

AMENDED IN SENATE APRIL 11, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1101

Introduced by Senator Wieckowski

February 17, 2016

An act to add ~~Part 6.5 Chapter 9.7~~ (commencing with Section ~~1179.80~~ 4450) to Division 1 of, 2 of the ~~Health Business and Safety Professions Code~~, relating to alcohol and drug counselors.

LEGISLATIVE COUNSEL'S DIGEST

SB 1101, as amended, Wieckowski. Alcohol and drug counselors: regulation.

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, among other things, *would establish the Alcohol and Drug Counseling Professional Bureau within the Department of Consumer Affairs, specify the bureau's powers and duties, and authorize the bureau to adopt necessary rules and regulations. The bill would prohibit any* a person from using the title licensed alcohol and drug counselor unless the person had applied for and obtained a license from the ~~State Department of Health Care Services~~ *bureau* and would specify the minimum qualifications for a license, including, but not limited to, educational qualifications, being currently credentialed as an advanced alcohol and drug counselor, and having submitted to a criminal background check. The bill would provide that a license for an alcohol

and drug counselor would be valid for 2 years unless at any time during that period it is revoked or suspended, that the license would be authorized to be renewed prior to the expiration of the 2-year period, and that a licensee fulfill continuing education requirements prior to renewal. The bill would also require ~~that the license fee~~ *the bureau to establish the fees* for an ~~original~~ *initial* alcohol and drug counselor license and ~~the license a renewal fee be license in an amount~~ reasonably related to the ~~department's bureau's~~ *bureau's* actual costs in performing its ~~duties under this part, duties,~~ but to not exceed \$200.

This bill would require the ~~department~~ *bureau* to ~~ensure that~~ review the state and federal level criminal history of the applicant ~~is reviewed~~ before issuing a license, and the ~~department~~ *bureau* would be required, with exceptions, to deny, suspend, delay, or set aside a person's license if, at the time of the ~~department's bureau's~~ *bureau's* determination, the person has a criminal conviction or pending criminal charge relating to an offense, the circumstances of which substantially relate to actions as a licensed alcohol and drug counselor. ~~The bill would also require the department to oversee the disciplinary actions of certifying organizations it approves, as provided.~~

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. Chapter 9.7 (commencing with Section 4450) is
2 added to Division 2 of the Business and Professions Code, to read:

3
4 CHAPTER 9.7. ALCOHOL AND DRUG COUNSELING
5 PROFESSIONALS

6
7 Article 1. Administration

8
9 4450. For purposes of this chapter the following definitions
10 apply:

11 (a) "Bureau" means the Alcohol and Drug Counseling
12 Professional Bureau established pursuant to Section 4452.

13 (b) "Department" means the Department of Consumer Affairs.

14 (c) "Director" means the Director of Consumer Affairs.

1 4451. (a) (1) *There is established within the department the*
2 *Alcohol and Drug Counseling Professional Bureau, under the*
3 *supervision and control of the director.*

4 (2) (A) *The duties of enforcing and administering this chapter*
5 *is vested in the chief, of the bureau and he or she is responsible*
6 *to the director for performing those duties.*

7 (B) *The chief shall serve at the pleasure of director.*

8 (3) *Every power granted or duty imposed upon the director*
9 *pursuant to this chapter may be exercised or performed in the*
10 *name of the director by a deputy director or by the chief, subject*
11 *to the conditions and limitations that the director may prescribe.*

12 (b) *Notwithstanding any other law, the powers and duties of*
13 *the bureau pursuant to this chapter are subject to review by the*
14 *appropriate policy committee of the Legislature.*

15 4452. *Protection of the public is the highest priority for the*
16 *bureau in exercising its licensing, regulatory, and disciplinary*
17 *functions. If the protection of the public is inconsistent with other*
18 *interests sought to be promoted, the protection of the public shall*
19 *be paramount.*

20 4453. *The bureau may adopt necessary rules and regulations*
21 *for the administration and enforcement of this chapter and the*
22 *laws subject to its jurisdiction and prescribe the form of statements*
23 *and reports provided for in this chapter. The rules and regulations*
24 *shall be adopted, amended, or repealed in accordance with the*
25 *provisions of the Administrative Procedure Act (Chapter 3.5*
26 *(commencing with Section 11340) of Part 1 of Division 3 of Title*
27 *2 of the Government Code).*

28 4454. *The director may employ and appoint all employees*
29 *necessary to properly administer the duties of the bureau in*
30 *accordance with civil service regulations.*

31
32 Article 2. Licensing
33

34 4455. (a) *No person shall use the title of licensed alcohol and*
35 *drug counselor unless the person has applied for and obtained a*
36 *license from the bureau.*

