required hours shall be
31 face-to-face individual or group counseling provided to clients in
32 the context of addiction treatment services.

33 (3) A maximum of 30 percent of the required hours may be in
34 case management, client-centered advocacy, consultation,
35 evaluation, and research.

36 (4) The required hours of supervised experience shall be
37 obtained over a period of not less than two years and shall have
38 been gained within the six years immediately preceding the date
39 on which the application for licensure was filed.

- 1 (5) Experience shall not be credited for more than 40 hours in
2 any week.
- 3 (b) Prior to the commencement of clinical supervision, a
4 supervisor shall comply with all requirements for supervisors as
5 established by the board.
- 6 (c) (1) A supervisee shall receive an average of at least one
7 hour of direct supervisor contact for every week in which more
8 than 10 hours of face-to-face counseling is performed in each
9 setting where experience is gained.
- 10 (2) No more than five hours of direct clinical supervision,
11 whether individual or group, shall be credited during a single week.
- 12 (d) For purposes of this section, “one hour of direct supervisor
13 contact” means one hour of face-to-face contact on an individual
14 basis or two hours of face-to-face contact in a group, of not more
15 than eight persons receiving clinical supervision, addressing the
16 substance of the supervisory plan required in subdivision (e).
- 17 (e) The supervisor and the supervisee shall develop a supervisory
18 plan that describes the goals and objectives of clinical supervision.
19 These goals shall include the ongoing assessment of strengths and
20 limitations and the assurance of practice in accordance with the
21 laws and regulations.
- 22 (f) Experience shall be gained only in a setting that meets both
23 of the following requirements:
 - 24 (1) Lawfully and regularly provides alcohol and other drug
25 counseling.
 - 26 (2) Provides oversight to ensure that the supervisee’s work at
27 the setting meets the experience and clinical supervision
28 requirements set forth in this chapter and is within the scope of
29 practice for the profession as defined in Section 4454.
- 30 (g) Experience shall not be gained prior to becoming a registered
31 intern.
- 32 (h) A supervisee may be either a paid employee or a volunteer.
33 Employers are encouraged to provide fair remuneration to
34 supervisees.
- 35 (i) A supervisee shall not receive remuneration from patients
36 or clients, and shall be paid only by his or her employer. A
37 supervisee shall not have a proprietary interest in the employer’s
38 business.
- 39 (j) A supervisee may receive clinical supervision from a person
40 not employed by the supervisee’s employer if that person has

1 signed a written agreement with the employer to take supervisory
2 responsibility for the supervisee’s addiction counseling.

3 (k) Notwithstanding any other law, a supervisee shall receive
4 a minimum of one hour of clinical supervision per week for each
5 setting in which he or she is working.

6 (l) The board ~~may~~ shall limit, by regulation, the number of
7 registered interns that one supervisor may supervise, the number
8 of registered interns that may be supervised in a given program or
9 setting, and the proportion of the workforce in a given program or
10 setting that may be comprised of registered interns.

11 (m) Programs licensed or certified by the ~~department~~ *State*
12 *Department of Health Care Services* are not required to adhere to
13 the supervision provisions of this section. Alcohol and drug
14 counselors working or volunteering in licensed or certified facilities
15 may use hours completed while working or volunteering in a
16 facility licensed or certified by the ~~department~~ *State Department*
17 *of Health Care Services* if the conditions for supervised hours are
18 present at the time of service.

19

20

Article 5. Scope of Practice

21

22 4454. (a) (1) The board shall issue a license or intern
23 registration to each applicant meeting the requirements of this
24 chapter. That license or registration permits the holder to engage
25 in alcohol and drug counseling as defined in subdivision (c),
26 entitles the holder to use the title of licensed advanced alcohol and
27 drug counselor or advanced alcohol and drug counselor intern, as
28 applicable, and authorizes the holder to hold himself or herself out
29 as qualified to perform the functions delineated by this chapter,
30 subject to any limitations relating to the level of the license or
31 registration or other conditions that may be imposed by the board.

32 (2) The form and content of the license or registration shall be
33 determined by the board.

