

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2007**

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**Introduced by Assembly Member Williams**

February 23, 2012

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An act to add Division 10.11 (commencing with Section 11999.40) to the Health and Safety Code, relating to alcohol and drug abuse counselors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2007, as amended, Williams. Alcohol and drug abuse counselors.

*Existing law provides for the certification and licensure of various healing arts professionals, including, but not limited to, setting forth the scope of practice, establishing the regulatory boards, departments, or bureaus, and setting forth the powers and duties of these entities.*

*This bill would establish similar certification and licensure provisions relating to alcohol and drug counselors to be administered by the State Department of Public Health, and would authorize the department to commence issuing these licenses and certificates on January 1, 2014. The bill would make a violation of certain of these provisions a misdemeanor, and would specify various unlawful acts related to its provisions. The bill would authorize the department to assess related fees, and would require deposit of the fees into the Alcohol and Drug Counselor License Fund, which the bill would establish for expenditure for the purposes of this bill, upon appropriation by the Legislature.*

*By establishing a new crime, this 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.*

~~Existing law establishes the State Department of Alcohol and Drug Programs for the purposes, among other things, of determining the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs, as specified.~~

~~This bill, upon the elimination of the State Department of Alcohol and Drug Programs, would require the State Public Health Officer to adopt regulations relating to the licensure and certification of alcohol and drug abuse counselors.~~

~~This bill would provide that the criteria for obtaining a license would include holding a master's degree or higher from a program specializing in or having substantial course content in alcohol or drug abuse counseling or a related field, demonstrating competence by an examination administered by the State Department of Public Health, and holding a valid, advanced certification, as specified. The bill would provide that, commencing January 1, 2013, and until January 1, 2014, or the finalizing of the above-described regulations, whichever is later, an applicant may be deemed to be licensed without meeting this licensing criteria if he or she meets specified alternative requirements. This bill would provide that the criteria for certification would be required to be consistent with existing regulations governing certification of counselors.~~

~~This bill would require the State Department of Public Health to set license and license renewal fees, not to exceed \$200. This bill would establish the Alcohol and Drug Treatment Professionals Licensing Fund in the State Treasury, consisting of licensing fees, to be used upon appropriation by the Legislature for purposes authorized by the bill.~~

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

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

- 1 *SECTION 1. Division 10.11 (commencing with Section*
- 2 *11999.40) is added to the Health and Safety Code, to read:*

1            *DIVISION 10.11. ALCOHOL AND DRUG ABUSE*  
2                            *TREATMENT SERVICES*

3  
4                            *CHAPTER 1. GENERAL PROVISIONS*

5  
6            *11999.40. Commencing January 1, 2013, the State Department*  
7 *of Public Health shall administer the licensing and certification*  
8 *of alcohol and drug abuse counselors in accordance with this*  
9 *division.*

10          *11999.41. For purposes of this division, the following*  
11 *definitions shall apply:*

12          (a) *“Certified Alcohol and Drug Counselor” or “CADC” means*  
13 *a person certified by the department pursuant to Section 11999.48*  
14 *or 11999.49 to practice alcohol and other drug counseling under*  
15 *this division.*

16          (b) *“Clinical supervision” means the ongoing process in which*  
17 *the supervisor participates with one or more supervisees to ensure*  
18 *high-quality service delivery across domains of counselor*  
19 *development, professional and ethical standards, program*  
20 *development, quality assurance, performance evaluation, and*  
21 *administration, as described in TAP 21.*

22          (c) *“Counselor preparation and testing committee” or*  
23 *“CPTAC” means a body the purpose of which is to coordinate the*  
24 *activities of the CPTOs and to serve as the interface between the*  
25 *CPTOs and the department.*

26          (d) *“Counselor preparation and testing organization” or*  
27 *“CPTO” means a certifying organization as defined and used in*  
28 *Chapter 8 (commencing with Section 13000) of Division 4 of Title*  
29 *9 of the California Code of Regulations, including compliance*  
30 *with standards and terms of accreditation by the National*  
31 *Commission for Certifying Agencies.*

32          (e) *“Department” means the State Department of Public Health.*

33          (f) *“Director” means the State Public Health Officer.*

34          (g) *“Independent counseling practice” means an individual or*  
35 *individuals who are licensed under this division to engage in the*  
36 *practice of alcohol and drug counseling, as prescribed in Section*  
37 *11999.55, in a setting other than a licensed facility or certified*  
38 *program.*

39          (h) *“Institution of higher learning” means an entity accredited*  
40 *by the Western Association of Schools and Colleges or an*

1 equivalent regional accrediting agency approved by the United  
2 States Department of Education, or compliant with the  
3 requirements of the Bureau for Private Postsecondary and  
4 Vocational Education (BPPVE) or its successor agency, the Bureau  
5 for Private Postsecondary Education, pursuant to the California  
6 Private Postsecondary Education Act of 2009 (Chapter 8  
7 (commencing with Section 94800) of Part 59 of Division 10 of  
8 Title 3 of the Education Code).

9 (i) “Intern” means a person certified by the department who is  
10 preparing for licensure.

11 (j) “License” means an alcohol and drug abuse counselor  
12 license.

13 (k) “Licensed Alcohol and Drug Counselor” or “LADC” means  
14 a person licensed by the department pursuant to Section 11999.50  
15 or 11999.51 to practice alcohol and other drug counseling, who  
16 may provide clinical supervision to any other person licensed or  
17 certified under this division, and who may maintain an independent  
18 alcohol and drug counseling practice other than a program  
19 licensed or certified by the department pursuant to this division.

20 (l) “NCCA” means the National Commission for Certifying  
21 Agencies, which provides government and employers services that  
22 allow them to confirm the validity and reliability of a private  
23 certifying body.

24 (m) “Registrant” means an uncertified or unlicensed person  
25 who is in the course of completing the requirements for certification  
26 or licensure under this division and who is registered with a CPTO.

27 (n) (1) “TAP 21” means the publication published by the United  
28 States Department of Health and Human Services, Substance Abuse  
29 and Mental Health Services Administration, Center for Substance  
30 Abuse Treatment entitled, “Addiction Counseling Competencies,”  
31 Technical Assistance Publication Series No. 21, 2006, and, to the  
32 extent the department determines it to be consistent with this  
33 division, as that publication may be updated.

34 (2) “TAP 21A” means the publication published by the United  
35 States Department of Health and Human Services, Substance Abuse  
36 and Mental Health Services Administration, Center for Substance  
37 Abuse Treatment entitled, “Competencies for Substance Abuse  
38 Treatment Clinical Supervisors,” Technical Assistance Publication  
39 Series No. 21A, 2007, and, to the extent the department determines

1 *it to be consistent with this division, as that publication may be*  
2 *updated.*

3 *11999.42. Nothing in this division shall be construed to*  
4 *constrict, limit, or withdraw the Medical Practice Act (Chapter 5*  
5 *(commencing with Section 2000)), the Nursing Practice Act*  
6 *(Chapter 6 (commencing with Section 2700)), the Psychology*  
7 *Licensing Act (Chapter 6.6 (commencing with Section 2900)), the*  
8 *Marriage and Family Therapist Act (Chapter 13 (commencing*  
9 *with Section 4980)), the Clinical Social Worker Practice Act*  
10 *(Chapter 14 (commencing with Section 4991)) of Division 2 of the*  
11 *Business and Professions Code, or substance abuse professionals*  
12 *as defined by the United States Department of Transportation.*

13 *11999.43. Provided that this exception shall not preclude the*  
14 *department from considering any conduct in any setting in its*  
15 *determination of fitness for certification or licensure or in any*  
16 *disciplinary matter this division shall not apply to any of the*  
17 *following:*

