

**How-To Series:**

# **Licensing of Addiction Professionals in States**

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**NAADAC**

THE ASSOCIATION FOR  
ADDICTION PROFESSIONALS

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## Introduction

Increasingly, other professional groups are staking a claim to substance use disorder treatment that is coming at the expense of addiction counselors. Addiction counselors have been the primary providers of substance use disorder treatment services for the past four decades.

The advent of healthcare reform has created increased interest and pressure for licensure of addiction professionals. Healthcare reform is driving the need for licensure of addiction professionals to compete in the primary healthcare marketplace for Medicare and third-party reimbursement.

Traditionally, states, not Congress, have the authority to define qualified providers. Ultimately, this is leading states toward implementing licensure laws or regulations for healthcare providers. Additionally, addiction counselors are finding that they need to be licensed to get vendorship (third-party reimbursement).

Licensing of addiction counselors has been a “hot” issue over the past five years. Licensure bills have been introduced and passed in many states. They range from legislation to codify addiction professional licensing requirements, exempt addiction counselors from licensure, certify employee assistance and other counseling professionals and to expand addiction counselors’ scope of practice.

To prepare you for working on this issue in your state, NAADAC has developed this “How-To” package describing the steps to successfully prepare and pass a licensure law that is appropriate for addiction professionals. The basic steps are:

- 1) Garnering support (Refer to NAADAC’s *Guide to State-level Advocacy for Affiliates and Advocacy in Action*)
  - 1) Within your organization
  - 2) From state legislators
  - 3) From your single state authority (state level Department of Alcohol, Drug or Mental Health Services or Behavioral Health Services) or state licensing authority
  - 4) From other state substance use disorder organizations (treatment directors/providers and coalitions)
- 2) Developing a strategy to promote the necessity of licensure
  - a) Identify key legislative committees with jurisdiction on healthcare and licensure issues
  - b) Form a coalition with other interested parties and groups focusing on getting this legislation passed
- 3) Keeping it simple
  - a) Plan a four-pronged campaign: using face-to-face meetings, emails, letters and phone calls to legislators

b) Keep your message focused.

i) What do you want in your scope of practice? (See SAMHSA's Scopes of Practice)

ii) Target who you need to pass this legislation

- Key legislators
- Key stakeholders (SSAs, coalitions, Departments of Licensing)
- Other potential partners

# **How to Get a State Licensure Law Enacted: A Pro-Active Plan**

## **I. The mechanics of gaining support for legislation**

Use NAADAC's model licensure bill as a starting point. Draft a licensure bill based on this model and tailor it to be specific to your state's addiction professionals' needs. (See included Model Bill)

Identify members of your organization who are willing to visit legislators to educate them about this legislation.

Identify a legislator who will introduce your bill and who will secure co-sponsors. Identify potential co-sponsors ahead of time.

Identify legislators' aides working on this bill or health-related issues. Develop a working relationship with them.

Identify the key committee members that will have jurisdiction over the legislation. Develop a working relationship with committee staffers.

Form a coalition with other groups that may be supportive of a licensure bill. Develop a strategy, setting priorities and goals for members of the coalition - you can initiate a public awareness campaign about what addiction professionals do.

As part of a broad-based strategy, invite your legislators to visit your treatment program. Many legislators do not know anything about substance use disorder treatment. This is a perfect opportunity to get them more involved in the profession and a way to show them how treatment works. September is "National Recovery Month," which would be a good time to hold an open house and invite your legislators and local officials to visit.

## **II. Lobby Day**

Organize a "Lobby Day" for your members interested in going to the state capital to visit their legislators at the same time. Spend the first hour or two instructing your folks on what to say during their visits. (Use NAADAC's *Guide to State-level Advocacy for Affiliates and Advocacy in Action*.) Develop talking points that each person advocating has access to use.

This lobby day should provide one or two messages that everyone can carry to their legislators. Keep it simple. Provide them with a few handouts to leave behind. Personal visits are the most effective lobbying contact NAADAC members can make. Be brief and stay focused on the purpose of the visit. (Use the NAADAC "Guide to Addiction Policy" for key legislative issues.)

### **III. Lobbying Your State Legislators**

#### **A: Your Role as a Leader**

Effective grassroots campaigns work best when a broad-based non-partisan political approach is taken to communicate with policy-makers. Essentially, this means educating and informing your state legislators about the addiction profession. Each NAADAC member has something important to say to his or her legislator. **The key is to ask the member to participate.** Be clear about the fact that you are not asking them to do anything complicated, time-consuming or difficult. Discuss how this legislation makes sense (logically and monetarily) and why they would want to support it.

It is also important to prepare members for lobbying:

- 1) Remind them that they are the “experts” in the profession.
- 2) Legislators do not often ask difficult questions.
- 3) Legislators want to hear from their voters.

