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2 81st General Assembly  
3 Regular Session, 1997  
4 By: Senator Bearden

As Engrossed: S2/18/97 S2/19/97

# A Bill

SENATE BILL 8

## For An Act To Be Entitled

"AN ACT TO PROVIDE FOR THE LICENSURE AND REGISTRATION OF  
ALCOHOLISM AND DRUG ABUSE COUNSELORS; AND FOR OTHER  
PURPOSES."

### Subtitle

"TO PROVIDE FOR THE LICENSURE AND  
REGISTRATION OF ALCOHOLISM AND DRUG  
ABUSE COUNSELORS."

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

SECTION 1. Definitions. As used in this act:

(a) "Board" means the State Board of Examiners of Alcoholism and Drug Abuse Counselors created by this act.

(b) "Certified clinical supervisor" means a person certified by the Arkansas Substance Abuse Certification Board or the State Board of Examiners of Alcoholism and Drug Abuse Counselors to provide clinical supervision for applicants for certification or licensure.

(c) "Licensed alcoholism and drug abuse counselor" means a person who renders, for compensation, alcoholism and drug abuse counseling or alcoholism and drug abuse counseling-related services to an individual, group, organization, corporation, institution, or to the general public, and who holds a license issued by the State Board of Examiners of Alcoholism and Drug Abuse Counselors, or by another health or behavioral sciences board to engage in the practice of alcoholism and drug abuse counseling.

(d) "Practice of alcoholism and drug abuse counseling" means the professional activity of helping, for compensation, individuals, groups, organizations, corporations, institutions, or the general public, to develop an understanding of alcoholism and drug dependency problems; and defining

1 goals and planning action reflecting the individuals or groups interest,  
2 abilities and needs as affected by claimed alcoholism and drug dependency  
3 problems. It includes the professional application of values, principles and  
4 techniques to one or more of the following ends: counseling with individuals,  
5 families and groups; helping people obtain tangible services; assisting  
6 communities or groups; providing or improving social and health services; and  
7 engaging in alcoholism and drug abuse education and prevention through the  
8 appropriate administration of alcoholism and drug abuse counseling services.

9 (e) "Supervised work experience" means paid or voluntary work  
10 experience as an alcohol and drug abuse counselor who provides alcohol and  
11 drug abuse counseling services, under the supervision of a credentialed  
12 alcohol and drug abuse counselor, to persons with alcoholism or other drug  
13 dependency or both.

14

15 SECTION 2. Purpose.

16 (a) It is the purpose and policy of the State of Arkansas to protect  
17 the public from being misled by incompetent and unauthorized persons and from  
18 unprofessional conduct on the part of qualified alcoholism and drug abuse  
19 counselors by providing regulatory authority over persons who hold themselves  
20 out to the public as licensed alcoholism and drug abuse counselors.

21 (b) The purpose of this act is to allow the State Board of Examiners of  
22 Alcoholism and Drug Abuse Counselors to establish appropriate licensure  
23 requirements and define the practice of licensed alcoholism and drug abuse  
24 counseling and to promote high standards of professional performance for those  
25 engaged in the practice of alcoholism and drug abuse counseling by regulating  
26 the title, and by setting standards of qualification, training and experience  
27 for those who seek to engage in the practice of alcoholism and drug abuse  
28 counseling in Arkansas, and to formulate reimbursement for alcoholism and drug  
29 abuse counseling for qualified and licensed professionals.

30

31 SECTION 3. Exemptions. (a) Nothing contained in this act shall be  
32 applicable to employees of the State Department of Education or local boards  
33 of education who meet the certification as established, or which may be  
34 established, by the State Board of Education. Nor shall anything in this act  
35 be construed to apply to limit or restrict the regulation of the title,  
36 setting of standards, qualifications, training or experience of those who seek

1 to engage in the practice of alcoholism and drug abuse counseling and who have  
2 been, or will be, certified by the State Board of Education for the position  
3 for which they have been employed.

4 (b) Nothing contained in this act shall require persons employed by the  
5 State of Arkansas, the director or administrative head of a social service  
6 agency or division of a city or county, or applicants for such employment to  
7 be licensed.

8 (c) Nothing contained in this act shall require persons employed by  
9 church-related or church-operated or affiliated agencies, childrens homes,  
10 neighborhood centers, or other philanthropic and non-profit field service  
11 offices to be licensed. The provisions of this act shall not be construed to  
12 apply to, limit or restrict the regulation of the title, setting of standards,  
13 qualifications, training and experience of those engaged as employees of such  
14 entities in the practice of an applied health or behavioral science.

