

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 1055

VERSION: AMENDED MARCH 13, 2023

AUTHOR: BAINS

SPONSORS:

- CALIFORNIA CONSORTIUM OF ADDICTION PROGRAMS AND PROFESSIONALS
- CALIFORNIA SOCIETY OF ADDICTION MEDICINE
- CALIFORNIA COUNCIL OF COMMUNITY BEHAVIORAL HEALTH AGENCIES

RECOMMENDED POSITION: NONE

SUBJECT: ALCOHOL DRUG COUNSELORS

Summary:

This bill creates the Allied Behavioral Health Board under the Department of Consumer Affairs (DCA), for the purpose of licensing alcohol and drug counselors.

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) Identifies 10 organizations as approved by DHCS to register and certify alcohol and drug counselors. (9 California Code of Regulations (CCR) §13035(a))
- 3) Requires these DHCS-approved certifying organizations to gain and maintain accreditation with the National Commission for Certifying Agencies (NCCA). (9 CCR §13035(c))
- 4) Requires all alcohol and drug (AOD) counselors providing counseling services in an AOD 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(f))
- 5) Sets minimum education and experience requirements for certification that the certifying organizations must require, including the following (9 CCR §13040):

- At least 155 hours of 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:

- 1) Creates the Allied Behavioral Health Board under the Department of Consumer Affairs, consisting of a total of ten appointed board members (BPC §4451).
- 2) Defines the "practice of alcohol and drug counseling" as performing any of the following 12 core functions to treat a substance use disorder, and provides that these may only be performed for the purpose of treating a substance use disorder (BPC §§4456(a) and (b)):
 - Screening
 - Initial intake
 - Orientation
 - Alcohol and drug counseling
 - Case management
 - Crisis intervention
 - Assessment
 - Treatment planning
 - Client education
 - Referral
 - Reports and recordkeeping
 - Consultation with other professionals
- 3) Specifies that the defined practice of alcohol and drug counseling is not intended to constrict or limit persons licensed by any of the following practice acts from providing a core function, provided they don't use the title "Licensed Alcohol Drug Counselor" (BPC §§4456(c), 4465):
 - The Medical Practice Act
 - The Nursing Practice Act
 - The Psychology Licensing Law
 - The Licensed Marriage and Family Therapist Act
 - The Clinical Social Worker Practice Act

- 4) Provides that a person employed or volunteering at a certified outpatient treatment program or licensed residential treatment facility is not required to obtain a license. (BPC §4465)
- 5) Defines the functions of the board, including (BPC §4455):
 - Adopting rules and regulations by December 31, 2027
 - Issuing licenses and registering interns and trainees
 - Establishing a complaint process
 - Taking disciplinary action where appropriate
 - Establishing continuing education requirements
 - Establishing criteria to evaluate educational curriculum
 - Selecting qualifying license examinations
 - Establishing unprofessional conduct parameters
 - Establishing license reinstatement procedures
 - Establishing supervised experience requirements
 - Aligning license requirements to the Substance Abuse and Mental Health Services Administration's career ladder
 - Establishing license reciprocity requirements
- 6) Prescribes requirements to obtain a license from the board, including, but not limited to (BPC §4457):
 - Possessing a master's degree in alcohol and drug counseling or related counseling master's degree from an accredited or approved school, which contained at least 315 hours of core education in alcohol and drug counseling in alignment with approved national standards.
 - Completion of a supervised practicum.
 - Passing a written exam.
 - Being certified by a certifying organization.
 - Completion of 2,000 hours of postgraduate supervised work experience.
- 7) Requires a licensee to complete continuing education. (BPC §4458)
- 8) Prescribes a process for a licensee or former licensee to renew an existing license or obtain a new license (if expired more than 3 years). (BPC §§4459-4461)
- 9) Prescribes a process for a license to be placed on inactive status. (BPC §4462)
- 10) Provides that the board must deny, suspend, delay, or set aside an application if the person has a criminal conviction or criminal charge pending for an offense where the circumstances substantially relate to actions of a licensed alcohol and drug counselor. Provides that a waiver of this may be granted under certain specified circumstances. (BPC §4463(b))

- 11) Prohibits the use of the title “Licensed Alcohol Drug Counselor” unless the person has obtained a license from the board. (BPC §4464)
- 12) Sets forth unprofessional conduct provisions for which the board may suspend or revoke a license or registration. (BPC §4466)
- 13) Permits the board to establish fees for licensure. (BPC §4470)

Comments:

- 1) **Intent.** In their fact sheet for the bill, the author’s office states the following:

“AB 1055 targets the lack of licensure for alcohol drug counselors and will increase consumer protections, public safety, and lower fraud abuses. Unfortunately, at this time, anyone can practice in this area of counseling with zero qualifications, including those who have had their licenses revoked from other boards.”

- 2) **Title Act Versus Practice Act.** This bill is currently written as a title act, meaning that using the title of “Licensed Alcohol Drug Counselor” is prohibited unless such a license is held.

A practice act is a law that prohibits the practice of a profession unless a license is held. At this time, the bill does not appear to be practice act. It avoids affirmatively stating that a license is required to engage in alcohol and drug counseling. It also states that a person employed or volunteering at a certified outpatient treatment program or licensed residential treatment facility is not required to obtain a license.

- 3) **Single Modality License.** This bill would create a license to treat only one type of diagnosis. An alcohol and drug counselor 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 his or her scope of practice.

SB 570 (2014), which was a previously proposed bill to license alcohol and drug counselors, contained the following language. It may be helpful in this bill as well:

“Alcohol and drug counseling includes understanding and application of the limits of the counselor’s own qualifications and scope of practice, including, but not limited to, screening and, as indicated, referral to or consultation with an appropriately licensed health practitioner consistent with the client’s needs. Every licensee who operates an independent counseling practice shall refer any client assessed as needing the services of another licensed professional to that professional in a timely manner.”

