**BOARDS AND COMMISSIONS**
**Board of Alcohol and Drug Counselors**
**(New Administrative Regulation)**

**201 KAR 35:031. Code of Ethics and Scope of Practice.**

RELATES TO: KRS 309.081
STATUTORY AUTHORITY: KRS 309.0813(2)
CERTIFICATION STATEMENT:
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.0813(2) requires the board to promulgate a code of ethics for credential holders. This administrative regulation establishes the required code of ethics.

Section 1. Responsibility to Clients.
(1) A credential holder shall:
(a) Advance and protect the welfare of the client;
(b) Respect the rights of a person seeking assistance; and
(c) Make reasonable efforts to ensure that services are used appropriately.
(2) If a registered alcohol and drug peer support specialist is employed by a facility or credential holder from whom the peer support specialist received services as a client, the peer support specialist's supervisor shall clearly define the relationship and boundaries of the peer support specialist's employment position.
(3) Regarding any client, including clients of the facility where the counselor provides alcohol and drug counseling or any other service, or where the peer support specialist provides services, a credential holder shall not:
(a) Discriminate against or refuse professional service to anyone on the basis of:
1. Race;
2. Gender;
3. Age;
4. Sexual preference, identification or orientation;
5. Religion, spiritual beliefs or practices; or
6. National origin;
(b) Exploit the trust and dependency of a client;
(c) Engage in a dual relationship with a client, within five years from the last date of service, whether social, business, or personal, that may impair professional judgment, incur a risk of exploitation of the client, or otherwise violate a provision of this administrative regulation, unless a dual relationship:
1. Cannot be avoided; and
2. Does not use the personal relationship for personal gain.
(d) The credential holders shall not engage in:
1. A romantic or sexual relationship with a:
a. Current or former client;
b. Current or former client of the Agency or organization where the credentialed services; or
c. Member of a client's immediate family or client's romantic partner; or
2. Sexual or other harassment, or exploitation, of a:
a. Client;
b. Student;
c. Trainee;
d. Supervisee;
e. Employee;
f. Colleague;

g. Research subject;
h. Actual or potential witness or complainant in an investigation or ethical proceeding;
i. Contract of an Agency or organization; or
j. Volunteers of an Agency or organization;

(e) Use the professional relationship with a client to further an institutional or personal interest;

(f) Continue a therapeutic relationship unless it is reasonably clear that the client is benefiting from the relationship;

(g) Fail to assist a person in obtaining other therapeutic service if the credential holder is unable or unwilling, for an appropriate reason, to provide professional help;

(h) Abandon or neglect a client in treatment without making reasonable arrangements for the continuation of treatment;

(i) Videotape, record, or permit third-party observation of a therapy session without having first obtained written informed consent from the client; or

(j) Diagnose, treat, or advise on problems outside the recognized boundaries of competence.

Section 2. Confidentiality.

(1) A credential holder shall respect and guard the confidence of each individual client in any setting and through any means of communication.

(2) A credential holder shall not disclose a client confidence except:

(a) As mandated or permitted by law;

(b) To prevent a clear and immediate danger to a person;

(c) During the course of a civil, criminal, or disciplinary action arising from the counseling, at which the credential holder is a defendant; or

(d) In accordance with the terms of a written informed consent agreement.

(3) A credential holder may use client or clinical material in teaching, writing, and public presentations if:

(a) Written informed consent has been obtained in accordance with subsection (2)(d) of this section; or

(b) Appropriate steps have been taken to protect client identity and confidentiality.

(4) A credential holder shall maintain a client's record for no less than seven (7) years from termination of services with the client.

(5) A credential holder shall store or dispose of a client record so as to maintain confidentiality.

Section 3. Publication Credit. A credential holder shall assign credit to all who have contributed to the published material and for the work upon which publication is based. A credential holder shall:

(1) Recognize joint authorship and major contributions of a professional character made by several persons to a common project. The author who has made the principal contribution to a publication shall be identified as the first listed;

(2) Acknowledge in a footnote or introductory statement minor contributions of a professional character, or extensive clerical or similar assistance; and

(3) Acknowledge, through specific citations, unpublished, as well as published, material that has directly influenced the research or writing.

Section 4. Professional Competence and Integrity.

(1) A credential holder shall maintain standards of professional competence and integrity and shall be subject to disciplinary action if:

(a) The board determines the credential holder has violated KRS Chapter 309 or 201 KAR Chapter 35 by an act that results in disciplinary action by another state's

regulatory agency; or

(b) The credential holder:

1. Is impaired due to mental capacity or the abuse or use of alcohol or other substances that negatively impacts the practice of alcohol and drug counseling or peer support services;

2. Refuses to comply with an order issued by the board;

3. Fails to cooperate with the board by not:

a. Furnishing in writing a complete explanation to a complaint filed with the board;

b. Appearing before the board at the time and place designated;

c. Properly responding to a subpoena issued by the board;

d. Notifying the board of any arrest or conviction, felony or misdemeanor, in any jurisdiction within thirty (30) days of the arrest or conviction; or

e. Notifying the board of disciplinary action taken against any state-issued credential in any jurisdiction within thirty (30) days of the disciplinary action.

(2) A credential holder who is aware of conduct by another credential holder that violates this code of ethics shall report that conduct to the Kentucky Board of Alcohol and Drug Counselors.

(3) A credential holder shall comply with all the policies and procedures of the facilities where a credential holder is employed. If there is conflict with the policies or procedures of the facility and this code of ethics, the credential holder shall report this conflict to the Kentucky Board of Alcohol and Drug Counselors.

