

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.
Act 443 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

A Bill

HOUSE BILL 1379

5 By: Representatives Summers, Pennartz
6
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE FOR THE LICENSURE OF ALCOHOLISM
10 AND DRUG ABUSE COUNSELORS; TO PROVIDE FOR THE
11 REGISTRATION OF CLINICAL ALCOHOLISM AND DRUG
12 ABUSE COUNSELOR SUPERVISORS; AND FOR OTHER
13 PURPOSES.
14

Subtitle

15 AN ACT TO PROVIDE FOR THE LICENSURE OF
16 ALCOHOLISM AND DRUG ABUSE COUNSELORS AND
17 THE REGISTRATION OF CLINICAL ALCOHOLISM
18 AND DRUG ABUSE COUNSELOR SUPERVISORS.
19
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21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code § 17-27-401 is amended to read as follows:
25 17-27-401. Definitions.

26 As used in this subchapter:

27 (1) "Board" means the State Board of Examiners of Alcoholism and
28 Drug Abuse Counselors created by this subchapter;

29 ~~(2) "Certified clinical supervisor" means a person certified by~~
30 ~~the Arkansas Substance Abuse Certification Board or the State Board of~~
31 ~~Examiners of Alcoholism and Drug Abuse Counselors to provide clinical~~
32 ~~supervision for applicants for certification or licensure;~~

33 ~~(3)~~(2) "Licensed alcoholism and drug abuse counselor" means a
34 person who renders for compensation alcoholism and drug abuse counseling or
35 alcoholism and drug abuse counseling-related services to an individual,



1 group, organization, corporation, institution, or to the general public, and
2 who holds a license issued by the State Board of Examiners of Alcoholism and
3 Drug Abuse Counselors or by another health or behavioral sciences board to
4 engage in the practice of alcoholism and drug abuse counseling;

5 ~~(4)~~(3) "Practice of alcoholism and drug abuse counseling" means
6 the professional activity of helping individuals, groups, organizations,
7 corporations, institutions, or the general public to develop an understanding
8 of alcoholism and drug dependency problems and to define goals and plan
9 action reflecting the individual's or group's interest, abilities, and needs
10 as affected by claimed alcoholism and drug dependency problems. It includes
11 the professional application of values, principles, and techniques to one (1)
12 or more of the following ends:

- 13 (A) Counseling with individuals, families, and groups;
- 14 (B) Helping people obtain tangible services;
- 15 (C) Assisting communities or groups;
- 16 (D) Providing or improving social and health services; and
- 17 (E) Engaging in alcoholism and drug abuse education and

18 prevention through the appropriate administration of alcoholism and drug
19 abuse counseling services; ~~and~~

20 (4) "Registered clinical supervisor" means a person registered
21 by the State Board of Examiners of Alcoholism and Drug Abuse Counselors to
22 provide clinical supervision of applicants for certification or licensure;
23 and

24 (5) "Supervised work experience" means paid or voluntary work
25 experience as an alcohol and drug abuse counselor who provides alcohol and
26 drug abuse counseling services under the supervision of a credentialed
27 alcohol and drug abuse counselor to persons with alcoholism or other drug
28 dependency, or both.

29
30 SECTION 2. Arkansas Code §§ 17-27-408-17-27-411 are amended to read as
31 follows:

32 17-27-408. ~~Alcoholism~~ Licensed alcoholism and drug abuse counselor -
33 License requirements.

34 (a) The State Board of Examiners of Alcoholism and Drug Abuse
35 Counselors shall issue the license as a licensed alcoholism and drug abuse
36 counselor to an applicant who meets the following requirements:

1 (1) Is at least twenty-one (21) years of age;
2 (2)(A) Has successfully completed a minimum of three (3) years
3 or six thousand (6,000) hours of supervised experience.

4 (B) Supervised experience ~~must~~ shall be approved and
5 documented by a ~~certified~~ registered clinical supervisor in good standing
6 with the board;

7 (3)(A) Has successfully completed a minimum of two hundred
8 seventy (270) clock hours of approved education.

