

1 AN ACT relating to alcohol and drug counselors.

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

3 ➔Section 1. KRS 309.080 is amended to read as follows:

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

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

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

8 (3) **"Certified alcohol and drug counselor assistant II" means a person certified by**
9 **the board who meets the requirements in Section 3;**

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

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

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

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

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

20 (9)~~(7)~~ "Practice of alcohol and drug counseling":

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

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

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

27 (11)~~(9)~~ "Registrant" means an alcohol and drug peer support specialist who is

1 registered pursuant to KRS 309.080 to 309.089.

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

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

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

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

8 **(c) Have completed forty (40) classroom hours of board-approved curriculum,**
9 **twenty (20) hours of which shall have been obtained in the previous two (2)**
10 **years, that include the following chemical dependency specific content:**

11 **1. Theories of addiction;**

12 **2. Counseling procedures and strategies with addicted populations;**

13 **3. Group process and techniques working with addicted populations;**

14 **4. Assessment and diagnosis of addiction;**

15 **5. Treatment planning; and**

16 **6. Legal and ethical issues pertaining to chemical dependency; and**

17 **(d) Submit a signed statement agreeing to practice by the code of ethical**
18 **standards adopted by the board.**

19 **(2) During the first twelve (12) months after an initial certificate has been issued, a**
20 **certified alcohol and drug counselor assistant I shall complete at least thirty (30)**
21 **additional classroom hours of board-approved curriculum that include the**
22 **chemical dependency specific content specified in subsection (1)(c)1. to 6. of this**
23 **section.**

24 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO
25 READ AS FOLLOWS:

26 **An applicant for certification as a certified alcohol and drug counselor assistant II**
27 **shall pay the board the initial fee for certification, and shall:**

- 1 **(1) Be certified by the board as a certified alcohol and drug counselor assistant I for**
 2 **a period of at least eight (8) months;**
- 3 **(2) Have four hundred (400) hours of documented chemical dependency counseling-**
 4 **related compensated work or supervised internship experience of which a**
 5 **minimum of eighty (80) hours shall be in chemical dependency counseling and**
 6 **all of which shall have been under the direct supervision of:**
- 7 **(a) A certified alcohol and drug counselor who has at least two (2) years of**
 8 **post-certification experience; or**
- 9 **(b) A licensed clinical alcohol and drug counselor who has at least two (2)**
 10 **years of post-licensure experience; and**
- 11 **(3) Have seventy (70) hours of approved chemical dependency specific education of**
 12 **which twenty (20) hours shall have been obtained in the previous two (2) years.**

13 ➔Section 4. KRS 309.083 is amended to read as follows:

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

- 16 (1) Be at least eighteen (18) years of age;
- 17 (2) Have obtained a baccalaureate degree, **unless the applicant is certified by the board**
 18 **as a certified alcohol and drug counselor assistant II;**
- 19 (3) Have completed **six hundred (600) hours of board-approved experience working**
 20 **with persons having a substance use disorder**~~[six thousand (6,000) hours of board-~~
 21 ~~approved experience working with persons having a substance use disorder, three~~
 22 ~~hundred (300) hours of which shall have been]~~ under the direct supervision of:
- 23 (a) A certified alcohol and drug counselor who has at least two (2) years of post-
 24 certification experience; or
- 25 (b) A licensed clinical alcohol and drug counselor who has at least two (2) years
 26 of post-licensure experience;
- 27 (4) Have completed at least two hundred seventy (270) classroom hours of board-

- 1 approved curriculum *or be a registered alcohol and drug peer support specialist;*
- 2 (5) Have passed a written examination that has been approved by the International
- 3 Certification Reciprocity Consortium on Alcoholism and Drug Abuse;
- 4 (6) Have signed an agreement to abide by the standards of practice and code of ethics
- 5 approved by the board;
- 6 (7) Have completed at least six (6) hours of ethics training; three (3) hours of domestic
- 7 violence training; and two (2) hours of training in the transmission, control,
- 8 treatment, and prevention of the human immunodeficiency virus;
- 9 (8) Have submitted two (2) letters of reference from certified or licensed clinical
- 10 alcohol and drug counselors;
- 11 (9) Live or work at least a majority of the time in Kentucky; and
- 12 (10) Have complied with the requirements for the training program in suicide
- 13 assessment, treatment, and management in KRS 210.366 and any administrative
- 14 regulations promulgated thereunder.

15 ➔Section 5. KRS 309.0831 is amended to read as follows:

16 An applicant for registration as an alcohol and drug peer support specialist shall pay the

17 board an initial fee for registration, and shall:

- 18 (1) Be at least eighteen (18) years of age;
- 19 (2) Have obtained a high school diploma or equivalent;
- 20 (3) Have completed *eighty (80)*~~five hundred (500)~~ hours of board-approved
- 21 experience working with persons having a substance use disorder, twenty-five (25)
- 22 hours of which shall have been under the direct supervision of:
- 23 (a) A certified alcohol and drug counselor who has at least two (2) years post-
- 24 certification experience; or
- 25 (b) A licensed clinical alcohol and drug counselor;
- 26 (4) Have completed at least *forty (40)*~~sixty (60)~~ classroom hours of board-approved
- 27 curriculum;

