

CALIFORNIA STATE BOARD OF BEHAVIORAL SCIENCES BILL ANALYSIS

BILL NUMBER: AB 2651 VERSION: INTRODUCED FEBRUARY 14, 2024

AUTHOR: BAINS SPONSOR:

- CALIFORNIA CONSORTIUM OF ADDICTION PROGRAMS AND PROFESSIONALS
- CALIFORNIA COUNCIL OF COMMUNITY BEHAVIORAL HEALTH AGENCIES
- CALIFORNIA SOCIETY OF ADDICTION MEDICINE

POLICY & ADVOCACY COMMITTEE RECOMMENDATION: NONE

SUBJECT: ALCOHOL DRUG COUNSELORS

Summary

This bill creates the Licensed Alcohol Drug Counselor Board under the Department of Consumer Affairs (DCA), for the purpose of licensing alcohol drug counselors.

Existing Law

- 1) Requires the Department of Health Care Services (DHCS) to review and certify alcohol and other drug programs meeting state standards, and to develop standards for ensuring minimal statewide levels of service quality provided by alcohol and other drug programs. (Health and Safety Code (HSC) §11755(k) and (l)).
- 2) Provides that DHCS has the sole authority in state government to determine the qualifications, education, training, and experience of personnel working in alcoholism or drug abuse recovery and treatment programs they license and certify. (HSC §11833(a))
- 3) Identifies 10 organizations as approved by DHCS to register and certify alcohol and drug counselors. (9 California Code of Regulations (CCR) §13035(a))
- 4) Requires these DHCS-approved certifying organizations to gain and maintain accreditation with the National Commission for Certifying Agencies (NCCA). (9 CCR §13035(c))
- 5) Requires all alcohol and drug (AOD) counselors providing counseling services in an AOD program to register to obtain certification as an AOD counselor with one of

the approved certifying organizations within 6 months of their hire date. Certification must be completed within 5 years. (9 CCR §13035(f))

- 6) Sets minimum education and experience requirements for certification that the certifying organizations must require, including the following (9 CCR §13040):
 - At least 155 hours of formal AOD education, covering specified topics;
 - At least 160 hours supervised AOD training based on specified curriculum;
 - At least 2,080 hours of work experience providing AOD counseling;
 - Passage of a written or oral exam.
- 7) Prior to certifying a registrant as an AOD counselor, the certifying organization must contact all other DHCS-approved certifying organizations to determine if the registrant's certification was ever revoked. If revoked, the certifying organization must document reasons for granting or denying certification. (9 CCR §13045)

This Bill

- 1) Creates the Licensed Alcohol Drug Counselor Board under the Department of Consumer Affairs, consisting of a total of ten appointed board members (BPC §4451).
- 2) Permits a licensee to engage in the "practice of alcohol and drug counseling", which is defined as performing any of the following to treat a substance use disorder, and provides that these may only be performed for the purpose of treating a substance use disorder (BPC §§4457(a) and (b)):
 - Clinical evaluation, including screening, diagnosis, and assessment of substance use disorders.
 - Treatment planning for substance use disorders, including initial, ongoing, continuity of care, discharge, and relapse prevention planning.
 - Referral, service coordination, and case management for substance use disorder and cooccurring disorders.
 - Counseling, therapy, trauma-informed care, and psychoeducation in the area of substance use disorder with individuals, families and groups.
 - Documentation, including admissions summaries, progress notes, problem lists, changes in level of care, discharge summaries, and other relevant data.
 - Clinical supervision responsibility for interns, trainees, and non-licensed practitioners, including registered and certified alcohol drug counselors.
- 3) Specifies that the defined practice of alcohol and drug counseling is not intended to constrict or limit persons licensed by any of the following practice acts from performing any of the actions listed in Item 2 above as "alcohol drug counseling",

provided they don't use the title "Licensed Alcohol Drug Counselor (BPC §§4457(c), 4467):