9 (B) Approved education ~~must~~ shall be directly related to
10 alcoholism or drug abuse counseling subjects, theory, practice, or research;

11 (4) Has submitted an application on a form provided by the
12 board;

13 (5) Has certified under penalty of perjury as evidenced by a
14 notarized signature on the application for licensure that all education and
15 experience requirements have been met;

16 (6) Has submitted three (3) letters of reference;

17 (7) Has paid to the board an examination fee fixed by the board;

18 (8) Has passed a national qualifying written examination ~~and~~
19 ~~oral examination~~ prescribed by the board, sufficient to ensure professional
20 competence in keeping with the highest standards of the alcoholism and drug
21 abuse counseling profession;

22 (9) Has signed a written agreement to abide by the code of
23 ethics adopted by the board; and

24 (10) Holds a master's degree in the health or behavioral
25 sciences field or other appropriate field from an accredited college or
26 university.

27 (b) The license shall be displayed in the licensee's principal place
28 of practice and shall entitle the licensee to hold himself or herself forth
29 to the public as providing services as authorized by this subchapter.

30

31 17-27-409. ~~Alcoholism~~ Licensed associate alcoholism and drug abuse
32 ~~associate counselor- Certification License~~ requirements.

33 (a) The State Board of Examiners of Alcoholism and Drug Abuse
34 Counselors shall issue ~~the certification~~ a license as a ~~certified~~ licensed
35 associate alcoholism and drug abuse ~~associate~~ counselor to an applicant who
36 meets the following requirements:

- 1 (1) Is at least twenty-one (21) years of age;
- 2 (2)(A) Has successfully completed a minimum of three (3) years
- 3 or six thousand (6,000) hours of supervised experience.
- 4 (B) Supervised experience ~~must~~ shall be approved and
- 5 documented by a ~~certified~~ registered clinical supervisor in good standing
- 6 with the board;
- 7 (3)(A) Has successfully completed a minimum of two hundred
- 8 seventy (270) clock hours of approved education.
- 9 (B) Approved education ~~must~~ shall be directly related to
- 10 alcoholism or drug abuse counseling subjects, theory, practice, or research;
- 11 (4) Has submitted an application on a form provided by the
- 12 board;
- 13 (5) Has certified under penalty of perjury as evidenced by a
- 14 notarized signature on the application for licensure that all education and
- 15 experience requirements have been met;
- 16 (6) Has submitted three (3) letters of reference;
- 17 (7) Has paid to the board an examination fee fixed by the board;
- 18 (8) Has passed a national qualifying written examination ~~and~~
- 19 ~~oral examination~~ prescribed by the board, sufficient to ensure professional
- 20 competence in keeping with the highest standards of the alcoholism and drug
- 21 abuse counseling profession;
- 22 (9) Has signed a written agreement to abide by the code of
- 23 ethics adopted by the board;
- 24 (10) Holds a baccalaureate degree in the health or behavioral
- 25 sciences field or other appropriate field from an accredited college or
- 26 university; and
- 27 ~~(11) Has successfully completed a minimum of two hundred seventy~~
- 28 ~~(270) additional clock hours of board approved training;~~
- 29 ~~(12)~~(11)(A) Has successfully completed a minimum of ~~two (2)~~
- 30 three (3) years or two thousand (2,000) six thousand (6,000) hours of
- 31 supervised direct counseling experience in the alcoholism or drug abuse
- 32 counseling field, either paid or voluntary. ~~For national reciprocity, a~~
- 33 ~~minimum of four thousand (4,000) hours is required.~~
- 34 (B) Supervised experience ~~must~~ shall be approved and
- 35 documented by a ~~certified~~ registered clinical supervisor in good standing
- 36 with the board.

1 ~~(13) Has successfully completed a minimum of three hundred (300)~~
2 ~~hours of supervised direct counseling practicum. Supervised experience must~~
3 ~~be approved and documented by a certified clinical supervisor in good~~
4 ~~standing with the board. This practicum may be included in place of the~~
5 ~~requirement in subdivision (a)(12) of this section of two (2) years'~~
6 ~~experience; and~~

7 ~~(14) Has successfully completed the written examination and oral~~
8 ~~examination for certification as a certified alcoholism and drug abuse~~
9 ~~associate.~~

10 (b) The certification shall be displayed in the associate's principal
11 place of practice and shall entitle the individual to hold himself or herself
12 forth to the public as providing services as authorized by this subchapter.