37 (b) *An applicant for an alcohol and drug counselor license shall*
38 *meet minimum qualifications that include, but are not limited to,*
39 *all of the following:*

1 (1) *Has earned a master of arts, master of science, or doctoral*
2 *degree in addiction counseling, psychology, social work,*
3 *counseling, marriage and family therapy, counseling psychology,*
4 *clinical psychology, or other clinically focused major that requires*
5 *no less than 21 semester units, or equivalent, of addiction specific*
6 *education approved by a certifying organization recognized by*
7 *the department, from an institution of higher learning accredited*
8 *by a regional accrediting agency, or a board for private*
9 *postsecondary education.*

10 (2) *Has demonstrated competence by passing a master's level*
11 *exam accepted by a certifying organization approved by the State*
12 *Department of Health Care Services.*

13 (3) *Is currently credentialed as an advanced alcohol and drug*
14 *counselor and in good standing with a certification organization*
15 *recognized by the State Department of Health Care Services*
16 *pursuant to Section 13035 of Title 9 of the California Code of*
17 *Regulations, as that section read on January 1, 2017, and has no*
18 *history of revocation by a certifying organization, licensure board,*
19 *or certifying entity.*

20 (4) *Has documented to the certifying organization that the*
21 *applicant has completed all of the following courses:*

22 (A) *Three semester units, or the equivalent, of*
23 *psychopharmacology and physiology of addiction, including any*
24 *of the following subjects:*

25 (i) *Examination of the effects of alcohol and similar legal*
26 *psychoactive drugs to the body and behavior.*

27 (ii) *Damage to the body and behaviors.*

28 (iii) *Damage to the brain, liver, and other organs.*

29 (iv) *Tolerance, cross tolerance, and synergistic effects.*

30 (v) *Physiological differences between males and females.*

31 (vi) *Disease model, including neurobiological signs and*
32 *symptoms.*

33 (B) *Three semester units, or the equivalent, of clinical evaluation*
34 *and psychopathology, including any of the following subjects:*

35 (i) *Initial interviewing process.*

36 (ii) *Biopsychosocial assessment.*

37 (iii) *Differential diagnosis.*

38 (iv) *Diagnostic summaries.*

39 (v) *Cooccurring disorders, referral processes, and the*
40 *evaluation of clients using placement criteria, including the*

1 *American Society of Addiction Medicine patient placement criteria*
2 *or other validated clinical tools, to determine the most appropriate*
3 *level of care for the client and eligibility for admission to a*
4 *particular alcohol and other drug abuse treatment program.*

5 *(C) Three semester units, or the equivalent, of counseling*
6 *psychotherapy for addiction, including all of the following subjects:*

7 *(i) Introduction to counseling.*

8 *(ii) Introduction to techniques and approaches.*

9 *(iii) Crisis intervention.*

10 *(iv) Individual counseling focused on addiction.*

11 *(v) Group counseling.*

12 *(vi) Family counseling as it pertains to addiction treatment.*

13 *(D) Three semester units, or the equivalent, in case management,*
14 *including all of the following subjects:*

15 *(i) Community resources.*

16 *(ii) Consultation.*

17 *(iii) Documentation.*

18 *(iv) Resources for persons who are HIV positive.*

19 *(E) Three semester units, or the equivalent, of client education,*
20 *including all of the following subjects:*

21 *(i) Addiction recovery.*

22 *(ii) Psychological client education.*

23 *(iii) Biochemical and medical client education.*

24 *(iv) Sociocultural client education.*

25 *(v) Addiction recovery and psychological family education.*

26 *(vi) Biomedical and sociocultural family education.*

27 *(vii) Community and professional education.*

28 *(F) Three semester units, or the equivalent, of professional*
29 *responsibility law and ethics, including all of the following*
30 *subjects:*

31 *(i) Ethical standards, legal aspects, cultural competency,*
32 *professional growth, personal growth, dimensions of recovery,*
33 *clinical supervision, and consultation.*

34 *(ii) Community involvement.*

35 *(iii) Operating a private practice.*

36 *(G) Three semester units, or the equivalent, of supervised*
37 *fieldwork.*

38 *(5) Has submitted to both a state and federal level criminal*
39 *offender record information search pursuant to Section 4459.*

1 4456. (a) For a period not to exceed one year, as determined
2 by the bureau, from the date the bureau commences accepting
3 applications for an initial license, an applicant who has a minimum
4 of 12,000 hours experience is not required to meet the requirements
5 of paragraphs (1), (2), and (4) of subdivision (b) of Section 4455.