- The Medical Practice Act
 - The Nursing Practice Act
 - The Psychology Licensing Law
 - The Licensed Marriage and Family Therapist Act
 - The Clinical Social Worker Practice Act
- 4) Defines the functions of the board, including (BPC §4456):
- Adopting rules and regulations by December 31, 2027
 - Issuing licenses and registering interns and trainees
 - Establishing a complaint process
 - Taking disciplinary action where appropriate
 - Establishing continuing education requirements
 - Establishing criteria to evaluate educational curriculum
 - Establishing unprofessional conduct parameters
 - Establishing license reinstatement procedures
 - Establishing supervision requirements
 - Aligning license requirements to the Substance Abuse and Mental Health Services Administration's career ladder
 - Establishing license reciprocity requirements
- 5) Permits the board to assist the relevant committee in making determinations regarding sunrise review applications of emerging behavioral health license or certification programs. (BPC §4456 (b))
- 6) Permits the board to refer complaints about licensed and certified behavioral health workers to appropriate agencies, and to catalog complaints about unlicensed behavioral health workers. (BPC §4456(b))
- 7) Sets licensing requirements for the first 5 years of board operations, which include the following (BPC §4458 (a):
- Either possession of a master's degree in alcohol drug counseling or related counseling master's degree; or meeting the requirements of the International Certification & Reciprocity Consortium to sit for the Advanced Alcohol & Other Drug Counselor written exam.

- Passing the International Certification & Reciprocity Consortium Advanced Alcohol Drug Counselor written exam or equivalent.
- 8) After 5 years of board operations, sets licensing requirements as including the following (BPC §4458(b)):
 - Possessing a doctoral or master’s degree in alcohol drug counseling from a school accredited or approved by specified entities, which meets requirements determined by the board.
 - Completing a supervised practicum from an approved educational institution.
 - Passing a board-approved written exam.
 - Documentation of either being certified by a certifying organization, or completion of 2,000 hours of postgraduate supervised experience.
 - 9) Details that the qualifying master’s degree must contain at least 60 semester or 90 quarter units, with at least 6 semester or 9 quarter units of supervised fieldwork. Additionally, 27 semester or 40.5 quarter units must cover specified content in the following topic areas: pharmacology and physiology of addiction, clinical evaluation and psychopathology, counseling psychotherapy for addiction, case management, client education, and professional responsibility. (BPC §4459)
 - 10) Requires a licensee to complete continuing education. (BPC §4460)
 - 11) Prescribes a process for a licensee or former licensee to renew an existing license or obtain a new license (if expired more than 3 years). (BPC §§4461-4463)
 - 12) Prescribes a process for a license to be placed on inactive status. (BPC §4464)
 - 13) Provides that the board must deny, suspend, delay, or set aside an application if the person has a criminal conviction or criminal charge pending for an offense where the circumstances substantially relate to actions of a licensed alcohol and drug counselor. Provides that a waiver of this may be granted under certain specified circumstances. (BPC §4465(b))
 - 14) Prohibits the use of the title “Licensed Alcohol Drug Counselor” unless the person has obtained a license from the board. (BPC §4466)
 - 15) Sets forth unprofessional conduct provisions for which the board may suspend or revoke a license or registration. (BPC §4468)
 - 16) Permits the board to establish fees for licensure not to exceed \$200 for initial license issuance and for license renewal. (BPC §4472)

Comments

- 1) **Intent.** The author's office is seeking title protection for licensed alcohol drug counselors in order to have a consumer protection mechanism. The granting of the alcohol drug counselor title would allow the consumer to know that the practitioner has met specific education and training requirements and has undergone a background check. According to the sponsor, the establishment of a license structure for alcohol drug counselors would also allow these professionals to participate in Medicare reimbursement for their services.
- 2) **Title Act Versus Practice Act.** This bill is currently written as a title act, meaning that using the title of "Licensed Alcohol Drug Counselor" is prohibited unless such a license is held.

A practice act is a law that prohibits the practice of a profession unless a license is held. At this time, the bill does not appear to be practice act. It avoids affirmatively stating that a license is required to engage in alcohol and drug counseling. It also states that a person employed or volunteering at a certified outpatient treatment program or licensed residential treatment facility is not required to obtain a license (BPC §4467(b)).

