

1 State of Arkansas
2 80th General Assembly
3 Regular Session, 1995
4 By: Representative Dietz

A Bill

HOUSE BILL 1369

For An Act To Be Entitled

"AN ACT TO PROVIDE FOR THE LICENSURE OF ALCOHOL AND DRUG
COUNSELING SPECIALISTS; AND FOR OTHER PURPOSES."

Subtitle

"TO PROVIDE FOR THE LICENSURE OF ALCOHOL
AND DRUG COUNSELING SPECIALISTS"

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

SECTION 1. Definitions.

As used in this act:

(1) "Board" means the Arkansas Licensing Board of Alcohol and Drug
Counseling Specialists;

(2) "Licensed Alcohol and Drug counseling specialist" means a person
who is licensed under this act to practice alcohol and drug counseling;

(3) "Practice of Alcohol and Drug Counseling" means rendering or
offering to render to a person or group of persons for compensation any
service that assists the person or group to develop an understanding of
alcoholism and drug dependency problems and to define goals and plan courses
of action reflecting the person_s or group_s interests, abilities, and needs
as affected by alcoholism and drug dependency problems. It includes the
professional application of values, principals, and techniques to one or more
of the following:

(A) Alcohol and drug counseling with persons, families or
groups;

(B) Helping persons or families obtain other services
appropriate to alcoholism and drug abuse rehabilitation; and

(C) Engaging in alcohol and drug education or prevention through

1 the administration of alcohol and drug counseling services.

2 (4) "Supervised work experience" means paid or voluntary work
3 experience as *an alcohol and drug counseling specialist* who provides *alcohol*
4 *and drug* counseling services, under the supervision of a licensed alcohol and
5 *drug counseling specialist*, to persons with alcoholism or other drug
6 dependency or both.

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8 SECTION 2. Exemptions.

9 (a) Nothing contained in this act shall be construed to limit the
10 professional pursuits of administrators, teachers and school counselors in
11 recognized public and private schools, clergymen, licensed professional
12 *counselors, licensed psychological examiners, social workers, certified*
13 *employee assistance professionals*, registered nurses, pharmacists,
14 psychologists or practitioners of medicine, provided that these persons do
15 not hold themselves out to the public by any title as being a "licensed
16 alcohol and drug *counseling specialist*" and hold valid licenses,
17 certificates, or registrations in the State of Arkansas and are operating
18 within the standards and ethics of their respective professions.

19 (b) Nothing contained in this act shall be construed to limit the
20 activities of:

21 (1) Students or interns seeking to fulfill educational
22 requirements in order to qualify for a license under this act, provided that
23 they perform alcohol and drug counseling activities under supervision of a
24 licensed alcohol and drug *counseling specialist*;

25 (2) Individuals who work in self-help groups or programs;

26 (3) Individuals offering volunteer services who are approved by
27 the organization for whom the service is rendered; and

28 (4) Persons in the employment of federal, state, or local
29 government, provided that their activities and services are a part of their
30 official duties.

31 (c) *Nothing in this act shall be construed to limit the professional*
32 *pursuits of mental health professionals working in a community mental health*
33 *center certified by the state of Arkansas.*

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35 SECTION 3. Establishment of Board.

1 (a) The Arkansas Licensing Board of Alcohol and Drug *Counseling*
2 *Specialists* is created and the Governor shall appoint, from a list of at
3 least two (2) names per position of qualified candidates submitted by the
4 Arkansas Association of *Alcoholism and Drug Counselors*, nine (9) members who
5 must have the following qualifications:

6 (1) *Four (4) members shall be selected to represent four (4) of*
7 *the following five (5) professions: counseling, social work, psychology,*
8 *nursing and medicine. Each member shall be actively engaged in the practice*
9 *of alcohol and drug counseling and shall hold a valid license issued by the*
10 *appropriate licensing body, either: the Board of Examiners in Counseling,*
11 *the Social Work Licensing Board, the Board of Examiners in Psychology, the*
12 *State Board of Nursing or the State Board of Medicine;*

13 (2) Three (3) members shall be licensed alcohol and drug
14 *counseling specialists*, who are actively engaged in the practice of alcohol
15 and drug counseling;

16 (3) One (1) member shall be a consumer, who has received alcohol
17 and drug counseling services; and

18 (4) One (1) member shall be a minority.

