

AMENDED IN ASSEMBLY JUNE 27, 2013

AMENDED IN SENATE MAY 24, 2013

AMENDED IN SENATE APRIL 16, 2013

SENATE BILL

No. 570

Introduced by Senator DeSaulnier

February 22, 2013

An act to add ~~Section 6253.32 to the Government Code, relating to public records. Division 10.11 (commencing with Section 11999.40) to the Health and Safety Code, relating to alcohol and other drug counselors.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 570, as amended, DeSaulnier. ~~Public records: copy charges: retrieval. Alcohol and other drug counselors.~~

Existing law provides for the registration, certification, and licensure of various healing arts professionals. Existing law provides for various programs to eliminate alcohol and drug abuse, and states the finding of the Legislature that state government has an affirmative role in alleviating problems related to the inappropriate use of alcoholic beverages and other drug use.

This bill would require the State Department of Health Care Services to require each person who applies to an approved certifying organization to become certified as an alcohol or other drug counselor (AOD counselor) to submit to a criminal background check, as specified. The bill would require the department to establish the Director's Advisory Panel for purposes, among other things, of reviewing the results of the criminal background checks, reviewing complaints made against AOD counselors, and advising the department on the

development of criteria for baseline decisions regarding AOD counselors, as these decisions relate to criminal background checks. The bill would require the department and approved certifying organizations to share specified information.

This bill would require the department to contract to have an occupational analysis for the profession of alcohol and other drug counseling completed no later than January 1, 2015.

~~The California Public Records Act provides that any person may receive a copy of any identifiable public record from any state or local agency upon payment of fees covering direct costs of duplication or a statutory fee if applicable.~~

~~This bill would prohibit a public agency from charging for copies of records available in portable digital format (PDF), or for a copy of data that is extracted from a database, if new programming is not required to extract the data.~~

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. 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 OTHER DRUG*
5 *COUNSELORS*

6
7 *11999.40. For purposes of this division, the following*
8 *definitions apply:*

9 *(a) "AOD counselor" means a person who has been certified*
10 *as an alcohol or other drug counselor.*

11 *(b) "Approved certifying organization" means an organization*
12 *that the department has approved to certify AOD counselors.*

13 *(c) "Department" means the State Department of Health Care*
14 *Services.*

15 *(d) "Director" means the Director of Health Care Services.*

16 *(e) "Panel" means the Director's Advisory Panel established*
17 *pursuant to Section 11999.42.*

18 *11999.41. In order to protect consumers utilizing alcohol and*
19 *drug abuse treatment services, the department shall require*
20 *approved certifying organizations to require each person who*

1 *applies to become certified as an AOD counselor to submit to a*
2 *criminal background check via LiveScan, identifying the*
3 *department as the recipient.*

4 *11999.42. The department shall establish the Director's*
5 *Advisory Panel.*

6 *(a) The director shall select the members of the panel in*
7 *accordance with the following:*

8 *(1) Each panel member shall be a certified AOD counselor and*
9 *have at least five years experience in alcohol and drug treatment*
10 *services.*

11 *(2) Each panel member shall submit to a criminal background*
12 *check via LiveScan for review by the director prior to being*
13 *selected for the panel.*

14 *(b) The panel shall do all of the following:*

15 *(1) Review LiveScan results pursuant to Section 11999.41, and*
16 *advise the director as to whether the applicant should be accepted,*
17 *based on the LiveScan results.*

18 *(2) Review complaints made against AOD counselors and advise*
19 *the director with respect to disciplinary actions, including*
20 *revocation, suspension, and referral for criminal prosecution.*

21 *(3) For purposes of improving quality assurance in the*
22 *profession of alcohol and other drug abuse counseling, advise the*
23 *department on the development of criteria for baseline decisions*
24 *regarding AOD counselors, as these decisions relate to criminal*
25 *background checks. These criteria may include, but are not limited*
26 *to, the circumstances that would warrant the automatic rejection*
27 *of an applicant and the circumstances that would allow for*
28 *certification of an applicant, notwithstanding an applicant's prior*
29 *criminal conviction.*

30 *(4) Make recommendations to the department regarding the*
31 *initial entry into the profession of counseling and continuing*
32 *participation in the profession.*

33 *(5) Make recommendations to the department regarding criteria*
34 *for disciplinary guidelines.*

35 *(6) Make recommendations to the department for creating*
36 *systems for sharing information about violators between the*
37 *department and approved certifying organizations.*

38 *11999.43. An approved certifying organization shall do both*
39 *of the following:*

1 (a) Report complaints made against an AOD counselor to the
2 department, and assist in documenting these complaints.

3 (b) Comply with the department's decisions, based upon the
4 panel's recommendations, regarding disciplinary actions, including
5 initial denial of a certification.

6 (c) Report any known criminal convictions of an AOD counselor
7 to the department.

8 11999.44. The department shall report any complaints made
9 to the department against an AOD counselor to the approved
10 certifying organization that conferred the individual's certification
11 and assist that organization in documenting the complaint.

12 11999.45. The department shall contract to have an
13 occupational analysis for the profession of alcohol and other drug
14 counseling completed no later than January 1, 2015. This analysis
15 shall include an examination of the varying levels of certification
16 and licensure of individuals providing counseling services, and
17 an examination of how these varying levels affect the
18 implementation of the California Health Benefit Exchange. This
19 analysis also shall define scopes of practice for common levels of
20 certification in the profession.

21 ~~SECTION 1. Section 6253.32 is added to the Government~~
22 ~~Code, to read:~~

23 ~~6253.32. Notwithstanding any other law, a public agency shall~~
24 ~~not charge for copies of records under either of the following~~
25 ~~circumstances:~~

26 ~~(1) The records are available in portable digital format (PDF).~~

27 ~~(2) The records consist of data extracted from a database, if new~~
28 ~~programming is not required to extract the data.~~