

CHAPTER 107**(SB 166)**

AN ACT relating to alcohol and drug counselors and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED TO READ AS FOLLOWS:

- (1) *An applicant for certification as a certified clinical supervisor shall pay the board the initial fee for certification, and shall:*
 - (a) *Hold and maintain an alcohol and drug counselor license, clinical alcohol and drug counselor license, or alcohol and drug counselor certification at the International Certification and Reciprocity Consortium reciprocal level;*
 - (b) *Meet all education, continuing education, work experience, and supervision requirements of the International Certification and Reciprocity Consortium for the Clinical Supervisor;*
 - (c) *Have passed a written examination that has been approved by the International Certification and Reciprocity Consortium; and*
 - (d) *Have signed an agreement to abide by the standards of practice and code of ethics approved by the board.*
- (2) *The board shall promulgate administrative regulations establishing a time limit of not less than ninety (90) days or more than one (1) year by which a person who was approved by the board as a supervisor prior to the effective date of this Act is required to meet the requirements for a certified clinical supervisor in subsection (1) of this section.*
- (3) *A certified clinical supervisor may supervise registered alcohol and drug peer support specialists, licensed alcohol and drug counselors, licensed clinical alcohol and drug counselors, certified alcohol and drug counselors, and persons who are seeking registration or certification.*

➔SECTION 2. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED TO READ AS FOLLOWS:

An applicant for licensure as a licensed alcohol and drug counselor shall pay the board the initial fee for licensure, and shall:

- (1) *Be at least eighteen (18) years of age;*
- (2) *Have obtained from a regionally accredited college or university, or a college or university accredited by an agency recognized by the United States Department of Education, a thirty (30) hour master's degree in a human services field with clinical application;*
- (3) *Meet all education, work experience, and supervision requirements of the International Certification and Reciprocity Consortium for the Alcohol and Drug Counselor, with the required supervision hours being under the direct supervision of:*
 - (a) *A licensed alcohol and drug counselor who has at least two (2) years of post-licensure experience and has attended the board-sponsored supervision training; or*
 - (b) *A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or who has attended the board-sponsored supervision training;*
- (4) *Have passed a written examination that has been approved by the International Certification and Reciprocity Consortium;*
- (5) *Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;*
- (6) *Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours training in the transmission, control, treatment, and prevention of the human immunodeficiency virus, in addition to the educational requirements in subsection (2) of this section;*
- (7) *Have submitted two (2) letters of reference from certified alcohol and drug counselors, licensed alcohol and drug counselors, or licensed clinical alcohol and drug counselors;*

- (8) *Live or work at least a majority of the time in Kentucky; and*
- (9) *Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.*

➔Section 3. KRS 309.080 (Effective March 1, 2021) is amended to read as follows:

As used in KRS 309.080 to 309.089, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;
- (2) "Certified alcohol and drug counselor associate I" means a person certified by the board who meets the requirements of KRS 309.0841;
- (3) "Certified alcohol and drug counselor associate II" means a person certified by the board who meets the requirements of KRS 309.0842;
- (4) "Certified alcohol and drug counselor" means a person certified by the board who meets the requirements in KRS 309.083;
- (5) *"Certified clinical supervisor" means a person certified by the board who meets the requirements of Section 1 of this Act;*
- (6) "Certificate holder" means an alcohol and drug counselor who is certified pursuant to KRS 309.080 to 309.089;
- ~~(7)(6)~~ *"Licensed alcohol and drug counselor" means a person licensed by the board who meets the requirements of Section 2 of this Act;*
- (8) "Licensed clinical alcohol and drug counselor" means a person licensed by the board who meets the requirements of KRS 309.0832;
- ~~(9)(7)~~ "Licensed clinical alcohol and drug counselor associate" means a person licensed by the board who meets the requirements of KRS 309.0833;
- ~~(10)(8)~~ "Licensee" means a clinical alcohol and drug counselor who is licensed pursuant to KRS 309.080 to 309.089;
- ~~(11)(9)~~ "Practice of alcohol and drug counseling":
- (a) Means the assessment and counseling of an individual, family, or group dealing with an alcohol or drug problem or addiction; and
- (b) Does not include the diagnosis or treatment of a mental health condition, or the administration or interpretation of psychological tests;
- ~~(12)(10)~~ "Registered alcohol and drug peer support specialist" means a person registered by the board who meets the requirements in KRS 309.0831; and
- ~~(13)(11)~~ "Registrant" means an alcohol and drug peer support specialist who is registered pursuant to KRS 309.080 to 309.089.

➔Section 4. KRS 309.0805 (Effective March 1, 2021) is amended to read as follows:

- (1) No person shall use the title *"certified clinical supervisor," "licensed alcohol and drug counselor,"* "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," "certified alcohol and drug counselor associate II," "certified alcohol and drug counselor associate I," or "registered alcohol and drug peer support specialist," or hold himself or herself out as a "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," or "registered alcohol and drug peer support specialist" unless he or she is licensed, certified, or registered pursuant to KRS 309.080 to 309.089.
- (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, social workers, psychologists, marriage and family therapists, art therapists, nurses, or students in accredited training programs in those professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.
- (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere with the practice of those who render counseling services, including but not limited to employment counseling, job placement

counseling, vocational rehabilitation counseling, pastoral counseling based on any tenet of one's religious beliefs, or school counseling.

- (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a student intern or trainee who is pursuing a program of studies in alcohol and drug counseling at an accredited institution of higher education, if these activities are performed under the supervision or direction of an approved supervisor and the activities are part of the supervised program of studies.

