

FREE CONFERENCE COMMITTEE REPORT

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The Free Conference Committee on **SB 191** has met as provided in the Rules of the House and Senate and hereby reports the following to be adopted:

_____ GA _____ SCS X HCS

For the above-referenced bill, with these amendments (if applicable):

Committee (list by chamber and number): _____;

Floor (list by chamber and number): _____; and

The following Free Conference Committee action:

On page 5, line 4, to page 6, line 5, delete Section 2 in its entirety and insert the following in lieu thereof:

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

(1) An applicant for certification as a certified alcohol and drug counselor associate I shall pay the board the initial fee for certification, and shall:

(a) Be at least eighteen (18) years of age;

(b) Have obtained a high school diploma or high school equivalency diploma;

(c) Have completed forty (40) classroom hours of board-approved curriculum, twenty (20) hours of which shall have been obtained in the previous two (2) years, that includes:

1. Screening assessment and engagement;

2. Treatment planning, collaboration, and referral;

3. Counseling; and

4. Professional and ethical responsibilities;

(d) Be under the ongoing supervision of a board-approved supervisor for no less than

1 two (2) hours, two (2) times a month in the practice of drug and alcohol
2 counseling; and

3 (e) Submit a signed statement agreeing to practice by the code of ethical standards
4 adopted by the board.

5 (2) During the first twelve (12) months after an initial certificate has been issued, a certified
6 alcohol and drug counselor associate I shall complete at least thirty (30) additional
7 classroom hours of board-approved curriculum as specified in subsection (1)(c)1. to 4. of
8 this section.

9 →SECTION 3. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED TO
10 READ AS FOLLOWS:

11 An applicant for certification as a certified alcohol and drug counselor associate II shall pay
12 the board the initial fee for certification, and shall:

13 (1) Be certified by the board as a certified alcohol and drug counselor associate I for a
14 period of at least eight (8) months;

15 (2) Have four hundred (400) hours of documented chemical dependency counseling-related
16 compensated work or supervised internship experience of which a minimum of eighty
17 (80) hours shall be in chemical dependency counseling and all of which shall have been
18 under the direct supervision of:

19 (a) A certified alcohol and drug counselor who has at least two (2) years of post-
20 certification experience and has attended the board-sponsored supervision
21 training; or

22 (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months
23 of post-licensure experience or has attended the board-sponsored supervision
24 training; and

25 (3) Have seventy (70) hours of approved classroom hours of board-approved curriculum of
26 which twenty (20) hours shall have been obtained in the previous two (2) years and shall
27 be in addition to the classroom hours required in Section 2 of this Act for a certified

1 **alcohol and drug counselor associate I.**

2 ➔Section 4. KRS 309.080 is amended to read as follows:

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

4 (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;

5 (2) **"Certified alcohol and drug counselor associate I" means a person certified by the board**
6 **who meets the requirements of Section 2 of this Act;**

7 (3) **"Certified alcohol and drug counselor associate II" means a person certified by the**
8 **board who meets the requirements of Section 3 of this Act;**

9 (4) "Certified alcohol and drug counselor" means a person certified by the board who meets the
10 requirements in KRS 309.083;

11 (5)~~(3)~~ "Certificate holder" means an alcohol and drug counselor who is certified pursuant to
12 KRS 309.080 to 309.089;

13 (6)~~(4)~~ "Licensed clinical alcohol and drug counselor" means a person licensed by the board
14 who meets the requirements of KRS 309.0832;

15 (7)~~(5)~~ "Licensed clinical alcohol and drug counselor associate" means a person licensed by
16 the board who meets the requirements of KRS 309.0833;

17 (8)~~(6)~~ "Licensee" means a clinical alcohol and drug counselor who is licensed pursuant to
18 KRS 309.080 to 309.089;

19 (9)~~(7)~~ "Practice of alcohol and drug counseling":

20 (a) Means the assessment and counseling of an individual, family, or group dealing with
21 an alcohol or drug problem or addiction; and

22 (b) Does not include the diagnosis or treatment of a mental health condition, or the
23 administration or interpretation of psychological tests;

24 (10)~~(8)~~ "Registered alcohol and drug peer support specialist" means a person registered by
25 the board who meets the requirements in KRS 309.0831; and

26 (11)~~(9)~~ "Registrant" means an alcohol and drug peer support specialist who is registered
27 pursuant to KRS 309.080 to 309.089.