Tips for lobbying:

- 1) Make an appointment to meet with your legislator.
  - a) Bring background material to leave behind. (Visit [www.naadac.org/advocacy](http://www.naadac.org/advocacy))
  - b) Talk about your own experience in this profession.
  - c) Invite legislators to visit your program or agency.
- 2) Keep communications ongoing. Communicate on a regular basis any new information. Let them know you are a resource for them.
- 3) Maintain the relationship and keep your work visible.
- 4) Meet with legislators regularly and keep in touch even when you do not want something.

#### **B. Organizing a Task Force**

Assign the following specific duties to task force members:

- 1) Identify the key committees in both chambers of the legislature with jurisdiction over the bill.
- 2) Make target visits to legislators (House and Senate) who are members of the key committees.
- 3) Once these legislators are identified, start educating them about the role of addiction professionals in healthcare and in their communities. Visit or contact each one; preferably someone from his or her district should make initial contact.
- 4) At the first meeting, introduce yourself and explain what your work involves and how important it is to the community. Bring materials about your program to leave with the

legislator. If more than one person goes, choose a spokesperson and keep the meeting brief.

- 5) Explain the importance of a licensure bill for addiction counselors and the substance use disorder treatment profession.
- 6) Develop a relationship with key legislators' aides who work on this issue or a related area, such as health.
- 7) Find a sponsor for the bill and once it is introduced, monitor it closely as it works its way through the legislature.
- 8) Keep in touch with your sponsor on a regular basis. Write a thank you letter to the sponsors of your licensure bill. Offer to get information as needed. If you are asked a question you cannot answer, say you do not know, but you will find out the answer. Be sure to follow-up.
- 9) Always use facts to present your point of view. Emotional arguments will not work.
- 10) Write letters, send emails or call your legislators asking for their support on the licensure bill. (See enclosed sample)
- 11) Give credit publicly to those legislators who sponsored legislation and have agreed to work with you.
- 12) Remind your collaborative organizations of the progress of the bills. Advise them when you need "special emphasis" emails or calls to their legislators.
- 13) Remember: the larger your legislative "tree" is the more impact you will make. Develop a larger group of supporters and keep them advised and on track!

## Sample Letter to a Legislator

Date

Name

Address

Dear Senator/Representative:

I am writing to urge you to support legislation that has been introduced (insert bill number or bill name here) that would provide for licensing of addiction professionals. The majority of addiction professionals have received certification in your state.

As part of a group of providers offering substance use disorder treatment services, I believe it is important that counselors obtain licensure. Adopting a licensing law for counselors will move this profession ahead by ensuring that as providers, addiction counselors have achieved a certain level of experience and academic requirements. This is vital in the environment of healthcare reform and third party reimbursement and to serve as protection to the public we serve.

Licensing will provide increased credibility and professionalism for this field. As an addiction counselor, working in this field for (insert number of years), I have seen the hardships and devastation that substance use causes to thousands of people. I believe it is vital to support addiction counselors' work and to recognize their skills through licensure.

If you would like to learn more about this profession and my work, I would be delighted to have you visit my (name of program or agency). If you need more information, please do not hesitate to contact me.

Thank you for your time and consideration.

Sincerely,

Your name

Organization

Phone number

Email address

\* Please note: You can add more information about your program or organization as you see fit.

# Model Legislation for State Licensure of Addiction Professionals

An act in relation to the licensing of professional addiction counselors.

Be it enacted by the people of the State of \_\_\_\_\_.

**Section I. Statement of Purpose.** The practice of professional addiction counseling is hereby declared to affect the public health, safety and welfare, and to be subject to regulation in the public interest. The purpose of this Act is to protect and benefit the public by setting standards of qualifications, education, training and experience for those who seek to obtain a license and hold the title of an addiction professional, to promote high standards of professional performance for those licensed to practice professional addiction counseling in the State of \_\_\_\_\_, to formulate reimbursement for professional addiction counseling for qualified and licensed professionals, and to protect the public from unprofessional conduct by persons licensed to practice professional addiction counseling.

**Section II. Definitions.** As used in this Act.

“Addiction counseling” means a process involving a therapeutic relationship between a client who is experiencing addiction, dependence or abuse of alcohol or other drugs and a counselor or therapist trained to provide that help to address that addiction, dependence or abuse. Addiction counseling includes understanding and application of the limits of the counselor’s own qualifications and scope of practice, including, but not limited to, screening and, as indicated, referral to or consultation with an appropriately licensed healthcare practitioner consistent with the client’s needs. Addiction counseling includes all of the following:

- (1) Clinical evaluation
- (2) Treatment planning
- (3) Referral
- (4) Service coordination/case management
- (5) Counseling
- (6) Client, family, and community education
- (7) Documentation
- (8) Professional and ethical responsibilities

“Advertise” includes, but is not limited to, the issuance of any card, sign or device to any person, or the causing, permitting or allowing of any sign or marking on or in any building or structure, or in any newspaper or magazine or in any directory, or any printed matter, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting, the Internet or any other electronic medium.

"Board" refers to the licensing board created by this Act.