4) Protection of BBS Scopes of Practice – LPCCs Not Included. This bill specifies in two places that the defined practice of alcohol and drug counseling is not intended to constrict or limit persons licensed by any of the following practice acts from providing a core function, provided they don't use the title "Licensed Alcohol Drug Counselor (BPC §§4456(c), 4465):

- The Medical Practice Act
- The Nursing Practice Act
- The Psychology Licensing Law
- The Licensed Marriage and Family Therapist Act
- The Clinical Social Worker Practice Act

However, in both sections noted above, the Licensed Professional Clinical Counselor Act is left out.

In addition, BPC §4467(b) of the bill discusses discipline or revocation of certain board licenses or registrations as being grounds for discipline of a licensed alcohol drug counselor. LPCCs are excluded from that list of licenses and registrations as well.

5) Past Legislation:

- **AB 700 (Jones-Sawyer) of 2017** proposed establishing a career ladder for substance use disorder counseling, to be maintained by the Department of Health Care Services. This bill became a two-year bill, and was ultimately gut and amended to address a different topic.
- **SB 1101 (Wieckowski) of 2016** proposed creating the Alcohol and Drug Counseling Professional Bureau under DCA for the purpose of licensing alcohol and drug counselors. This bill died in the Senate Appropriations Committee.
- **SB 570 (De Saulnier) of 2014** would have established the Alcohol and Drug Counselor Licensing Board within the Department of Consumer Affairs for the purposes of licensing and regulating Advanced Alcohol and Drug Counselor Interns (AADCIs) and Licensed Advanced Alcohol and Drug Counselors (LAADCs). This bill died in the Assembly.
- **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.

6) Support and Opposition.

Support:

- California Consortium of Addiction Programs and Professionals – (Sponsor)
- California Society of Addiction Medicine – (Sponsor)
- California Council of Community Behavioral Health Agencies – (Sponsor)
- California Association of DUI Treatment Programs
- Pathways Recovery, Inc.
- International Certification & Reciprocity Consortium (IC&RC)

- Soroptimist House of Hope
- First Responder Wellness
- Fred Brown Recovery Services
- The Happier Life Project
- Opus Health
- Central Valley Recovery Services
- Bold Recovery
- Covenant Hills Treatment Center
- Associated Rehabilitation Program for Women (Alpha Oaks/Cornerstone)
- The Purpose of Recovery
- Delivered2Choices
- San Jose City College
- Stepping Stone of San Diego
- Community Social Model Advocates, Inc.
- A New PATH (Parents for Addiction Treatment & Healing)

Oppose:

None at this time.

7) History

03/14/23	Re-referred to Com. on B. & P.
03/13/23	From committee chair, with author's amendments: Amend, and re-refer to Com. on B. & P. Read second time and amended.
03/02/23	Referred to Coms. on B. & P. and HEALTH.
02/16/23	From printer. May be heard in committee March 18.
02/15/23	Read first time. To print.

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ASSEMBLY BILL

No. 1055

Introduced by Assembly Member Bains

February 15, 2023

An act to add Chapter 9.7 (commencing with Section 4450) to Division 2 of the Business and Professions Code, ~~and to amend Section 11833 of the Health and Safety Code~~, relating to healing arts.

legislative counsel's digest

AB 1055, as amended, Bains. Alcohol drug counselors.

Existing law requires the State Department of Health Care Services to license and regulate adult alcoholism or drug abuse recovery or treatment facilities. Existing law also requires the department to require that an individual providing counseling services within a program be certified by a certifying organization approved by the department. ~~Existing law authorizes the department to charge a fee to all programs for licensure or certification by the department, and establishes the Residential and Outpatient Program Licensing Fund to hold these fees.~~

This bill would create, upon appropriation by the Legislature, the Allied Behavioral Health Board within the Department of Consumer Affairs. The bill would require the board to establish regulations and standards for the licensure of alcohol drug counselors, as specified. The bill would authorize the board to collaborate with the Department of Health Care Access and Information regarding behavioral health professions, review sunrise review applications for emerging behavioral health license and certification programs, and refer complaints regarding behavioral health workers to appropriate agencies, as specified. The bill would require an applicant to satisfy certain requirements, including,

among other things, possession of a master’s degree in alcohol and drug counseling or a related counseling master’s degree, as specified. The bill would, commencing 18 months after the board commences approving licenses, impose additional requirements on an applicant, including completion of a supervised practicum from an approved educational institution, and documentation that either the applicant is certified by a certifying organization or the applicant has completed 2,000 hours of postgraduate supervised work experience. The bill would impose requirements related to continuing education and discipline of licensees. The bill would prohibit a person from using the title of “Licensed Alcohol Drug Counselor” unless the person has applied for and obtained a license from the board, and would make a violation of that provision punishable by an administrative penalty not to exceed \$10,000.

The bill would specify that it does not require a person employed or volunteering at an outpatient treatment program or residential treatment facility certified or licensed by the State Department of Health Care Services to be licensed by the board. The bill would require the board to establish fees for licensure, as specified, ~~and would revert all unencumbered funds appropriated from fees in the Residential and Outpatient Program Licensing Fund to the State Department of Health Care Services for the purpose of certification oversight of substance use disorder counselors to that fund.~~ *specified.*

~~Existing law requires, by December 31, 2025, the State Department of Health Care Services to adopt regulations to implement changes made by legislation during the 2021–22 Legislative Session relating to the qualifications and registration or certification of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under state law.~~

~~This bill would instead require the State Department of Health Care Services to adopt those regulations by December 31, 2027.~~

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

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:

Chapter 9.7. Allied Behavioral Health Board

Article 1. General Provisions

4450. (a) “Board” means the Allied Behavioral Health Board.