- 3) **Single Modality License.** This bill would create a license to treat only one type of diagnosis. An alcohol and drug counselor would therefore have to be able to differentiate between an issue that is solely attributed to alcohol and drug abuse problems and symptoms and issues that may be attributable to a diagnosis outside of their scope of practice.

SB 570 (2014), which was a previously proposed bill to license alcohol and drug counselors, contained the following language. It may be helpful in this bill as well:

"Alcohol and drug counseling includes understanding and application of the limits of the counselor's own qualifications and scope of practice, including, but not limited to, screening and, as indicated, referral to or consultation with an appropriately licensed health practitioner consistent with the client's needs. Every licensee who operates an independent counseling practice shall refer any client assessed as needing the services of another licensed professional to that professional in a timely manner."

- 4) **Protection of BBS Scopes of Practice – LPCCs Not Included.** This bill specifies in two places that the defined practice of alcohol drug counseling is not intended to constrict or limit persons licensed by any of the following practice acts, provided they don't use the title "Licensed Alcohol Drug Counselor (BPC §§4457(c), 4467):

- The Medical Practice Act
- The Nursing Practice Act

- The Psychology Licensing Law
- The Licensed Marriage and Family Therapist Act
- The Clinical Social Worker Practice Act

However, in both sections noted above, the Licensed Professional Clinical Counselor Act is left out.

In addition, BPC §4469(b) of the bill discusses discipline or revocation of certain board licenses or registrations as being grounds for discipline of a licensed alcohol drug counselor. LPCCs are excluded from that list of licenses and registrations as well.

- 5) **Permitted Activities of the Board.** BPC §4465(b) of the bill lists permitted activities of the board. Two of the listed permitted activities are as follows:
- Assisting the relevant committee in reviewing and making determinations about sunrise review applications for emerging behavioral health license or certification programs; and
 - Referring complaints about licensed and certified behavioral health workers to appropriate agencies and private organizations, and cataloging complaints about unlicensed behavioral health workers.

The Committee may wish to discuss if this language has any implications for the BBS and its regulatory authority.

- 6) **Policy & Advocacy Committee Recommendation.** The Policy & Advocacy Committee discussed this bill at its April 12, 2024 meeting. It opted to watch this bill.
- 7) **Staff Recommendation.** Staff recommends that the Board consider a neutral position on this bill (no position.)
- 8) **Past Legislation**

AB 1055 (Bains) of 2023 was very similar to this bill. It proposed creating the Allied Behavioral Health Board within DCA for the licensure of alcohol drug counselors. This bill died in the Assembly.

AB 700 (Jones-Sawyer) of 2017 proposed establishing a career ladder for substance use disorder counseling, to be maintained by the Department of Health Care Services. This bill became a two-year bill and was ultimately gut and amended to address a different topic.

SB 1101 (Wieckowski) of 2016 proposed creating the Alcohol and Drug Counseling Professional Bureau under DCA for the purpose of licensing alcohol and drug counselors. This bill died in the Senate Appropriations Committee.

SB 570 (De Saulnier) of 2014 would have established the Alcohol and Drug Counselor Licensing Board within the Department of Consumer Affairs for the purposes of licensing and regulating Advanced Alcohol and Drug Counselor Interns (AADCI) and Licensed Advanced Alcohol and Drug Counselors (LAADCs). This bill died in the Assembly.

AB 2007 (Williams) of 2012 would have established a licensing and certification system for AADCs to be administered by the Department of Public Health. This bill was held in Assembly Health Committee.

SB 1203 (DeSaulnier) of 2010 would have instituted a licensing and certification structure for AOD counselors by DADP. SB 1203 was held in the Assembly Rules Committee.

SB 707 (DeSaulnier) of 2009, which was substantially similar to SB 1203 of 2010, died on the Assembly Appropriations Committee Suspense File.

AB 239 (DeSaulnier) of 2008 would have established two categories of licensed alcoholism and drug abuse counselors for persons licensed to practice alcoholism and drug abuse counseling under clinical supervision, and persons licensed to conduct an independent practice of alcoholism and drug abuse counseling, and to provide supervision to other counselors, both to be overseen by BBS. AB 239 was vetoed by Governor Arnold Schwarzenegger who stated, in his veto message, that he was directing DADP to work to craft a uniform standard for all alcohol and drug counselors whether in private practice or in facilities.

