

SENATE BILL NO. 163

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE BY REQUEST

Introduced: 4/9/97

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act regulating chemical dependency counselors; and providing for an effective
2 date."

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 * **Section 1.** AS 08 is amended by adding a new chapter to read:

5 **Chapter 19. Chemical Dependency Counselors.**

6 **Article 1. Board of Chemical Dependency Counseling Examiners.**

7 **Sec. 08.19.010. Creation and membership of board.** (a) There is created
8 the Board of Chemical Dependency Counseling Examiners consisting of five members
9 appointed by the governor, four of whom are chemical dependency counselors licensed
10 under this chapter and one of whom is a public member. The governor shall consider
11 making appointments so that the membership of the board reflects the regional and
12 cultural diversity of the state. A member's term of office is four years.

13 (b) The board shall elect annually from among its members a chair, a vice-
14 chair, and a secretary.

1 **Sec. 08.19.020. Powers and duties of the board.** In addition to the powers
2 and duties conferred on the board under AS 08.01, the board shall

3 (1) review the training, education, and work experience of individuals
4 who apply for licensure under this chapter and approve the issuance of licenses to
5 those who qualify for them; the board may require a passing grade on an objective
6 examination before issuing a license under this chapter;

7 (2) establish continuing education requirements for individuals who
8 seek to renew a license under this chapter and approve courses that satisfy those
9 requirements;

10 (3) review and approve trainers and training sites and programs that
11 provide practicums or internships for persons who intend to become licensed under this
12 chapter;

13 (4) meet semiannually to conduct its business; and

14 (5) adopt regulations under AS 44.62 (Administrative Procedure Act)
15 that are necessary to carry out the purposes of this chapter.

16 **Article 2. Licensing.**

17 **Sec. 08.19.050. License required.** (a) A person who is not licensed under
18 this chapter may not

19 (1) engage in chemical dependency counseling for compensation except
20 as provided in (c) of this section;

21 (2) advertise to the public or represent oneself as being able to engage
22 in chemical dependency counseling; or

23 (3) use in connection with the individual's name any letters, words, or
24 insignia indicating or implying that the individual is a chemical dependency counselor.

25 (b) A person who is licensed under this chapter may practice chemical
26 dependency counseling only within the scope of the person's license.

27 (c) The limitation in (a) of this section does not apply to the activities and
28 services of a

29 (1) rabbi, priest, minister, Christian Science practitioner, clergyman, or
30 other similar religious practitioner of a religious denomination, or a tribally recognized
31 traditional healer if the person is engaged in activities that are within the scope of the

1 performance of the person's regular or specialized duties and the person remains
 2 accountable to the established authority of the religious denomination or the ruling
 3 body of the tribal group and no separate charge is made for the services;

4 (2) person who, with or without charge, performs activities under the
 5 auspices or sponsorship, individually or in conjunction with others, of an established
 6 church or body of spiritual believers;

7 (3) person licensed in this state under laws outside this chapter when
 8 the person is performing activities that are within the scope of the person's licensure;

9 (4) student intern or trainee in alcohol or drug counseling who is
 10 pursuing a course of study in an accredited institution of higher education or in a
 11 training course approved by the board as long as the activities are performed under the
 12 supervision of a person licensed under this chapter and are an official part of the
 13 course of study;

14 (5) person engaging in or offering voluntary group-based self-help
 15 assistance, such as 12-step programs like Alcoholics Anonymous, Narcotics
 16 Anonymous, and similar group meetings.

17 (d) Violation of this section is a class B misdemeanor.

18 **Sec. 08.19.060. Qualifications for license.** In order to qualify for a license
 19 under this chapter, a person must

20 (1) submit to the board satisfactory evidence of education, training,
 21 internship experience, and work experience as required by the board for the level of
 22 licensure sought by the person; and

23 (2) pass an examination, if an examination is required by the board, for
 24 the level of licensure sought.

25 **Sec. 08.19.070. Counselor associate; qualifications; scope of practice.** (a)
 26 The board shall issue a counselor associate license to a person who applies for
 27 counselor associate licensure, pays the required fee, passes the applicable examination,
 28 if any, and documents to the board's satisfaction that the person has

29 (1) at least one year of successful full-time work experience related to
 30 chemical dependency treatment, as determined by the board; or

31 (2) had at least 150 contact hours of training or 10 semester hours of

1 academic education, or a combination of contact training and academic education
 2 considered equivalent by the board, with the content and from a source that meets the
 3 requirements established by the board in its regulations.