"Certified associate addiction counselor" means an individual who meets the requirements of this Act and is certified as an associate addiction counselor by the board.

"Certified addiction technician" means an individual who meets the requirements of this Act and

is certified as a addiction technician by the board.

“Clinical supervision” means the ongoing process in which the supervisor participates with one or more supervisees to ensure high quality service delivery across domains of counselor development, professional and ethical standards, program development, quality assurance, performance evaluation and administration, as described in “Competencies for Substance Abuse Treatment Clinical Supervisors,” *Technical Assistance Publication Series No. 21-A*, published by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration Center for Substance Abuse Treatment, or other sources as the board may specify by regulation.

"Continuing education" means an orderly process of instruction that is approved by an organization or the board for addiction professionals and designed to directly enhance the practitioner's knowledge and skill in providing services relevant to his or her occupation.

"Counseling" means techniques used to help individuals learn how to solve problems and make decisions related to personal growth, vocational, family, social and other interpersonal concerns.

“Independent practice of addiction counseling” means a person who renders for compensation, addiction counseling-related services to an individual, group, organization, corporation, institution or the general public, and who is licensed, trained or experienced in addiction counseling, and who holds a license issued under this chapter to engage in such services.

“Licensure board” is identified by the State of \_\_\_\_\_, which sets the standards and requirements for the licensure of professional addiction counselors.

"Licensed clinical addiction counselor" means an individual who meets the requirements of this Act and is licensed as a clinical addiction counselor by the board.

"Licensed addiction counselor" means an individual who meets the requirements of this Act and is licensed as an addiction counselor by the board.

"Practice of addiction counseling" means the providing of professional services that are delivered by a licensed addiction professional, that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice and professional readiness. The term includes:

- (1) gathering information through structured interview screens using routine protocols;
- (2) reviewing assessment findings to assist in the development of a plan individualized for treatment services and to coordinate services;
- (3) referring for assessment, diagnosis, evaluation and mental health therapy;
- (4) providing client and family education related to addictions;
- (5) providing information on social networks and community systems for referrals and discharge planning;
- (6) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals;
- (7) counseling, through individual and group counseling, as well as group and family education, to treat addiction and substance use disorders in a variety of settings, including:

- (A) mental and physical health facilities; and
  - (B) child and family service agencies; and
- (8) maintaining the highest level of professionalism and ethical responsibility.

"Practitioner" means an individual who holds an unlimited license, certificate or registration; a limited or probationary license, certificate or registration; a temporary license, certificate, registration or permit; an intern permit; or a provisional license; issued by the board regulating the profession in question.

"Professional addiction counselor" means a person who renders for compensation, addiction counseling-related services to an individual, group, organization, corporation, institution or the general public, and who is licensed, trained or experienced in addiction counseling, and who holds a license issued under this chapter to engage in the professional practice of addiction counseling.

"Registrant" means an uncertified or unlicensed person who is in the course of completing the requirements for certification or licensure under this Act, who has completed no less than 12 semester units or 18 quarter units of the education required under this Act and who is registered with the board.

"Supervised work experience" refers to a time during which an applicant provides addiction counseling services directly to clients diagnosed with a substance use disorder, including treatment of clients, and at least fifty percent (50%) of the time consists of providing addiction counseling services directly to clients diagnosed with a substance use disorder.

"Supervisee" means a registrant or certified or licensed addiction counselor under this Act, as the case may be, who is seeking to meet the supervised experience requirements of this Act.

"State mandates" are established by current state law, which requires health insurance benefits issued in the state to offer or to offer as an option, any clinical services for the treatment of addiction.

**Section III. Establishment of Licensure Board.** A licensing board will be established by the Governor.

(1) The board will consist of the following members who are appointed by the Governor for terms of three (3) years:

(A) Two (2) licensed addiction counselor members of the board who have at least five (5) years experience in addiction counseling.

(B) Two (2) consumer members of the board who have never been credentialed under this article.

(C) One (1) physician member of the board who has training in psychiatric medicine.

(2) Three (3) members of board constitute a quorum.

(3) All members must be residents of the state of \_\_\_\_\_ for at least six months.

(4) Any state or nationally recognized association representing professional addiction counselors may submit recommendations for board members to the Governor. On or before (two years after the law takes effect) all members of the board, with the exception of the consumer members, shall be licensed under the Act.

- (5) A member of the board who is appointed by the Governor may not be removed from the board except by action of the Governor.
- (6) The board shall elect a chairman from among the members of the board for a two (2) year term. An individual may not be elected as chairman for more than two (2) consecutive two (2) year terms.
- (7) The board shall meet at least two (2) times each year.