(b) “Certifying organization” means a certifying organization approved by the State Department of Health Care Services pursuant to Chapter 7 (commencing with Section 11830) of Part 2 of Division 10.5 of the Health and Safety Code.

(c) “Core functions” means the performance parameters utilized by alcohol drug counselors as established by the International Certification and Reciprocity Consortium and identified in subdivision (a) of Section 4456.

(d) “Intern” means an unlicensed person who meets the educational requirements for licensure and is registered with the board.

(e) “Licensed Alcohol Drug Counselor” means a person licensed by the board pursuant to this chapter to use the title “Licensed Alcohol Drug Counselor,” conduct an independent practice of alcohol drug counseling, and provide supervision to other alcohol drug counselors.

(f) “Trainee” means an unlicensed person who is currently enrolled in a course of education that is designed to qualify the individual for licensure under this chapter and who has completed no less than 12 semester units or 18 quarter units of coursework in a qualifying educational program.

4451. (a) There is in the Department of Consumer Affairs the Allied Behavioral Health Board that consists of the following members:

(1) Five members appointed by the Governor as follows:

(A) Except as provided in subparagraph (B), a member appointed pursuant to this paragraph shall be an alcohol drug counselor licensed pursuant to this chapter and shall have at least five years of experience in their profession.

(B) From the commencement of appointments and until licenses for alcohol drug counselors are issued, the Governor shall appoint alcohol and drug addiction counselors certified by a certifying organization.

(C) Three of the members appointed by the Governor shall represent each certifying organization. In the event more than three

1 certifying organizations exist, certifying organizations shall rotate
2 on and off of the board according to the date of approval by the
3 State Department of Health Care Services, with the most recent
4 appointed last so as not to exceed three members of the board. In
5 the event less than three certifying organizations exist, one member
6 per organization shall be appointed and the Governor shall appoint
7 any remaining members pursuant to subparagraphs (A) and (B).

8 (2) Five public members who are not licensed pursuant to this
9 chapter or certified by a certifying organization, appointed as
10 follows:

11 (A) Three members appointed by the Governor.

12 (B) One member appointed by the Senate Committee on Rules.

13 (C) One member appointed by the Speaker of the Assembly.

14 (3) One member, appointed by the Governor, who is a licensed
15 physician and surgeon and who specializes in addiction medicine.

16 (b) Each member shall reside in the State of California.

17 (c) Each member of the board shall be appointed for a term of
18 four years. A member shall hold office until the appointment and
19 qualification of their successor or until one year from the expiration
20 date of the term for which they were appointed, whichever occurs
21 first.

22 (d) A vacancy on the board shall be filled by appointment for
23 the unexpired term by the authority who appointed the member
24 whose membership was vacated.

25 (e) On or before June 1 of each calendar year, the board shall
26 elect a chairperson and a vice chairperson from its membership.

27 4452. (a) The board shall appoint an executive officer. This
28 position is designated as a confidential position and is exempt from
29 civil service under subdivision (e) of Section 4 of Article VII of
30 the California Constitution.

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

32 (c) The executive officer shall exercise the powers and perform
33 the duties delegated by the board and vested in them by this
34 chapter.

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

37 (e) The chairperson and executive officer may call meetings of
38 the board and any duly appointed committee at a specified time
39 and place. For purposes of this section, "call meetings" means

1 setting the agenda, time, date, or place for any meeting of the board
2 or any committee.

3 4452. Subject to the State Civil Service Act (Part 2
4 (commencing with Section 18500) of Division 5 of Title 2 of the
5 Government Code) and except as provided by Sections 155, 156,
6 and 159.5, the board may employ any clerical, technical, and other
7 personnel as it deems necessary to carry out the provisions of this
8 chapter, within budget limitations.

9 4453. The board shall keep an accurate record of all of its
10 proceedings and a record of all applicants for licensure and all
11 individuals to whom it has issued a license.

12 4454. The duty of administering and enforcing this chapter is
13 vested in the board and the executive officer subject to, and under
14 the direction of, the board. In the performance of this duty, the
15 board and the executive officer have all the powers and are subject
16 to all the responsibilities vested in, and imposed upon, the head of
17 a department by Chapter 2 (commencing with Section 11150) of
18 Part 1 of Division 3 of Title 2 of the Government Code.

19 4455. (a) In order to carry out the provisions of this chapter,
20 the board shall do, but shall not be limited to, all of the following:

21 (1) Adopt rules and regulations to implement this ~~chapter.~~
22 *chapter on or before December 31, 2027.*

23 (2) Issue licenses and register interns and trainees.

24 (3) Establish procedures for the receipt, investigation, and
25 resolution of complaints against licensees, interns, and trainees.

26 (4) Take disciplinary action against a licensee, intern, or trainee
27 where appropriate, including, but not limited to, censure or
28 reprimand, probation, suspension, or revocation of the license or
29 registration, or imposition of fines or fees.

30 (5) Establish continuing education requirements for licensees.

31 (6) Establish criteria to determine whether the curriculum of an
32 educational institution satisfies the licensure requirements imposed
33 by this chapter.

34 (7) Select one or more license examinations to qualify applicants
35 for licensure.

36 (8) Establish parameters of unprofessional conduct for licensees
37 that are consistent with generally accepted ethics codes for the
38 profession.

39 (9) Establish reinstatement procedures for an expired or revoked
40 license.

1 (10) Establish supervisory requirements for interns.

2 (11) Establish a process for approving supervised work
3 experience hours earned by applicants that were obtained while
4 certified by an approved certification organization, prior to
5 completion of a master's degree.

6 (12) Align licensure requirements to the Substance Abuse and
7 Mental Health Services Administration's career ladder for
8 substance use disorder counselors.

9 (13) Establish procedures for approving reciprocity for licenses
10 obtained in other states or nations.