18 *(a) A person who engages in the practice of alcohol and drug*  
19 *counseling exclusively as an employee or volunteer of an agency*  
20 *of the Armed Forces of the United States.*

21 *(b) A person who is an unpaid member of a peer or self-help*  
22 *group who performs peer group or self-help activities if the person*  
23 *does not use a title stating or implying that he or she is a licensed*  
24 *or certified alcohol and drug counselor.*

25 *(c) A cleric or other religious leader who provides spiritual*  
26 *advice and guidance to members of his or her congregation or*  
27 *order, or to other persons, if it is free of charge.*

28 *(d) A director, officer, or staff member of a program described*  
29 *in Section 8001 of the Penal Code.*

30 *(e) A person who is providing alcohol and other drug abuse*  
31 *counseling services while practicing a profession licensed by the*  
32 *State of California under the Medical Practice Act (Chapter 5*  
33 *(commencing with Section 2000)), the Nursing Practice Act*  
34 *(Chapter 6 (commencing with Section 2700)), the Psychology*  
35 *Licensing Act (Chapter 6.6 (commencing with Section 2900)), the*  
36 *Marriage and Family Therapist Act (Chapter 13 (commencing*  
37 *with Section 4980)), the Clinical Social Worker Practice Act*  
38 *(Chapter 14 (commencing with Section 4991)) of Division 2 of the*  
39 *Business and Professions Code, or substance abuse professionals*  
40 *as defined by the United States Department of Transportation.*

CHAPTER 2. ADMINISTRATION

1  
2  
3 11999.44. (a) There is within the department a seven-member  
4 Committee on Alcohol and Drug Counselor Preparation and  
5 Testing.  
6 (b) The committee shall meet a minimum of four times per year  
7 in order to review and issue recommendations to the department  
8 on the following issues:  
9 (1) The department’s implementation of this division.  
10 (2) Counselor education and examination issues.  
11 (3) Code of conduct and ethics issues.  
12 (4) Disciplinary actions.  
13 (5) Counselor performance.  
14 (6) Reciprocity provisions with other states.  
15 (7) Agreements and regulations proposed by the director to  
16 implement this division.  
17 (c) (1) At least once every two years the committee shall issue  
18 a report to the department and the Legislature regarding its  
19 findings and recommendations.  
20 (2) A report submitted pursuant to this subdivision shall be  
21 submitted in compliance with Section 9795 of the Government  
22 Code.  
23 (d) For purposes of this section, a “public member” means a  
24 person who is neither certified nor licensed under this division,  
25 nor who has a fiduciary duty to, any employment with, or  
26 contractual interest in, any facility or program providing alcohol  
27 and drug treatment, or any group or organization representing,  
28 or financially or legally associated with, any aspect of the alcohol  
29 and drug treatment community.  
30 (e) The seven members of the committee shall be appointed not  
31 later than July 1, 2014. Except for public members, initial  
32 appointment and continued service on the committee is contingent  
33 upon the member being and remaining certified or licensed under  
34 this division. Members shall be appointed as follows:  
35 (1) Five members, at least one of whom shall be a public  
36 member, appointed by the Governor. Up to four members may be  
37 nonpublic members, including, but not limited to, certified or  
38 licensed counselors, service providers, or a person representing  
39 any aspect of the alcohol and other drug treatment community.

1 (2) One public member appointed by the Speaker of the  
2 Assembly.

3 (3) One public member appointed by the Senate Committee on  
4 Rules.

5 (f) The director may appoint no more than three nonvoting, ex  
6 officio members who may include a representative of the Little  
7 Hoover Commission, the department, the Assembly Select  
8 Committee on Alcohol and Drug Abuse, the Senate Committee on  
9 Health, or the Assembly Committee on Public Safety.

10 (g) The executive directors of the Board of Behavioral Sciences  
11 and the Board of Psychology shall also serve as nonvoting, ex  
12 officio members of the committee.

13 (h) All committee members shall serve for terms of four years,  
14 except that the appointing power may remove a member without  
15 cause. If a member is removed, the member appointed as his or  
16 her replacement shall serve for the duration of the unexpired term.  
17 No committee member shall serve more than two consecutive terms.  
18 Committee members shall not be compensated but shall be  
19 reimbursed by the department for necessary expenses incurred in  
20 performing the duties of their membership on the committee.

21 (i) The committee shall select a chairperson each year, but no  
22 person shall be selected as the chairperson for more than two  
23 consecutive years.

24 (j) The committee may create subcommittees as it deems  
25 appropriate.

26 (k) The department shall provide support to the committee from  
27 within its existing resources.

28 11999.45. The duties of the committee established pursuant to  
29 Section 11999.44 shall include all of the following:

30 (a) Recommend to the director any changes to the definition of  
31 unprofessional conduct specified in Section 11999.60, that are  
32 consistent with generally accepted ethics codes.

33 (b) Review and make recommendations on the initial viability  
34 of CPTOs as to whether each has met the qualifications and  
35 requirements of this part, including specific recommendations as  
36 to the appropriate actions specified in subdivision (c), the  
37 department should take if it finds that a CPTO has not met one or  
38 more of the qualifications or requirements specified in Section  
39 11999.46.

1 (c) Report on the ongoing viability of CPTOs and any failures  
2 in adhering to the requirements specified in Section 11999.46 and  
3 make recommendations to the department with respect to  
4 disciplinary action against CPTOs, as appropriate, including  
5 reprimand or probation, issuing an order to take corrective action,  
6 suspending or revoking the CPTO's status, imposing administrative  
7 fines not to exceed ten thousand dollars (\$10,000), or any  
8 combination of these for failing to comply with the terms of this  
9 division.

10 (d) Determine the appropriate means for licensees, certificate  
11 holders, and registrants who are affiliated with a CPTO to transfer  
12 their credit earned toward meeting the education and work  
13 experience requirements of this division, as appropriate, to another  
14 CPTO.

15 (e) Make recommendations to the director with respect to  
16 disciplinary action against licensees and certificate holders,  
17 including reprimand or probation, suspension, or revocation of  
18 the license or certificate, issuance of administrative citations,  
19 imposition of administrative fines not to exceed five thousand  
20 dollars (\$5,000), or any combination of these for failing to comply  
21 with the terms of this division.

22 (f) Commencing January 1, 2016, consider recommending as  
23 a CPTO any other agency not accredited with the NCCA as of  
24 January 1, 2014, if the committee determines that the agency has  
25 gained NCCA accreditation after January 1, 2014, and the agency  
26 complies with all of the other provisions of this division.

27 (g) Create a process by which a CPTO is required to submit a  
28 request for certification to the department on behalf of an applicant  
29 who has been a registrant and who meets all the requirements for  
30 certification, including a recommendation and a summary of the  
31 registrant's qualifications at the time the registrant applies to the  
32 CPTO for certification as a CADC. The department may establish  
33 a requirement that a CPTO provide an applicant's portfolio that  
34 includes all the documentation concerning the applicant's  
35 qualifications not more than five business days after the  
36 documentation is requested by the department. The department  
37 also may establish, by regulation, recordkeeping requirements for  
38 applicants' portfolios. The department shall, after seeking  
39 recommendations from the committee, adopt regulations to  
40 implement this paragraph not later than January 1, 2014.