**Section IV. Powers and Duties of the Licensure Board.** In order to carry out the provisions of this Act, the board must do, but shall not be limited to, all of the following:

- (1) Adopt rules and regulations as necessary to administer and enforce this Act.
- (2) Develop standards for registration, certification and licensure of addiction counselors, including those persons presently certified pursuant to regulations adopted by the board so that they have an opportunity for certification or licensure under this Act with appropriate credit for the education, training and experience obtained prior to the board's implementation of this Act. The board may establish voluntary standards for multiple advanced levels of addiction counselors and may establish subspecialties with distinct requirements.
- (3) Adopt rules establishing standards for the competent practice of addiction counseling.
- (3) Issue licenses, certificates, and registrations beginning \_\_\_\_ (date) \_\_\_\_, to those who meet the qualifications of this Act and any regulations promulgated pursuant to this Act.
- (4) Take disciplinary action against counselors where appropriate, including reprimand or probation, suspension, or revocation of the license, certificate or registration, issuance of administrative citations, or imposition of administrative fines, or any combination of these.
- (5) Establish continuing education requirements for an individual seeking renewal of licensure.
- (6) Establish procedures for the receipt, investigation and resolution of complaints.
- (7) Establish criteria to determine whether the curriculum of an educational institution satisfies the requirements imposed by this Act.
- (9) Establish criteria for the renewal of licenses issued under this Act.
- (8) Establish parameters of unprofessional conduct that are consistent with generally accepted ethics codes for the profession.
- (9) Establish reinstatement procedures for an expired or revoked certificate or license.
- (10) Develop or adopt one or more examinations for administering and scoring to prospective certificants and licensees. The test may be administered by the board or by any public or private entity selected by the board.
- (11) Maintain a database of registered, certified and licensed counselors, including the individual's status, any public record of discipline and other information as the board may require.
- (12) Establish an advisory committee composed of one or more representatives of consumers, counselors, counselor employers, counties, educators, referral sources, and other persons as the director may determine, which shall meet at least two times per year and which shall make recommendations to the board concerning curriculum, criminal background checks, unprofessional conduct and other matters as the board may refer to the committee.
- (13) The board shall consider matters that are of interest to all board sections.

**Section V. Administration of Licensing Procedures.** Licensing for professional addiction counseling shall be administered by the Licensure Board.

**Section VI. Licensing.** An individual may not engage in the practice of professional addiction counseling unless the person is licensed as an Addiction Counselor or Clinical Addiction Counselor under this Act (or state regulation).

**Section VII. Certification.** An individual may not engage in the practice of providing professional addiction services unless the person is licensed as an Addiction Technician or Associate Addiction Counselor under this Act. (Note: Some states will only allow licensure at the master's degree level.)

**Section VIII. Requirements.** The board shall certify or license, at the appropriate level, as applicable, each individual who the board determines to meet the criteria outlined below.

#### **Addiction Technician certification requirements**

An individual who applies for certification as an Addiction Technician must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual has:
  - (A) received a high school diploma, GED or higher degree.
  - (B) completed 1,500 hours of supervised work experience in substance use disorders, prior to taking the examination for this credential.
  - (C) prior to beginning any supervised work experience, completed 150 clock hours of education related to substance use disorders from a jurisdiction approved education provider, 6 hours of which must be related to ethics and 6 hours related to HIV/AIDS.
- (2) Furnish satisfactory evidence to the board via a state and federal level criminal offender record information search that the individual does not have:
  - (A) convictions of five or more criminal offenses within a 30-month period ending two years or less prior to the date of the board's determination (or state regulation).
  - (B) a conviction of a violent felony within three years prior to the date of the board's determination (or state regulation).
  - (C) a conviction related to a controlled substance within three years prior to the date of the board's determination (or state regulation).
- (3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice without endangering the public.
- (4) Pass an examination established by the board that is commensurate with this level of credential.
- (5) Submit a completed application to the board for review.
- (6) Pay the fee established by the board.

#### **Associate Addiction Counselor certification requirements**

An individual who applies for certification as an Associate Addiction Counselor must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual has:
  - (A) received an associate's degree or higher in a behavioral science field with a clinical application, including at least 100 hours of substance use disorder related topics, 6 hours

of which must be related to ethics and 6 hours related to HIV/AIDS. If not received with degree, these hours can be obtained as advanced coursework outside of the school setting.  
(B) completed 2,000 hours of supervised work experience in substance use disorders, with 600 hours being direct client work, prior to taking the examination for this credential.

- (2) Furnish satisfactory evidence to the board via a state and federal level criminal offender record information search that the individual does not have:
  - (A) convictions of five or more criminal offenses within a 30-month period ending two years or less prior to the date of the board's determination (or state regulation).
  - (B) a conviction of a violent felony within three years prior to the date of the board's determination (or state regulation).
  - (C) a conviction related to a controlled substance within three years prior to the date of the board's determination (or state regulation).
- (3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice without endangering the public.
- (4) Pass an examination established by the board that is commensurate with this level of credential.
- (5) Submit a completed application to the board for review.
- (6) Pay the fee established by the board.

