

AMENDED IN SENATE MAY 24, 2002

AMENDED IN SENATE MAY 1, 2002

SENATE BILL

No. 1716

Introduced by Senator Vasconcellos

February 21, 2002

An act to amend Section 4990.3 of, and to add Chapter 10.5 (commencing with Section 4700) to Division 2 of, the Business and Professions Code, relating to alcohol and drug counselors, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1716, as amended, Vasconcellos. Alcohol and drug abuse counselors: licensing and regulation.

(1) Existing law provides for the Board of Behavioral Sciences in the Department of Consumer Affairs. The board consists of 11 members, including 5 who are licensed professionals from various healing arts disciplines and 6 members of the public.

This bill would require 2 of the 11 members of the board to be licensed as alcohol and drug abuse counselors.

(2) Existing law provides for the licensure and regulation of various healing arts practitioners.

This bill would enact the Alcohol and Drug Abuse Counselors Licensing Law. The bill would require the board to regulate and license alcohol and drug abuse counselors.

The bill would authorize the board to issue, upon application and payment of an unspecified fee, an alcohol and drug abuse counselor's license. The bill would require the department to conduct a study and submit a report and a proposal for licensure to the Governor and

Legislature no later than January 1, 2004. *The bill would create the Alcohol and Drug Counselor's Fund. The bill would require the new fees to be deposited into the Behavioral Sciences Fund and would continuously appropriate them for the purposes of the bill Alcohol and Drug Counselor's Fund, and would be available to the board to carry out the purposes of the bill upon appropriation by the Legislature.*

The bill would authorize a loan to the Alcohol and Drug Counselor's Fund from the General Fund up to \$100,000 to the board for startup costs for purposes of the bill.

Because the bill would create a new crime by making it a misdemeanor for a person who is not licensed by the board to represent himself or herself as a licensed alcohol and drug abuse counselor, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: ²/₃ majority. Appropriation: ~~yes~~ no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Section 4990.3 of the Business and Professions
 2 Code is amended to read:
 3 4990.3. (a) The members of the board shall consist of 11
 4 members as follows:
 5 (1) Two state-licensed clinical social workers, one of whom
 6 shall be dually licensed as an alcohol and drug abuse counselor.
 7 (2) One licensed educational psychologist.
 8 (3) Two state-licensed marriage, family and child counselors,
 9 one of whom shall be dually licensed as an alcohol and drug abuse
 10 counselor.
 11 (4) Six public members.
 12 (b) Each member, except the six public members, shall hold at
 13 least a master's degree from an accredited college or university and
 14 shall have at least two years of experience in his or her profession.
 15 SEC. 2. Chapter 10.5 (commencing with Section 4700) is
 16 added to Division 2 of the Business and Professions Code, to read:
 17



1 CHAPTER 10.5. ALCOHOL AND DRUG ABUSE COUNSELORS
2 LICENSING LAW
3

4 4700. This chapter constitutes, and may be cited as the
5 Alcohol and Drug Abuse Counselors Licensing Law.

6 4701. The following definitions apply for the purposes of this
7 chapter:

8 (a) “Board” means the California Board of Behavioral
9 Sciences.

10 (b) “Licensee” means a person licensed under this chapter as
11 an alcohol and drug abuse counselor who, for compensation,
12 renders alcohol and other drug dependency and abuse counseling,
13 or related services, to an individual, group, organization,
14 corporation, institution, or the general public.

15 4702. The board shall administer and enforce the provisions
16 of this chapter. Those duties include, but are not limited to, the
17 following:

18 (a) Adopt rules and regulations to implement the provisions of
19 this chapter.

20 (b) Provide for the administration of a semiannual licensure
21 examination.

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

24 (d) Establish continuing education requirements for licensees.

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

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

29 (g) Establish criteria to determine the adequacy of an
30 educational institution’s curriculum to satisfy the requirements for
31 licensure under this chapter.

32 (h) Establish a code of ethics for licensees.

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

35 4704. (a) The department shall convene public meetings,
36 conduct focus groups, and review empirical data to determine
37 educational, experience, and intern requirements for a license
38 issued under this chapter.



1 (b) The department shall submit its report, recommendations,
2 and proposal for licensure to the Governor and the Legislature no
3 later than January 1, 2004.

4 (c) In doing this study, the department shall consult with the
5 Board of Behavioral Sciences regarding all of the following
6 topics:

7 (1) Whether to exempt marriage and family therapists and
8 registered interns.

