

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas
2 82nd General Assembly
3 Regular Session, 1999

As Engrossed: S2/18/99 S3/2/99 H4/7/99

A Bill

SENATE BILL 254

4
5 By: Senator Bearden

For An Act To Be Entitled

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

Subtitle

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

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Definitions. As used in this act:

22 (1) "Board" means the State Board of Examiners of Alcoholism and Drug
23 Abuse Counselors created by this act;

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

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

35 (4) "Practice of alcoholism and drug abuse counseling" means the
36 professional activity of helping individuals, groups, organizations,

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

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

16
17 SECTION 2. Purpose.

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

24 (b) The purpose of this act is to allow the State Board of Examiners of
25 Alcoholism and Drug Abuse Counselors to establish appropriate licensure and
26 certification requirements and define the practice of alcoholism and drug
27 abuse counseling and to promote high standards of professional performance for
28 those engaged in the practice of alcoholism and drug abuse counseling by
29 setting standards of qualification, training and experience for those who seek
30 to engage in the practice of alcoholism and drug abuse counseling under this
31 Act.

32
33 SECTION 3. Exemptions.

34 (a) Nothing contained in this act shall be applicable to employees of
35 the Department of Education or local boards of education who meet the
36 certification as established, or which may be established, by the State Board

1 of Education. Nothing in this act shall be construed to limit or restrict the
2 regulation of the title, setting of standards, qualifications, training or
3 experience of those who seek to engage in the practice of alcoholism and drug
4 abuse counseling and who have been, or will be, certified by the State Board
5 of Education for the position for which they have been employed.

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

10 (c) Nothing contained in this act shall be construed to limit the
11 activities and services of a student or intern seeking to fulfill educational
12 requirements in order to qualify for a license under this act or acts of other
13 recognized health or behavioral sciences professions.

14 (d) Nothing contained in this act shall prohibit individuals not
15 licensed under the provisions of this act who work in self-help groups or
16 programs or not-for-profit organizations from providing services in those
17 groups, programs, or organizations or agencies.

18 (e) Nothing contained in this act shall be construed to prevent
19 qualified members of other recognized health or behavioral science professions
20 from performing work within the standards and ethics of their respective
21 professions

22 (f) Nothing in this act shall be construed to prevent persons licensed
23 under other health or behavioral science boards from the practice of
24 alcoholism and drug abuse counseling so long as those persons maintain current
25 licensure in their respective fields.

26 (g) Nothing contained in this act shall be construed to prevent members
27 of the clergy or Christian Science practitioners from performing work within
28 the standards and any code of ethics of their respective professions as long
29 as they do not hold themselves out to the public as being licensed alcoholism
30 and drug abuse counselors.

31 (h) Nothing contained in this act shall be construed to restrict the
32 licensure of programs under Arkansas Code 20-64-901 through 20-64-909.

33
34 SECTION 4. Establishment of licensure board.

35 (a) There is hereby created the State Board of Examiners of Alcoholism
36 and Drug Abuse Counselors to be composed of thirteen (13) members who shall be

1 appointed by the Governor.

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

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

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

26 (4) One (1) member shall be licensed by an Arkansas health or
27 behavioral sciences board and hold a specialty in alcohol and drug abuse
28 counseling or addiction and a current license from their licensing boards.

29 (5) One (1) member who is a licensed professional counselor with
30 a specialty in alcohol and drug abuse counseling or addiction.

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

34 (b) The initial members of the board shall be appointed so that three
35 (3) serve a one-year term; three (3) serve a two-year term; three (3) serve a
36 three-year term; and four (4) serve a four-year term. Successor members shall

1 serve four-year terms except that persons appointed to fill vacancies
2 resulting in an unexpired term shall serve for the remainder of that unexpired
3 term.

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

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

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

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

15
16 SECTION 5. Compensation for board members.

17 The members of the board may receive a stipend of fifty dollars (\$50.00)
18 per day for each day of attendance at a board meeting plus expense
19 reimbursement pursuant to Arkansas Code §§25-16-901 through 908. Stipend and
20 expense reimbursement shall not be made if available funds are insufficient
21 for this purpose.

22
23 SECTION 6. Powers and duties of board.

24 (a) The board shall administer and enforce the provisions of this act
25 and shall adopt rules and regulations consistent with its provisions,
26 including a code of ethical practice.

27 (b) The board shall review and act upon applications for licensure and
28 certification at least four (4) times a year and shall regulate the renewal of
29 licenses or certifications.

30 (c) The board may conduct hearings on charges calling for the denial,
31 revocation or suspension of a license or certification, shall adopt rules for
32 the conduct of the hearings, and shall cause the prosecution of all persons
33 who violate any provisions of this act or any rule or regulation promulgated
34 pursuant to its provisions.

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

36 (e) The board may employ any persons it deems necessary to carry on the

1 work of the board and shall define their duties and fix their compensation
2 within the limits prescribed by law.

3 (f) The board shall maintain a register of all individuals licensed or
4 certified under the provisions of this Act. The register shall be a public
5 record.

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

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

10
11 SECTION 7. Board to enjoin violations.

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

15
16 SECTION 8. License, alcoholism and drug abuse counselor - requirements
17 for issuance.

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

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

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

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

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

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

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

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

35 (8) Has passed a national qualifying written examination and oral
36 examination prescribed by the board, sufficient to ensure professional

1 competence in keeping with the highest standards of the alcoholism and drug
2 abuse counseling profession;

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

5 (10) Holds a master degree in the health or behavioral sciences
6 field or other appropriate field from an accredited college or university.

7 (b) The license shall be displayed in the licensee's 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, alcoholism and drug abuse associate -
12 requirements for issuance.