### **Addiction Counselor licensing requirements**

An individual who applies for a license as an Addiction Counselor must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual has:
  - (A) received a bachelor's degree or higher in addiction counseling or other allied mental health profession (social work, mental health counseling, psychology), including at least 200 hours of substance use disorder related topics, 6 hours of which must be related to ethics and 6 hours related to HIV/AIDS. If not received with degree, these hours can be obtained as advanced coursework outside of the school setting.
  - (B) completed 2,000 hours of supervised work experience in substance use disorders, with 600 hours being direct client work, prior to taking the examination for this credential.
- (2) Furnish satisfactory evidence to the board via a state and federal level criminal offender record information search that the individual does not have:
  - (A) convictions of five or more criminal offenses within a 30-month period ending two years or less prior to the date of the board's determination (or state regulation).
  - (B) a conviction of a violent felony within three years prior to the date of the board's determination (or state regulation).
  - (C) a conviction related to a controlled substance within three years prior to the date of the board's determination (or state regulation).
- (3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice without endangering the public.
- (4) Pass an examination established by the board that is commensurate with this level of credential.
- (5) Submit a completed application to the board for review.
- (6) Pay the fee established by the board.

### **Clinical Addiction Counselor licensing requirements**

An individual who applies for a license as a Clinical Addiction Counselor must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual has:
  - (A) received a master's degree or higher in addiction counseling or other allied mental health profession (social work, mental health counseling, marriage and family counseling, psychology), including at least 300 hours of substance use disorder related topics, 6 hours of which must be related to ethics and 6 hours related to HIV/AIDS. If not received with degree, these hours can be obtained as advanced coursework outside of the school setting.
  - (B) completed 4,000 hours of supervised work experience in substance use disorders, with 2,000 hours being direct client work, prior to taking the examination for this credential but after obtaining the master's (or higher) degree.
- (2) Furnish satisfactory evidence to the board via a state and federal level criminal offender record information search that the individual does not have:
  - (A) convictions of five or more criminal offenses within a 30-month period ending two years or less prior to the date of the board's determination (or state regulation).
  - (B) a conviction of a violent felony within three years prior to the date of the board's determination (or state regulation).
  - (C) a conviction related to a controlled substance within three years prior to the date of the board's determination (or state regulation).
- (3) Furnish satisfactory evidence to the board that the individual has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice without endangering the public.
- (4) Pass an examination established by the board that is commensurate with this level of credential.
- (5) Submit a completed application to the board for review.
- (6) Pay the fee established by the board.

### **Licensure education requirements**

- (1) All substance use disorders related education accepted for purposes of licensure must be from one of the "Addiction Counseling Competencies" outlined in the *Technical Assistance Publication Series No. 21*, published by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment.
- (2) All clinical supervisor related education accepted for purposes of licensure must be from one of the "Competencies for Substance Abuse Treatment Clinical Supervisors" outlined in the *Technical Assistance Publication Series No. 21A*, published by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Substance Abuse Treatment.
- (3) All degrees accepted for purposes of licensure must be from one of the following:
  - (A) a higher learning institution located in the United States or a territory of the United States that was accredited on the date of graduation by a regional or national accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or the US Department of Education.
  - (B) a higher learning institution located in Canada that was in good standing on the date of graduation with the Association of Universities and Colleges of Canada.

- (C) a foreign higher learning institution that on the date of graduation was recognized by the government of the country where the school was located as a program to train in the practice of addiction counseling and has maintained a standard of training substantially equivalent to the standards of institutions accredited by a regional accrediting body recognized by the Commission on Recognition of Postsecondary Accreditation or the US Department of Education.
- (4) Applicants with a master's degree (or higher) that did not emphasize substance use disorders or mental health counseling may complete the course work requirement from an institution that is:
- (A) accredited by the Council for Accreditation of Counseling and Related Educational Programs (CACREP);
  - (B) recognized by NAADAC, the Association of Addiction Professionals (NAADAC) – National Certification Commission (NCC);
  - (C) recognized by the International Certification and Reciprocity Consortium (IC&RC);
  - (D) accredited by the Commission on Accreditation of Marriage and Family Therapy Education (CAMFTE);
  - (E) accredited by the American Psychological Association's Commission on Accreditation (APA); or
  - (F) accredited by the Council on Social Work.
- (5) Education and supervised work experience gained outside of the state may be accepted toward the licensure or certification requirements.

### **Licensure supervised work experience requirements**

- (1) The supervised work experience required must be provided by a qualified and licensed supervisor, as determined by the board. Prior to the commencement of clinical supervision, a supervisor must comply with all requirements for supervisors as established by the board by regulation.
- (2) A doctoral internship may be applied toward the supervised work experience requirement.
- (3) The supervised work experience requirement may be met by work performed at or away from the premises of the qualified supervisor. However, the supervised work experience requirement may not be performed away from the qualified supervisor's premises if:
- (A) the work is the independent private practice of addiction counseling; and
  - (B) the work is not performed at a place that has the supervision of a qualified supervisor.
- (4) Experience shall be gained only in a setting that meets all of the following:
- (A) Lawfully and regularly provides alcohol and other drug counseling.
  - (B) Provides oversight to ensure that the supervisee's work at the setting meets the experience and clinical supervision requirements set forth in this Act and is within the scope of practice for the profession.
  - (C) Work experience shall not be gained as an independent contractor.
- (5) The required hours of supervised experience shall be obtained over a period of not less than two years and shall have been gained within the six years immediately preceding the date on which the application for certification or licensure was filed.
- (6) Experience shall not be credited for more than 40 hours in any week.
- (7) The supervisor and the supervisee shall develop a supervisory plan that describes the goals and objectives of clinical supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The supervisee shall submit to the board the initial original supervisory plan upon

application for licensure or certification.