11 (b) The board may perform the following activities:

12 (1) Collaborate with the Department of Health Care Access and
13 Information concerning workforce development strategies that
14 impact behavioral health professions.

15 (2) Assist the relevant committee in reviewing and making
16 determinations regarding sunrise review applications, pursuant to
17 Article 8 (commencing with Section 9148) of Chapter 1.5 of Part
18 1 of Division 2 of Title 2 of the Government Code, for emerging
19 behavioral health license or certification programs.

20 (3) Refer complaints about licensed and certified behavioral
21 health workers to appropriate agencies and private organizations
22 and catalog complaints about unlicensed behavioral health workers.

23 (c) The board shall consult the public, especially people in
24 recovery, providers of substance use disorder services, and
25 organizations that certify substance use disorder counselors before
26 adopting regulations and standards pursuant to subdivision (a).

27 4456. (a) A licensee may engage in the practice of alcohol and
28 drug counseling. For purposes of this chapter, the "practice of
29 alcohol and drug counseling" means performing any of the
30 following 12 core functions for the purpose of treating substance
31 use disorder:

32 (1) Screening. The process by which a client is determined to
33 be eligible for admission to a particular alcohol and drug treatment
34 program.

35 (2) Initial Intake. The administrative and initial assessment
36 procedures for admission to an alcohol and drug treatment program.
37 Assessment shall not include psychological testing intended to
38 measure or diagnose mental illness.

39 (3) Orientation. Describing to the client the general nature and
40 goals of the alcohol and drug treatment program, including rules

1 governing client conduct and infractions that can lead to
2 disciplinary action or discharge from the program.

3 (4) Alcohol and drug counseling, including individual, group,
4 and significant others. The utilization of special skills to assist
5 individuals, families, or groups in achieving objectives through
6 exploration of a problem and its ramifications, examination of
7 attitudes and feelings, considerations of alternative solutions, and
8 decisionmaking as each relates to substance abuse. Counseling
9 shall be limited to assisting a client in learning more about
10 themselves for the purposes of understanding how to effectuate
11 clearly perceived, realistically defined goals related to abstinence.
12 Counseling is limited to assisting the client to learn or acquire new
13 skills that will enable the client to cope and adjust to life situations
14 without the use of substances.

15 (5) Case management. Activities that bring services, agencies,
16 resources, or individuals together within a planned framework of
17 action toward achievement of established goals. It may involve
18 liaison activities and collateral contacts.

19 (6) Crisis intervention. Those services that respond to an alcohol
20 or drug abuser's needs during acute emotional or physical distress.

21 (7) Assessment. Those procedures by which a counselor or
22 program identifies and evaluates an individual's strengths,
23 weaknesses, problems, and needs for the development of the
24 alcohol and drug treatment plan.

25 (8) Treatment planning. The process by which the counselor
26 and the client identify and rank problems needing resolution,
27 establish agreed-upon immediate and long-term goals, and decide
28 on a treatment process and the resources to be utilized.

29 (9) Client education. Providing information to individuals and
30 groups concerning alcohol and other drugs of abuse and the
31 services and resources available.

32 (10) Referral. Identifying the needs of the client that cannot be
33 met by the counselor or agency, as well as assisting the client in
34 utilizing the support systems and community resources available.

35 (11) Reports and recordkeeping. Documenting the client's
36 progress in achieving the client's goals.

37 (12) Consultation with other professionals in regard to client
38 treatment or services. Communicating with other professionals to
39 ensure comprehensive, quality care for the client.

(b) Unless otherwise licensed, a licensee may perform the acts listed in this section only for the purpose of treating a substance use disorder.

(c) This section shall not be construed to constrict or limit a person duly licensed by the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), the Psychology Licensing Law (Chapter 6.6 (commencing with Section 2900)), the Licensed Marriage and Family Therapist Act (Chapter 13 (commencing with Section 4980)), or the Clinical Social Worker Practice Act (Chapter 14 (commencing with Section 4991)) from providing a core function, provided the individual does not use the title “Licensed Alcohol Drug Counselor.”

Article 2. Licensure

4457. (a) For a period not to exceed 18 months from the time the board commences issuing licenses, the board may issue an alcohol drug counselor license if the applicant satisfies the following requirements:

- (1) Completion of an application for a license.
- (2) Payment of the fees prescribed by the board.
- (3) Possession of a master’s degree in alcohol and drug counseling or related counseling master’s degree that meets the board’s requirements to sit for an exam described in paragraph (4).
- (4) Passing the International Certification and Reciprocity Consortium Advanced Alcohol and Other Drug Abuse Counselor written examination, the National Certification Commission for Addiction Professionals Master of Addiction Counseling written examination, or another equivalent examination, as determined by the board.

(b) No later than 18 months from the time the board commences approving licenses, the board may issue an alcohol drug counselor license if the applicant satisfies the following requirements:

- (1) Completion of an application for a license.
- (2) Payment of the fees prescribed by the board.
- (3) Documentation of both of the following:
 - (A) Possession of a master’s degree in alcohol and drug counseling or related counseling master’s degree obtained from a

1 school, college, or university that, at the time the degree was
2 conferred, was approved by the board and was accredited by the
3 Western Association of Schools and Colleges or a nationally
4 accredited learning institution approved by the board.

5 (B) The master's degree required pursuant to subparagraph (A)
6 or the master's degree and additional coursework include at least
7 315 hours of core education in alcohol drug counseling that aligns
8 with national standards of competence approved by the board.

9 (4) Completion of a supervised practicum from an educational
10 institution approved by the board.

11 (5) Passing a written examination approved by the board.

12 (6) Documentation of either of the following:

13 (A) The applicant, at the time of application, is certified by a
14 certifying organization.

15 (B) The applicant has completed 2,000 hours of postgraduate
16 supervised work experience.