15 (d) Nothing contained in this act shall be construed to limit the  
16 activities and services of a student or intern seeking to fulfill educational  
17 requirements in order to qualify for a license under this act.

18 (e) Nothing contained in this act shall prohibit individuals not  
19 licensed under the provisions of this act who work in self-help groups or  
20 programs or not-for-profit organizations from providing services in those  
21 groups, programs, or organizations or agencies.

22 (f) Nothing contained in this act shall be construed to prevent  
23 qualified members of other recognized health or behavioral science professions  
24 from performing work within the standards and ethics of their respective  
25 professions, provided, however, that they do not hold themselves out to the  
26 public as being licensed alcoholism and drug abuse counselors.

27 (g) Nothing in this act shall be construed to prevent persons licensed  
28 under other health behavioral science boards from the practice of alcoholism  
29 and drug abuse counseling so long as those persons maintain current licensure  
30 in their respective fields and can provide evidence of specialty credentials  
31 in alcohol and drug abuse counseling.

32 (h) *Nothing contained in this act shall be construed to prevent members*  
33 *of the clergy or Christian Science practitioners from performing work within*  
34 *the standards and any code of ethics of their respective professions as long*  
35 *as they do not hold themselves out to the public as being licensed alcoholism*  
36 *and drug abuse counselors.*

1 SECTION 4. Establishment of licensure board.

2 (a) There is hereby created the State Board of Examiners of Alcoholism  
3 and Drug Abuse Counselors to be composed of thirteen (13) members who shall be  
4 appointed by the Governor.

5 (1) Two (2) of the initial members shall be alcoholism and drug  
6 abuse counselors certified by the Arkansas Substance Abuse Certification Board  
7 who are eligible for licensing under the provisions of this act and who have  
8 rendered service, education or research in alcoholism and drug abuse  
9 counseling for at least five (5) years. Their successors shall be alcoholism  
10 and drug abuse counselors licensed by the State Board of Examiners of  
11 Alcoholism and Drug Abuse Counselors who have rendered service, education or  
12 research in alcoholism and drug abuse counseling for at least two (2) years.

13 (2) Four (4) of the initial members shall be alcoholism and drug  
14 abuse counselors certified by the Arkansas Substance Abuse Certification Board  
15 who are eligible for licensing under the provisions of this act and who have  
16 rendered service, education or research in alcoholism and drug abuse  
17 counseling for at least two (2) years. Their successors shall be alcoholism  
18 and drug abuse counselors licensed by the State Board of Examiners of  
19 Alcoholism and Drug Abuse Counselors who have rendered service, education or  
20 research in alcoholism and drug abuse counseling for at least five (5) years.

21 (3) Four (4) of the initial members shall be alcoholism and drug  
22 abuse counselors certified by the Arkansas Substance Abuse Certification Board  
23 who are eligible for licensing under the provisions of this act and who engage  
24 in the independent practice of alcoholism and drug abuse counseling. Their  
25 successors shall be alcoholism and drug abuse counselors licensed by the State  
26 Board of Examiners of Alcoholism and Drug Abuse Counselors who have rendered  
27 service, education or research in alcoholism and drug abuse counseling for at  
28 least five (5) years.

29 (4) Two (2) members shall be licensed by an Arkansas health or  
30 behavioral sciences board and hold current alcohol and drug abuse counseling  
31 credentials from their licensing boards.

32 (5) One (1) member shall be a citizen at large who is not  
33 associated with or financially interested in the practice or business  
34 regulated.

35 (b) The initial members of the board shall be appointed so that three  
36 (3) serve a one-year term; three (3) serve a two-year term; three (3) serve a

1 three-year term; and four (4) serve a four-year term. Successor members shall  
2 serve four-year terms except that persons appointed to fill vacancies  
3 resulting in an unexpired term shall serve for the remainder of that unexpired  
4 term.

5 (c) Upon recommendation of the board, made after notice and hearing,  
6 the Governor may remove any member of the board for incompetence, neglect of  
7 duty or malfeasance in office.

8 (d) Any vacancy on the board shall be filled by the Governor.