➔Section 5. KRS 309.0813 (Effective March 1, 2021) is amended to read as follows:

The board shall:

- (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and enforcement of KRS 309.080 to 309.089;
- (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a code of ethics, standards of practice, and continuing education for *certified clinical supervisors, licensed alcohol and drug counselors*, licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, certified alcohol and drug counselor associates II, certified alcohol and drug counselor associates I, and registered alcohol and drug peer support specialists;
- (3) Approve and disapprove, at least once every other month, those persons who shall be licensed, certified, or registered under KRS 309.080 to 309.089;
- (4) Approve the examination required of applicants for licensure or certification as *certified clinical supervisors, or as* alcohol and drug counselors and applicants for registration as alcohol and drug peer support specialists, and promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and grading of the examination;
- (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the process to register with the board as a *certified clinical supervisor, licensed alcohol and drug counselor*, registered alcohol and drug peer support specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or licensed clinical alcohol and drug counselor;
- (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing grounds and procedures for denying, suspending, failing to reissue, or revoking a license, certificate, or registration, and issuing reprimands and admonishments pursuant to KRS 309.080 to 309.089;
- (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved licensee, licensee associate, certificate holder, or registrant, or an applicant for a license, certificate, or registration;
- (8) Employ needed personnel and establish their duties and compensation;
- (9) Maintain a register of *certified clinical supervisors, licensed alcohol and drug counselors*, licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, and registered alcohol and drug peer support specialists;
- (10) Keep a complete record of the board's proceedings;
- (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing an initial licensure fee, certification fee, registration fee, and annual renewal fees not to exceed three hundred dollars (\$300) each;
- (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (14) Submit an annual report to the Governor and the Legislative Research Commission by January 1 of each year, which lists all hearings conducted by the board and the decisions rendered; and
- (15) Collect and deposit all fees, fines, and other moneys owed to the board into the State Treasury to the credit of the revolving fund established in KRS 309.082.

➔Section 6. KRS 309.088 (Effective March 1, 2021) is amended to read as follows:

- (1) The board may permit an out-of-state *certified clinical supervisor, licensed alcohol and drug counselor*, licensed clinical alcohol and drug counselor, certified alcohol and drug counselor, certified alcohol and drug

counselor associate II, certified alcohol and drug counselor associate I, or alcohol and drug peer support specialist to obtain a license, certificate, or registration by reciprocity if:

- (a) The out-of-state licensee, certificate holder, or registrant possesses a valid license, certificate, or registration from another jurisdiction that grants the same privileges to persons licensed, certified, or registered by this state as Kentucky grants to persons licensed, certified, or registered by the other jurisdiction;
 - (b) The requirements for licensure, certification, or registration are substantially similar to the requirements in KRS 309.080 to 309.089; and
 - (c) The out-of-state licensee, certificate holder, or registrant seeking licensure, certification, or registration states that he or she has studied, is familiar with, and shall abide by KRS 309.080 to 309.089 and the administrative regulations promulgated thereunder.
- (2) If the requirements for licensure, certification, or registration under KRS 309.080 to 309.089 are more restrictive than the standards of the other jurisdiction, then the out-of-state licensee, certificate holder, or registrant shall comply with the additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license, certificate, or registration.

➔Section 7. KRS 309.0832 (Effective March 1, 2021) is amended to read as follows:

An applicant for licensure as a licensed clinical alcohol and drug counselor shall pay the board the initial fee for licensure, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained from a regionally accredited college or university or a college or university accredited by an agency recognized by the United States Department of Education:
 - (a) A sixty (60) hour master's degree in a behavioral science with clinical application;
 - (b) A thirty (30) hour advanced placement master's degree in a behavioral science with clinical application; or
 - (c) A doctoral degree in a behavioral science with clinical application;
- (3) Meet all education and supervision requirements of the International Certification and Reciprocity Consortium for the Advanced Alcohol and Drug Counselor (AADC);
- (4) ~~Have completed at least one hundred eighty (180) classroom hours of alcohol and drug counselor specific board approved curriculum;~~
- ~~(5) Have passed a written examination as specified by the board in administrative regulation;~~
- ~~(5)(6)~~ Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- ~~(6)(7)~~ Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours training in the transmission, control, treatment, and prevention of the human immunodeficiency virus, in addition to the educational requirements in subsection (2) of this section;
- ~~(7)(8)~~ Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;
- ~~(8)(9)~~ Live or work at least a majority of the time in Kentucky; **and**
- ~~(9)(10)~~ Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder; ~~and~~
- ~~(11) Have completed two thousand (2,000) hours of board approved experience working with persons having a substance use disorder, three hundred (300) hours of which shall have been under the direct supervision of a licensed clinical alcohol and drug counselor.~~

➔Section 8. KRS 309.0833 (Effective March 1, 2021) is amended to read as follows:

- (1) An applicant for licensure as a licensed clinical alcohol and drug counselor associate shall:
 - (a) Pay the board the initial fee for licensure;
 - (b) Complete the requirements under KRS 309.0832(1) to ~~(9)(10)~~; and

- (c) Obtain a board-approved supervisor of record.
- (2) Upon completion of the hours of board-approved experience~~[specified in KRS 309.0832(11)]~~, a licensed clinical alcohol and drug counselor associate may apply to the board for licensure as a licensed clinical alcohol and drug counselor.

➔Section 9. Whereas there is a shortage of counselors who are qualified and available to treat individuals during the current substance use disorder crisis and it is of the utmost importance that all qualified counselors be able to provide treatment, an emergency is declared to exist and this Act takes effect March 1, 2021 if passed and approved by the Governor or upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 24, 2021.