17 4458. A licensee shall attest to the board every two years, on
18 a form prescribed by the board, that they have completed
19 continuing education coursework that is offered by a
20 board-approved provider and that is in or relevant to the field of
21 alcohol drug counseling. The board may require licensees to take
22 specific coursework, including, but not limited to, coursework
23 concerning supervisory training, as a condition of license renewal.

24 (a) The board may audit the records of a licensee to verify the
25 completion of the continuing education requirement.

26 (b) A licensee shall maintain records of completion of required
27 continuing education coursework for a minimum of five years and
28 shall make these records available to the board for auditing
29 purposes upon request.

30 (c) An attestation made pursuant to this section shall not be
31 subject to penalty of perjury.

32 4459. The board shall renew an unexpired license of a licensee
33 who meets the following qualifications:

34 (a) The licensee has applied for renewal on a form prescribed
35 by the board and paid the required renewal fee.

36 (b) The licensee attests compliance with continuing education
37 requirements pursuant to Section 4458. An attestation made
38 pursuant to this subdivision shall not be subject to penalty of
39 perjury.

1 (c) The licensee has notified the board whether they have been
2 subject to, or whether another board has taken, disciplinary action
3 since the last renewal.

4 4460. The board may renew an expired license of a former
5 licensee who meets the following qualifications:

6 (a) The former licensee has applied for renewal on a form
7 prescribed by the board within three years of the expiration date
8 of the license.

9 (b) The former licensee has paid the renewal fees that would
10 have been paid if the license had not been delinquent.

11 (c) The former licensee has paid all delinquency fees.

12 (d) The former licensee attests compliance with continuing
13 education requirements, including for the time the license was
14 expired. An attestation made pursuant to this subdivision shall not
15 be subject to penalty of perjury.

16 (e) The former licensee notifies the board whether they have
17 been subject to, or whether another board has taken, disciplinary
18 action against the former licensee since the last renewal.

19 4461. (a) A license that is not renewed within three years after
20 its expiration may not be renewed, restored, reinstated, or reissued
21 thereafter, but the former licensee may apply for and obtain a new
22 license if all of the following are satisfied:

23 (1) No fact, circumstance, or condition exists that, if the license
24 were issued, would justify its revocation or suspension.

25 (2) The former licensee pays the fees that would be required if
26 they were applying for a license for the first time.

27 (3) The former licensee meets the corresponding requirements
28 for licensure as a licensed alcohol drug counselor at the time of
29 application.

30 (b) A suspended license is subject to expiration and may be
31 renewed as provided in this article, but the renewal does not entitle
32 the licensee, while it remains suspended and until it is reinstated,
33 to engage in the activity for which the license related, or in any
34 other activity or conduct in violation of the order or judgment by
35 which it was suspended.

36 (c) A revoked license is subject to expiration, but it may not be
37 renewed. If it is reinstated after its expiration, the licensee shall,
38 as a condition precedent to its reinstatement, pay a reinstatement
39 fee in an amount equal to the renewal fee in effect on the last

1 regular renewal date before the date on which it is reinstated, plus
2 the delinquency fee, if any, accrued at the time of its revocation.

3 4462. (a) A licensed alcohol drug counselor may apply to the
4 board to request that their license be placed on inactive status. A
5 licensee who holds an inactive license shall pay a biennial fee of
6 one-half of the active renewal fee and shall be exempt from
7 continuing education requirements, but shall otherwise be subject
8 to this chapter and shall not engage in the practice of alcohol drug
9 counseling in this state.

10 (b) A licensee on inactive status who has not committed any
11 acts or crimes constituting grounds for denial of licensure may,
12 upon their request, have their license placed on active status. A
13 licensee requesting their license to be placed on active status at
14 any time between a renewal cycle shall pay one-half of the renewal
15 fee.

16
17 Article 3. Enforcement
18

19 4463. (a) Before issuing a license pursuant to Section 4457,
20 the board shall review the state, national, and federal criminal
21 history of the applicant.

22 (b) (1) (A) The board shall deny, suspend, delay, or set aside
23 a person's license application if, at the time of the board's
24 determination, the person has a criminal conviction or criminal
25 charge pending, relating to an offense for which the circumstances
26 substantially relate to actions as a licensed alcohol and drug
27 counselor.

28 (B) An applicant who has a criminal conviction or pending
29 criminal charge shall request the appropriate authorities to provide
30 information about the conviction or charge directly to the board
31 in sufficient specificity to enable the board to make a determination
32 as to whether the conviction or charge is substantially related to
33 actions as a licensed alcohol and drug counselor.

34 (2) After a hearing or review of documentation demonstrating
35 that the applicant meets all of the following criteria for a waiver,
36 the board may waive the requirements of this subdivision:

37 (A) Either of the following:

38 (i) For waiver of a felony conviction, more than five years has
39 elapsed since the date of the conviction, and at the time of the
40 application, the applicant is not incarcerated, on work release, on

1 probation, on parole, on postrelease community supervision, or
2 serving any part of a suspended sentence and the applicant is in
3 substantial compliance with all court orders pertaining to fines,
4 restitution, or community service.

5 (ii) For waiver of a misdemeanor conviction or violation, at the
6 time of the application, the applicant is not incarcerated, on work
7 release, on probation, on parole, on postrelease community
8 supervision, or serving any part of a suspended sentence and the
9 applicant is in substantial compliance with all court orders
10 pertaining to fines, restitution, or community service.

11 (B) The applicant is capable of practicing licensed alcohol and
12 drug treatment counselor services in a competent and professional
13 manner.

14 (C) Granting the waiver will not endanger the public health,
15 safety, or welfare.

16 (3) A past criminal conviction shall not serve as an automatic
17 exclusion for licensure. The board shall evaluate the circumstances
18 leading to conviction and determine if the person meets the
19 conditions in subparagraphs (B) and (C) of paragraph (2) in
20 determining approval or denial of the application.