(8) A supervisee must receive an average of at least one hour of direct supervisor contact for every week in which more than 10 hours of face-to-face or group counseling is performed in each setting where experience is gained. (No more than five hours of clinical supervision, whether individual or group, shall be credited during any single week.) For purposes of this section, "direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group, of not more than eight persons receiving clinical supervision, addressing the substance of the supervisory plan.

(9) A supervisee may be either a paid employee or a volunteer. Employers are encouraged to provide fair remuneration to supervisees.

(10) A supervisee shall not receive any remuneration from patients or clients, and shall be paid only by his or her employer. A supervisee shall not have any proprietary interest in the employer's business.

(11) A supervisee may receive clinical supervision from a person not employed by the supervisee's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the supervisee's alcohol and other drug counseling and hours of clinical supervision are formally recorded.

(12) The board may limit, by regulation, the number of registrants that any one supervisor may supervise, the number of registrants that may be supervised in any given program or setting, and the proportion of the workforce in any given program or setting, which may be comprised of registrants, or any of these.

### ***Section IX. Exemptions.***

(1) A person is exempt from this Act if the person does not represent to the public, or healthcare financing agencies, directly or indirectly, that the person is licensed under this Act and does not use any name, title or designation indicating that the person is licensed under this Act.

(2) The board shall exempt an individual from the requirements set forth in this article and grant the individual an applicable license if the individual meets the following requirements:

(A) Holds, before \_\_\_\_\_(date)\_\_\_\_\_, a master's or doctoral degree in a human services or behavioral science discipline from an eligible postsecondary educational institution.

(B) Holds a valid certification/licensure as an addiction counselor or addiction therapist from a credentialing agency that is approved by the board.

(C) Has substantial experience within the addiction profession.

(D) Furnish satisfactory evidence to the board via a state and federal level criminal offender record information search that the individual does not have:

(a) convictions of five or more criminal offenses within a 30-month period ending two years or less prior to the date of the board's determination (or state regulation).

(b) a conviction of a violent felony within three years prior to the date of the board's determination (or state regulation).

(c) a conviction related to a controlled substance within three years prior to the date of the board's determination (or state regulation).

(E) Submit a completed application to the board for review.

(F) Pay the fee established by the board.

(3) This Act does not apply to the activities or services of: a licensed physician or psychologist, certified social worker, religious leader providing pastoral alcohol and drug counseling within the scope of his or her duties or school counselor certified by the state education agency.

(4) Nothing in this Act shall be construed to limit the activities and services of a student, intern, or resident in professional addiction counseling seeking to fulfill educational requirements in

order to qualify for a license under this Act, or an individual seeking to fulfill the post-degree experience requirements in order to qualify for a license under this Act, if the activities or services are supervised as specified in this Act, and that the student, intern, or resident is designated by the term “intern” or “resident” or other designation of trainee status. Nothing in this section shall be construed to permit students, interns or residents to offer their services as professional addiction counselors to any person and to accept remuneration for such professional addiction counseling services other than as specifically excepted in this section, unless they have been licensed under this Act.

(5) Nothing in this Act shall prohibit individuals not licensed under the provisions of this Act who work in self-help groups or programs or not-for profit organizations from providing services in those groups, programs, organizations or healthcare financing agencies, as long as those persons are not in any manner held out to the public as practicing professional addiction counseling, or do not hold themselves out to the public by any title or designation stating or implying that they are professional addiction counselors.

***Section X. Examination.***

(1) The board shall develop or adopt a written examination for each level of certification or licensure provided in this Act. An examination recognized by the board must meet all of the following criteria, as determined by the board:

(A) Nationally recognized.

(B) Validated to cover the curriculum specified pursuant to this Act.

(C) Administered at a frequency and under conditions providing reasonable access and security.

(D) The scope and content of the examination shall be sufficient to ensure professional competence in keeping with the highest standards of the addiction counseling profession.

(2) An individual who wishes to apply for licensure as an addiction professional must take the corresponding written examination.

(3) An applicant’s identity will be kept confidential and test scores are held by the testing board.

(4) An applicant who fails the examination may take a subsequent examination on payment of the required examination fee. However, an applicant may not be reexamined on more than \_\_\_\_ occasions during a period of time determined by the board.