19 (b) Two (2) initial members appointed to the Arkansas Board of Alcohol
20 and Drug *Counseling Specialists* shall serve for terms expiring January 1,
21 1997, two (2) initial members shall serve for terms expiring January 1, 1998,
22 two (2) initial members shall serve for terms expiring January 1, 1999, and
23 three (3) initial members shall serve for terms expiring January 1, 2000.
24 The nine (9) initial members shall draw lots to determine the lengths of
25 their initial terms. Successor members shall serve four (4) year terms.

26 (c) The board of directors of the Arkansas Association of *Alcoholism*
27 *and Drug Counselors* shall select the initial chairperson from the board
28 membership not later than January 1, 1996.

29 (d)(1) All board members, except the consumer and minority
30 *representatives and licensed professionals from other fields*, must hold a
31 current license issued by the board.

32 (2) The Arkansas Substance Abuse Certification Board shall issue
33 licenses to the initial board members, except the consumer and minority
34 *representatives and licensed professionals from other fields*, without
35 application or examination.

1 (e) The Governor may remove any board member, upon recommendation of
2 the board and after written notice and hearing, for incapacity, incompetence,
3 neglect of duty or malfeasance in office.

4 (f) Upon any vacancy, the board shall notify the Arkansas Association
5 of *Alcoholism and Drug Counselors*, which shall submit to the Governor, within
6 thirty (30) days of notification, names of at least two (2) qualified
7 candidates. The Governor shall make the appointment from the list within
8 thirty (30) days after the association has submitted the candidates_ names.
9 In the event the association does not submit a list of qualified candidates,
10 the Governor shall select the appointee.

11 (g) Members of the board shall serve without compensation, but may, to
12 the extent monies are appropriated therefor and subject to reasonable
13 limitations established by the Department of Finance and Administration, be
14 reimbursed for actual reasonable expenses incurred in the performance of
15 their official duties.

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17 SECTION 4. Organization and proceedings.

18 (a) The board shall hold its initial meeting during January, 1996.

19 (b) The board shall meet at least four (4) times each year at times
20 and places designated by the chairperson. Additional meetings may be held
21 upon call of the chairperson or upon written request of four (4) members of
22 the board.

23 (c) Five (5) members of the board shall constitute a quorum.

24 (d) The board shall adopt a seal that must be affixed to all licenses
25 issued by the board.

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27 SECTION 5. Powers and Duties of the Board.

28 (a) The board shall adopt rules to implement this act, including rules
29 governing the approval of supervised work experience and education
30 requirements, the application forms for licensure, continuing education
31 requirements, reciprocity and *the National Association of Alcohol and Drug*
32 *Counselors Code of Ethical Practice*.

33 (b) The board shall review and act upon applications for licensure at
34 least twice yearly and shall regulate the renewal of licenses.

35 (c) The board shall set a fee schedule for applications, examinations,

1 and renewal of licensure in amounts that are reasonable to cover the costs of
2 administering this act.

3 (d) The board shall administer an examination approved by the
4 International Certification Reciprocity Consortium/Alcoholism and Other Drug
5 Abuse to determine the qualifications of an applicant for license under this
6 act at least twice yearly.

7 (e) The board shall conduct hearings on the denial, revocation or
8 suspension of a license and may deny, revoke, or suspend any license upon
9 proof that the person has willfully or repeatedly violated any of the
10 provisions of this act or any rule promulgated by the board.

11 (f) The board shall have authority to issue subpoenas to compel the
12 attendance of witnesses and the production of documents and may administer
13 oaths.

14 (g) The board shall maintain a register of licensed alcohol and drug
15 *counseling specialists*.

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17 SECTION 6. License Requirements.