9 (e) The Governor shall call the first board meeting and designate a  
10 member to preside at that meeting. The board shall elect annually from its  
11 membership a chairperson, vice-chairperson and a secretary. The board shall  
12 meet as frequently as it deems necessary, at such times and places as the  
13 board designates. Additional meetings may be held upon call of the  
14 chairperson or upon written request of five (5) members of the board.

15 (f) Seven (7) members of the board shall constitute a quorum.

16 (g) The board shall issue licenses to the initial board members, except  
17 the consumer, without application or examination provided that the board  
18 verifies their certification by the Arkansas Substance Abuse Certification  
19 Board.

20

21 SECTION 5. Compensation for board members.

22 The members of the board may receive a stipend of fifty dollars (\$50.00)  
23 per day for each day of attendance at a board meeting plus expense  
24 reimbursement pursuant to Arkansas Code 25-16-901 et seq. Stipend and expense  
25 reimbursement shall not be made if available funds are insufficient for this  
26 purpose.

27

28 SECTION 6. Powers and duties of board.

29 (a) The board shall administer and enforce the provisions of this act  
30 and may adopt rules and regulations consistent with its provisions, including  
31 a code of ethical practice for licensed alcoholism and drug abuse counselors.

32 (b) The board shall review and act upon applications for licensure at  
33 least four (4) times a year and shall regulate the renewal of licenses.

34 (c) The board may conduct hearings on charges calling for the denial,  
35 revocation or suspension of a license, shall adopt rules for the conduct of  
36 the hearings, and shall cause the prosecution of all persons who violate any

1 provisions of this act or any rule or regulation promulgated pursuant to its  
2 provisions.

3 (d) The board may sue and be sued in its own name.

4 (e) The board may employ any persons it deems necessary to carry on the  
5 work of the board and shall define their duties and fix their compensation  
6 within the limits prescribed by law.

7 (f) The board shall maintain a register of licensed alcoholism and drug  
8 abuse counselors. The register shall be a public record.

9 (g) The board shall keep a complete record of all of its proceedings.

10 (h) The board shall set by regulation a fee schedule for examination.  
11 The fees shall be set at a level sufficient to cover the cost of preparations,  
12 administration and grading of the examination.

13

14 SECTION 7. Board to enjoin violations.

15 When it appears to the board that a person is violating any provisions  
16 of this act, the board or any member thereof shall not be required to furnish  
17 bond for any cost or filing fees in connection with the proceeding.

18

19 SECTION 8. License, alcoholism and drug abuse counselor; requirements  
20 for issuance.

21 (a) The board shall issue the license as "licensed alcoholism and drug  
22 abuse counselor" to an applicant who meets the following requirements:

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

24 (2) Has successfully completed a minimum of three (3) years or  
25 six thousand (6,000) hours of supervised experience. Supervised experience  
26 must be approved and documented by a Certified Clinical Supervisor in good  
27 standing with the board;

28 (3) Has successfully completed a minimum of two hundred seventy  
29 (270) clock hours of approved education. Approved education must be directly  
30 related to alcoholism and/or drug abuse counseling subjects, theory, practice  
31 or research;

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

33 (5) Has certified under penalty of perjury as evidence by a  
34 notarized signature on the application for licensure, that all education and  
35 experience requirements have been met;

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

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

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

6 (9) Has signed a written agreement to abide by the code of ethics  
7 adopted by the board.

8 (b) All licensure applicants who are not exempted under another section  
9 of this act must meet the following educational requirements:

10 (1) Obtained an associate degree in the behavioral sciences field  
11 from an accredited college by the year 2000;

12 (2) Obtained a baccalaureate degree in the behavioral sciences  
13 field from an accredited college or university by the year 2004;

14 (3) Show evidence of initiating a masters or doctoral degree in  
15 the behavioral sciences field from an accredited college or university by the  
16 year 2006;

17 (4) Successful completion of a minimum of two hundred seventy  
18 (270) additional clock hours of board approved training;

19 (5) Successful completion of a minimum of two (2) years or two  
20 thousand (2,000) hours of supervised direct counseling experience in the  
21 alcoholism or drug abuse counseling field, either paid or voluntary. For  
22 national reciprocity, a minimum of four thousand (4,000) hours is required.  
23 Supervised experience must be approved and documented by a Certified Clinical  
24 Supervisor in good standing with the board;

25 (6) Successful completion of a minimum of three hundred (300)  
26 hours of supervised direct counseling practicum. Supervised experience must  
27 be approved and documented by a Certified Clinical Supervisor in good standing  
28 with the board. This practicum may be included in place of the above-  
29 mentioned requirement of two (2) years experience.