9 (2) The requirements for licensure that fit the services that are
10 to be provided.

11 (3) The details of licensing requirements, preparation
12 programs, and education programs.

13 (4) The provisions that should be made for people who have
14 real life experience in the field of drug use, abuse, and addiction.

15 (5) The criminal convictions that should be deemed not to be
16 disqualifying for purposes of licensure.

17 4705. (a) A person licensed under this chapter may perform
18 without supervision the following functions in connection with
19 alcohol and drug abuse counseling: screening, intake, orientation,
20 assessment, treatment planning, treatment, case management,
21 substance abuse, or dependence crisis intervention, client
22 education, referral activities, recordkeeping, and consultation
23 with other healing arts professionals.

24 (b) A person licensed under this chapter may also supervise,
25 direct, and instruct others who provide alcohol or drug abuse
26 treatment services.

27 4706. A person shall not represent himself or herself as a
28 licensed alcohol and drug abuse counselor, and shall not use the
29 title, initials, or description of a licensed alcohol and drug abuse
30 counselor, without a valid license issued under this chapter. A
31 person who violates this section is guilty of a misdemeanor,
32 punishable by a fine of not less than five hundred dollars (\$500).

33 4707. (a) A person shall not practice or attempt to practice
34 alcohol and drug abuse counseling without a valid license issued
35 under this chapter. A person who violates this section is guilty of
36 a misdemeanor, punishable by a fine of not less than five hundred
37 dollars (\$500).

38 (b) This section shall not apply to the following:

39 (1) A person who performs alcohol or drug counseling
40 functions if the person is qualified to perform those functions and



1 does not use a title that incorporates the words “licensed
2 alcoholism and drug abuse counselor,” or otherwise hold himself
3 or herself out to the public by any title or description stating or
4 implying that he or she is licensed to engage in the practice of
5 alcohol and drug abuse counseling.

6 (2) A member of a peer or self-help group who performs peer
7 group or self-help activities, if the person does not use a title stating
8 or implying he or she is licensed to engage in the practice of
9 alcohol and drug abuse counseling.

10 (3) A student enrolled in an accredited alcohol and drug abuse
11 counseling school who provides alcohol and drug abuse
12 counseling services under qualified supervision.

13 (4) A person who performs alcohol or drug counseling
14 functions if the person is qualified or licensed to perform those
15 functions and is employed or volunteers at a program administered
16 by the Department of Corrections, the Department of the Youth
17 Authority, or at a program licensed or certified by the State
18 Department of Alcohol and Drug Programs. Nothing in this
19 section shall be construed as prohibiting the Department of
20 Corrections or the State Department of Alcohol and Drug
21 Programs from requiring licensure of identified staff members as
22 a requirement of program licensure, certification, or continued
23 funding.

24 4708. *The Alcohol and Drug Counselor’s Fund is hereby*
25 *created. The board shall assess a fee in the amount of ____ dollars*
26 *(\$____) that each applicant shall pay to the board for the issuance*
27 *of a license under this chapter and for its renewal. The fees shall*
28 *be deposited into the ~~Behavioral Sciences Fund and are~~*
29 *~~continuously appropriated to the board to carry out this chapter.~~*
30 *Alcohol and Drug Counselor’s Fund, and shall be available to the*
31 *board to carry out this chapter upon appropriation by the*
32 *Legislature.*

33 SEC. 3. *A loan is hereby authorized from the General Fund to*
34 *the Alcohol and Drug Counselor’s Fund on or after July 1, 2002,*
35 *in an amount up to one hundred thousand dollars (\$100,000) to*
36 *fund the startup costs of the California Board of Behavioral*
37 *Sciences under Chapter 10.5 (commencing with Section 4700) of*
38 *Division 2 of the Business and Professions Code. This loan shall*
39 *be repaid to the General Fund from fees collected over no more*
40 *than three years subsequent to the effective date of this chapter, and*



1 *the amount paid shall include interest at the rate accruing to*
2 *moneys in the Pooled Money Investment Account. The loan*
3 *amount and repayment period shall be minimized to the extent*
4 *possible based upon actual board financing requirements as*
5 *determined by the Department of Finance.*

6 SEC. 4. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 the only costs that may be incurred by a local agency or school
9 district will be incurred because this act creates a new crime or
10 infraction, eliminates a crime or infraction, or changes the penalty
11 for a crime or infraction, within the meaning of Section 17556 of
12 the Government Code, or changes the definition of a crime within
13 the meaning of Section 6 of Article XIII B of the California
14 Constitution.