AB 1367 (DeSaulnier) of 2007 would have provided for the licensing, registration and regulation of Alcoholism and Drug Abuse Counselors, as defined, by BBS. AB 1367 died on Assembly Appropriations Committee Suspense File.

AB 2571 (Longville) of 2004 would have created the Board of Alcohol and Other Drugs of Abuse Professionals in DCA and established requirements for licensure of AOD abuse counselors. AB 2571 failed passage in the Assembly Health Committee.

AB 1100 (Longville) of 2003 would have enacted the Alcohol and Drug Abuse Counselors Licensing Law, to be administered by BBS. AB 1100 was held in the Assembly Business and Professions Committee.

SB 1716 (Vasconcellos) of 2002 would have required BBS to license and regulate alcohol and drug abuse counselors. SB 1716 was held in the Assembly Business and Professions Committee.

SB 537 (Vasconcellos) of 2001 would have required DCA to initiate a comprehensive review of the need for licensing substance abuse counselors. SB 537 was vetoed by Governor Gray Davis due to cost concerns. In his veto message, the Governor directed DADP to require counselors in drug and alcohol treatment facilities to be certified for quality assurance purposes.

9) **Support and Opposition**

Support

California Consortium of Addiction Programs and Professionals (co-sponsor)
California Council of Community Behavioral Health Agencies (co-sponsor)
California Society of Addiction Medicine (co-sponsor)
American River Wellness
Anaheim Lighthouse
Aspire Counseling San Luis Obispo
Aton Center
Bold Recovery
California Access Coalition
California Alliance for State Advocacy
California Recovery Center
Capo by the Sea
Capo Canyon Recovery
Chabad Treatment Center
Community Social Model Advocates
First Responder Health
First Responder Wellness
Fred Brown's Recovery Services
Hemet Valley Recovery Center
National Alliance for Recovery Residences
New Directions for Women
New Found Life Treatment Center
Opus Health
Orange County Recovery Collaboration
River City Recovery Center
Salinas Valley Health Medical Center
Steinberg Institute
Sun Street Centers
Sun Street Centers King City
The Counseling Team International
The Purpose of Recovery
The Recovery Advocacy Project
The Villa Center
Young People in Recovery

Oppose

California Association of Alcohol and Drug Program Executives (Oppose Unless Amended)

8) History

- 04/16/24 From committee: Do pass and re-refer to Com. on APPR. (Ayes 17. Noes 0.) (April 16). Re-referred to Com. on APPR.
- 03/04/24 Referred to Com. on B. & P.
- 02/15/24 From printer. May be heard in committee March 16.

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Introduced by Assembly Member Bains

February 14, 2024

An act to add Chapter 9.7 (commencing with Section 4450) to Division 2 of the Business and Professions Code, relating to healing arts.

legislative counsel's digest

AB 2651, as introduced, Bains. Alcohol drug counselors.

Existing law requires the State Department of Health Care Services to license and regulate adult alcoholism or drug abuse recovery or treatment facilities. Existing law also requires, with certain exceptions, an individual providing counseling services within a program to be registered with or certified by a certifying organization approved by the department.

This bill would create, upon appropriation by the Legislature, the Licensed Alcohol Drug Counselor Board within the Department of Consumer Affairs. The bill would require the board to establish regulations and standards for the licensure of alcohol drug counselors, as specified. The bill would authorize the board to collaborate with the Department of Health Care Access and Information regarding behavioral health professions, review sunrise review applications for emerging behavioral health license and certification programs, and refer complaints regarding behavioral health workers to appropriate agencies, as specified. The bill would require an applicant to satisfy certain requirements, including, among other things, passing a certification examination, as specified. The bill would, commencing no later than 5 years after the board commences approving licenses, impose additional

requirements on an applicant, including possessing a doctoral or master’s degree in alcohol drug counseling that meets specified requirements, completion of a supervised practicum from an approved educational institution, and documentation that either the applicant is certified by a certifying organization or the applicant has completed 2,000 hours of postgraduate supervised work experience. The bill would impose requirements related to continuing education and discipline of licensees. The bill would prohibit a person from using the title of “Licensed Alcohol Drug Counselor” unless the person has applied for and obtained a license from the board, and would make a violation of that provision punishable by an administrative penalty not to exceed \$10,000.