(5) An individual who applies for an addiction counselor license under this article may be exempted by the board from the examination requirement if the individual has met all of the following:

(A) is licensed or certified as an addiction counselor in another state and has passed a licensing or certifying examination substantially equivalent to the licensing examination required under this Act;

(B) has engaged in the practice of addiction counseling and/or supervision for at least three (3) of the previous five (5) years;

(C) has not committed any act and is not under investigation for any act that constitutes a violation of this Act.

***Section XI. Grandparenting Clause.*** For twenty-four (24) months following the effective date of this act the board will issue to any person upon application the appropriate license or certification as an addiction professional, provided that the applicant has met state certification requirements of this Act.

**Section XII. Fees.** The licensure board shall assess application, examination, license renewal and other fees in amounts sufficient to cover the costs of administering this Act.

**Section XIII. Continuing Education.** The Board shall prepare or approve the preparation and administration of continuing education programs for licensed addiction counselors under this Act. The Board shall provide by rule for the administration of the continuing education requirements for license renewal under this Act.

(1) A person licensed under this Act must complete at least 40 hours of continuing education (or your state's requirement) in each two-year period in which the person holds a license as a requirement for the renewal of the license.

(2) The practitioner shall provide the board with a sworn statement executed by the practitioner that the practitioner has fulfilled the continuing education requirements required by the board.

(3) The practitioner shall retain copies of certificates of completion for continuing education courses for three (3) years from the end of the licensing period for which the continuing education applied. The practitioner shall provide the board with copies of the certificates of completion upon the board's request for a compliance audit.

(4) Following every license renewal period, the board shall randomly audit for compliance more than one percent (1%) but less than ten percent (10%) of the practitioners required to take continuing education courses.

**Section XIV. Renewal.** Licenses or certifications issued under this Act shall expire within two years after the issue date. The expiration date of the original license or certification shall be set by the board.

(1) To renew an unexpired license or certification, the counselor must, on or before the expiration date of the license or certification, complete the following actions:

(A) Apply for a renewal on a form prescribed by the board.

(B) Pay a two-year renewal fee prescribed by the board.

(C) Complete at least 40 hours of continuing education (or your state's requirement), as approved by the board.

(D) Notify the board whether he or she has been convicted of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

(2) To renew an expired license or certification within three years of its expiration, the counselor must, as a condition precedent to renewal, do all of the following:

(A) Apply for renewal on a form prescribed by the board within three years of the expiration date of the license.

(B) Pay the renewal fees that would have been paid if the license had not been delinquent.

(C) Pay all delinquency fees.

(D) Complete the applicable continuing education requirements.

(E) Notify the board whether he or she has been subject to, or whether another department or board has taken, disciplinary action since the last renewal.

(3) A suspended license or certification is subject to expiration and may be renewed as provided in this Act, but the renewal does not entitle the counselor, while it remains suspended and until it is reinstated, to engage in the activity to which the license or certification relates, or in any other activity or conduct in violation of the order or judgment by which it was suspended.

(4) A licensed or certified addiction counselor may apply to the board to request that his or her license or certification be placed on inactive status. A person who holds an inactive license or certification shall pay a biennial fee of one-half of the active renewal fee and shall be exempt from continuing education requirements, but shall otherwise be subject to this Act and shall not engage in the practice of addiction counseling in this state.

**Section XV. Revocation of License.** The board may deny, revoke, suspend or impose conditions upon a license, certification or registration for unprofessional conduct.

(1) Unprofessional conduct, includes, but is not limited to, any of the following:

(A) The conviction of a crime that permits denial of a license, certification, or registration or which the board finds is substantially related to the practice of addiction counseling.

(B) Securing a license, certification or registration by fraud, deceit or misrepresentation on any application submitted to the board, whether engaged in by an applicant for a license, certification or registration or in support of any application by another.

(C) Administering to himself or herself any controlled substance or using any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a license, certification or registration, or holding a license, certification or registration under this Act, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a license, certification or registration, to conduct with safety to the public the counseling authorized by this Act.

(D) Gross negligence or incompetence in the performance of addiction counseling or services.

(E) Violating, attempting to violate, or conspiring to violate this Act or any regulation adopted by the board.

(F) Misrepresentation as to the type or status of a license, certification, or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications or professional affiliations to any person or entity.

(G) Impersonation of another by any counselor or registrant, or applicant for a license, certification or registration, or, in the case of a counselor, allowing any other person to use his or her license, certification or registration.

(H) Aiding or abetting any unlicensed, uncertified, or unregistered person to engage in conduct for which a license, certification or registration is required under this Act.

(I) Intentionally or recklessly causing physical or emotional harm to any client.

(J) The commission of any dishonest, corrupt or fraudulent act substantially related to the qualifications, functions or duties of a counselor or registrant.

(K) Soliciting or engaging in sexual relations with a client.

(L) Engaging in a social or business relationship for personal gain with a current client, a current client's family member or other persons significant to a client.

(M) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any licensee under clinical supervision to perform any professional services beyond the scope of the license authorized by this Act.