4 (b) In establishing the training and education requirements for a counselor
 5 associate license, the board shall set standards designed to ensure that the work
 6 experience, training, and education have given the applicant competency in
 7 communication skills, knowledge of addictive substances, knowledge of the legal
 8 aspects of chemical dependency, familiarity with sociological and cultural issues
 9 related to chemical dependency, knowledge of community-based services, competency
 10 in information and referral techniques, the ability to conduct intake interviews and
 11 keep records, knowledge of basic treatment issues, and the ability to perform
 12 appropriate aftercare and emergency care.

13 (c) The scope of practice of a counselor associate is the performance, under
 14 the direct supervision of a counselor I, counselor II, or clinical supervisor, of the
 15 following in relation to chemical dependency:

- 16 (1) basic community-based prevention or intervention services;
- 17 (2) initial emergency care;
- 18 (3) initial intake interviews;
- 19 (4) providing information and referrals;
- 20 (5) participation in initial treatment planning;
- 21 (6) case management services;
- 22 (7) group and community-based informational aftercare.

23 **Sec. 08.19.080. Counselor I; qualifications; scope of practice.** (a) The
 24 board shall issue a counselor I license to a person who applies for counselor I
 25 licensure, pays the required fee, passes the applicable examination, if any, and
 26 documents to the board's satisfaction that the person has

27 (1) completed 100 hours of a practicum supervised by a counselor II,
 28 a clinical supervisor, or another licensed behavioral health professional, with
 29 supervised work of at least 15 hours each in screening, assessment, referral, and record
 30 keeping relating to chemical dependency treatment; and

- 31 (2) either

1 (A) two years of successful full-time work experience related
 2 to chemical dependency treatment, as determined by the board; completion of
 3 a bachelor's or higher degree in an area of behavioral health, as determined by
 4 the board, may be substituted for one year of the required experience; the
 5 practicum under (1) of this subsection may take place during the work
 6 experience that satisfies the requirement of this subparagraph; or

7 (B) 270 contact hours of specialized training related to chemical
 8 dependency or 18 semester hours of academic education related to chemical
 9 dependency or counseling, or a combination of contact training and academic
 10 education considered equivalent by the board, with the content and from a
 11 source that meets the requirements established by the board in its regulations.

12 (b) In establishing the training and education requirements for a counselor I
 13 license, the board shall set standards designed to ensure that the work experience,
 14 practicum, training, and education have given the applicant knowledge about chemical
 15 dependency, sociological and cultural issues, theories of counseling, medical and
 16 psychological aspects of chemical dependency, HIV and AIDS counseling and
 17 resources, ethical standards and laws relating to chemical dependency, contemporary
 18 health issues, and family dynamics and competency in intake and assessment
 19 procedures, record keeping, intervention services, individual and group counseling,
 20 treatment planning, aftercare planning, relapse prevention, providing information and
 21 referrals, case management, suicide risk assessment, and crisis counseling follow-up.

22 (c) The scope of practice of a counselor I is the performance, under the
 23 supervision of a counselor II or a clinical supervisor either directly or by means of
 24 regular documented clinical consultation, of

25 (1) an activity within the scope of practice of a counselor associate; and

26 (2) in relation to treatment of a chemically dependent person, a
 27 complete psycho-social assessment, assessment for social detoxification, treatment
 28 planning, individual therapy, or group therapy.

29 **Sec. 08.19.090. Counselor II; qualifications; scope of practice.** (a) The
 30 board shall issue a counselor II license to a person who applies for counselor II
 31 licensure and pays the required fee, passes the applicable examination, if any, and

1 documents to the board's satisfaction that the person has

2 (1) completed 300 hours of a practicum supervised by a clinical
3 supervisor or another licensed behavioral health professional, with supervised work of
4 at least 15 hours each in the following 11 areas: intake screening and orientation,
5 assessment, information and referral, treatment planning, counseling, intervention
6 counseling, case management, crisis intervention, client education, case recording and
7 reports, and clinical consultation relating to chemical dependency treatment;

8 (2) three years of successful full-time work experience as a chemical
9 dependency counselor with duties and responsibilities comparable to a licensed
10 counselor I, as determined by the board; completion of a bachelor's or higher degree
11 with 20 semester hours of courses in chemical dependency, as determined by the
12 board, may be substituted for one year of the required experience; the practicum under
13 (1) of this subsection may take place during the work experience that satisfies the
14 requirement of this paragraph; and

15 (3) 270 contact hours of specialized training related to chemical
16 dependency with the content and from a source that meets the requirements established
17 by the board in its regulations.