13 (a) The board shall issue the certification as 'certified alcoholism
14 and drug abuse associate' to an applicant who meets the following
15 requirements:

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

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

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

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

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

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

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

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

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

1 (10) Holds a baccalaureate degree in the health or behavioral
2 sciences field or other appropriate field from an accredited college or
3 university.

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

6 (12) Successful completion of a minimum of two (2) years or two
7 thousand (2,000) hours of supervised direct counseling experience in the
8 alcoholism or drug abuse counseling field, either paid or voluntary. For
9 national reciprocity, a minimum of four thousand (4,000) hours is required.

10 Supervised experience must be approved and documented by a Certified Clinical
11 Supervisor in good standing with the board;

12 (13) Successful completion of a minimum of three hundred (300)
13 hours of supervised direct counseling practicum. Supervised experience must
14 be approved and documented by a Certified Clinical Supervisor in good standing
15 with the board. This practicum may be included in place of the above-
16 mentioned requirement of two (2) years experience; and

17 (14) Successful completion of the written examination and oral
18 examination for certification as an certified alcoholism and drug abuse
19 associate.

20 (b) The certification shall be displayed in the associate's principal
21 place of practice and shall entitle the individual to hold himself forth to
22 the public as providing services as authorized by this act.

23 (c) Associates certified by the board may engage in the practice of
24 alcoholism and drug abuse counseling only while under the direct supervision
25 of a licensed alcoholism and drug abuse counselor or other health professional
26 licensed under other behavioral sciences or health boards and practicing
27 alcoholism and drug abuse counseling.

28
29 SECTION 10. Certified, alcoholism and drug abuse technician -
30 requirements for issuance.

31 (a) The board shall issue the certification as "certified alcoholism
32 and drug abuse technician" to an applicant who meets the following
33 requirements:

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

35 (2) Has successfully completed a minimum of three (3) years or
36 six thousand (6,000) hours of supervised experience. Supervised experience

1 must be approved and documented by a Certified Clinical Supervisor in good
2 standing with the board;

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

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

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

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

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

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

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

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

20 (b) The certification shall be displayed in the associate's principal
21 place of practice and shall entitle the individual to hold himself forth to
22 the public as providing services as authorized by this act.

23 (c) Technicians certified by the board may engage in the practice of
24 alcoholism and drug abuse counseling only while under the direct supervision
25 of a licensed alcoholism and drug abuse counselor or other health professional
26 licensed under other behavioral sciences or health boards and practicing
27 alcohol and drug abuse counseling.

28 (d) Technicians shall not receive a license as a licensed alcoholism
29 and drug abuse counselor or a certificate as a certified alcohol and drug
30 abuse associate unless the provisions of sections 8 and 9 of this Act have
31 been met.

32
33 SECTION 11. Certified Clinical Supervisors.

34 The board may issue certificates to persons who meet the qualifications
35 and standards established by the board for Certified Clinical Supervisors.

36

1 SECTION 12. Grandfather clause.

2 (a) The board shall issue the appropriate license or certificate to any
3 person who holds a current valid certification from the Arkansas Substance
4 Abuse Certification Board as a Certified Substance Abuse Counselor or other
5 such persons holding a valid license under other health or behavioral science
6 boards and practicing alcoholism and drug abuse counseling and who:

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

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

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

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

13 (b) No person shall be grandfathered under the provisions of this
14 section unless that person has the required educational qualification as
15 required by this Act.

16
17 SECTION 13. License and certificate renewal - Fee - Waiver.

18 (a) Each licensed alcoholism and drug abuse counselor, certified
19 alcoholism and drug abuse associate and certified alcoholism and drug abuse
20 technician shall renew his license or certificate every two (2) years and
21 shall pay the board a renewal fee fixed by the board.

22 (b) Renewal fees shall be waived for any licensee or person certified
23 actually serving in the armed forces of the United States. The waiver shall
24 be effective for six (6) months following honorable discharge, separation or
25 release from the armed forces, after which period a license or certificate
26 shall be considered lapsed.

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

29
30 SECTION 14. Grievance procedure - Denial, revocation or suspension of
31 license or certificate- Appeals.

32 (a) The board may hear grievances of any person whose application for a
33 license or certificate has been denied.

34 (b) The board may deny, revoke or suspend any license or certificate
35 upon proof that the person has willfully or repeatedly violated any of the
36 provisions of this act or any rule or regulation promulgated by the board or

1 upon proof that a person has practiced outside the scope of practice for which
2 they are licensed or certified under this Act.

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

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

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

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

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

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

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

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

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

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

35
36 SECTION 15. All monies received by the board under this act shall be

1 deposited in one or more financial institutions in this state. The monies
2 shall be used for the operation of the board.

3
4 SECTION 16. Confidentiality of information - Exception.

5 No individual licensed or certified under the provisions of this Act may
6 disclose any information he may have acquired from persons consulting him in
7 his capacity as a person regulated under this Act, except:

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

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

13 (3) When the communication indicates that the person was the victim of
14 a crime, the individual shall be required to testify fully when properly
15 ordered by a court of competent jurisdiction in any examination, trial or
16 other proceeding in which the commission of a crime is the subject of inquiry;

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

21 (5) When the individual is a defendant in either a civil or criminal
22 action;

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

25
26 SECTION 17. All provisions of this act of a general and permanent
27 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
28 Code Revision Commission shall incorporate the same in the Code.

29
30 SECTION 18. If any provision of this act or the application thereof to
31 any person or circumstance is held invalid, such invalidity shall not affect
32 other provisions or applications of the act which can be given effect without
33 the invalid provision or application, and to this end the provisions of this
34 act are declared to be severable.

35
36 SECTION 19. All laws and parts of laws in conflict with this act are

1 *hereby repeal ed.*

2 /s/ Bearden

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