13 (c) Associates ~~certified~~ licensed by the board may engage in the
14 practice of alcoholism and drug abuse counseling ~~only while under the direct~~
15 ~~supervision of a licensed alcoholism and drug abuse counselor or other health~~
16 ~~professional licensed under other behavioral sciences or health boards and~~
17 ~~practicing alcoholism and drug abuse counseling~~ after successfully completing
18 a schedule of supervision prescribed by the board and performed under the
19 direct supervision of a registered clinical supervisor in good standing with
20 the board.

21
22 17-27-410. ~~Alcoholism~~ Certified alcoholism and drug abuse technician -
23 Certification requirements.

24 (a) The State Board of Examiners of Alcoholism and Drug Abuse
25 Counselors shall issue the certification as a certified alcoholism and drug
26 abuse technician to an applicant who meets the following requirements:

27 (1) Is at least twenty-one (21) years of age;

28 (2)(A) Has successfully completed a minimum of three (3) years
29 or six thousand (6,000) hours of supervised experience.

30 (B) Supervised experience ~~must~~ shall be approved and
31 documented by a ~~certified~~ registered clinical supervisor in good standing
32 with the board;

33 (3)(A) Has successfully completed a minimum of two hundred
34 seventy (270) clock hours of approved education.

35 (B) Approved education ~~must~~ shall be directly related to
36 alcoholism or drug abuse counseling subjects, theory, practice, or research;

1 (4) Has submitted an application on a form provided by the
2 board;

3 (5) Has certified under penalty of perjury as evidenced by a
4 notarized signature on the application for licensure that all education and
5 experience requirements have been met;

6 (6) Has submitted three (3) letters of reference;

7 (7) Has paid to the board an examination fee fixed by the board;

8 (8) Has passed a national qualifying written examination ~~and~~
9 ~~oral examination~~ prescribed by the board, sufficient to ensure professional
10 competence in keeping with the highest standards of the alcoholism and drug
11 abuse counseling profession;

12 (9) Has signed a written agreement to abide by the code of
13 ethics adopted by the board; and

14 (10) Holds a high school diploma or equivalent.

15 (b) The certification shall be displayed in the ~~associate's~~
16 technician's principal place of practice and shall entitle the individual to
17 hold himself or herself forth to the public as providing services as
18 authorized by this subchapter.

19 (c) Technicians certified by the board may engage in the practice of
20 alcoholism and drug abuse counseling only while under the direct supervision
21 of a licensed alcoholism and drug abuse counselor ~~or other health~~
22 ~~professional licensed under other behavioral sciences or health boards and~~
23 ~~practicing alcohol and drug abuse counseling~~ who is registered as a
24 registered clinical supervisor by the board.

25 (d) Technicians shall not receive a license as a licensed alcoholism
26 and drug abuse counselor or a ~~certificate as a certified alcohol~~ license as
27 an associate alcoholism and drug abuse ~~associate~~ counselor, unless the
28 provisions of §§ 17-27-408 and 17-27-409 have been met.

29
30 17-27-411. ~~Certified~~ Registered clinical supervisors.

31 The State Board of Examiners of Alcoholism and Drug Abuse Counselors
32 may ~~issue certificates to~~ register persons who meet the qualifications and
33 standards established by the board for ~~certified~~ registered clinical
34 supervisors.

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36 SECTION 3. Arkansas Code § 17-27-412 is repealed.

~~17-27-412. Grandfather clause.~~

~~(a) The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall issue the appropriate license or certificate to any person who holds a current valid certification from the Arkansas Substance Abuse Certification Board as a certified substance abuse counselor or other such persons holding a valid license under other health or behavioral science boards and practicing alcoholism and drug abuse counseling and who:~~

~~(1) Is in good standing with the State Board of Examiners of Alcoholism and Drug Abuse Counselors;~~

~~(2) Has submitted an application to the State Board of Examiners of Alcoholism and Drug Abuse Counselors on a form provided by the board;~~

~~(3) Has paid to the State Board of Examiners of Alcoholism and Drug Abuse Counselors an application fee; and~~

~~(4) Has signed a written agreement to abide by the code of ethics adopted by the State Board of Examiners of Alcoholism and Drug Abuse Counselors.~~

~~(b)(1) Except as provided in subdivisions (b)(2) and (3) of this section, no person shall be grandfathered under the provisions of this section unless that person has the required educational qualification as required by this subchapter.~~

~~(2) Each person currently credentialed with a Certified Alcohol and Drug Counselor designation from the Arkansas Substance Abuse Certification Board who applies to the State Board of Examiners of Alcoholism and Drug Abuse Counselors within sixty (60) days of August 13, 2001, and who is in good standing shall be grandfathered as a licensed associate alcoholism and drug abuse counselor.~~