18 (b) In establishing the training and education requirements for a counselor II
19 license, the board shall set standards designed to ensure that the work experience,
20 practicum, training, and education have given the applicant knowledge and competency
21 in the areas specified in AS 08.19.080(b) and the following additional areas: mental
22 illnesses, chemical dependency prevention strategies, community development, and the
23 history in Alaska of chemical dependency, including its history from a cultural
24 perspective.

25 (c) The scope of practice of a counselor II is

26 (1) the direct supervision of a counselor associate or counselor I;

27 (2) consultation with another person licensed under this chapter or with
28 another licensed behavioral health professional;

29 (3) the performance, under the direct supervision of a clinical
30 supervisor or with regular documented clinical consultation with either another
31 counselor II or another licensed behavioral health professional, of an activity within

1 the scope of practice of a counselor I; and

2 (4) in relation to treatment of a chemically dependent person,
3 preparation of a recommendation as to whether commitment is necessary.

4 **Sec. 08.19.100. Clinical supervisor; qualifications; scope of practice.** (a)

5 The board shall issue a clinical supervisor license to a person who applies for clinical
6 supervisor licensure, pays the required fee, passes the applicable examination, if any,
7 provides three written references from professional colleagues who are familiar with
8 the applicant's work, at least one of whom has supervised the applicant's work as a
9 supervisor, and documents to the board's satisfaction that the person has

10 (1) completed two years of clinical supervisory experience in the field
11 of chemical dependency;

12 (2) had five years of successful full-time work experience as a chemical
13 dependency counselor with duties and responsibilities comparable to a licensed
14 counselor II, as determined by the board, and with the consultation of a counselor II,
15 clinical supervisor, or other licensed behavioral health professional; completion of a
16 master's or higher degree in a human services area with 20 semester hours of courses
17 in chemical dependency, as determined by the board, and at least 400 hours of a
18 supervised clinical practicum may be substituted for two years of the required
19 experience; the supervisory experience under (1) of this subsection may take place
20 during the work experience that satisfies the requirement of this paragraph; and

21 (3) had 30 contact hours of specialized training with the content and
22 from a source that meets the requirements established by the board in its regulations.

23 (b) In establishing the training and education requirements for a clinical
24 supervisor license, the board shall set standards designed to ensure that the work
25 experience, practicum, training, and education have given the applicant knowledge and
26 competency in the areas specified in AS 08.19.090(b) and the following additional
27 areas: clinical supervision, child and adolescent counseling, community development,
28 family systems, and designing culturally sensitive services.

29 (c) The scope of practice of a clinical supervisor is

30 (1) the direct supervision of a counselor associate, counselor I, or
31 counselor II;

1 (2) the performance of an activity within the scope of practice of a
2 counselor II; and

3 (3) in relation to treatment of a chemically dependent person, use of
4 documented peer review or other documented consultation with another licensed
5 behavioral health professional.

6 **Sec. 08.19.120. Reciprocity.** If another jurisdiction allows licensure in that
7 jurisdiction of a chemical dependency counselor licensed in this state under conditions
8 similar to those in this section, the board may license as a chemical dependency
9 counselor in this state, at a level of licensing determined by the board to be equivalent,
10 a person licensed as a chemical dependency counselor in the other jurisdiction if the
11 person

12 (1) submits a written application to the board on a form required by the
13 board;

14 (2) is at least 18 years of age;

15 (3) has engaged in the practice of chemical dependency counseling for
16 at least one year or has met the internship requirements of this state within the
17 one-year period immediately before applying for a license under this section;

18 (4) presents proof satisfactory to the board that the person is currently
19 licensed as a chemical dependency counselor in the other jurisdiction and does not
20 currently have a chemical dependency counseling license suspended, revoked, or
21 otherwise restricted except for failure to apply for renewal or failure to obtain the
22 required continuing education credits; and

23 (5) pays all required fees.