1 (h) Create a process by which a CPTO is required to submit a  
2 request for licensure to the department on behalf of an applicant  
3 who has been a CADC and who meets all the requirements for  
4 licensure, including a recommendation and a summary of the  
5 person's qualifications, at the time the CADC applies to the CPTO  
6 for licensure as an LADC. The department may establish a  
7 requirement that a CPTO provide an applicant's portfolio with  
8 all the documentation concerning the applicant's qualifications  
9 not more than five business days after the documentation is  
10 requested by the department. The department also may establish,  
11 by regulation, recordkeeping requirements for applicants'  
12 portfolios. The department shall, after seeking recommendations  
13 from the committee, adopt regulations to implement this paragraph  
14 not later than January 1, 2014.

15 (i) Recommend continuing education providers.

16 (j) Create a process by which a CPTO is required to submit a  
17 request for renewal of a license or certificate to the department  
18 on behalf of an applicant who meets all the requirements for  
19 renewal.

20 11999.46. At a minimum, a CPTO shall do all of the following:

21 (a) Maintain a business office in the state and advise the CPTAC  
22 and the department of that address and any changes to that  
23 address.

24 (b) Be accredited with the NCCA as of January 1, 2012,  
25 continuously maintain accreditation, including accreditation  
26 renewals as required by the NCCA, and abide by all terms of its  
27 NCCA accreditation, including all final documentation presented  
28 to the NCCA regarding the CPTO's organizational requirements  
29 and counselor education and testing provisions.

30 (c) Maintain an electronic database of all persons affiliated  
31 with the CPTO through registration, certification, and licensure.

32 (d) Comply with the requirements of this division and any  
33 requirements subsequently adopted by the CPTAC or the  
34 department.

35 11999.47. For purposes of administering and enforcing this  
36 division, the department shall do all of the following:

37 (a) Adopt rules and regulations as necessary to administer and  
38 enforce this division. The adoption, amendment, and repeal of  
39 those rules and regulations shall be made in accordance with the  
40 rulemaking provisions of the Administrative Procedure Act

1 *(Chapter 3.5 (commencing with Section 11340) of Part 1 of*  
2 *Division 3 of Title 2 of the Government Code).*

3 *(b) Commencing January 1, 2014, issue licenses and certificates*  
4 *to persons who meet the qualifications of this division and any*  
5 *regulations promulgated pursuant to this division.*

6 *(c) Take disciplinary action against counselors as appropriate,*  
7 *including reprimand or probation, suspension, or revocation of*  
8 *the license or certificate, issuance of administrative citations,*  
9 *imposition of administrative fines not to exceed five thousand*  
10 *dollars (\$5,000), or any combination of these for failing to comply*  
11 *with the terms of this division.*

12 *(d) Adopt regulations not later than January 1, 2014, for the*  
13 *receipt, investigation, and resolution of complaints made by or*  
14 *against registrants and certified and licensed counselors.*

15 *(e) Maintain a public database of registrants, and certified and*  
16 *licensed counselors, including the person’s status, any public*  
17 *record of discipline, and other information as the department may*  
18 *adopt by regulation. The department shall also maintain on its*  
19 *Internet Web site a current listing of all registrants and counselors*  
20 *against whom a finalized disciplinary action has been taken,*  
21 *including the specific disciplinary action ordered.*

22 *(f) Take disciplinary action against CPTOs, as appropriate,*  
23 *including reprimand or probation, issuing an order to take*  
24 *corrective action, suspension or revocation of the CPTO’s status,*  
25 *imposition of administrative fines not to exceed ten thousand*  
26 *dollars (\$10,000), or any combination of these for failing to comply*  
27 *with the terms of this division.*

28  
29 *CHAPTER 3. LICENSURE AND CERTIFICATION*

30  
31 *Article 1. Certification*

32  
33 *11999.48. Commencing January 1, 2014, and until the*  
34 *disposition of all complete applications actually received by the*  
35 *department prior to January 1, 2015, the department shall issue*  
36 *a Certified Alcohol and Drug Counselor (CADC) certificate, within*  
37 *30 business days, to a person who the department determines was*  
38 *certified as a counselor on or before December 31, 2013, in*  
39 *accordance with regulations of the department in effect on that*  
40 *date, and who has met all of the following requirements:*

- 1 (a) Completed and submitted an application for certification to  
2 a CPTO.
- 3 (b) Submitted to a state and federal level criminal offender  
4 record information search and passed both background checks as  
5 specified in Section 11999.63.
- 6 (c) Paid the required fees as specified in Section 11999.74.
- 7 11999.49. (a) Commencing January 1, 2015, the department  
8 shall issue a Certified Alcohol and Drug Counselor (CADC)  
9 certificate within 30 business days to a person if all of the following  
10 requirements are met:
- 11 (1) The department receives documentation from a CPTO that  
12 the person has met either of the following requirements:
- 13 (A) Completed the education requirements of, passed the  
14 examination administered by, and completed all other  
15 requirements, including work experience requirements, of the  
16 CPTO.
- 17 (i) Education requirements shall include a minimum of 315  
18 classroom hours and 160 hours of a supervised practicum.
- 19 (ii) The examination administered by a CPTO shall be  
20 psychometrically validated to the appropriate level of education  
21 and shall examine the person's knowledge of the materials as  
22 specified in Section 11999.53.
- 23 (B) Possesses an earned associate of arts or associate of science  
24 in alcohol and drug counseling, or other equivalent degree  
25 recognized by the department from an institution of higher  
26 learning, and has completed 160 hours of a supervised practicum,  
27 and passed a test administered by a CPTO as specified in Section  
28 11999.50.
- 29 (2) Completed 2,080 hours of work experience, as specified in  
30 Section 11999.54, that are within the scope of practice of a  
31 counselor. The work experience shall be gained within six years  
32 of the application for certification.
- 33 (3) Submitted to a state and federal level criminal offender  
34 record information search and passed both background checks as  
35 specified in Section 11999.63.
- 36 (4) Completed the application for a certificate and satisfied any  
37 other requirements of this division for certification as a CADC.
- 38 (5) Paid the required fees as specified in Section 11999.74.
- 39 (b) The CPTO shall be responsible for notifying the department,  
40 in a manner the department may specify, of pertinent information

1 regarding each applicant’s completion of the requirements  
2 specified in subdivision (a). Upon receiving all of the required  
3 information and payment of fees, the department may, with cause,  
4 contact the CPTO to elicit additional information regarding any  
5 particular application for certification.

6 (c) The department shall issue the certification not more than  
7 30 business days following the date on which the department  
8 receives all required documentation, including payment of fees,  
9 unless a finding is made that a particular application for  
10 certification should be delayed or denied pursuant to due process  
11 provisions of this division.

12  
13 Article 2. Licensure  
14

15 11999.50. (a) Commencing January 1, 2014, and until the  
16 disposition of all completed applications actually received by the  
17 department by January 1, 2015, the department shall issue a  
18 Licensed Alcohol and Drug Counselor (LADC) license, within 30  
19 business days, to a person whom the department determines was  
20 certified as a counselor on or before December 31, 2013, in  
21 accordance with regulations of the department in effect on that  
22 date, if the person meets the following requirements:

23 (1) Possesses an earned master of arts, master of science, or  
24 doctoral degree in alcohol and drug counseling, psychology, social  
25 work, marriage, family and child counseling, marital and family  
26 therapy or other clinically focused discipline, or an equivalent  
27 degree from an institution of higher learning that is recognized  
28 by the CPTO.

29 (2) Provides documentation of 10,000 hours of direct experience  
30 in the field of alcohol and drug counseling and holds an advanced  
31 certification issued by a CPTO that includes the following minimum  
32 requirements:

33 (A) A course of education as described in Section 11999.52 that  
34 includes at least 315 hours of classroom instruction in alcohol  
35 and drug abuse counseling, including, but not limited to, a 45-hour  
36 classroom practicum course offered by a provider approved by  
37 the CPTO.