34 (b) A licensee or registered intern may perform the acts listed
35 in this section only for the purpose of treating alcohol and drug
36 addiction.

37 (c) (1) For the purposes of this chapter, “alcohol and drug
38 counseling” means a process involving a psychotherapeutic
39 relationship between a client who is experiencing addiction,
40 dependence, abuse of alcohol or other drugs, or other symptoms

1 that relate to substance use and a counselor or therapist trained to
2 provide that help to address that addiction, dependence, or abuse.

3 (2) Addiction counseling includes the professional and ethical
4 application of basic tasks and responsibilities, including all of the
5 following:

6 (A) Screening, this is the process by which a client is determined
7 to be eligible for admission to a particular alcohol and drug
8 treatment program.

9 (B) Initial intake, which is the administrative and initial
10 assessment procedures for admission to an alcohol and drug
11 treatment program. Assessment shall not include psychological
12 testing intended to measure or diagnose mental illness.

13 (C) Orientation, which is the act of describing to the client the
14 general nature and goals of the alcohol and drug treatment program,
15 including rules governing client conduct and infractions that can
16 lead to disciplinary action or discharge from the program.

17 (D) Alcohol and drug abuse counseling, including individual,
18 group, and significant others. The utilization of special skills to
19 assist individuals, families, or groups in achieving objectives
20 through exploration of a problem and its ramifications, examination
21 of attitudes and feelings, considerations of alternative solutions,
22 and decisionmaking as each relates to substance use. Counseling
23 shall be limited to assisting a client in learning more about himself
24 or herself for the purposes of understanding how to effectuate
25 clearly perceived and realistically defined goals related to
26 abstinence. Counseling is limited to assisting the client to learn or
27 acquire new skills that will enable the client to cope and adjust to
28 life situations without the use of substances.

29 (E) Case management, which is the activities that bring services,
30 agencies, resources, or individuals together within a planned
31 framework of action toward achievement of established goals.
32 Case management may involve liaison activities and collateral
33 contacts.

34 (F) Crisis intervention, which is providing services that respond
35 to an alcohol or drug user's needs during acute emotional or
36 physical distress, including, but not limited to, referrals for
37 assessment of the client's need for additional psychological or
38 medical treatment for client behaviors that signal risk or prolonged
39 distress.

1 (G) Assessment, which is the use of procedures by which a
2 counselor or program identifies and evaluates an individual's
3 strengths, weaknesses, problems, and needs for the development
4 of the alcohol and drug treatment plan.

5 (H) Treatment planning, which is the process by which the
6 counselor and the client identify and rank problems needing
7 resolution, establish agreed-upon immediate and long-term goals,
8 and decide on a treatment process and the resources to be utilized.

9 (I) Client education, which is providing information to
10 individuals and groups concerning alcohol and drug use and the
11 services and resources available.

12 (J) Referral, which is identifying the needs of the client that
13 cannot be met by the counselor or agency, as well as assisting the
14 client in utilizing the support systems and community resources
15 available.

16 (K) Reports and recordkeeping, which is the documentation of
17 the client's progress in achieving his or her goals.

18 (L) Consultation with other professionals with regard to client
19 treatment or services and communicating with other professionals
20 to ensure comprehensive, quality care for the client.

21 4454.1. (a) Alcohol and drug counseling includes
22 understanding and application of the limits of the counselor's own
23 qualifications and scope of practice, including, but not limited to,
24 screening and, as indicated, referral to or consultation with an
25 appropriately licensed health practitioner consistent with the
26 client's needs. Every licensee who operates an independent
27 counseling practice shall refer any client assessed as needing the
28 services of another licensed professional to that professional in a
29 timely manner.

30 (b) (1) *Licensed alcohol and drug counselors providing services*
31 *in a private practice setting shall refer all clients for an initial*
32 *assessment to one of the following professionals within 14 days*
33 *of intake to assess any cooccurring needs or disorders:*

34 (A) *A marriage and family therapist.*

35 (B) *A licensed clinical social worker.*

36 (C) *A licensed psychologist.*

37 (D) *A licensed physician and surgeon certified in psychiatry by*
38 *the American Board of Psychiatry and Neurology.*

39 (E) *A licensed physician and surgeon who has completed a*
40 *residency, but is not yet board certified, in psychiatry.*

1 (F) A licensed professional clinical counselor.