24 **Article 3. License Denial; Disciplinary Sanctions.**

25 **Sec. 08.19.200. Grounds.** The board may deny a license under this chapter
26 or, after a hearing, impose a disciplinary sanction authorized under AS 08.01.075 on
27 a person licensed under this chapter when the board finds that the person

28 (1) secured or attempted to secure a license through deceit, fraud, or
29 intentional misrepresentation;

30 (2) engaged in deceit, fraud, or intentional misrepresentation in the
31 course of providing professional services or engaging in professional activities;

- 1 (3) advertised professional services in a false or misleading manner;
- 2 (4) has been convicted of a felony or has been convicted of another
3 crime that affects the applicant's or licensee's ability to practice competently and
4 safely;
- 5 (5) intentionally or negligently engaged in or permitted the performance
6 of counseling care by persons under the licensee's supervision that does not conform
7 to minimum professional standards regardless of whether actual injury to the patient
8 occurred;
- 9 (6) failed to comply with this chapter, with a regulation adopted under
10 this chapter, or with an order of the board;
- 11 (7) is incapable of engaging in the practice of chemical dependency
12 counseling with reasonable skill, competence, and safety for the public because of
- 13 (A) professional incompetence;
- 14 (B) failure to keep informed of or use current professional
15 theories or practices;
- 16 (C) addiction or severe dependency on alcohol or a drug that
17 impairs the licensee's ability to practice safely;
- 18 (D) physical or mental disability; or
- 19 (E) other factors determined by the board;
- 20 (8) violated state or federal laws or regulations pertaining to drugs or
21 alcohol;
- 22 (9) aided another person to engage in the practice of chemical
23 dependency counseling in violation of AS 08.19.050; or
- 24 (10) engaged in unprofessional conduct as defined in regulations of the
25 board.

26 **Article 4. General Provisions.**

27 **Sec. 08.19.990. Definitions.** In this chapter,

- 28 (1) "board" means the Board of Chemical Dependency Counseling
29 Examiners established under AS 08.19.010;
- 30 (2) "chemical dependency counseling" means the provision of
31 intervention, assessment, counseling, and aftercare for persons who are alcoholics or

1 drug abusers or who participate in inhalant abuse or for the members of their families
 2 who are affected by the use or abuse of alcohol, drugs, or inhalants; in this paragraph,
 3 "alcoholic or drug abuser" and "inhalant abuse" have the meanings given in
 4 AS 47.37.270.

5 * **Sec. 2.** AS 08.01.010 is amended by adding a new paragraph to read:

6 (35) Board of Chemical Dependency Counseling Examiners
 7 (AS 08.19.010).

8 * **Sec. 3.** AS 08.03.010(c) is amended by adding a new paragraph to read:

9 (21) Board of Chemical Dependency Counseling Examiners
 10 (AS 08.19.010) -- June 30, 2001.

11 * **Sec. 4.** AS 44.62.330(a) is amended by adding a new paragraph to read:

12 (60) Board of Chemical Dependency Counseling Examiners.

13 * **Sec. 5.** TRANSITIONAL PROVISIONS FOR LICENSING. Notwithstanding AS 08.19,
 14 enacted by sec. 1 of this Act, the board shall grant the appropriate level of license authorized
 15 under AS 08.19 to a person who

16 (1) applies for the license by September 30, 1998;

17 (2) at the time of application and at the time of issuance of a license under this
 18 section, holds a comparable certificate from the Alaska Commission for Chemical Dependency
 19 Professionals Certification, a nonprofit organization incorporated in January 1985 and given
 20 its current name in May 1993; and

21 (3) pays the required fee.

22 * **Sec. 6.** INITIAL BOARD MEMBERS. Notwithstanding AS 08.19.010, enacted by sec.
 23 1 of this Act,

24 (1) the terms of initial members of the Board of Chemical Dependency
 25 Counseling Examiners shall be those established under AS 39.05.055;

26 (2) the initial members appointed to fill seats on the Board of Chemical
 27 Dependency Counseling Examiners that are designated for chemical dependency counselors
 28 licensed under AS 08.19 need not be licensed until March 30, 1998; if a board member
 29 governed by this paragraph is not licensed under AS 08.19 by March 30, 1998, the member
 30 forfeits office and the member's seat is considered vacant until filled by another appointment.

31 * **Sec. 7.** DELAYED EFFECTIVE DATE. AS 08.19.050, enacted by sec. 1 of this Act,

1 takes effect March 30, 1998.