38 (B) At least 255 hours of fieldwork in a clinically supervised  
39 practicum approved by a CPTO.

1 (C) Six thousand hours of work experience as an alcohol and  
2 other drug abuse counselor.

3 (D) Provides proof of a passing score on a test taken before  
4 January 1, 2014, that is recognized by a CPTO, and is sufficient  
5 to verify the skill and knowledge determined by an applicable job  
6 task analysis.

7 (3) Completed six hours of education in clinical supervision  
8 techniques.

9 (4) Completed 16 hours of education on operating an  
10 independent counseling practice, including both of the following:

11 (A) Six hours of education in the subject of law and ethics as it  
12 relates to a licensee's ability to practice alcohol and other drug  
13 abuse counseling safely. This education may, include, but is not  
14 limited to, education in the legal and regulatory aspects of  
15 chemical dependency treatment, regulatory restrictions,  
16 confidentiality, issues surrounding clients' rights, and standards  
17 of competency for the practice of alcohol and other drug abuse  
18 counseling.

19 (B) Ten hours of education in the recognition of cooccurring  
20 disorders, referral processes, and the evaluation of clients using  
21 placement criteria, such as the ASAM patient placement criteria  
22 or other validated clinical tools, to determine the most appropriate  
23 level of care for the client and eligibility for admission to a  
24 particular alcohol and other drug abuse treatment program.

25 (5) Submitted to a state and federal level criminal offender  
26 record information search not later than June 30, 2012, and passed  
27 both background checks as specified in Section 11999.63.

28 (6) Paid the required fees as specified in Section 11999.74.

29 (7) Completed the application for a license.

30 (b) All of the hours of education required by this section may  
31 be gained as part of the education leading to a person's earned  
32 master of arts, master of science, or doctoral degree.

33 11999.51. (a) Commencing January 1, 2015, the department  
34 shall issue a Licensed Alcohol and Drug Counselor (LADC)  
35 license, within 30 business days, to a person who meets the  
36 following requirements:

37 (1) Possesses an earned master of arts, master of science, or  
38 doctoral degree in alcohol and drug counseling, psychology, social  
39 work, marriage, family and child counseling, marital and family  
40 therapy or other clinically focused major, or an equivalent degree

- 1 *recognized by the department from an institution of higher*  
2 *learning.*
- 3 (2) *Completed all of the following:*
- 4 (A) *Forty hours of education in clinical supervision techniques.*
- 5 (B) *A minimum of 65 hours of education on operating an*  
6 *independent counseling practice, including both of the following:*
- 7 (i) *Twenty hours of education in the subject of law and ethics*  
8 *as it relates to a licensee's ability to practice alcoholism and drug*  
9 *abuse counseling safely. This education may, include, but is not*  
10 *limited to, education in the legal and regulatory aspects of*  
11 *substance use disorder treatment including scope of practice*  
12 *restrictions, regulatory restrictions, confidentiality, issues*  
13 *surrounding clients' rights, and standards of competency for the*  
14 *practice of alcohol and other drug abuse counseling.*
- 15 (ii) *Forty-five hours of education in psychopathology, including*  
16 *cooccurring disorders, referral processes, and the evaluation of*  
17 *clients using placement criteria, such as the ASAM patient*  
18 *placement criteria or other validated clinical tools, to determine*  
19 *the most appropriate level of care for the client and eligibility for*  
20 *admission to a particular alcohol and other drug abuse treatment*  
21 *program.*
- 22 (C) *Six hours of education in supervision techniques.*
- 23 (3) *Passed a test administered by a CPTO as specified in Section*  
24 *11999.53.*
- 25 (4) *Completed a supervised practicum required by the institution*  
26 *of higher learning that awarded the applicant his or her degree.*
- 27 (5) *Completed 3,120 hours of work experience as specified in*  
28 *Section 11999.54 that shall be inclusive of the hours spent in the*  
29 *practicum specified in paragraph (4).*
- 30 (6) *Submitted to a state and federal level criminal offender*  
31 *record information search and passed both background checks as*  
32 *specified in Section 11999.63.*
- 33 (7) *Paid the required fees as specified in Section 11999.74.*
- 34 (8) *Completed and submitted an application for a license and*  
35 *satisfied all other requirements of this division for licensure as an*  
36 *LADC.*
- 37 (b) *All of the hours of education required by this section may*  
38 *be gained as part of the education leading to a person's earned*  
39 *master of arts, master of science, or doctoral degree.*

Article 3. General Provisions

11999.52. *The curriculum for educational qualifications required for certification or licensure pursuant to this division shall, at a minimum, meet the requirements as determined by the TAP 21 for all counselors, and by the TAP 21A for counselors at the LADC level.*

11999.53. *A test developed or recognized by a CPTO shall meet, at a minimum, all of the following criteria:*

(a) *Sufficient to examine and verify the appropriate level of skills and knowledge as described in the TAP 21 or TAP 21A and the job task analysis created specifically for the level of certification and licensure intended.*

(b) *Psychometrically validated to cover the curriculum and the skills and knowledge required by this part including the competencies determined by the TAP 21 and TAP 21A for CADCs and LADCs.*

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

(d) *Maintained in accordance with industry standards, including, but not limited to, revalidating every five years, performing a cut score validated annually to maintain validity, and maintaining an annual question bank maintenance.*

(e) *Protected, to the best of the CPTO's ability, the integrity of the testing instruments utilized and shall maintain a plan of action to respond to a compromised test. A CPTO shall report test compromises to the department with the documented incident and plan of action within five business days of discovering a compromising incident.*

11999.54. *The work experience required by this division shall meet all of the following criteria:*

(a) *Except for the work experience provisions specified in subdivision (b) of Section 11999.51, no hours of experience may be gained more than six years prior to the date the application for registration, certification, or licensure, as applicable, was filed, except as specifically provided in this division, unless a CPTO makes a determination regarding an individual for whom a hardship exists, in which case the CPTO may allow up to two additional years to gain the work experience.*

- 1     **(b)** *Work experience shall not be gained as an independent*  
 2 *contractor.*
- 3     **(c)** *Clinical supervision of registrants and interns conducted*  
 4 *pursuant to this section shall include at least one hour of direct*  
 5 *supervisor contact during each 40-hour work period, and must be*  
 6 *conducted while the registrants or interns are performing services*  
 7 *that are within the scope of practice of a counselor.*
- 8     **(d)** *For purposes of this section “one hour of direct supervisor*  
 9 *contact” means either of the following:*
- 10     **(1)** *One hour of face-to-face contact on an individual basis*  
 11 *during counseling periods.*
- 12     **(2)** *Two hours of face-to-face contact during counseling periods*  
 13 *with a group that includes not more than five registrants or interns.*
- 14     **(e)** *Work experience may be completed in any setting that meets*  
 15 *both of the following:*
- 16     **(1)** *Lawfully and regularly provides alcohol and other drug*  
 17 *counseling.*
- 18     **(2)** *Provides clinical supervision to ensure that the registrant’s*  
 19 *or intern’s work at the setting meets the requirements set forth in*  
 20 *this division and is within the scope of practice for the profession.*
- 21     **(f)** *Clinical supervision hours required of registrants to become*  
 22 *eligible for certification shall be supervised by a licensed or*  
 23 *certified counselor who has 6,000 hours of work experience that*  
 24 *is within the scope of practice of a counselor and who is approved*  
 25 *by a CPTO for supervising registrants in a facility licensed or in*  
 26 *a program certified by the department. Interns seeking to meet the*  
 27 *qualifications for licensure may only gain clinical supervision*  
 28 *hours by an LADC or by a person who is licensed under applicable*  
 29 *provisions described in this division.*
- 30     **(g)** **(1)** *A maximum of two thousand eighty hours of work*  
 31 *experience may be credited toward licensure while registered and*  
 32 *working toward qualifying for certification.*
- 33     **(2)** **(A)** *Before beginning the remaining 1,040 hours of work*  
 34 *experience required for licensure, a candidate for licensure shall*  
 35 *register as an intern with a CPTO. The remaining 1,040 experience*  
 36 *hours for licensure shall be gained only under the clinical*  
 37 *supervision of an LADC, or any of the following licensed*  
 38 *professionals:*
- 39     **(i)** *A physician licensed by the Medical Board of California.*  
 40     **(ii)** *A psychologist licensed by the Board of Psychology.*