(N) Failure to maintain confidentiality, except as otherwise required or permitted by law.

(O) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(P) Paying, accepting, or soliciting any consideration, compensation or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration,

compensation or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made to the client.

(Q) Advertising or using a name in a manner that is false, misleading or deceptive.

(R) Conduct in the clinical supervision of any individual licensed, certified or registered counselor that violates this Act or rules or regulations adopted by the board.

(S) Failure to keep records consistent with sound professional judgment, the standards of the profession and the nature of the services being rendered.

(T) Failure to comply with the child abuse reporting requirements.

(U) Failure to comply with the elder and dependent adult abuse reporting requirements.

(V) Willful denial of access to client records as otherwise provided by law.

(2) Any individual may file a complaint with the board seeking denial, suspension or revocation of a license issued or to be issued by the board. Such complaints shall be in a form prescribed by the board. Such complaints shall be verified under oath by the complainants or his duly authorized agent. If the board determines that a complaint alleges facts, which, if true, would require denial, revocation or suspension of a license, shall promptly conduct a hearing.

(3) The burden of proof shall be on the board in any proceeding to suspend or revoke a license.

(4) No license may be suspended or revoked under this section except by majority vote of the full board, notwithstanding any other provision.

(5) The director may temporarily suspend a license, certification or registration prior to a hearing when, in the opinion of the director, the action is necessary to protect a client from physical or mental abuse, abandonment or other substantial threat to health or safety. The director shall give notice of the temporary suspension and the effective date of the temporary suspension and, at the same time, shall serve an accusation. Upon receipt of a notice of defense to the accusation, the director shall, within 15 days, set the matter for hearing, and the hearing shall be held as soon as possible. The temporary suspension shall remain in effect until the time the hearing is completed and the director has made a final determination on the need for the temporary suspension to remain in place pending resolution of the accusation. However, the temporary suspension shall be deemed vacated if the director fails to make a final determination on the merits within 30 days after the hearing.

(6) A person may request reinstatement of a license or certification, or a reduction of discipline, by applying for reinstatement or reduction.

(7) The board may impose reasonable terms, conditions or restrictions on a disciplinary action to protect the health, safety and welfare of the public.

### ***Section XVI. Restrictions.***

(1) An individual licensed, registered, or certified under this Act may engage in the practice of addiction counseling.

(2) A person who has received a certificate, registration or license under this Act may use the title "Certified Addiction Technician," "Certified Associate Addiction Counselor," "Licensed Addiction Counselor" or "Licensed Clinical Addiction Counselor" in accordance with the type of certificate, registration or license possessed.

(3) Every person who styles himself or herself or who holds himself or herself out to be a "Certified Addiction Technician," "Certified Associate Addiction Counselor," "Licensed Addiction Counselor" or "Licensed Clinical Addiction Counselor" without holding a license or certification in good standing under this Act, is guilty of a misdemeanor. Unlicensed individuals

may not:

- (A) profess to be a licensed addiction professional;
- (B) use the title:
  - (a) "licensed addiction counselor";
  - (b) "licensed clinical addiction counselor";
  - (c) "licensed clinical addiction therapist";
  - (d) "licensed addiction therapist";
  - (e) "addiction counselor";
  - (f) "addiction therapist";
  - (g) "clinical addiction counselor";
  - (h) "clinical addiction therapist";
  - (i) "substance abuse counselor";
  - (j) "substance abuse therapist";
  - (k) "clinical substance abuse counselor"; or
  - (l) "clinical substance abuse therapist";
- (C) use any other title containing the words mentioned above
- (D) use any other:
  - (a) words;
  - (b) letters;
  - (c) abbreviations; or
  - (d) insignia;

indicating or implying that the individual is a licensed addiction counselor or licensed clinical addiction counselor; or

(E) practice as an addiction counselor or clinical addiction counselor for compensation, unless the individual is licensed under this article.

(4) An addiction professional licensed under this Act may provide factual testimony but may not provide expert testimony.

**Section XVII. Discrimination Prohibited.** The consideration of a license application, the conduct or an examination, the establishment and enforcement of a rule, a disciplinary proceeding, and any other action and decision performed under this Act shall be done without regard to the sex, religion, sexual orientation, national origin, color or political affiliation of the person affected.

**Section XVIII. State Mandates.** This Act also recognizes licensed professional addiction counselors as defined by this law as covered providers under the statute of any state mandate requiring the inclusion of addiction treatment in healthcare policies of written in the state.

**Resources:**

NAADAC, the Association for Addiction Professionals. (1994). *How-To Series: Licensing of Alcohol and Drug Counselors in the States*. Alexandria, VA: Author.

Indiana Professional Licensing Agency. (1994). *Indiana Behavioral Health and Human Services Licensing Board: A compilation of the Indiana Code and Indiana Administrative Code*. Indianapolis, IN: Author.

*California Senate Bill No. 707. – Alcohol and Other Drug Counselor Licensing and Certification. (2009).*