30 (7) Successful completion of the written examination and oral  
31 examination for licensure as an alcoholism and drug abuse counselor.

32 (c) Any applicant who is licensed by the Arkansas Board of Examiners in  
33 Counseling, the Arkansas Social Work Licensing Board, the Arkansas Board of  
34 Examiners in Psychology, the State Board of Nursing or State Medical Board is  
35 exempt from the educational requirements established by this act, and may be  
36 exempt from any portion of the supervised work experience requirements

1 established by this act the board deems have been satisfied as evidenced by  
2 documentation presented by the applicant.

3 (d) Any applicant holding a masters or doctoral degree from an  
4 accredited college or university in psychology, social work, counseling,  
5 nursing or any other related program approved by the board is exempt from the  
6 educational requirements established by this act.

7 (e) The license shall be displayed in the licensees principal place of  
8 practice and shall entitle the licensee to hold himself forth to the public as  
9 providing services as authorized by this act.

10

11 SECTION 9. Certified Clinical Supervisors.

12 (a) The board may issue certificates to persons who meet the  
13 qualifications and standards established by the board for Certified Clinical  
14 Supervisors.

15 (b) The board shall establish criteria for certification as a Certified  
16 Alcoholism and Drug Abuse Technician. Technicians certified by the board may  
17 engage in the practice of alcoholism and drug abuse counseling only while  
18 under the direct supervision of a licensed alcoholism and drug abuse  
19 counselor.

20

21 SECTION 10. Grandfather clause.

22 (a) The board shall issue the license as "licensed alcoholism and drug  
23 abuse counselor" to any person who holds a current valid certification from  
24 the Arkansas Substance Abuse Certification Board as a Certified Substance  
25 Abuse Counselor and who:

26 (1) Is in good standing with the board;

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

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

30 (4) Has signed a written agreement to abide by the code of ethics  
31 adopted by the board.

32 (b) All applicants who have officially opened a file with the board  
33 prior to the effective date of this act and who are in good standing with the  
34 board will be grandfathered into licensing with the following stipulation of  
35 successful completion of the current requirements for certification as  
36 follows:



1 (1) Successful completion of a minimum of three (3) years or six  
2 thousand (6,000) hours of supervised direct counseling experience in the  
3 alcoholism or drug abuse counseling field, either paid or voluntary.  
4 Supervised experience must be approved and documented by a Certified Clinical  
5 Supervisor in good standing with the board;

6 (2) Successful completion of a minimum of two hundred seventy  
7 (270) clock hours of approved education or workshop training within the last  
8 five (5) years. Approved education must be directly related to alcoholism  
9 and/or drug abuse counseling subjects, theory, practice or research. Official  
10 college transcript hours will be considered on an individual basis towards  
11 this two hundred seventy (270) hour requirement and is not required to be  
12 within the last five (5) years;

13 (3) Successful completion of a minimum of three hundred (300)  
14 hours of supervised direct counseling practicum within the last five (5)  
15 years. Supervised experience must be approved and documented by a Certified  
16 Clinical Supervisor in good standing with the board;

17 (4) Successful completion of the written examination and oral  
18 examination for licensure as an alcoholism and drug abuse counselor;

19

20 SECTION 11. License renewal; Fee; Waiver.

21 (a) Each licensed alcoholism and drug abuse counselor shall renew his  
22 license every two (2) years and shall pay the board a renewal fee fixed by the  
23 board.

24 (b) Each licensee whose license is renewed by the board shall be issued  
25 a renewal license.

26 (c) Renewal fees shall be waived for any licensee actually serving in  
27 the armed forces of the United States. The waiver shall be effective for six  
28 (6) months following honorable discharge, separation or release from the armed  
29 forces, after which period a license shall be considered lapsed.

30 (d) The board may, at its discretion, require continuing education as a  
31 condition of license renewal.

32

33 SECTION 12. Practice without license prohibited; Use of titles.

34 Beginning July 1, 1998, except as provided in this act, no person shall  
35 engage in the practice of alcoholism and drug abuse counseling unless he is  
36 licensed in accordance with the provisions of this act, and no person shall

1 hold himself out to the public by any title or description of services  
2 representing himself as a licensed alcoholism and drug abuse counselor, or any  
3 other title that includes such words except as such usage of title or  
4 description is authorized by this act.