1     (iii) *A clinical social worker or marriage and family therapist*  
2 *licensed by the California Board of Behavioral Sciences.*

3     (B) *A CADC performing services in a private practice setting*  
4 *shall be supervised by a person who is either an LADC, a marriage*  
5 *and family therapist, a licensed clinical social worker, a licensed*  
6 *psychologist, a licensed physician and surgeon certified in*  
7 *psychiatry by the American Board of Psychiatry and Neurology,*  
8 *or a physician and surgeon who has completed a residency but is*  
9 *not yet board certified in psychiatry. All clinical supervisors of*  
10 *registrants and interns seeking hours for licensure shall have at*  
11 *least 6,000 hours of direct treatment experience in substance abuse*  
12 *and addiction.*

13     (C) *A person supervising a certified alcohol and drug abuse*  
14 *counselor or intern shall have a written agreement with the*  
15 *supervisee describing the planned hours of practice, supervision*  
16 *schedule, nature of work assignments, and other specifications*  
17 *that the supervisor reasonably deems appropriate to the*  
18 *supervisee's level of training.*

19     (D) *A person supervising a certified alcohol and other drug*  
20 *abuse counselor or intern shall evaluate a supervisee at least*  
21 *annually, emphasizing his or her strengths and shortcomings as*  
22 *well as areas in which the supervisee should pursue additional*  
23 *knowledge or skill development. These evaluations shall be signed*  
24 *by both the supervisor and the supervisee and copies shall be*  
25 *retained by both for seven years. The department may request*  
26 *copies of these evaluations.*

27     (E) *Clinical supervision conducted pursuant to this paragraph*  
28 *shall include at least 50 hours of face-to-face supervision per year.*  
29 *As necessary, clinical supervisors shall make themselves available*  
30 *to each supervisee for face-to-face consultations or consultations*  
31 *via telephone or other electronic means.*

32     (F) *A clinical supervisor shall be limited to no more than five*  
33 *supervisees at a time, unless specifically authorized by the CPTO,*  
34 *to supervise additional supervisees.*

35     (h) *Total work experience hours shall be gained in each of the*  
36 *service areas that are within the scope of practice of a counselor,*  
37 *approximately in ratios normally engaged in by those currently*  
38 *working in the field.*

39     (i) *Work experience may be gained solely as part of the position*  
40 *or positions in which the individual volunteers or is employed.*

1     (j) All persons shall be registered with a CPTO or be certified  
2 by the department in order to be credited for the work experience  
3 necessary for certification or licensure.

4     11999.55. (a) An individual who is licensed or certified under  
5 this division may engage in the practice of alcohol and other drug  
6 abuse counseling. Alcohol and other drug abuse counseling is the  
7 application of counseling approaches and methods derived from  
8 alcohol and drug theory and research, for the purpose of treating  
9 alcohol and other drug abuse problems, the practice of which  
10 conforms to the practitioner's level of training, education, and  
11 experience.

12     (b) A counselor or registrant may perform the acts listed in this  
13 section only for the purpose of treating alcohol and other drug  
14 problems.

15     (c) For purposes of this part, "alcohol and other drug abuse  
16 counseling" means performing any of the following services for  
17 the purpose of treating alcohol and other drug abuse:

18     (1) Screening, which means the process by which a client is  
19 determined to be eligible for admission to a particular alcohol  
20 and other drug abuse treatment program.

21     (2) Initial intake, which means the administrative and initial  
22 assessment procedures for admission to an alcohol and other drug  
23 abuse treatment program. Assessment shall not include  
24 psychological testing intended to measure or diagnose mental  
25 illness.

26     (3) Orientation, which means describing to the client the general  
27 nature and goals of the alcohol and other drug abuse treatment  
28 program, including rules governing client conduct and infractions  
29 that can lead to disciplinary action or discharge from the program.

30     (4) Alcohol and drug abuse counseling, including individual,  
31 group, and significant others. This includes the utilization of  
32 special skills to assist individuals, families, or groups in achieving  
33 objectives through exploration of a problem and its ramifications,  
34 examination of attitudes and feelings, considerations of alternative  
35 solutions, and decisionmaking as each relates to substance abuse.  
36 Counseling shall be limited to assisting a client in learning more  
37 about himself or herself for the purposes of understanding how to  
38 effectuate clearly perceived, realistically defined goals related to  
39 abstinence. Counseling is limited to assisting the client to learn

1 *or acquire new skills that will enable the client to cope and adjust*  
2 *to life situations without the use of substances.*

3 (5) *Case management, which means activities that bring*  
4 *services, agencies, resources, or individuals together within a*  
5 *planned framework of action toward achievement of established*  
6 *goals. It may involve liaison activities and collateral contacts.*

7 (6) *Crisis intervention, which means those services that respond*  
8 *to an alcohol or drug abuser's needs during acute emotional or*  
9 *physical distress, including, but not limited to, referrals for*  
10 *assessment of the client's need for additional psychological or*  
11 *medical treatment for client behaviors that signal risk or prolonged*  
12 *distress.*

13 (7) *Assessment, which means those procedures by which a*  
14 *counselor or program identifies and evaluates an individual's*  
15 *strengths, weaknesses, problems, and needs for the development*  
16 *of the alcohol and other drug abuse treatment plan.*

17 (8) *Treatment planning, which means the process by which the*  
18 *counselor and the client identify and rank problems needing*  
19 *resolution, establish agreed-upon immediate and long-term goals,*  
20 *and decide on a treatment process and the resources to be utilized.*

21 (9) *Client education, which means providing information to*  
22 *individuals and groups concerning alcohol and other drugs of*  
23 *abuse and the services and resources available.*

24 (10) *Referral, which means identifying the needs of the client*  
25 *that cannot be met by the counselor or agency, as well as assisting*  
26 *the client in utilizing the support systems and community resources*  
27 *available.*

28 (11) *Reports and recordkeeping, which means documenting the*  
29 *client's progress in achieving the client's goals.*

30 (12) *Consultation with other professionals with regard to client*  
31 *treatment or services, which means communicating with other*  
32 *professionals to ensure comprehensive, quality care for the client.*

33 11999.56. *A licensee who operates an independent counseling*  
34 *practice shall refer any client assessed as needing additional*  
35 *services not within his or her scope of practice to another licensed*  
36 *professional, as appropriate.*

37 11999.57. *The department shall issue a license or certification*  
38 *to each applicant meeting the requirements of this division, which*  
39 *permits the holder to engage in alcohol and other drug counseling*  
40 *as defined in Section 11999.55, entitles the holder to use the title*

1 of licensed or certified alcohol and other drug counselor, as  
2 applicable, and authorizes the holder to hold himself or herself  
3 out as qualified to perform the functions delineated by this part,  
4 subject to any limitations relating to the level of the license or  
5 certification or other conditions that may be imposed by the  
6 department. The form and content of the license or certification  
7 shall be determined by the department.