2 (G) Any other licensed professional approved by the board.

3 (2) Referrals made pursuant to this subdivision shall be
4 documented in the client's chart.

5 (3) A professional receiving a referral pursuant to this
6 subdivision shall, with the written consent of the client, provide
7 to the referring alcohol and drug counselor a signed, written report
8 that includes assessment results and treatment and referral
9 recommendations. The referring alcohol and drug counselor shall
10 place the report in the client's chart.

11 (4) A licensee shall, in an effective and safe manner, demonstrate
12 the ability to refer patients in need of services that exceed the scope
13 of practice of an alcohol and drug counselor. The licensee shall
14 maintain current referral information for the services he or she is
15 prohibited from providing.

16 (5) During the course of the screening and intake process, a
17 licensed alcohol and drug counselor, working within the scope of
18 his or her practice, shall determine the level of care most
19 appropriate for the client and the need for integrated treatment in
20 the presence of medical, emotional, and behavioral conditions.
21 This determination shall be based on the client's state of
22 intoxication or withdrawal, the presence of other conditions,
23 relapse potential, the nature of the recovery environment, and
24 other client issues, including, but not limited to, legal, financial,
25 or housing issues.

26 (6) If the licensed alcohol and drug counselor properly refers
27 a client as required pursuant to this subdivision, the counselor
28 shall not be deemed to be practicing illegally based solely on a
29 client's refusal or failure to follow up on the referral, and the
30 counselor may continue to see and treat the client.

31 4454.2. Provided that this exception does not preclude the
32 board from considering conduct in any setting in its determination
33 of fitness for registration or licensure or in a disciplinary matter,
34 this chapter shall not apply to any of the following:

35 (a) A person who engages in the practice of alcohol and drug
36 counseling exclusively for any of the following:

37 (1) In-custody services of the Department of Corrections and
38 Rehabilitation.

39 (2) As an employee or volunteer of the State of California.

1 (3) As an employee or volunteer of an agency of the government
2 of the United States.

3 (b) A person who is an unpaid member of a peer or self-help
4 group who performs peer group or self-help activities if the person
5 does not use a title stating or implying that he or she is a licensed
6 or certified alcohol and drug counselor or registered intern.

7 (c) A cleric or other religious leader who provides spiritual
8 advice and guidance to members of his or her congregation or
9 order, or to other persons, if it is free of charge.

10 (d) A director, officer, or staff member of a program described
11 in Section 8001 of the Penal Code.

12 (e) A director, officer, or staff member of a program described
13 in subdivision (l) or (m) of Section 11752.1 of the Health and
14 Safety Code.

15 4454.3. This chapter shall not be construed to constrict, limit,
16 or withdraw the Medical Practice Act (Chapter 5 (commencing
17 with Section 2000)), the Nursing Practice Act (Chapter 6
18 (commencing with Section 2700)), the Psychology Licensing Act
19 Law (Chapter 6.6 (commencing with Section 2900)), the Licensed
20 Marriage and Family Therapist Act (Chapter 13 (commencing
21 with Section 4980)), the Clinical Social Worker Practice Act
22 (Chapter 14 (commencing with Section 4991)), or the Licensed
23 Professional Clinical Counselor Act (Chapter 16 (commencing
24 with Section 4999.10)). This section shall not be construed to mean
25 that persons exempted from this act pursuant this section shall be
26 required to be dually licensed in order to provide alcohol and drug
27 counseling services.

28 4454.4. A person who has received a registration or license
29 under this chapter may use the title “advanced alcohol and drug
30 counselor intern” or “AADCI,” or “licensed advanced alcohol and
31 drug counselor” or “LAADC,” in accordance with the type of
32 registration or license possessed. Every person who styles himself
33 or herself or who holds himself or herself out to be an advanced
34 alcohol and drug counselor intern, AADCI, or licensed advanced
35 alcohol and drug counselor, without holding a license or
36 registration in good standing under this chapter, is guilty of a
37 misdemeanor.

