

AMENDED IN ASSEMBLY AUGUST 28, 2001

AMENDED IN ASSEMBLY JULY 20, 2001

AMENDED IN SENATE JUNE 4, 2001

AMENDED IN SENATE APRIL 3, 2001

SENATE BILL

No. 537

Introduced by Senator Vasconcellos

February 22, 2001

An act to ~~add and repeal Chapter 10.5 (commencing with Section 4700) of Division 2 of the Business and Professions Code~~, relating to alcohol and drug abuse counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 537, as amended, Vasconcellos. Alcohol and drug abuse counselors.

Existing law provides for the licensure and regulation of various healing arts practitioners, including those who provide counseling-related services, such as psychologists, social workers, and marriage, family, and child counselors.

This bill would require the Department of Consumer Affairs to conduct an occupational analysis of drug treatment counselors and to report its findings and recommendations to the Governor and the Legislature by April 1, 2002. The bill would require the State Department of Alcohol and Drug Programs to review its program quality assurance mechanisms and facility licensing responsibilities regarding drug treatment counselors, to prepare regulations and ~~proposed~~ *propose* statutory policies to establish professional standards by April 1, 2002, and to assist the Department of Consumer Affairs in

duties created by the bill. ~~The bill would specify that its provisions remain in effect until an unspecified date at which time they would be repealed, unless a later enacted statute deletes or extends that date.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The overwhelming passage by the people of California of
4 Proposition 36 constitutes a historic conversion of public policy
5 with respect to the possession of illegal drugs from incarceration
6 to treatment.

7 (b) It is the responsibility of the Governor and Legislature, in
8 keeping faith with this expression of the will of the people of
9 California, to assure that the state provides a smart, comprehensive
10 system to implement Proposition 36 and to realize its aspiration
11 and promise to provide drug abusers treatment that will enable
12 them to cure their addictions and lead more constructive lives.

13 (c) Proposition 36 will add over a half billion dollars into new
14 treatment over the next five years, and it requires that all programs
15 providing this treatment be licensed.

16 (d) The public has the right to expect that the treatment
17 provided by state and local programs is as effective as possible in
18 addressing substance abuse in this state, but Proposition 36 did not
19 include a requirement that the counselors be licensed.

20 (e) Proposition 36 provides a significant opportunity for
21 establishing quality substance abuse treatment standards in
22 California.

23 (f) Any person who seeks treatment for an addiction has the
24 right to expect a degree of public protection to assure that he or she
25 receives safe, effective, and ethical treatment.

26 (g) Over the past 30 years the State of California has developed
27 expertise regarding a substantial body of knowledge for informing
28 the preparation and assessment of counselors in this field.

29 (h) Thousands of persons working in the field of substance
30 abuse counseling are providing safe, effective, and ethical
31 treatment and yet the State of California has no system for
32 monitoring and assuring a level of competence. A new licensing



1 system for substance abuse counselors needs to be implemented in
2 ways that maximize the commitment and talent of people already
3 in the field as well as public consumer protection.

4 (i) The precious role of peers, including persons experienced
5 with addiction, must be a central component of any licensing
6 system.

7 SEC. 2. It is the intent of the Legislature to generate and
8 implement a fair, smart, and comprehensive system of quality
9 control and consumer protection in the field of substance abuse
10 counseling by January 1, 2003.

11 ~~SEC. 3. Chapter 10.5 (commencing with Section 4700) is~~
12 ~~added to Division 2 of the Business and Professions Code, to read:~~

13
14 ~~CHAPTER 10.5.—ALCOHOL AND DRUG ABUSE COUNSELORS~~
15 ~~LICENSING LAW~~

16
17 ~~4700.—This chapter shall be known and may be cited as the~~
18 ~~Alcohol and Drug Abuse Counselors Licensing Law.~~