1 ➔Section 5. KRS 309.0805 is amended to read as follows:

- 2 (1) No person shall use the title "licensed clinical alcohol and drug counselor," "licensed
3 clinical alcohol and drug counselor associate," "certified alcohol and drug counselor,"
4 "certified alcohol and drug counselor associate II," "certified alcohol and drug
5 counselor associate I," or "registered alcohol and drug peer support specialist," or hold
6 himself or herself out as a "licensed clinical alcohol and drug counselor," "licensed clinical
7 alcohol and drug counselor associate," "certified alcohol and drug counselor," or "registered
8 alcohol and drug peer support specialist" unless he or she is licensed, certified, or registered
9 pursuant to KRS 309.080 to 309.089.
- 10 (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or registered
11 under any other provision of the Kentucky Revised Statutes, including but not limited to
12 physicians, social workers, psychologists, marriage and family therapists, art therapists,
13 nurses, or students in accredited training programs in those professions, and nothing in
14 KRS 309.080 to 309.089 shall be construed to limit, interfere with, or restrict the practice,
15 descriptions of services, or manner in which they hold themselves out to the public.
- 16 (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere with the
17 practice of those who render counseling services, including but not limited to employment
18 counseling, job placement counseling, vocational rehabilitation counseling, pastoral
19 counseling based on any tenet of one's religious beliefs, or school counseling.
- 20 (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a student
21 intern or trainee who is pursuing a program of studies in alcohol and drug counseling at an
22 accredited institution of higher education, if these activities are performed under the
23 supervision or direction of an approved supervisor and the activities are part of the
24 supervised program of studies.

25 ➔Section 6. KRS 309.0813 is amended to read as follows:

26 The board shall:

- 27 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the administration

- 1 and enforcement of KRS 309.080 to 309.089;
- 2 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a code of
3 ethics, standards of practice, and continuing education for licensed clinical alcohol and
4 drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol
5 and drug counselors, **certified alcohol and drug counselor associates II, certified alcohol**
6 **and drug counselor associates I**, and registered alcohol and drug peer support specialists;
- 7 (3) Approve and disapprove, at least **once every other month**~~[twice a year]~~, those persons who
8 shall be licensed, certified, or registered under KRS 309.080 to 309.089;
- 9 (4) Approve the examination required of applicants for licensure or certification as alcohol and
10 drug counselors and applicants for registration as alcohol and drug peer support specialists,
11 and promulgate administrative regulations pursuant to KRS Chapter 13A for the
12 administration and grading of the examination;
- 13 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the process
14 to register with the board as a registered alcohol and drug peer support specialist, certified
15 alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or
16 licensed clinical alcohol and drug counselor;
- 17 (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing grounds
18 and procedures for denying, suspending, failing to reissue, or revoking a license, certificate,
19 or registration, and issuing reprimands and admonishments pursuant to KRS 309.080 to
20 309.089;
- 21 (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved licensee,
22 licensee associate, certificate holder, or registrant, or an applicant for a license, certificate,
23 or registration;
- 24 (8) Employ needed personnel and establish their duties and compensation;
- 25 (9) Maintain a register of licensed clinical alcohol and drug counselors, licensed clinical
26 alcohol and drug counselor associates, certified alcohol and drug counselors, and registered
27 alcohol and drug peer support specialists;

- 1 (10) Keep a complete record of the board's proceedings;
- 2 (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the
3 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- 4 (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing an initial
5 licensure fee, certification fee, registration fee, and annual renewal fees not to exceed three
6 hundred dollars (\$300) each;
- 7 (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to 309.089
8 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- 9 (14) Submit an annual report to the Governor and the Legislative Research Commission by
10 January 1 of each year, which lists all hearings conducted by the board and the decisions
11 rendered; and
- 12 (15) Collect and deposit all fees, fines, and other moneys owed to the board into the State
13 Treasury to the credit of the revolving fund established in KRS 309.082.

14 ➔Section 7. KRS 309.083 is amended to read as follows:

15 An applicant for certification as an alcohol and drug counselor shall pay the board the initial fee
16 for certification, and shall:

- 17 (1) Be at least eighteen (18) years of age;
- 18 (2) Have obtained a baccalaureate degree, **unless the applicant is certified by the board as a**
19 **certified alcohol and drug counselor associate II;**
- 20 (3) Have completed **the minimum work experience and supervision requirements for alcohol**
21 **and drug counselors by the International Certification and Reciprocity Consortium with**
22 **supervised hours being**~~[six thousand (6,000) hours of board-approved experience working~~
23 ~~with persons having a substance use disorder, three hundred (300) hours of which shall~~
24 ~~have been]~~ under the direct supervision of:
- 25 (a) A certified alcohol and drug counselor who has at least two (2) years of post-
26 certification experience **and has attended the board-sponsored supervision training;**
27 or