The bill would specify that it does not require a person employed or volunteering at an outpatient treatment program or residential treatment facility certified or licensed by the State Department of Health Care Services to be licensed by the board. The bill would require the board to establish fees for licensure, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 9.7 (commencing with Section 4450) is
 2 added to Division 2 of the Business and Professions Code, to read:

3
 4 Chapter 9.7. Licensed Alcohol Drug Counselor Board

5
 6 Article 1. General Provisions

7
 8 4450. (a) “Board” means the Licensed Alcohol Drug Counselor
 9 Board.

10 (b) “Certifying organization” means a certifying organization
 11 approved by the State Department of Health Care Services pursuant
 12 to Chapter 7 (commencing with Section 11830) of Part 2 of
 13 Division 10.5 of the Health and Safety Code.

14 (c) “Intern” means an unlicensed person who meets the
 15 educational requirements for licensure and is registered with the
 16 board.

17 (d) “Licensed Alcohol Drug Counselor” means a person licensed
 18 by the board pursuant to this chapter to use the title “Licensed
 19 Alcohol Drug Counselor;” conduct an independent practice of

1 alcohol drug counseling, and provide supervision to other alcohol
2 drug counselors.

3 (e) "Trainee" means an unlicensed person who is currently
4 enrolled in a course of education that is designed to qualify the
5 individual for licensure under this chapter and who has completed
6 no fewer than 12 semester units or 18 quarter units of coursework
7 in a qualifying educational program.

8 4451. (a) There is in the Department of Consumer Affairs the
9 Licensed Alcohol Drug Counselor Board that consists of the
10 following members:

11 (1) Five members appointed by the Governor as follows:

12 (A) Except as provided in subparagraph (B), a member
13 appointed pursuant to this paragraph shall be an alcohol drug
14 counselor licensed pursuant to this chapter and shall have at least
15 five years of experience in their profession.

16 (B) From the commencement of appointments and until licenses
17 for alcohol drug counselors are issued, the Governor shall appoint
18 alcohol drug addiction counselors certified by a certifying
19 organization.

20 (C) Three of the members appointed by the Governor shall
21 represent each certifying organization. In the event more than three
22 certifying organizations exist, certifying organizations shall rotate
23 on and off of the board according to the date of approval by the
24 State Department of Health Care Services, with the most recent
25 appointed last so as not to exceed three members of the board. In
26 the event than three certifying organizations exist, one member
27 per organization shall be appointed and the Governor shall appoint
28 any remaining members pursuant to subparagraphs (A) and (B).

29 (2) Five public members who are not licensed pursuant to this
30 chapter or certified by a certifying organization, appointed as
31 follows:

32 (A) Three members appointed by the Governor.

33 (B) One member appointed by the Senate Committee on Rules.

34 (C) One member appointed by the Speaker of the Assembly.

35 (3) One member, appointed by the Governor, who is a licensed
36 physician and surgeon and who specializes in addiction medicine.

37 (b) Each member shall reside in the State of California.

38 (c) Each member of the board shall be appointed for a term of
39 four years. A member shall hold office until the appointment and
40 qualification of their successor or until one year from the expiration

1 date of the term for which they were appointed, whichever occurs
2 first.

3 (d) A vacancy on the board shall be filled by appointment for
4 the unexpired term by the authority who appointed the member
5 whose membership was vacated.

6 (e) On or before June 1 of each calendar year, the board shall
7 elect a chairperson and a vice chairperson from its membership.

8 4452. (a) The board shall appoint an executive officer. This
9 position is designated as a confidential position and is exempt from
10 civil service under subdivision (e) of Section 4 of Article VII of
11 the California Constitution.

12 (b) The executive officer serves at the pleasure of the board.

13 (c) The executive officer shall exercise the powers and perform
14 the duties delegated by the board and vested in them by this
15 chapter.