19 ~~4701.—In order to accomplish the purposes of this chapter, the~~

20 SEC. 3. *The* Department of Consumer Affairs shall direct that
21 an occupational analysis of persons providing substance abuse
22 counseling be conducted which shall be assigned top priority in
23 order to assure completion and submission to the Governor and
24 Legislature not later than March 1, 2002. The conducting of the
25 analysis shall include, but not be limited to, the following:

26 (a) The Board of Behavioral Science ~~Examiners~~ shall work
27 closely with the State Department of Alcohol and Drug Programs
28 *and the Department of Corrections* to determine the range of skills,
29 tasks, and work settings for counselors in current substance abuse
30 treatment programs as well as in independent practice. The Board
31 of Behavioral Science ~~Examiners~~ shall also examine the need for
32 scope of practice limitations for substance abuse counselors.

33 (b) The Board of Behavioral Science ~~Examiners~~ shall solicit
34 public comment from all interested parties, including, but not
35 limited to, private credentialing programs, academicians *in*
36 *accredited community college alcohol and drug studies certificate*
37 *programs*, social model recovery homes, and therapeutic
38 community providers, to develop standards for academic and
39 practical training needed to develop common standards for
40 licensing counselors in this field. *The board shall pay particular*



1 *attention to the special treatment issues associated with narcotics*
 2 *treatment in conducting this occupational analysis.*

3 (c) Special attention shall be paid to maximizing opportunities
 4 for recovering addicts to work in this field of counseling. Issues of
 5 cultural diversity and competence shall also be addressed to assure
 6 a licensing system *that corresponds* to the needs of the people of
 7 California.

8 ~~4702.~~

9 *SEC. 4.* Not later than April 1, 2002, the Department of
 10 Consumer Affairs shall report to the Governor and the Legislature
 11 with its findings and recommendations for creating a fair, smart,
 12 comprehensive system of quality control and consumer protection
 13 in the field of substance abuse counseling including, but not
 14 limited to, the following:

15 (a) Recommending statutory and regulatory requirements to
 16 ~~implement the provisions of this chapter~~ *a system of quality*
 17 *control and consumer protection in the field of substance abuse*
 18 *counseling.*

19 (b) Selecting and providing for the administration of a
 20 semiannual licensure examination.

21 (c) Initiating disciplinary action against a licensee, including
 22 censure, reprimand, probation, or revocation of the license.

23 (d) Establishing continuing education requirements for
 24 licensees.

25 (e) Establishing procedures for the receipt, investigation, and
 26 resolution of complaints.

27 (f) Establishing supervision and supervisory requirements for
 28 interns.

29 (g) Establishing the criteria for determining whether the
 30 curriculum of an educational institution provides adequate
 31 instruction for purposes of satisfying the educational requirements
 32 for licensure under this chapter.

33 (h) Establishing a code of ethics for licensees.

34 (i) Establishing reinstatement procedures for a license issued
 35 under this chapter that has expired or been revoked.

36 ~~4712. This chapter shall remain in effect only until _____, and~~
 37 ~~as of that date is repealed, unless a later enacted statute, that is~~
 38 ~~enacted before _____, deletes or extends that date.~~

39 ~~SEC. 4.~~



1 SEC. 5. (a) The State Department of Alcohol and Drug
2 Programs shall review its program quality assurance mechanisms
3 and facility licensing responsibilities regarding statewide
4 professional standards, *shall review proposed program treatment*
5 *standards recommended by interested organizations involved in*
6 *delivering treatment and in training persons responsible for*
7 *treatment*, and shall survey programs to identify the type and
8 number of counselors who currently work in each program
9 licensed by the department.

10 (b) The State Department of Alcohol and Drug Programs shall
11 prepare regulations and propose statutory policies to establish
12 professional standards to further the purposes of this act not later
13 than April 1, 2002.

14 (c) The State Department of Alcohol and Drug Programs shall
15 assist and fully cooperate with the Department of Consumer
16 Affairs in fulfilling its responsibilities under the provisions of this
17 act.