18 (a) The board shall issue a license as a "licensed alcohol and drug
19 *counseling specialists*" to an applicant who meets the following requirements:

20 (1) Is at least eighteen (18) years of age;

21 (2) Has a high school diploma or equivalent;

22 (3) Has successfully completed a minimum of two hundred seventy
23 (270) hours of education approved by the board;

24 (4) Has successfully completed a minimum of three (3) years or
25 six thousand (6,000) hours of supervised work experience approved by the
26 board;

27 (5) Has submitted an application to the board on a form provided
28 by the board;

29 (6) Has paid to the board an examination and application fee;

30 (7) Has submitted a case presentation to the board;

31 (8) Has submitted three (3) letters of reference;

32 (9) Has passed a written and oral examination approved by
33 International Certification Reciprocity Consortium/Alcoholism and Other Drug
34 Abuse;

35 (10) Has certified under penalty of perjury, as evidenced by a

1 notarized signature on the application for licensure, that all education and
2 experience requirements have been met; and

3 (11) Has signed a written agreement to abide by *the National*
4 *Association of Alcohol and Drug Counselors Code of Ethical Practice.*

5 (b) Any applicant who is licensed by the Arkansas Board of Examiners
6 in Counseling, the Arkansas Social Work Licensing Board, the Arkansas Board
7 of Examiners in Psychology, the State Board of Nursing, or State Medical
8 Board and who holds a valid license on January 1, 1996, is exempt from the
9 educational requirements established by this act, and may be exempt from any
10 portion of the supervised work experience requirements established by this
11 act the board deems have been satisfied as evidenced by documentation
12 presented by the applicant.

13 (c) Any applicant holding a baccalaureate, master_s, or doctoral
14 degree from an accredited college or university in psychology, social work,
15 counseling, nursing, or any other related program approved by the board is
16 exempt from the educational requirements established by this act.

17 (d) The license shall be displayed in the licensee_s principal place
18 of practice and shall entitle the licensee to hold himself out to the public
19 as providing services authorized by this act.

20 (e) *A licensed alcohol and drug counseling specialist shall not*
21 *provide alcohol and drug treatment services in a private practice.*

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23 SECTION 7. Grandfather clause.

24 *The department shall issue a license as a "licensed alcohol and drug*
25 *counseling specialist" to any person who holds valid certification from the*
26 *Arkansas Substance Abuse Certification Board, the Arkansas Board of Examiners*
27 *in Counseling, the Arkansas Social Work Licensing Board, the Board of*
28 *Examiners in Psychology, the State Board of Nursing, or State Medical Board*
29 *on January 1, 1996, and who have at least one year's work experience in the*
30 *area of alcohol and drug abuse, and who:*

31 (a) Has submitted an application to the board on a form provided by
32 the board;

33 (b) Has paid to the board an examination and application fee; and

34 (c) Has signed a written agreement to abide by *the National*
35 *Association of Alcohol and Drug Counselors Code of Ethical Practice.*

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SECTION 8. License renewal requirements.

The board shall renew a license as a "licensed alcohol and drug *counseling specialist*" to an applicant that meets the following requirements:

- (1) Has submitted an application to the board on a form provided by the board;
- (2) Has paid to the board a renewal and application fee fixed by the Arkansas Licensing Board of Alcohol and Drug *Counseling Specialists*; and
- (3) Has completed, in each two (2) year period in which the person has held a license, sixty (60) hours of education approved by the board.

SECTION 9. Reciprocity.

The board may grant the appropriate license without examination to any person who holds a valid certification or license or both from another state that meets the current minimum requirements for licensure in Arkansas provided a reciprocal agreement exists between the states.

SECTION 10. Unlawful practice.

- (a)(1) After January 1, 1999, except as provided in this act, no person shall engage in the practice of alcohol and drug counseling unless they are licensed in accordance with this act.
- (2) After January 1, 1999, no person shall hold themselves out to the public by any title representing themselves as a "licensed alcohol and drug *counseling specialist*" unless licensed pursuant to this act.
- (b) Any person who violates any provision of this act shall be guilty of a Class B misdemeanor.

SECTION 11. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 12. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this

1 act are declared to be severable.

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3 SECTION 13. All laws and parts of laws in conflict with this act are
4 hereby repealed.

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/s/Rep. Dietz

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