38 4454.5. (a) It is unlawful for a person to engage in the practice
39 of alcohol and drug counseling outside of a licensed or certified
40 alcohol and drug treatment facility, unless at the time of so doing,

1 the person holds a valid, unexpired, and unrevoked license or
2 registration under this chapter.

3 (b) This section shall become operative on January 1, 2017.

4

5

Article 6. Licenses and Renewals

6

7 4455. (a) Licenses or registrations issued under this chapter
8 shall expire within two years after the issue date. The expiration
9 date of the original license or registration shall be set by the board.

10 (b) To renew an unexpired license or registration, the licensee
11 or registered intern shall, on or before the expiration date of the
12 license or registration, complete the following actions:

13 (1) Apply for a renewal on a form prescribed by the board.

14 (2) Pay a two-year renewal fee prescribed by the board.

15 (3) Complete at least 60 hours of continuing education, as
16 approved by the board.

17 (4) Notify the board whether he or she has been convicted of a
18 misdemeanor or felony, or whether disciplinary action has been
19 taken by a regulatory or licensing board in this or any other state,
20 subsequent to the licensee or registered intern’s last renewal.

21 (c) To renew an expired license or registration within three years
22 of its expiration, the licensee or registered intern shall, as a
23 condition precedent to renewal, do all of the following:

24 (1) Apply for renewal on a form prescribed by the board within
25 three years of the expiration date of the license.

26 (2) Pay the renewal fees that would have been paid if the license
27 or registration had not been delinquent.

28 (3) Pay all delinquency fees.

29 (4) Complete the applicable continuing education requirements.

30 (5) Notify the board whether he or she has been subject to, or
31 whether another department or board has taken, disciplinary action
32 since the last renewal.

33 (d) The department shall adopt regulations to allow for the
34 reinstatement of a license or registration that is not renewed within
35 three years after its expiration.

36 4455.1. (a) A licensed advanced alcohol and drug counselor
37 shall display his or her license in a conspicuous place at the primary
38 place of his or her business.

39 (b) The current renewal receipt shall be displayed near the
40 license.

1 4455.2. A licensed advanced alcohol and drug counselor who
2 conducts a private practice under a fictitious business name shall
3 not use a name that is false, misleading, or deceptive, and shall
4 inform the patient, prior to the commencement of treatment, of the
5 name and license designation of the owner or owners of the
6 practice.

7 4455.3. A suspended license is subject to expiration and may
8 be renewed as provided in this chapter, but the renewal does not
9 entitle the licensee, while the licensee remains suspended and until
10 the licensee is reinstated, to engage in the activity to which the
11 license relates, or in any other activity or conduct in violation of
12 the order or judgment by which it was suspended.

13 4455.4. (a) A licensed advanced alcohol and drug counselor
14 may apply to the board to request that his or her license be placed
15 on inactive status.

16 (b) A person who holds an inactive license shall pay a biennial
17 fee of one-half of the active renewal fee and shall be exempt from
18 continuing education requirements specified in paragraph (3) of
19 subdivision (b) of Section 4455, but shall otherwise be subject to
20 this chapter and shall not engage in the practice of alcohol and
21 drug counseling in this state.

22 (c) A person on inactive status who has not committed any acts
23 or crimes constituting grounds for denial of licensure or registration
24 may, upon his or her request, have his or her license to practice
25 alcohol and drug counseling placed on active status.

26 (d) A person requesting his or her license to be placed on active
27 status at any time during a renewal cycle shall pay a pro rata
28 portion of the renewal fees.

29 (e) A person requesting to have his or her license be placed on
30 active status whose license expires less than one year from the
31 date of the request shall be required to complete 20 hours of
32 continuing education for license renewal.

33 (f) A person requesting his or her license to be placed on active
34 status whose license expires more than one year from the date of
35 the request shall be required to complete 40 hours of continuing
36 education for license renewal.