8 11999.58. A person who has received a certificate or license  
9 under this division may use the title Certified Alcohol and Drug  
10 Counselor or CADC, or Licensed Alcohol and Drug Counselor  
11 or LADC, in accordance with the type of certificate or license  
12 possessed. Every person who styles himself or herself or who holds  
13 himself or herself out to be a Certified Alcohol and Drug  
14 Counselor, or Licensed Alcohol and Drug Counselor without  
15 holding a license or certification in good standing under this  
16 division, is guilty of a misdemeanor.

17 11999.59. (a) It is unlawful for a person to engage in the  
18 practice of alcohol and drug counseling unless at the time of so  
19 doing the person holds a valid, unexpired, and unrevoked  
20 certificate or license under this division, excluding practice exempt  
21 pursuant to Section 11999.42 or by a person who is eligible to  
22 become certified or licensed pursuant to the provisions of Sections  
23 11999.49 and 11999.51.

24 (b) It is unlawful to engage in the unsupervised practice of  
25 alcohol and other drug abuse counseling by a person who is  
26 certified under this division outside a facility exempted by this  
27 part, or that is licensed or certified by the department or that is  
28 an independent counseling practice, unless at the time of doing  
29 so, a person holds a valid, unexpired, and unrevoked license issued  
30 by the department under this division.

31 11999.60. The department may deny, revoke, suspend, or  
32 impose conditions upon a license or certification for unprofessional  
33 conduct. Unprofessional conduct, includes, but is not limited to,  
34 any of the following:

35 (a) Engaging in the commission of any dishonest, corrupt, or  
36 fraudulent act substantially related to the qualifications, functions,  
37 or duties of a counselor, including, but not limited to, the following:

38 (1) Securing a certification or renewal by fraud, deceit, or  
39 misrepresentation.

1 (2) *Misrepresenting the type or status of certification held by*  
2 *the person, or otherwise misrepresenting or permitting*  
3 *misrepresentation of his or her education, professional*  
4 *qualifications, or professional affiliations to any person, program,*  
5 *or entity.*

6 (3) *Refusing or failing to provide proper identifying certification*  
7 *or license where appropriate or required, including, but not limited*  
8 *to, client solicitation.*

9 (4) *Advertising, marketing, or promoting programs, services,*  
10 *training, education, or experience in a false and misleading*  
11 *manner, as set forth Chapter 5 (commencing with Section 17200)*  
12 *of Part 2 of Division 7 of the Business and Professions Code.*

13 (b) *Failing to maintain professionally appropriate boundaries*  
14 *with clients and family members of clients, or failing to conduct*  
15 *himself or herself in a professional and lawful manner, including*  
16 *the following:*

17 (1) *Engaging in inappropriate social relationships, sexual*  
18 *relations, or soliciting sexual relations with a client or with a*  
19 *former client within two years from the termination date of the*  
20 *counseling relationship.*

21 (2) *Committing an act of sexual abuse, misconduct, or an act*  
22 *punishable as a sexually related crime.*

23 (3) *Engaging in a business relationship with clients, patients,*  
24 *program participants, or residents within one year from the*  
25 *termination of the counseling relationship.*

26 (4) *Physically, verbally, or sexually harassing, threatening, or*  
27 *abusing other staff members, clients, patients, program*  
28 *participants, or residents.*

29 (5) *Unlawfully administering to himself or herself any controlled*  
30 *substance as defined in Section 4021 of the Business and*  
31 *Professions Code, using any of the dangerous drugs or devices*  
32 *specified in Section 4022 of the Business and Professions Code,*  
33 *or using any alcoholic beverage to the extent, or in a manner, as*  
34 *to be dangerous or injurious to the person holding or applying for*  
35 *a registration, certification, or license or to any other person, or*  
36 *to the public.*

37 (c) *Failing to comply with all federal and state laws and*  
38 *regulations that pertain to client confidentiality, mandated*  
39 *reporting exceptions, recordkeeping requirements and client*  
40 *records access, including:*

1 (1) Violating client confidentiality except as required or  
2 permitted by law, including, but not limited to, Part 2 (commencing  
3 with Section 2.1) of Subchapter A of Chapter 1 of Title 42 of the  
4 Code of Federal Regulations.

5 (2) Failing to maintain records consistent with the nature of  
6 the services being rendered.

7 (3) Refusing or denying client access to charts and records as  
8 required by law.

9 (4) Violating, attempting to violate, or conspiring to violate any  
10 law or regulation governing alcohol or drug registrants, or  
11 certified or licensed alcohol or drug counselors.

12 11999.61. The director may temporarily suspend a license or  
13 certification prior to a hearing when, in the opinion of the director,  
14 the action is necessary to protect a client from physical or mental  
15 abuse, abandonment, or other substantial threat to health or safety.  
16 The director shall give notice of the temporary suspension and the  
17 effective date of the temporary suspension and, at the same time,  
18 shall serve an accusation. Upon receipt of a notice of defense to  
19 the accusation, the director shall, within 15 days, set the matter  
20 for hearing, and the hearing shall be held as soon as possible. The  
21 temporary suspension shall remain in effect until the time the  
22 hearing is completed and the director has made a final  
23 determination on the need for the temporary suspension to remain  
24 in place pending resolution of the accusation. However, the  
25 temporary suspension shall be deemed vacated if the director fails  
26 to make a final determination on the merits within 30 days after  
27 the hearing, if the director hears the matter personally or within  
28 30 days after the department receives the proposed decision from  
29 the Office of Administrative Hearings, or if the matter is heard by  
30 a hearing officer.

31 11999.62. (a) A person who has applied for or received a  
32 license or certification from the department under this division  
33 has the right to appeal an adverse decision of the department with  
34 regard to his or her application, license, or certificate.

35 (b) Unless the department specifies additional or different due  
36 process provisions by regulation, an appeal shall be determined  
37 in accordance with the adjudication provisions of the  
38 Administrative Procedure Act (Chapter 5 (commencing with  
39 Section 11500) of Part 1 of Division 3 of Title 2 of the Government  
40 Code).

1 11999.63. (a) An applicant for a license or certification under  
2 this division shall consent to a state and federal level criminal  
3 offender record information search as part of a criminal history  
4 background check. Refusal to consent to the criminal history  
5 background check, as delineated in this section, shall result in  
6 denial of the license or certification.

7 (b) A CPTO shall require a person applying for registration to  
8 submit a live fingerprint scan that does not require direct  
9 submission of fingerprints to the Department of Justice. A CPTO  
10 shall report the accompanying results of a person's fingerprint  
11 scan to the department at the time a CPTO submits a  
12 recommendation for licensure or certification to the department.

13 11999.64. (a) A CPTO shall submit to the Department of  
14 Justice fingerprint images and related information required by the  
15 Department of Justice for all alcohol and drug counselor licensure  
16 or certification applicants to obtain information on the existence  
17 and content of a record of state or federal convictions, state or  
18 federal arrests, and the existence and content of a record of state  
19 or federal arrests for which the Department of Justice establishes  
20 that the person is free on bail or on his or her own recognizance  
21 pending trial or appeal.

22 (b) The CPTO shall request from the Department of Justice  
23 subsequent arrest notification service, as provided pursuant to  
24 Section 11105.2 of the Penal Code, for all license and certification  
25 applicants.

26 (c) Before recommending a certification or license, the CPTO  
27 shall ensure that the state and federal level criminal history of the  
28 applicant is reviewed.

29 11999.65. (a) The department may deny or revoke any person's  
30 license or certification if, at the time of the department's  
31 determination, the person's criminal background indicates that  
32 there is a reasonable danger to the public in certifying or licensing  
33 the applicant for the purpose of delivering alcohol and drug abuse  
34 treatment services.