21 4464. (a) A person shall not use the title of “Licensed Alcohol
22 Drug Counselor” unless the person has applied for and obtained
23 a license from the board pursuant to Section 4457.

24 (b) A violation of subdivision (a) shall be punishable by an
25 administrative penalty not to exceed ten thousand dollars (\$10,000).

26 4465. (a) This chapter does not constrict, limit, or withdraw
27 the Medical Practice Act (Chapter 5 (commencing with Section
28 2000)), the Nursing Practice Act (Chapter 6 (commencing with
29 Section 2700)), the Psychology Licensing Law (Chapter 6.6
30 (commencing with Section 2900)), the Licensed Marriage and
31 Family Therapist Act (Chapter 13 (commencing with Section
32 4980)), or the Clinical Social Worker Practice Act (Chapter 14
33 (commencing with Section 4991)).

34 (b) This chapter does not require a person employed or
35 volunteering at a certified outpatient treatment program or licensed
36 residential treatment facility to obtain a license.

37 (c) A licensee shall display their license in a conspicuous place
38 in the licensee’s primary place of practice.

39 (d) A licensed alcohol and drug counselor who conducts a
40 private practice under a fictitious business name shall not use any

1 name that is false, misleading, or deceptive and shall inform the
2 patient, prior to the commencement of treatment, of the name and
3 license designation of the owner or owners of the practice.

4 (e) A licensee or registrant shall give written notice to the board
5 of a name change within 30 days after each change, giving both
6 the old and new names. A copy of the legal document authorizing
7 the name change, such as a court order or marriage certificate,
8 shall be submitted with the notice.

9 4466. The board may refuse to issue a registration or license,
10 or may suspend or revoke the license or registration of any
11 registrant or licensee, if the applicant, licensee, or registrant has
12 been guilty of unprofessional conduct. Unprofessional conduct
13 shall include, but not be limited to, all of the following:

14 (a) The conviction of a crime substantially related to the
15 qualifications, functions, or duties of a licensee or registrant under
16 this chapter. The record of conviction shall be conclusive evidence
17 only of the fact that the conviction occurred. The board may inquire
18 into the circumstances surrounding the commission of the crime
19 in order to fix the degree of discipline or to determine if the
20 conviction is substantially related to the qualifications, functions,
21 or duties of a licensee or registrant under this chapter. A plea or
22 verdict of guilty or a conviction following a plea of nolo contendere
23 made to a charge substantially related to the qualifications,
24 functions, or duties of a licensee or registrant under this chapter
25 shall be deemed to be a conviction within the meaning of this
26 section. The board may order any license or registration suspended
27 or revoked, or may decline to issue a license or registration when
28 the time for appeal has elapsed or the judgment of conviction has
29 been affirmed on appeal, or when an order granting probation is
30 made suspending the imposition of sentence, irrespective of a
31 subsequent order under Section 1203.4 of the Penal Code allowing
32 the person to withdraw a plea of guilty and enter a plea of not
33 guilty, or setting aside the verdict of guilty, or dismissing the
34 accusation, information, or indictment.

35 (b) Securing a license or registration by fraud, deceit, or
36 misrepresentation on any application for licensure or registration
37 submitted to the board, whether engaged in by an applicant for a
38 license or registration, or by a licensee in support of any application
39 for licensure or registration.

1 (c) Administering to themselves any controlled substance or
2 using any of the dangerous drugs specified in Section 4022, or any
3 alcoholic beverage to the extent, or in a manner, as to be dangerous
4 or injurious to the person applying for a registration or license or
5 holding a registration or license under this chapter, or to any other
6 person, or to the public, or, to the extent that the use impairs the
7 ability of the person applying for or holding a registration or license
8 to conduct with safety to the public the practice authorized by the
9 registration or license, or the conviction of more than one
10 misdemeanor or any felony involving the use, consumption, or
11 self-administration of a substance referred to in this subdivision
12 after becoming licensed. The board shall deny an application for
13 a registration or license or revoke the license or registration of a
14 person who uses or offers to use drugs in the course of performing
15 alcoholism and drug abuse counseling services.

16 (d) Gross negligence or incompetence in the performance of
17 alcoholism and drug abuse counseling services.

18 (e) Violating, attempting to violate, or conspiring to violate this
19 chapter or a regulation adopted by the board.

20 (f) Misrepresentation as to the type or status of a license or
21 registration held by the person, or otherwise misrepresenting or
22 permitting misrepresentation of their education, professional
23 qualifications, or professional affiliations to a person or entity.

24 (g) Impersonation of another by a licensee, registrant, or
25 applicant for a license or registration, or, in the case of a licensee,
26 allowing any other person to use their license or registration.

27 (h) Aiding or abetting, or employing, directly or indirectly, an
28 unlicensed or unregistered person to engage in conduct for which
29 a license or registration is required under this chapter.

30 (i) Intentionally or recklessly causing physical or emotional
31 harm to a client.

32 (j) The commission of any dishonest, corrupt, or fraudulent act
33 substantially related to the qualifications, functions, or duties of a
34 licensee or registrant.

35 (k) Engaging in sexual relations with a client, or a former client
36 within two years following termination of services, soliciting sexual
37 relations with a client, or committing an act of sexual abuse, or
38 sexual misconduct with a client, or committing an act punishable
39 as a sexually related crime, if that act or solicitation is substantially

1 related to the qualifications, functions, or duties of an alcoholism
2 and drug abuse counselor.

3 (l) Failure to maintain confidentiality, except as otherwise
4 required or permitted by law, of all information that has been
5 received from a client in confidence during the course of treatment
6 and all information about the client that is obtained from tests or
7 other means.