- 1 (b) A licensed clinical alcohol and drug counselor who has at least twelve (12)
 2 months~~[two (2) years]~~ of post-licensure experience or has attended the board-
 3 sponsored supervision training;
- 4 (4) Meet all minimum supervision, education, and training requirements of the
 5 International Certification and Reciprocity Consortium for the Alcohol and Drug
 6 Counselor (ADC)~~[Have completed at least two hundred seventy (270) classroom hours of~~
 7 ~~board-approved curriculum];~~
- 8 (5) Have passed a written examination for alcohol and drug counselors that has been
 9 approved by the International Certification and Reciprocity Consortium~~[on Alcoholism~~
 10 ~~and Drug Abuse];~~
- 11 (6) Have signed an agreement to abide by the standards of practice and code of ethics approved
 12 by the board;
- 13 (7) Have completed at least six (6) hours of ethics training; three (3) hours of domestic
 14 violence training; and two (2) hours of training in the transmission, control, treatment, and
 15 prevention of the human immunodeficiency virus;
- 16 (8) Have submitted two (2) letters of reference from certified or licensed clinical alcohol and
 17 drug counselors;
- 18 (9) Live or work at least a majority of the time in Kentucky; and
- 19 (10) Have complied with the requirements for the training program in suicide assessment,
 20 treatment, and management in KRS 210.366 and any administrative regulations
 21 promulgated thereunder.

22 ➔Section 8. KRS 309.0831 is amended to read as follows:

23 An applicant for registration as an alcohol and drug peer support specialist shall pay the board an
 24 initial fee for registration, and shall:

- 25 (1) Be at least eighteen (18) years of age;
- 26 (2) Have obtained a high school diploma or equivalent;
- 27 (3) Have completed five hundred (500) hours of board-approved experience working with

- 1 persons having a substance use disorder, twenty-five (25) hours of which shall have been
2 under the direct supervision of:
- 3 (a) A certified alcohol and drug counselor who has at least two (2) years post-
4 certification experience **and has attended the board-sponsored supervision training;**
5 or
- 6 (b) A licensed clinical alcohol and drug counselor **who has at least twelve (12) months**
7 **of post-licensure experience or has attended the board-sponsored supervision**
8 **training;**
- 9 (4) Have completed at least **forty (40)**~~[sixty (60)]~~ classroom hours of board-approved
10 curriculum;
- 11 (5) Have passed a written examination that has been approved by the board;
- 12 (6) Have signed an agreement to abide by the standards of practice and code of ethics approved
13 by the board;
- 14 (7) Attest to being in recovery for a minimum of **one (1) year**~~[two (2) years]~~ from a substance-
15 related disorder;
- 16 (8) Have completed at least sixteen (16) hours of ethics training; three (3) hours of domestic
17 violence training; two (2) hours of training in the transmission, control, treatment, and
18 prevention of the human immunodeficiency virus; ten (10) hours of advocacy training; ten
19 (10) hours of training in mentoring and education; and ten (10) hours of training in
20 recovery support;
- 21 (9) Have submitted two (2) letters of reference from certified alcohol and drug counselors or
22 licensed clinical alcohol and drug counselors;
- 23 (10) Live or work at least a majority of the time in Kentucky; and
- 24 (11) Have complied with the requirements for the training program in suicide assessment,
25 treatment, and management in KRS 210.366 and any administrative regulations
26 promulgated thereunder."; and
- 27 Renumber subsequent sections accordingly; and

1 On page 7, after line 22, insert the following:

2 "➔Section 11. KRS 309.088 is amended to read as follows:

3 (1) The board may permit an out-of-state licensed clinical alcohol and drug counselor, certified
4 alcohol and drug counselor, *certified alcohol and drug counselor associate II, certified*
5 *alcohol and drug counselor associate I*, or alcohol and drug peer support specialist to
6 obtain a license, certificate, or registration by reciprocity if:

7 (a) The out-of-state licensee, certificate holder, or registrant possesses a valid license,
8 certificate, or registration from another jurisdiction that grants the same privileges to
9 persons licensed, certified, or registered by this state as Kentucky grants to persons
10 licensed, certified, or registered by the other jurisdiction;

11 (b) The requirements for licensure, certification, or registration are substantially similar
12 to the requirements in KRS 309.080 to 309.089; and

13 (c) The out-of-state licensee, certificate holder, or registrant seeking licensure,
14 certification, or registration states that he or she has studied, is familiar with, and shall
15 abide by KRS 309.080 to 309.089 and the administrative regulations promulgated
16 thereunder.

17 (2) If the requirements for licensure, certification, or registration under KRS 309.080 to
18 309.089 are more restrictive than the standards of the other jurisdiction, then the out-of-
19 state licensee, certificate holder, or registrant shall comply with the additional requirements
20 in KRS 309.080 to 309.089 to obtain a reciprocal license, certificate, or registration.

21 ➔Section 12. Sections 2 to 11 of this Act shall take effect on March 1, 2021."; and

22 On page 1, line 1, amend the title to read, "AN ACT relating to substance use disorders."
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