35 (b) The department shall, following a recommendation from the  
36 CPTO, adopt regulations allowing an individual who has a  
37 certificate or license suspended or revoked pursuant to this section  
38 to appeal the decision to the director. The regulations shall clearly  
39 state the responsibility of the appellant and the requirements of  
40 the director to render a decision in a timely fashion.

1 (c) The department shall prohibit an independent practice,  
2 licensed facility, or certified program that serves minor children,  
3 or a facility that allows minor children of clients to reside in the  
4 facility, from employing, allowing in a licensed facility, or allowing  
5 contact with clients of a licensed facility by, an employee,  
6 prospective employee, or person who is not a client who meets any  
7 of the following criteria:

8 (1) The person has engaged in conduct that the department  
9 determines is inimical to the health, morals, welfare, or safety of  
10 an individual in, or receiving services from, the facility, or to the  
11 people of the State of California.

12 (2) The person has been denied an exemption to work or to be  
13 present in a facility, because that person has been convicted of a  
14 crime to which Section 1522 applies.

15 (3) The person has engaged in other conduct that would  
16 constitute a basis for disciplining a licensee.

17 (d) The department may establish by regulation additional  
18 criteria to implement subdivision (c), that may include, standards,  
19 exemptions, and terms of rehabilitation, and may include rebuttable  
20 presumptions with regard to any of those standards, exemptions,  
21 and terms of rehabilitation.

22 11999.66. (a) Licenses or certifications issued under this part  
23 shall expire two years after the issue date.

24 (b) To renew an unexpired license or certification, the counselor  
25 shall, on or before the expiration date of the license or certification,  
26 complete all of the following actions:

27 (1) Apply for a renewal on a form prescribed by the department.

28 (2) Pay a renewal fee, to be determined by the department.

29 (3) Complete a minimum of 30 hours per year of continuing  
30 education, including at least three hours each year relating to  
31 ethics and the code of conduct. A minimum of 20 of these hours  
32 shall be provided by an approved provider with a CEU provider  
33 number. Up to 10 of these hours may include in-service education,  
34 presentation of related training, or self-improvement development  
35 that focuses on personal and professional growth.

36 (4) Notify the department of either of the following:

37 (A) If he or she has been convicted of a misdemeanor or felony  
38 that permits denial of a license, certification, or registration,  
39 pursuant to Section 11999.65, or which the department finds is

1 substantially related to the practice of alcohol and other drug  
2 counseling.

3 (B) If any disciplinary action has been taken by a regulatory or  
4 licensing board, in this or any other state, subsequent to the  
5 licensee's last renewal.

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

9 (1) Apply for renewal on a form prescribed by the department.

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

12 (3) Pay all delinquency fees.

13 (4) Complete the applicable continuing education requirements.

14 (5) Notify the department if he or she has been subject to  
15 disciplinary action since the last renewal.

16 (d) The department shall establish regulations allowing for the  
17 reinstatement of a license or certification that is not renewed within  
18 three years after its expiration.

19 11999.67. A counselor shall display his or her license or  
20 certification in a conspicuous place in the counselor's primary  
21 place of business. The current renewal receipt shall be displayed  
22 near the license.

23 11999.68. An LADC or CADC shall be required to renew a  
24 license or certification that has been suspended. Renewal does  
25 not, while the license or certificate remains suspended, change  
26 the terms of the suspension and the counselor shall wait until the  
27 license or certificate is reinstated pursuant to this division before  
28 resuming the activities for which the license or certificate are  
29 required.

30 11999.69. (a) An LADC or CADC may apply to the department  
31 to place his or her license or certification on inactive status. A  
32 person who holds an inactive license or certification shall pay a  
33 biennial fee of one-half of the active renewal fee and shall be  
34 exempt from continuing education requirements specified in  
35 paragraph (3) of subdivision (b) of Section 11999.66, but shall  
36 otherwise be subject to this part and shall not engage in the  
37 practice of alcohol and other drug counseling in this state.

38 (b) A counselor on inactive status who has not committed any  
39 acts or crimes constituting grounds for denial of licensure or  
40 certification may, upon request, have his or her license or

1 certification placed on active status. A person requesting his or  
2 her license or certification to be placed on active status at any  
3 time during a renewal cycle shall pay a pro rata portion of the  
4 renewal fees.

5 (c) A person requesting to move from inactive to active status  
6 whose license or certification will expire less than one year from  
7 the date of the request shall be required to complete 20 hours of  
8 continuing education for license or certificate renewal. A person  
9 requesting to move from inactive to active status whose license or  
10 certification will expire more than one year from the date of the  
11 request shall be required to complete 40 hours of continuing  
12 education for license or certificate renewal.

13 11999.70. A person licensed or certified under this division  
14 shall comply with both of the following:

15 (a) Provide written notice to the CPTO and department within  
16 30 days of any change of his or her residential or work address.

17 (b) Provide written notice to the CPTO and the department  
18 within 30 days of a name change giving both the old and the new  
19 names along with a copy of the legal document authorizing the  
20 name change, including, but not limited to, a court order or  
21 marriage license.

22 11999.71. (a) Except as otherwise provided in this division,  
23 an accusation filed pursuant to Section 11503 of the Government  
24 Code against a person who is licensed or certified pursuant to this  
25 division shall be filed within three years from the date the  
26 department discovers the alleged act or omission that is the basis  
27 for disciplinary action or within seven years from the date the  
28 alleged act or omission that is the basis for disciplinary action  
29 occurred, whichever occurs first.

30 (b) An accusation filed against a person who is licensed or  
31 certified pursuant to this division alleging the procurement of a  
32 license or certification by fraud or misrepresentation is not subject  
33 to the limitations set forth in subdivision (a).

34 (c) An accusation alleging sexual misconduct shall be filed  
35 within three years after the department discovers the act or  
36 omission alleged as the grounds for disciplinary action or within  
37 10 years after the act or omission alleged as the grounds for  
38 disciplinary action occurred, whichever occurs first.

39 (d) If an alleged act or omission involves a minor, the seven-year  
40 limitation period provided for by subdivision (a) and the 10-year

1 *limitation period provided for by subdivision (c) shall be tolled*  
2 *until the minor reaches the age of majority.*

3 *(e) The limitation period provided by subdivision (a) shall be*  
4 *tolled during any period if material evidence necessary for*  
5 *prosecuting or determining whether a disciplinary action would*  
6 *be appropriate is unavailable to the department due to an ongoing*  
7 *criminal investigation.*

8 *(f) For purposes of this section, “discovers” means the latest*  
9 *of the occurrence of any of the following with respect to each act*  
10 *or omission alleged as the basis for disciplinary action:*

11 *(1) The date the department received a complaint or report*  
12 *describing the act or omission.*

13 *(2) The date, subsequent to the original complaint or report,*  
14 *on which the department became aware of additional acts or*  
15 *omissions alleged as the basis for disciplinary action relating to*  
16 *the original complaint or report against the individual.*

17 *(3) The date the department receives from the complainant a*  
18 *written release of information pertaining to the complainant’s*  
19 *diagnosis and treatment.*

20 *11999.72. (a) Education and work experience gained outside*  
21 *of California may be accepted toward the licensure or certification*  
22 *requirements if it is substantially the equivalent of the requirements*  
23 *of this division.*

24 *(b) The department shall issue a license or certification to a*  
25 *person who, at the time of application, meets all of the following*  
26 *requirements:*

27 *(1) Has held a valid active alcohol and other drug counseling*  
28 *license or certification issued by a board of alcohol and other drug*  
29 *counseling examiners or corresponding authority of another state.*

30 *(2) Passes a current applicable examination.*

31 *(3) Pays the fees required by this division.*

32 *(4) Passes the background checks required by this division.*

33 *(5) Is not subject to denial of licensure or certification under*  
34 *this division.*

35

36 *CHAPTER 4. FISCAL PROVISIONS*

37

38 *11999.73. The Alcohol and Drug Counselors License Fund is*  
39 *hereby established in the State Treasury. All fees and fines*  
40 *collected by the department in accordance with this part shall be*

1 deposited in this fund. The moneys in the fund shall be available  
2 to the department, upon appropriation by the Legislature, for the  
3 purpose of supporting the counselor licensing activities of the  
4 department.