37 4455.5. A person licensed or registered under this chapter shall
38 comply with all of the following:

39 (a) Provide written notice to the board within 30 days of any
40 change of address.

1 (b) Provide written notice to the board within 30 days of a name
2 change giving both the old and the new names along with a copy
3 of the legal document authorizing the name change, including, but
4 not limited to, a court order or marriage license.

5 (c) Notify the board in writing within 30 days if he or she has
6 been convicted of a misdemeanor or felony substantially related
7 to the practice of alcohol drug counseling.

8

9 Article 7. Denial, Suspension, and Revocation

10

11 4456. The board may deny an application or may revoke,
12 suspend, or impose conditions upon a license or the intern
13 registration for unprofessional conduct. Unprofessional conduct,
14 includes, but is not limited to, any of the following:

15 (a) Securing an intern registration, license, or renewal by fraud,
16 deceit, or misrepresentation on an application or material in support
17 of an application for intern registration, licensure, or renewal.

18 (b) Misrepresenting the type or status of intern registration or
19 licensure held by the person, or otherwise misrepresenting or
20 permitting misrepresentation of his or her education, professional
21 qualifications, or professional affiliations to a person, program, or
22 entity.

23 (c) Refusal or failure to provide proper identification as a
24 licensee or registered intern where appropriate or required,
25 including, but not limited to, when offering or providing alcohol
26 and drug counseling services, on business cards, or on
27 informational or marketing materials.

28 (d) Advertising, marketing, or promoting programs, services,
29 training, education, or experience in a false and misleading manner,
30 as set forth in Chapter 5 (commencing with Section 17200) of Part
31 2 of Division 7.

32 (e) Engaging in inappropriate social relationships, sexual
33 relations, or soliciting sexual relations with a client or with a former
34 client within two years from the termination date of the counseling
35 relationship.

36 (f) Committing an act of sexual abuse, misconduct, or an act
37 punishable as a sexually related crime.

38 (g) Engaging in a business relationship with clients, patients,
39 program participants, residents, or other persons significant to

1 them within one year from the termination of the counseling
2 relationship.

3 (h) Physically, verbally, or sexually harassing, threatening, or
4 abusing other staff members, clients, patients, program participants,
5 residents, or other persons significant to any of those persons.

6 (i) Unlawfully administering to himself or herself a controlled
7 substance as defined in Section 4021, using any of the dangerous
8 drugs or devices specified in Section 4022, or using an alcoholic
9 beverage to the extent, or in a manner, as to be dangerous or
10 injurious to the person holding or applying for intern registration
11 or licensure or to any other person or to the public.

12 (j) Violating patient or client confidentiality, except as required
13 or permitted by law, including, but not limited to, Subparts A to
14 E, inclusive, of Part 2 of Subchapter A of Chapter 1 of Title 42 of
15 the Code of Federal Regulations, and child abuse, elder abuse, and
16 public safety laws and regulations.

17 (k) Failing to maintain records consistent with the nature of the
18 services being rendered.

19 (l) Refusing or denying patient or client access to charts and
20 records as required by law.

21 (m) Violating, attempting to violate, or conspiring to violate a
22 law or regulation governing licensed advanced alcohol and drug
23 counselors and registered interns.

24 (n) Failure to comply with the child abuse reporting
25 requirements of Section 11166 of the Penal Code.

26 (o) Failure to comply with the elder and dependent adult abuse
27 reporting requirements of Section 15630 of the Welfare and
28 Institutions Code.

29 4456.1. The board shall revoke a license or the registration of
30 an intern issued under this chapter upon a decision made in
31 accordance with the procedures set forth in the adjudication
32 provisions of the Administrative Procedure Act (Chapter 5
33 (commencing with Section 11500) of Part 1 of Division 3 of Title
34 2 of the Government Code) that contains a finding of fact that the
35 licensee or registered intern engaged in an act of sexual contact,
36 as defined in Section 729, when that act is with a client, or with a
37 former client when the relationship was terminated primarily for
38 the purpose of engaging in that act. The revocation shall not be
39 stayed by the administrative law judge or the board.