5

6 SECTION 13. Grievance procedure; Denial, revocation or suspension of  
7 license; Appeals.

8 (a) The board may hear grievances of any person whose application for a  
9 license has been denied.

10 (b) The board may deny, revoke or suspend any license upon proof that  
11 the person has willfully or repeatedly violated any of the provisions of this  
12 act or any rule or regulation promulgated by the board.

13 (c) The board shall not suspend, revoke or refuse to renew a license  
14 except after a hearing held before the board upon notice to the person  
15 charged.

16 (d) The notice shall be in writing, shall state the nature of the  
17 charges, the time and place of the hearing and shall be served on the person  
18 charged by certified mail not less than thirty (30) days prior to the date of  
19 the hearing.

20 (e) The person charged may appear in person or by counsel, may testify  
21 and may produce evidence and witnesses on his own behalf, may cross-examine  
22 witnesses, and shall be entitled, on application to the board, to the issuance  
23 of subpoenas to compel the attendance of witnesses and the production of  
24 documentary evidence.

25 (f) The board, or its authorized representative on his behalf, shall  
26 have authority to issue subpoenas to compel the attendance of witnesses and  
27 the production of documents and may administer oaths. The board may invoke  
28 the aid of the circuit court for the county in which the hearing is held to  
29 enforce compliance with its subpoenas.

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

32 (h) At all hearings before the board, the Attorney General of the State  
33 of Arkansas, or one of his assistants designated by him, shall appear and  
34 represent the board.

35 (i) The decision of the board shall be by majority vote thereof.

36 (j) A copy of the boards order shall be sent by certified mail to the

1 person charged at his last known address.

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

4 (l) Any person aggrieved by a final order of the board may, within  
5 thirty (30) days of the entry of the order, appeal to the circuit court of the  
6 county in which he resides. The appeal shall be determined by the court upon  
7 the certified record and no new or additional evidence shall be heard or  
8 considered by the court.

9

10 SECTION 14. All monies received by the board under this act shall be  
11 deposited in one or more financial institutions in this state. The monies  
12 shall be used for the operation of the board.

13

14 SECTION 15. Confidentiality of information; Exception.

15 No licensed alcoholism and drug abuse counselor may disclose any  
16 information he may have acquired from persons consulting him in his capacity  
17 as an alcoholism and drug abuse counselor, except:

18 (1) With the written consent of the person or, in the case of death or  
19 disability, of his authorized representative, or the beneficiary of an  
20 insurance policy on his life, health or physical condition;

21 (2) A communication that reveals the contemplation of a crime or a  
22 harmful act;

23 (3) When the communication indicates that the person was the victim of  
24 a crime, the licensee shall be required to testify fully when properly  
25 subpoenaed or ordered by a court of competent jurisdiction in any examination,  
26 trial or other proceeding in which the commission of a crime is the subject of  
27 inquiry;

28 (4) Communications made in the course of an examination ordered by a  
29 court of competent jurisdiction when the client has been informed before the  
30 examination that any communications made during the examination would not be  
31 privileged;

32 (5) When the licensee is a defendant in either a civil or criminal  
33 action;

34 (6) If the licensee has reasonable ground to suspect that a child has  
35 been abused or neglected, he shall report such information as required by law.

36

1 SECTION 16. Discrimination prohibited.

2 The consideration of a license application, the conduct of an  
3 examination, the establishment and enforcement of a rule, a disciplinary  
4 proceeding and any other action and decision performed under this act shall be  
5 done without regard to the sex, religion, national origin, color or political  
6 affiliation of the person affected.

7

8 SECTION 17. Penalties.

9 Any person who violates any provision of this act shall be deemed guilty  
10 of a class B misdemeanor.

11

12 SECTION 18. Reciprocity.

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

17

18 SECTION 19. All provisions of this act of a general and permanent  
19 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas  
20 Code Revision Commission shall incorporate the same in the Code.

21

22 SECTION 20. If any provision of this act or the application thereof to  
23 any person or circumstance is held invalid, such invalidity shall not affect  
24 other provisions or applications of the act which can be given effect without  
25 the invalid provision or application, and to this end the provisions of this  
26 act are declared to be severable.

27

28 SECTION 21. All laws and parts of laws in conflict with this act are  
29 hereby repealed.

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*/s/Bearden*

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