

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

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

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

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

7 *(1) Be at least eighteen (18) years of age;*

8 *(2) Have obtained from a regionally accredited college or university, or a college or*  
9 *university accredited by an agency recognized by the United States Department of*  
10 *Education, a sixty (60) hour master's degree in a human services field with*  
11 *clinical application;*

12 *(3) Meet all education, work experience, and supervision requirements of the*  
13 *International Certification and Reciprocity Consortium for the Alcohol and Drug*  
14 *Counselor (ADC), with the required supervision hours being under the direct*  
15 *supervision of:*

16 *(a) A licensed alcohol and drug counselor who has at least two (2) years of*  
17 *post-licensure experience and has attended the board-sponsored supervision*  
18 *training; or*

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

22 *(4) Have passed a written examination that has been approved by the International*  
23 *Certification Reciprocity Consortium;*

24 *(5) Have signed an agreement to abide by the standards of practice and code of ethics*  
25 *approved by the board;*

26 *(6) Have completed at least six (6) hours of ethics training; three (3) hours of*  
27 *domestic violence training; and two (2) hours training in the transmission,*

- 1        control, treatment, and prevention of the human immunodeficiency virus, in  
 2        addition to the educational requirements in subsection (2) of this section;  
 3        (7) Have submitted two (2) letters of reference from certified alcohol and drug  
 4        counselors or licensed clinical alcohol and drug counselors;  
 5        (8) Live or work at least a majority of the time in Kentucky;  
 6        (9) Have complied with the requirements for the training program in suicide  
 7        assessment, treatment, and management in KRS 210.366 and any administrative  
 8        regulations promulgated thereunder.

9        ➔Section 2. KRS 309.080 (Effective March 1, 2021) is amended to read as  
 10 follows:

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

- 12 (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;  
 13 (2) "Certified alcohol and drug counselor associate I" means a person certified by the  
 14 board who meets the requirements of KRS 309.0841;  
 15 (3) "Certified alcohol and drug counselor associate II" means a person certified by the  
 16 board who meets the requirements of KRS 309.0842;  
 17 (4) "Certified alcohol and drug counselor" means a person certified by the board who  
 18 meets the requirements in KRS 309.083;  
 19 (5) "Certificate holder" means an alcohol and drug counselor who is certified pursuant  
 20 to KRS 309.080 to 309.089;  
 21 (6) "Licensed alcohol and drug counselor" means a person licensed by the board  
 22 who meets the requirements of Section 1 of this Act;  
 23 (7) "Licensed clinical alcohol and drug counselor" means a person licensed by the  
 24 board who meets the requirements of KRS 309.0832;  
 25 ~~(8)~~ "Licensed clinical alcohol and drug counselor associate" means a person  
 26 licensed by the board who meets the requirements of KRS 309.0833;  
 27 ~~(9)~~ "Licensee" means a clinical alcohol and drug counselor who is licensed

1           pursuant to KRS 309.080 to 309.089;

2     ~~(10)~~~~(9)~~ "Practice of alcohol and drug counseling":

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

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

7     ~~(11)~~~~(10)~~ "Registered alcohol and drug peer support specialist" means a person  
8           registered by the board who meets the requirements in KRS 309.0831; and

9     ~~(12)~~~~(11)~~ "Registrant" means an alcohol and drug peer support specialist who is  
10          registered pursuant to KRS 309.080 to 309.089.

11          ➔Section 3. KRS 309.0805 (Effective March 1, 2021) is amended to read as  
12          follows:

13       (1) No person shall use the title "licensed alcohol and drug counselor", "licensed  
14       clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor  
15       associate," "certified alcohol and drug counselor," "certified alcohol and drug  
16       counselor associate II," "certified alcohol and drug counselor associate I," or  
17       "registered alcohol and drug peer support specialist," or hold himself or herself out  
18       as a "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and  
19       drug counselor associate," "certified alcohol and drug counselor," or "registered  
20       alcohol and drug peer support specialist" unless he or she is licensed, certified, or  
21       registered pursuant to KRS 309.080 to 309.089.

22       (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or  
23       registered under any other provision of the Kentucky Revised Statutes, including  
24       but not limited to physicians, social workers, psychologists, marriage and family  
25       therapists, art therapists, nurses, or students in accredited training programs in those  
26       professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit,  
27       interfere with, or restrict the practice, descriptions of services, or manner in which

1 they hold themselves out to the public.

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

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

12 ➔Section 4. KRS 309.0813 (Effective March 1, 2021) is amended to read as  
13 follows:

14 The board shall:

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

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

23 (3) Approve and disapprove, at least once every other month, those persons who shall  
24 be licensed, certified, or registered under KRS 309.080 to 309.089;

25 (4) Approve the examination required of applicants for licensure or certification as  
26 alcohol and drug counselors and applicants for registration as alcohol and drug peer  
27 support specialists, and promulgate administrative regulations pursuant to KRS

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

1 decisions rendered; and

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

4 ➔Section 5. KRS 309.088 (Effective March 1, 2021) is amended to read as  
5 follows:

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

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

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

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

22 (2) If the requirements for licensure, certification, or registration under KRS 309.080 to  
23 309.089 are more restrictive than the standards of the other jurisdiction, then the  
24 out-of-state licensee, certificate holder, or registrant shall comply with the  
25 additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license,  
26 certificate, or registration.

27 ➔Section 6. Whereas there is a shortage of counselors who are qualified and

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