8 (m) Before the commencement of treatment, failing to disclose
9 to the client or prospective client the fee to be charged for the
10 professional services, or the basis upon which that fee will be
11 computed.

12 (n) Paying, accepting, or soliciting consideration, compensation,
13 or remuneration, whether monetary or otherwise, for the referral
14 of professional clients. All consideration, compensation, or
15 remuneration shall be in relation to professional counseling services
16 actually provided by the licensee. Nothing in this subdivision shall
17 prevent collaboration among two or more licensees in a case or
18 cases. However, a fee shall not be charged for that collaboration,
19 except when disclosure of the fee has been made in compliance
20 with subdivision (n).

21 (o) Advertising in a manner that is false, misleading, or
22 deceptive.

23 (p) Conduct in the supervision of a registered intern by a licensee
24 that violates this chapter or rules or regulations adopted by the
25 board.

26 (q) Performing or holding oneself out as being able to perform
27 professional services beyond the scope of one's competence, as
28 established by one's education, training, or experience. This
29 subdivision shall not be construed to expand the scope of the
30 license authorized by this chapter.

31 (r) Permitting a registered intern, trainee, or applicant for
32 licensure under one's supervision or control to perform, or
33 permitting the registered intern, trainee, or applicant for licensure
34 to hold themselves out as competent to perform, professional
35 services beyond the registered intern's, trainee's, or applicant for
36 licensure's level of education, training, or experience.

37 (s) The violation of a statute or regulation governing the training,
38 supervision, or experience required by this chapter.

1 (t) Failure to maintain records consistent with sound clinical
2 judgment, the standards of the profession, and the nature of the
3 services being rendered.

4 (u) Failure to comply with the child abuse reporting
5 requirements of Section 11166 of the Penal Code.

6 (v) Failure to comply with the elder and dependent adult abuse
7 reporting requirements of Section 15630 of the Welfare and
8 Institutions Code.

9 (w) Willful violation of Chapter 1 (commencing with Section
10 123100) of Part 1 of Division 106 of the Health and Safety Code.

11 4467. The board may deny an application, or may suspend or
12 revoke a license or registration issued under this chapter, for any
13 of the following:

14 (a) Denial of licensure, revocation, suspension, restriction, or
15 any other disciplinary action imposed by another state or territory
16 or possession of the United States, or by any other governmental
17 agency, on a license, certificate, or registration to practice
18 alcoholism and drug abuse counseling, or any other healing art,
19 shall constitute unprofessional conduct. A certified copy of the
20 disciplinary action decision or judgment shall be conclusive
21 evidence of that action.

22 (b) Revocation, suspension, or restriction by the board of a
23 license, certificate, or registration to practice as a marriage and
24 family therapist, clinical social worker, or educational psychologist
25 shall also constitute grounds for disciplinary action for
26 unprofessional conduct against the licensee or registrant under this
27 chapter.

28 (c) Written documentation from the State Department of Health
29 Care Services demonstrating that the department has ruled that a
30 certification should be revoked by a private certifying organization.

31 4468. The board shall revoke a license issued under this chapter
32 upon a decision made in accordance with the procedures set forth
33 in Chapter 5 (commencing with Section 11500) of Part 1 of
34 Division 3 of Title 2 of the Government Code that contains any
35 finding of fact that the licensee or registrant engaged in any act of
36 sexual contact, as defined in Section 729, when that act is with a
37 patient, or with a former patient when the relationship was
38 terminated primarily for the purpose of engaging in that act. The
39 revocation shall not be stayed by the administrative law judge or
40 the board.

1 4469. The proceedings conducted under this article shall be
2 held in accordance with Chapter 5 (commencing with Section
3 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

4
5 Article 4. Revenue
6

7 4470. ~~(a)~~ The board may establish fees for licensure under this
8 chapter. The total amount of fees collected pursuant to this chapter
9 shall not exceed the reasonable regulatory cost to the board for
10 administering this chapter. The license fee for an original license
11 and license renewal shall not exceed two hundred dollars (\$200)
12 for the first 10 years of operation or until the board is self-funded,
13 whichever is later.

14 ~~(b) All unencumbered funds appropriated from licensing or~~
15 ~~certification fees in the Residential and Outpatient Program~~
16 ~~Licensing Fund to the State Department of Health Care Services~~
17 ~~for the purpose of certification oversight of substance use disorder~~
18 ~~counselors are hereby reverted to the fund.~~
19

20 Article 5. Operation
21

22 4471. This chapter shall become operative upon the
23 appropriation by the Legislature of funds allocated to the state
24 from any of the following:

25 (a) Current or future substance use disorder workforce expansion
26 funds received by the Department of Health Care Access and
27 Information.

28 (b) Current or future substance use disorder workforce expansion
29 funds received by the State Department of Health Care Services.

30 (c) Current or future allocations from the Opioid Settlement
31 Fund.

32 (d) State opioid response grant funding.

33 (e) Other funding provided to the state to address addiction and
34 overdose.

35 (f) Adult use of marijuana funding.