6 (b) Applicants who do not meet the requirements of paragraphs
7 (1), (2), and (4) of subdivision (b) of Section 4455 shall sit for the
8 masters level exam required by paragraph (2) of subdivision (b)
9 of Section 4455 before the first renewal period and shall provide
10 proof of passing the exam to the certifying organization before
11 one year after the end of the first renewal period.

12 4457. (a) A license for an alcohol and drug counselor shall
13 be valid for two years unless at any time during that period it is
14 revoked or suspended. The license may be renewed prior to the
15 expiration of the two-year period.

16 (b) To qualify to renew the license, a licensee shall have
17 completed 36 hours of continuing education units approved by the
18 certification organization during the two-year license renewal
19 period, which shall include six hours of ethics and law, six hours
20 of cooccurring disorder, and three hours of cultural competency.

21 (c) The department may revoke a license issued pursuant to this
22 chapter if either of the following occurs:

23 (1) The licensee loses his or her credential granted by the
24 certifying organization.

25 (2) The licensee has been convicted of a felony charge that is
26 substantially related to the qualifications, functions, or duties of
27 a licensed alcohol and drug counselor. A plea of guilty or nolo
28 contendere to a felony charge shall be deemed a conviction for
29 the purposes of this paragraph.

30 4458. The bureau shall establish the fees for an initial alcohol
31 and drug counselor license or a renewal license in an amount
32 reasonably related to the department's actual costs in performing
33 its duties under this chapter not to exceed two hundred dollars
34 (\$200).

35 4459. (a) Before issuing a license, the bureau shall review
36 both the state and federal level criminal history of the applicant.

37 (b) (1) (A) The department shall deny, suspend, delay, or set
38 aside a person's license if, at the time of the department's
39 determination, the person has a criminal conviction or criminal
40 charge pending, relating to an offense, the circumstances of which

1 *substantially relate to actions as a licensed alcohol and drug*
2 *counselor.*

3 *(B) An applicant who has a criminal conviction or pending*
4 *criminal charge shall request the appropriate authorities to provide*
5 *information about the conviction or charge directly to the*
6 *department in sufficient specificity to enable the department to*
7 *make a determination as to whether the conviction or charge is*
8 *substantially related to actions as a licensed alcohol and drug*
9 *counselor.*

10 *(2) However, after a hearing or review of documentation*
11 *demonstrating that the applicant meets the specified criteria for*
12 *a waiver, the department may waive the requirements of this*
13 *subdivision if the department finds any of the following:*

14 *(A) For waiver of a felony conviction, more than five years has*
15 *elapsed since the date of the conviction. At the time of the*
16 *application, the applicant is not incarcerated, on work release, on*
17 *probation, on parole, on post-release community supervision, or*
18 *serving any part of a suspended sentence and the applicant is in*
19 *substantial compliance with all court orders pertaining to fines,*
20 *restitution, or community service.*

21 *(B) For waiver of a misdemeanor conviction or violation, at the*
22 *time of the application, the applicant is not incarcerated, on work*
23 *release, on probation, on parole, on post-release community*
24 *supervision, or serving any part of a suspended sentence and the*
25 *applicant is in substantial compliance with all court orders*
26 *pertaining to fines, restitution, or community service.*

27 *(C) The applicant is capable of practicing licensed alcohol and*
28 *drug treatment counselor services in a competent and professional*
29 *manner.*

30 *(D) Granting the waiver will not endanger the public health,*
31 *safety, or welfare.*

32 *(E) The applicant has not been convicted of a felony sexual*
33 *offense.*

34
35 *Article 3. Construction of Chapter*
36

37 *4460. (a) This chapter does not constrict, limit, or prohibit a*
38 *facility or program that is licensed or certified by this state, a*
39 *county-contracted alcohol and drug treatment facility or program,*
40 *or a driving-under-the-influence program from employing or*

1 *contracting with an alcohol and drug counselor who is certified*
2 *by a certifying organization accredited and approved by this state*
3 *pursuant to Chapter 8 (commencing with Section 13000) of*
4 *Division 4 of Title 9 of the California Code of Regulations as that*
5 *chapter read on January 1, 2017.*

6 *(b) This chapter does not require a facility or program licensed*
7 *or certified by this state, a county-operated or contracted alcohol*
8 *and drug treatment program or facility, or a*
9 *driving-under-the-influence program to utilize the services of an*
10 *alcohol and drug counselor licensed pursuant to this chapter.*

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12
13 **All matter omitted in this version of the bill**
14 **appears in the bill as amended in the**
15 **Senate, March 28, 2016. (JR11)**
16