~~(3) Each person currently credentialed with an Advanced Alcohol and Drug Counselor designation from the Arkansas Substance Abuse Certification Board who applies to the State Board of Examiners of Alcoholism and Drug Abuse Counselors within sixty (60) days of August 13, 2001, and is in good standing shall be grandfathered as a licensed alcoholism and drug abuse counselor.~~

SECTION 4. Arkansas Code § 17-27-413 is amended to read as follows:

17-27-413. License and certificate renewal - Fee - Waiver.

(a) Each licensed alcoholism and drug abuse counselor, ~~certified~~

1 licensed associate alcoholism and drug abuse ~~associate~~ counselor, and
2 certified alcoholism and drug abuse technician shall:

3 (1) renew Renew his or her license or certificate every two (2)
4 years; and

5 (2) shall pay Pay the State Board of Examiners of Alcoholism and
6 Drug Abuse Counselors a renewal fee fixed by the board.

7 (b)(1) Renewal fees shall be waived for any licensee or person
8 certified actually serving in the armed forces of the United States.

9 (2) The A waiver under subdivision (b)(1) of this section shall
10 be effective for six (6) months following honorable discharge, separation, or
11 release from the armed forces, after which period a license or certificate
12 shall be considered lapsed.

13 (c) The board, at its discretion, may require continuing education as
14 a condition of license or certificate renewal.

15

16 17-27-414. Grievance procedure – Denial, revocation, or suspension of
17 license or certificate – Appeals.

18 (a) The State Board of Examiners of Alcoholism and Drug Abuse
19 Counselors may hear the grievances of any person whose application for a
20 license, registration, or certificate has been denied.

21 (b) The board may deny, revoke, or suspend any license, registration,
22 or certificate upon proof that the person has willfully or repeatedly
23 violated any of the provisions of this subchapter or any rule or regulation
24 promulgated by the board or upon proof that a person has practiced outside
25 the scope of practice for which he or she is licensed or certified under this
26 subchapter.

27 (c) The board shall not suspend, revoke, or refuse to renew a license
28 or certificate, except after a hearing held before the board, upon notice to
29 the person charged.

30 (d) The notice shall:

31 (1) be Be in writing;

32 (2) shall state State the nature of the charges, the time and
33 place of the hearing; and

34 (3) shall be Be served on the person charged by certified mail
35 not less than thirty (30) days ~~prior to~~ before the date of the hearing.

36 (e) The person charged: ~~may~~

- 1 (1) May appear in person or by counsel,;
- 2 (2) ~~may~~ May testify~~;~~;
- 3 (3) ~~and may produce~~ Produce evidence and witnesses on his or her
- 4 own behalf~~;~~;
- 5 (4) ~~may~~ May cross-examine witnesses~~;~~ and
- 6 (5) ~~shall be~~ Is entitled on application to the board to the
- 7 issuance of subpoenas to compel the attendance of witnesses and the
- 8 production of documentary evidence.

9 (f)(1) The board or its authorized representative on his or her behalf
 10 shall have the authority to issue subpoenas to compel the attendance of
 11 witnesses and the production of documents and may administer oaths.

12 (2) The board may invoke the aid of the circuit court for the
 13 county in which the hearing is held to enforce compliance with its subpoenas.

14 (g) A stenographic or mechanical record of the hearing shall be taken,
 15 and a transcript shall be preserved by the board.

16 (h) At all hearings before the board, the Attorney General of the
 17 State of Arkansas or one (1) of his or her assistants designated by him or
 18 her shall appear and represent the board.

19 (i) The decision of the board shall be by a majority vote ~~thereof~~ of
 20 the board.

21 (j) A copy of the board's order shall be sent by certified mail to the
 22 last known address of the person charged.

23 (k) The board may grant a rehearing when new and material evidence is
 24 offered for its consideration.

25 (1)(1) Any person aggrieved by a final order of the board, within
 26 thirty (30) days of the entry of the order, may appeal to the circuit court
 27 of the county in which he or she resides.

28 (2) The appeal shall be determined by the court upon the
 29 certified record, and ~~no~~ new or additional evidence shall not be heard or
 30 considered by the court.

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APPROVED: 3/18/2009