36 ~~SEC. 2. Section 11833 of the Health and Safety Code is~~
37 ~~amended to read:~~

38 ~~11833. (a) The department shall have the sole authority in~~
39 ~~state government to determine the qualifications, including the~~
40 ~~appropriate skills, education, training, and experience, of personnel~~

1 ~~working within alcoholism or drug abuse recovery and treatment~~
2 ~~programs licensed, certified, or funded under this part.~~

3 ~~(b) (1) The department shall determine the required core~~
4 ~~competencies for registered and certified counselors working within~~
5 ~~an alcoholism or drug abuse recovery and treatment program~~
6 ~~described in subdivision (a). The department shall consult with~~
7 ~~affected stakeholders in developing these requirements.~~

8 ~~(2) Core competencies shall include all of the following~~
9 ~~elements:~~

10 ~~(A) Knowledge of the current Diagnostic and Statistical Manual~~
11 ~~of Mental Disorders.~~

12 ~~(B) Knowledge of the American Society of Addiction Medicine~~
13 ~~(ASAM) criteria and continuum of ASAM levels of care, or other~~
14 ~~similar criteria and standards as approved by the department.~~

15 ~~(C) Cultural competence, including for people with disabilities,~~
16 ~~and its implication for treatment.~~

17 ~~(D) Case management.~~

18 ~~(E) Utilization of electronic health records systems.~~

19 ~~(F) Knowledge of medications for addiction treatment.~~

20 ~~(G) Clinical documentation.~~

21 ~~(H) Knowledge of cooccurring substance use and mental health~~
22 ~~conditions.~~

23 ~~(I) Confidentiality.~~

24 ~~(J) Knowledge of relevant law and ethics.~~

25 ~~(K) Understanding and practicing professional boundaries.~~

26 ~~(L) Delivery of services in the behavioral health delivery system.~~

27 ~~(3) Core competency requirements described in paragraph (2)~~
28 ~~shall align with national certification domains and competency~~
29 ~~exams. The hours completed for the core competency requirements~~
30 ~~under paragraph (2) shall count toward the education requirements~~
31 ~~for substance use disorder counselor certification.~~

32 ~~(4) Hour requirements for registered counselors shall not be~~
33 ~~lower than the hour requirements approved by the department for~~
34 ~~certified peer support specialists.~~

35 ~~(5) Counselors shall have six months from the time of~~
36 ~~registration to complete the core competency requirements under~~
37 ~~paragraph (2). A counselor shall provide to the certifying~~
38 ~~organization that they are registered with proof of completion of~~
39 ~~the required hours within that timeframe.~~

1 ~~(6) The department shall not implement the core competency~~
2 ~~requirements described in paragraph (2) for registered and certified~~
3 ~~counselors registering or certifying with a state-approved substance~~
4 ~~use disorder counselor certifying organization before July 1, 2025.~~

5 ~~(7) Counselors in good standing that registered with a~~
6 ~~state-approved substance use disorder counselor certifying~~
7 ~~organization prior to July 1, 2025, are exempt from the~~
8 ~~requirements detailed in paragraph (4).~~

9 ~~(8) For the purposes of this subdivision, “in good standing”~~
10 ~~means registrants with an active registration status.~~

11 ~~(9) Counselors in good standing that are registered with a~~
12 ~~state-approved substance use disorder counselor certifying~~
13 ~~organization and have a master’s degree in psychology, social~~
14 ~~work, marriage and family therapy, or counseling are exempt from~~
15 ~~the core competency requirements in paragraph (2).~~

16 ~~(10) The department shall not specify and implement the hour~~
17 ~~requirements pursuant to paragraph (4) before July 1, 2025.~~

18 ~~(e) (1) Except as set forth in subdivision (d), an individual~~
19 ~~providing counseling services working within a program described~~
20 ~~in subdivision (a) shall be registered with, or certified by, a~~
21 ~~certifying organization approved by the department to register and~~
22 ~~certify counselors.~~

23 ~~(2) The department shall not approve a certifying organization~~
24 ~~that does not, prior to registering or certifying an individual, contact~~
25 ~~other department-approved certifying organizations to determine~~
26 ~~whether the individual has ever had their registration or~~
27 ~~certification revoked or has been removed from a postgraduate~~
28 ~~practicum for an ethical or professional violation.~~

29 ~~(d) (1) The following individuals are exempt from the~~
30 ~~requirement in paragraph (1) of subdivision (e) to be registered or~~
31 ~~certified by a department-approved certifying organization:~~

32 ~~(A) A graduate student affiliated with university programs in~~
33 ~~psychology, social work, marriage and family therapy, or~~
34 ~~counseling, who is completing their supervised practicum hours~~
35 ~~to meet postgraduate requirements.~~

36 ~~(B) An associate registered with the Board of Behavioral~~
37 ~~Sciences.~~

38 ~~(C) A licensed professional, as defined by the department.~~

39 ~~(2) A program providing practicum for graduate students~~
40 ~~exempted from registration or certification in paragraph (1) shall~~

1 notify department-approved certifying organizations if a graduate
2 student is removed from the practicum as a result of an ethical or
3 professional conduct violation, as determined by either the
4 university or the program.

5 ~~(e) If a counselor's registration or certification has been~~
6 ~~previously revoked or the individual has been removed from a~~
7 ~~postgraduate practicum for an ethical or professional conduct~~
8 ~~violation, the certifying organization shall deny the request for~~
9 ~~registration and shall send the counselor a written notice of denial.~~
10 ~~The notice shall specify the counselor's right to appeal the denial~~
11 ~~in accordance with applicable statutes and regulations.~~

12 ~~(f) The department shall have the authority to conduct periodic~~
13 ~~reviews of certifying organizations to determine compliance with~~
14 ~~all applicable laws and regulations, including subdivision (e), and~~
15 ~~to take actions for noncompliance, including revocation of the~~
16 ~~department's approval.~~

17 ~~(g) (1) Notwithstanding Chapter 3.5 (commencing with Section~~
18 ~~11340) of Part 1 of Division 3 of Title 2 of the Government Code,~~
19 ~~the department, without taking any further regulatory action, shall~~
20 ~~implement, interpret, or make specific the changes made to this~~
21 ~~section in the 2021-22 Legislative Session by means of all county~~
22 ~~letters, plan letters, plan or provider bulletins, or similar~~
23 ~~instructions.~~

24 ~~(2) The department shall adopt regulations by December 31,~~
25 ~~2027, in accordance with the requirements of Chapter 3.5~~
26 ~~(commencing with Section 11340) of Part 1 of Division 3 of Title~~
27 ~~2 of the Government Code.~~

O