1 4456.2. The board may deny an application, or may revoke or
2 suspend a license or intern registration issued under this chapter,
3 for a denial of licensure, revocation, suspension, restriction, or
4 other disciplinary action imposed by another state or territory of
5 the United States, or by any other governmental agency, on a
6 license or registration to practice alcohol and other drug counseling
7 or other healing art. A certified copy of the disciplinary action
8 decision or judgment shall be conclusive evidence of that action.

9 4456.3. (a) The chairperson may temporarily suspend a license
10 or intern registration prior to a hearing when, in the opinion of the
11 chairperson, the action is necessary to protect the public or a client
12 from physical or mental abuse, abandonment, or other substantial
13 threat to health or safety.

14 (b) The chairperson shall give notice of the temporary
15 suspension and the effective date of the temporary suspension and,
16 at the same time, shall serve an accusation.

17 (c) Upon receipt of a notice of defense to the accusation, the
18 chairperson shall, within 15 days, set the matter for hearing, and
19 the hearing shall be held as soon as possible. The temporary
20 suspension shall remain in effect until the time the hearing is
21 completed and the chairperson has made a final determination on
22 the need for the temporary suspension to remain in place pending
23 resolution of the accusation.

24 (d) The temporary suspension shall be deemed vacated if the
25 chairperson fails to make a final determination on the merits within
26 30 days after the hearing, if the chairperson hears the matter
27 personally, or within 30 days after the board receives the proposed
28 decision from the Office of Administrative Hearings, or if the
29 matter is heard by a hearing officer selected by the board.

30 4456.4. (a) A person who has applied for or received a license
31 or intern registration from the board under this chapter has the
32 right to appeal an adverse decision of the board with regard to his
33 or her application, license, or registration.

34 (b) Unless the board specifies additional or different due process
35 provisions by regulation, an appeal shall be determined in
36 accordance with the adjudication provisions of the Administrative
37 Procedure Act (Chapter 5 (commencing with Section 11500) of
38 Part 1 of Division 3 of Title 2 of the Government Code).

1 4456.5. The board may impose reasonable terms, conditions,
2 or restrictions on a disciplinary action to protect the health, safety,
3 and welfare of the public.

4 4456.6. A person may request reinstatement of a license or
5 intern registration or a reduction of discipline, by applying for
6 reinstatement or reduction pursuant to Section 11522 of the
7 Government Code.

8 4456.7. (a) An applicant who fails an examination administered
9 by or on behalf of the board may within one year from the
10 notification date of failure retake that examination at the next
11 regularly scheduled examination date, without further application,
12 upon payment of the required examination fees.

13 (b) Thereafter, the applicant shall not be eligible for further
14 examination until he or she files a new application, meets all
15 current requirements, and pays all required fees.

16 4456.8. (a) An applicant for a license or intern registration
17 shall consent to a state and federal level criminal offender record
18 information search as part of a criminal history background check.
19 Refusal to consent to the criminal history background check, as
20 delineated in this section, shall result in denial of the license or
21 registration.

22 (b) The following procedure shall be followed for criminal
23 offender record information searches:

24 (1) The board shall submit to the Department of Justice
25 fingerprint images and related information required by the
26 Department of Justice of all advanced alcohol and drug counselor
27 licensure or advanced alcohol and drug counselor intern registration
28 applicants, as defined by Section 4450.1, to obtain information as
29 to the existence and content of a record of state or federal
30 convictions, state or federal arrests, and the existence and content
31 of a record of state or federal arrests for which the Department of
32 Justice establishes that the person is free on bail or on his or her
33 own recognizance pending trial or appeal.

34 (2) When received, the Department of Justice shall forward the
35 relevant information to the Federal Bureau of Investigation and
36 requests for federal summary criminal history information received
37 pursuant to this section. The Department of Justice shall review
38 the information returned from the Federal Bureau of Investigation
39 and compile and disseminate a response to the board.

1 (3) The Department of Justice shall provide a response to the
2 board pursuant to paragraph (1) of subdivision (p) of Section 11105
3 of the Penal Code.