(4) The credential holder shall comply with their profession's defined scope of practice.

Section 5. Responsibility to a Student or Supervisee. A credential holder shall:

(1) Be aware of their influential position with respect to a student or supervisee;

(2) Avoid exploiting the trust and dependency of a student or supervisee;

(3) Avoid a social, business, personal, or other dual relationship that could:

(a) Impair professional judgment; and

(b) Increase the risk of exploitation;

(4) Take appropriate precautions to ensure that judgment is not impaired and to prevent exploitation if a dual relationship cannot be avoided;

(5) Not provide counseling to a:

(a) Student;

(b) Employee; or

(c) Supervisee;

(6) Not engage in sexual intimacy or contact with a:

(a) Student; or

(b) Supervisee;

(7) Not permit a student or supervisee to perform or represent oneself as competent to perform a professional service beyond their level of:

(a) Training;

(b) Experience; or

(c) Competence;

(8) Not disclose the confidence of a student or supervisee unless:

(a) Permitted or mandated by law;

(b) It is necessary to prevent a clear and immediate danger to a person;

(c) During the course of a civil, criminal, or disciplinary action arising from the supervision, at which the credential holder is a defendant;

(d) In an educational or training setting, of which there are multiple supervisors or professional colleagues who share responsibility for the training of the supervisee; or

(e) In accordance with the terms of a written informed consent agreement.

Section 6. Responsibility to a Research Participant.

(1) A credential holder performing research shall comply with federal and state laws and administrative regulations and professional standards governing the conduct of research.

(2) A credential holder performing research shall:

(a) Be responsible for making a careful examination of ethical acceptability in planning a study;

(b) Seek the ethical advice of another qualified professional not directly involved in the investigation, if it is possible that services to a research participant could be compromised; and

(c) Observe safeguards to protect the rights of a participant.

(3) A credential holder requesting a participant's involvement in research shall:

(a) Inform the participant of all aspects of the research that might reasonably affect the participant's willingness to participate; and

(b) Be sensitive to the possibility of diminished consent if the participant:

1. Is also receiving clinical services;
2. Has an impairment which limits understanding or communication; or
3. Is a child.

(4) A credential holder performing research shall respect a participant's freedom to decline participation in, or to withdraw from, a research study at any time.

(5) A credential holder shall avoid a dual relationship with research participants.

(6) Information obtained about a research participant during the course of an investigation shall be confidential unless there is an authorization previously obtained in writing. The following shall be explained to the participant before obtaining written, informed consent:

(a) A risk that another person, including a family member, could obtain access to the information; and

(b) The plan to be used to protect confidentiality.

Section 7. Financial Arrangements. A credential holder shall:

(1) Not charge an excessive fee for service;

(2) Disclose fees to a client and supervisee at the beginning of service;

(3) Make financial arrangements with a client, third-party payor, or supervisee that:

(a) Are reasonably understandable; and

(b) Conform to accepted professional practices;

(4) Not offer or accept compensation for a referral of a client;

(5) Represent facts truthfully to a client, third-party payor, or supervisee regarding services rendered;

(6) Provide a client with necessary forms, reimbursement codes, and tax identification numbers for reimbursement for services from a third-party payor; and

(7) Not trade services to the client in exchange for goods or services provided by or on behalf of the client.

Section 8. Advertising.

(1) A credential holder shall:

(a) Accurately represent education, training, and experience relevant to the practice of the professional alcohol and drug credential held;

(b) Not use professional identification that includes a statement or claim that is false, fraudulent, misleading, or deceptive, including the following:

1. A business card;
2. An office sign;
3. Letterhead;
4. Telephone or association directory listing; or
5. Webpage or social media.

(2) A statement shall be considered false, fraudulent, misleading, or deceptive if it:
(a) Contains a material misrepresentation of fact;
(b) Is intended to or is likely to create an unjustified expectation; or
(c) Deletes a material fact or information.

Section 9. Environment. A credential holder shall provide a safe, functional environment in which to offer alcohol and drug counseling services. This shall include the following:
(1) Allowance for privacy and confidentiality; and
(2) Compliance with any other health and safety requirement according to local, state, and federal agencies.

Section 10. Documentation. A credential holder shall accurately document activity with a client in a timely manner.

Section 11. Interprofessional Relationships. A credential holder shall treat a colleague with respect, courtesy, and fairness and shall afford the same professional courtesy to other professionals. A credential holder shall not offer professional service to a client in services with another professional unless efforts have been made to inform the other professional, or to establish collaborative treatment, or until after the termination of the client's relationship with the other professional.

*201 KAR 35:031*
*KARYN HASCAL, Board Chair*

APPROVED BY AGENCY: November 10, 2026
FILED WITH LRC: November 10, 2026 at 1:10 p.m.
PUBLIC HEARING AND COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 27th, 2027, at 8:00 a.m. to 4:30 p.m. at the Mayo-Underwood Building, Conference Room 127CW, 500 Mero Street, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through January 31, 2027. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person by using the PPC public comment portal at the address listed below.
CONTACT PERSON: Name: Michelle A. VanHook, Title: Staff Attorney III, Agency: Department of Professional Licensing, Office of Legal Services, Address: 500 Mero Street, Frankfort, Kentucky 40601, Phone Number: (502) 564-3296, Fax: (502) 564-4818, Email: michelle.vanhook@ky.gov, Link to PPC public comment portal: https://ppc.ky.gov/reg_comment.aspx