- 1 (5) Have passed a written examination that has been approved by the board;
- 2 (6) Have signed an agreement to abide by the standards of practice and code of ethics
3 approved by the board;
- 4 (7) Attest to being in recovery for a minimum of one (1) year~~[two (2) years]~~ from a
5 substance-related disorder;
- 6 (8) Have completed at least sixteen (16) hours of ethics training; three (3) hours of
7 domestic violence training; two (2) hours of training in the transmission, control,
8 treatment, and prevention of the human immunodeficiency virus; ten (10) hours of
9 advocacy training; ten (10) hours of training in mentoring and education; and ten
10 (10) hours of training in recovery support;
- 11 (9) Have submitted two (2) letters of reference from certified alcohol and drug
12 counselors or licensed clinical alcohol and drug counselors;
- 13 (10) Live or work at least a majority of the time in Kentucky; and
- 14 (11) Have complied with the requirements for the training program in suicide
15 assessment, treatment, and management in KRS 210.366 and any administrative
16 regulations promulgated thereunder.

17 ➔Section 6. KRS 309.0805 is amended to read as follows:

- 18 (1) No person shall use the title "licensed clinical alcohol and drug counselor,"
19 "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug
20 counselor," "*certified alcohol and drug counselor assistant II,*" "*certified alcohol*
21 *and drug counselor assistant I,*" or "registered alcohol and drug peer support
22 specialist," or hold himself or herself out as a "licensed clinical alcohol and drug
23 counselor," "licensed clinical alcohol and drug counselor associate," "certified
24 alcohol and drug counselor," or "registered alcohol and drug peer support specialist"
25 unless he or she is licensed, certified, or registered pursuant to KRS 309.080 to
26 309.089.
- 27 (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or

1 registered under any other provision of the Kentucky Revised Statutes, including
2 but not limited to physicians, social workers, psychologists, marriage and family
3 therapists, art therapists, nurses, or students in accredited training programs in those
4 professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit,
5 interfere with, or restrict the practice, descriptions of services, or manner in which
6 they hold themselves out to the public.

7 (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere
8 with the practice of those who render counseling services, including but not limited
9 to employment counseling, job placement counseling, vocational rehabilitation
10 counseling, pastoral counseling based on any tenet of one's religious beliefs, or
11 school counseling.

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

17 ➔Section 7. KRS 309.0813 is amended to read as follows:

18 The board shall:

19 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the
20 administration and enforcement of KRS 309.080 to 309.089;

21 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a
22 code of ethics, standards of practice, and continuing education for licensed clinical
23 alcohol and drug counselors, licensed clinical alcohol and drug counselor
24 associates, certified alcohol and drug counselors, *certified alcohol and drug*
25 *counselor assistants II, certified alcohol and drug counselor assistants I,* and
26 registered alcohol and drug peer support specialists;

27 (3) Approve and disapprove, at least twice a year, those persons who shall be licensed,

- 1 certified, or registered under KRS 309.080 to 309.089;
- 2 (4) Approve the examination required of applicants for licensure or certification as
3 alcohol and drug counselors and applicants for registration as alcohol and drug peer
4 support specialists, and promulgate administrative regulations pursuant to KRS
5 Chapter 13A for the administration and grading of the examination;
- 6 (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the
7 process to register with the board as a registered alcohol and drug peer support
8 specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug
9 counselor associate, or licensed clinical alcohol and drug counselor;
- 10 (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing
11 grounds and procedures for denying, suspending, failing to reissue, or revoking a
12 license, certificate, or registration, and issuing reprimands and admonishments
13 pursuant to KRS 309.080 to 309.089;
- 14 (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved
15 licensee, licensee associate, certificate holder, or registrant, or an applicant for a
16 license, certificate, or registration;
- 17 (8) Employ needed personnel and establish their duties and compensation;
- 18 (9) Maintain a register of licensed clinical alcohol and drug counselors, licensed
19 clinical alcohol and drug counselor associates, certified alcohol and drug
20 counselors, and registered alcohol and drug peer support specialists;
- 21 (10) Keep a complete record of the board's proceedings;
- 22 (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the
23 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- 24 (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing
25 an initial licensure fee, certification fee, registration fee, and annual renewal fees
26 not to exceed three hundred dollars (\$300) each;
- 27 (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to

1 309.089 and the administrative regulations promulgated pursuant to KRS 309.080
2 to 309.089;

3 (14) Submit an annual report to the Governor and the Legislative Research Commission
4 by January 1 of each year, which lists all hearings conducted by the board and the
5 decisions rendered; and

6 (15) Collect and deposit all fees, fines, and other moneys owed to the board into the
7 State Treasury to the credit of the revolving fund established in KRS 309.082.

8 ➔Section 8. KRS 309.088 is amended to read as follows:

9 (1) The board may permit an out-of-state licensed clinical alcohol and drug counselor,
10 certified alcohol and drug counselor, *certified alcohol and drug counselor*
11 *assistant II, certified alcohol and drug counselor assistant I,* or alcohol and drug
12 peer support specialist to obtain a license, certificate, or registration by reciprocity
13 if:

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

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

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

25 (2) If the requirements for licensure, certification, or registration under KRS 309.080 to
26 309.089 are more restrictive than the standards of the other jurisdiction, then the
27 out-of-state licensee, certificate holder, or registrant shall comply with the

- 1 additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license,
- 2 certificate, or registration.