4 (4) The board shall request from the Department of Justice
5 subsequent arrest notification service, as provided pursuant to
6 Section 11105.2 of the Penal Code, for persons described in
7 paragraph (1).

8 (5) The Department of Justice shall charge fees sufficient to
9 cover the cost of processing the request described in this section.
10 The applicant shall be responsible for payment of these fees.

11 (6) The applicant shall pay the fingerprint image rolling and
12 electronic submission fee charged by the live scan device operator.

13 (c) Before issuing a license or registration, the board shall ensure
14 that the state and federal level criminal history of the applicant is
15 reviewed.

16 (d) The board shall deny or revoke a person's license or
17 registration if, at the time of the board's determination, the person
18 meets one or more of the following criteria:

19 (1) He or she has been convicted of five or more criminal
20 offenses within a 30-month period ending two years or less prior
21 to the date of the board's determination.

22 (2) He or she is required to register as a sex offender pursuant
23 to Section 290 of the Penal Code.

24 (3) (A) Subject to subdivisions (b) and (c), he or she has been
25 convicted of a violent felony, as defined in Section 667.5 of the
26 Penal Code, within three years prior to the date of the board's
27 determination.

28 (B) After the expiration of three years from the date of
29 conviction, if a person described in subparagraph (A) is on parole,
30 he or she may be licensed or registered, if the board receives the
31 written approval of his or her parole officer or the Board of Parole
32 Hearings, as the Board of Parole Hearings may provide. The written
33 approval may be withdrawn by the Board of Parole Hearings upon
34 written notice to the licensee, registered intern, or parolee and to
35 the board. In the event of withdrawal of the approval, the licensee,
36 registered intern, or parolee's licensure or registration shall be
37 revoked by the board upon receipt by the board of the notice,
38 without further recourse against the board. The Board of Parole
39 Hearings shall set the procedure for review of the withdrawal of
40 approval. If the approval is reinstated, the board shall reinstate the

1 licensee, registered intern, or parolee if he or she is otherwise
2 eligible for reinstatement under this chapter and complies with all
3 applicable requirements.

4 (C) Subparagraph (B) shall also apply to a person convicted of
5 a crime that the board determines is substantially related to the
6 practice of alcohol and drug counseling.

7 (D) The board shall not deny or revoke a registration or license
8 pursuant to this subdivision solely on the basis of convictions
9 stemming from prior use of drugs or alcohol, provided the
10 individual meets the terms of rehabilitation established in
11 regulations developed pursuant to subparagraph (E).

12 (E) The board may establish by regulation additional criteria to
13 implement this subdivision, which may include, but is not limited
14 to, standards, exemptions, and terms of rehabilitation, and may
15 include rebuttable presumptions with regard to any of those.

16 4456.9. (a) Except as otherwise provided in this chapter, an
17 accusation filed pursuant to Section 11503 of the Government
18 Code against a person licensed or registered under this chapter
19 shall be filed within three years from the date the board discovers
20 the alleged act or omission that is the basis for disciplinary action
21 or within seven years from the date the alleged act or omission
22 that is the basis for disciplinary action occurred, whichever occurs
23 first.

24 (b) An accusation filed against a person licensed or registered
25 alleging the procurement of a license or registration by fraud or
26 misrepresentation is not subject to the limitations set forth in
27 subdivision (a).

28 (c) An accusation alleging sexual misconduct shall be filed
29 within three years after the board discovers the act or omission
30 alleged as the grounds for disciplinary action or within 10 years
31 after the act or omission alleged as the grounds for disciplinary
32 action occurred, whichever occurs first.

33 (d) If an alleged act or omission involves a minor, the seven-year
34 limitation period provided for by subdivision (a) and the 10-year
35 limitation period provided for by subdivision (d) shall be tolled
36 until the minor reaches the age of majority.

37 (e) The limitation period provided by subdivision (a) shall be
38 tolled during any period if material evidence necessary for
39 prosecuting or determining whether a disciplinary action would

1 be appropriate is unavailable to the board due to an ongoing
2 criminal investigation.