5 11999.74. (a) The department, in consultation with the  
6 committee established pursuant to Section 11999.44, shall establish  
7 fees relating to the licensure and certification of alcohol and drug  
8 counselors.

9 (b) The department shall assess each CPTO quarterly for the  
10 requests for licensure and certification presented during the  
11 previous quarter. A CPTO shall provide payment for licensed and  
12 certified counselors within 90 days of receipt of an assessment.

13 (c) The department shall assess each CPTO five thousand  
14 dollars (\$5,000) every two years for the purposes of reviewing  
15 CPTOs and enforcing regulations related to CPTO compliance.

16 (d) The department shall assess each CPTO a one-time  
17 twenty-five-dollar (\$25) fee for each individual who either received  
18 a license pursuant to Section 11999.50 or received a certificate  
19 pursuant to Section 11999.48 and who registers with, is certified  
20 by, or applies for licensure through, the CPTO between January  
21 1, 2014, and December 31, 2014, inclusive, for the purposes of  
22 implementing this act.

23 (e) This section shall not establish or limit the fees charged for  
24 education, examinations, or application preparation or submission.

25 (f) The fees collected pursuant to this section shall cover the  
26 full cost of, and shall in no way exceed the reasonable cost of,  
27 administering and implementing this division.

28 (g) The fees described in this section shall be established in  
29 accordance with the rulemaking provisions of the Administrative  
30 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
31 Part 1 of Division 3 of Title 2 of the Government Code.

32 SEC. 2. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution because  
34 the only costs that may be incurred by a local agency or school  
35 district will be incurred because this act creates a new crime or  
36 infraction, eliminates a crime or infraction, or changes the penalty  
37 for a crime or infraction, within the meaning of Section 17556 of  
38 the Government Code, or changes the definition of a crime within  
39 the meaning of Section 6 of Article XIII B of the California  
40 Constitution.

1 SECTION 1. ~~Division 10.11 (commencing with Section~~  
2 ~~11999.40) is added to the Health and Safety Code, to read:~~

3  
4 DIVISION 10.11. ~~ALCOHOL AND DRUG ABUSE~~  
5 ~~TREATMENT SERVICES~~  
6

7 ~~11999.40. Upon the elimination of the State Department of~~  
8 ~~Alcohol and Drug Programs, the State Public Health Officer shall~~  
9 ~~adopt regulations relating to licensed alcohol and drug abuse~~  
10 ~~counselors (LADC). These regulations shall include both of the~~  
11 ~~following:~~

12 ~~(a) Standards for licensure of alcohol and drug abuse counselors,~~  
13 ~~including, but not limited to, the criteria described in subdivision~~  
14 ~~(b) of Section 11999.41.~~

15 ~~(b) Standards for certification of alcohol and drug abuse~~  
16 ~~counselors consistent with the regulations established in Chapter~~  
17 ~~8 (commencing with Section 13000) of Division 4 of Title 9 of~~  
18 ~~the California Code of Regulations.~~

19 ~~11999.41. (a) For purposes of this section, the following~~  
20 ~~definitions shall apply:~~

21 ~~(1) "Department" means the State Department of Public Health.~~

22 ~~(2) "License" means an alcohol and drug abuse counselor~~  
23 ~~license.~~

24 ~~(b) An applicant for a license shall meet, at a minimum, all of~~  
25 ~~the following criteria:~~

26 ~~(1) Holds a master's degree or higher from a program~~  
27 ~~specializing in, or having substantial course content in, alcohol or~~  
28 ~~drug abuse counseling or a related field.~~

29 ~~(2) Has demonstrated competence by an examination~~  
30 ~~administered or approved by the department.~~

31 ~~(3) Holds a valid, advanced certification from an organization~~  
32 ~~that, as of January 1, 2012, was authorized by the State Department~~  
33 ~~of Alcohol and Drug Programs to register and certify alcohol or~~  
34 ~~drug counselors.~~

35 ~~(e) (1) A license shall be valid for three years unless at any~~  
36 ~~time during that period, it is revoked or suspended pursuant to~~  
37 ~~subdivision (f). An applicant shall apply to renew a license prior~~  
38 ~~to the expiration of the three-year period.~~

1 ~~(2) When an applicant who qualifies under subdivision (e)~~  
2 ~~applies to renew a license, he or she may apply to renew under the~~  
3 ~~criteria described in subdivision (e):~~

4 ~~(3) To qualify to renew a license, a licenseholder, including~~  
5 ~~licenseholders licensed pursuant to subdivision (e), shall have~~  
6 ~~completed 90 hours of continuing education units during the~~  
7 ~~three-year period described in paragraph (1). At least 30 of the 90~~  
8 ~~hours shall be continuing education units in ethics:~~

9 ~~(d) The department shall set the fee for a license and license~~  
10 ~~renewal. The fee for the license or license renewal shall not exceed~~  
11 ~~two hundred dollars (\$200):~~

12 ~~(e) Commencing January 1, 2013, and until January 1, 2014 or~~  
13 ~~the finalization of the licensure regulations developed pursuant to~~  
14 ~~subdivision (a) of Section 11999.40, whichever is later, upon~~  
15 ~~payment of the license fee described in subdivision (d), an applicant~~  
16 ~~may be deemed to be licensed without meeting the criteria for~~  
17 ~~licensure otherwise described in this section if he or she meets~~  
18 ~~both of the following:~~

19 ~~(1) He or she holds an advanced credential recognized by an~~  
20 ~~organization that, as of January 1, 2012, was authorized by the~~  
21 ~~State Department of Alcohol and Drug Programs to register and~~  
22 ~~certify alcohol or drug counselors:~~

23 ~~(2) He or she is currently credentialed and in good standing with~~  
24 ~~an organization described in paragraph (1) and has no history of~~  
25 ~~disciplinary action by the organization:~~

26 ~~(f) The department may revoke a license if either of the~~  
27 ~~following occurs:~~

28 ~~(1) The licenseholder loses his or her credential, or is placed on~~  
29 ~~probationary status:~~

30 ~~(2) The licenseholder has been convicted of a felony charge~~  
31 ~~that, in the State Public Health Officer's determination, is~~  
32 ~~substantially related to the qualifications, functions, or duties of~~  
33 ~~an alcohol or drug abuse counselor. A plea of guilty or nolo~~  
34 ~~contendere to a felony charge shall be deemed to be a conviction~~  
35 ~~for purposes of this paragraph:~~

36 ~~11999.42. The Alcohol and Drug Treatment Professionals~~  
37 ~~Licensing Fund is hereby created in the State Treasury, consisting~~  
38 ~~of fees deposited pursuant to this division:~~

39 ~~(a) Moneys in the fund shall be available, upon appropriation~~  
40 ~~by the Legislature, for purposes of administering this division:~~

1     ~~(b) It is the intent of the Legislature that the program carried~~  
2     ~~out pursuant to this division be fully supported from fees collected~~  
3     ~~pursuant to Section 11999.41.~~

O