3 (f) For purposes of this section, “discovers” means the latest
4 occurrence of any of the following with respect to each act or
5 omission alleged as the basis for disciplinary action:

6 (1) The date the board received a complaint or report describing
7 the act or omission.

8 (2) The date, subsequent to the original complaint or report, on
9 which the board became aware of additional acts or omissions
10 alleged as the basis for disciplinary action against the same
11 individual.

12 (3) The date the board receives from the complainant a written
13 release of information pertaining to the complainant’s diagnosis
14 and treatment.

15 4456.10. (a) This chapter does not apply to an alcohol and
16 drug counselor from outside this state when he or she is in actual
17 consultation with a licensed practitioner of this state or when he
18 or she is an invited guest of a professional association or
19 educational institution for the sole purpose of engaging in
20 professional education through lectures, clinics, or demonstrations,
21 if he or she is, at the time of the consultation, lecture, or
22 demonstration, licensed to practice alcohol and drug counseling
23 in the state or country in which he or she resides.

24 (b) An alcohol and drug counselor described in subdivision (a)
25 shall not open an office or appoint a place to meet clients or receive
26 calls from clients within the limits of this state.

27

28 Article 8. Fiscal Provisions

29

30 4457. (a) The Advanced Alcohol and Drug Counselors License
31 Fund is hereby established in the State Treasury. All fees and fines
32 collected by the board in accordance with this chapter shall be
33 deposited in this fund.

34 (b) The moneys in the fund shall be available, upon
35 appropriation by the Legislature, for the purpose of supporting the
36 licensing and intern registration activities of the board.

37 4457.1. (a) Until the board establishes different fees by
38 regulation, the board shall assess the following fees relating to the
39 licensure of advanced alcohol and drug counselors and the
40 registration of advanced alcohol and drug counselor interns:

1 (1) The application fee for an initial registration shall be
2 seventy-five dollars (\$75).

3 (2) The fee for renewal of a registration shall be seventy-five
4 dollars (\$75).

5 (3) The fee for a written examination administered by the board
6 shall be one hundred fifty dollars (\$150). The fee for an
7 examination administered on behalf of the board shall not exceed
8 more than 125 percent of the standard examination fee assessed
9 by the testing company.

10 (A) An applicant who fails to appear for an examination, after
11 having been scheduled to take the examination, shall forfeit the
12 examination fee.

13 (B) This subdivision shall not establish or limit the examination
14 fee charged for the examination recognized in subdivision (a) of
15 Section 4453.2 or any other examination that is recognized by the
16 board but not administered by or on behalf of the board.

17 (4) The fee for issuance of an initial license shall be one hundred
18 fifty-five dollars (\$155).

19 (5) The fee for a license renewal shall be one hundred fifty-five
20 dollars (\$155).

21 (6) The fee for an inactive license renewal shall be seventy-seven
22 dollars and fifty cents (\$77.50).

23 (7) The renewal delinquency fee shall be seventy-five dollars
24 (\$75). A person who permits his or her license to expire is subject
25 to the delinquency fee.

26 (8) The fee for issuance of a replacement registration or license
27 shall be twenty dollars (\$20).

28 (9) The fee for issuance of a certificate or letter of good standing
29 shall be twenty-five dollars (\$25).

30 (10) The fee for board review of the criminal records information
31 shall be thirty dollars (\$30).

32 (11) The fee for the state level criminal offender record
33 information search shall be set by the Department of Justice and
34 the fee for the federal level criminal offender record information
35 search shall be set by the Federal Bureau of Investigation.

36 (b) The board may establish fees for other categories as
37 necessary, however, the total fees collected by the board pursuant
38 to this chapter shall not exceed the reasonable cost to the board
39 for administering this chapter. The fees described in subdivision

1 (a) shall not exceed the reasonable costs to the board for
2 administering this chapter.

3 (c) The startup funds to implement this chapter shall be derived,
4 as a loan, from the reserve of the fund, upon appropriation by the
5 Legislature, and the board is not required to implement this chapter
6 until those funds are appropriated.

7 SEC. 2. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.