16 (d) With the approval of the director, the board shall fix the
17 salary of the executive officer.

18 (e) The chairperson and executive officer may call meetings of
19 the board and any duly appointed committee at a specified time
20 and place. For purposes of this section, “call meetings” means
21 setting the agenda, time, date, or place for any meeting of the board
22 or any committee.

23 4453. Subject to the State Civil Service Act (Part 2
24 (commencing with Section 18500) of Division 5 of Title 2 of the
25 Government Code) and except as provided by Sections 155, 156,
26 and 159.5, the board may employ any clerical, technical, and other
27 personnel as it deems necessary to carry out the provisions of this
28 chapter, within budget limitations.

29 4454. The board shall keep an accurate record of all of its
30 proceedings and a record of all applicants for licensure and all
31 individuals to whom it has issued a license.

32 4455. The duty of administering and enforcing this chapter is
33 vested in the board and the executive officer subject to, and under
34 the direction of, the board. In the performance of this duty, the
35 board and the executive officer have all the powers and are subject
36 to all the responsibilities vested in, and imposed upon, the head of
37 a department by Chapter 2 (commencing with Section 11150) of
38 Part 1 of Division 3 of Title 2 of the Government Code.

39 4456. (a) In order to carry out the provisions of this chapter,
40 the board shall do, but shall not be limited to, all of the following:

- 1 (1) Adopt rules and regulations to implement this chapter on or
2 before December 31, 2027.
- 3 (2) Issue licenses and register interns and trainees.
- 4 (3) Establish procedures for the receipt, investigation, and
5 resolution of complaints against licensees, interns, and trainees.
- 6 (4) Take disciplinary action against a licensee, intern, or trainee
7 where appropriate, including, but not limited to, censure or
8 reprimand, probation, suspension, or revocation of the license or
9 registration, or imposition of fines or fees.
- 10 (5) Establish continuing education requirements for licensees.
- 11 (6) Establish criteria to determine whether the curriculum of an
12 educational institution satisfies the licensure requirements imposed
13 by this chapter.
- 14 (7) Establish parameters of unprofessional conduct for licensees
15 that are consistent with generally accepted ethics codes for the
16 profession.
- 17 (8) Establish reinstatement procedures for an expired or revoked
18 license.
- 19 (9) Establish supervisory requirements for interns.
- 20 (10) Establish a process for approving supervised work
21 experience hours earned by applicants that were obtained while
22 certified by an approved certification organization, prior to
23 completion of a master's degree.
- 24 (11) Align licensure requirements to the Substance Abuse and
25 Mental Health Services Administration's career ladder for
26 substance use disorder counselors.
- 27 (12) Establish procedures for approving reciprocity for licenses
28 obtained in other states or nations.
- 29 (b) The board may perform the following activities:
 - 30 (1) Collaborate with the Department of Health Care Access and
31 Information concerning workforce development strategies that
32 impact behavioral health professions.
 - 33 (2) Assist the relevant committee in reviewing and making
34 determinations regarding sunrise review applications, pursuant to
35 Article 8 (commencing with Section 9148) of Chapter 1.5 of Part
36 1 of Division 2 of Title 2 of the Government Code, for emerging
37 behavioral health license or certification programs.
 - 38 (3) Refer complaints about licensed and certified behavioral
39 health workers to appropriate agencies and private organizations
40 and catalog complaints about unlicensed behavioral health workers.

1 (c) The board shall consult the public, especially people in
2 recovery, providers of substance use disorder services, and
3 organizations that certify substance use disorder counselors before
4 adopting regulations and standards pursuant to subdivision (a).

5 4457. (a) A licensee may engage in the practice of alcohol
6 drug counseling. For purposes of this chapter, the “practice of
7 alcohol drug counseling” means performing any of the following
8 for the purpose of treating substance use disorder:

9 (1) Clinical evaluation, including screening, assessment, and
10 diagnosis of substance use disorders.

11 (2) Treatment planning for substance use disorders, including
12 initial, ongoing, continuity of care, discharge, and planning for
13 relapse prevention.

14 (3) Referral, service coordination, and case management in the
15 areas of substance use disorder and cooccurring disorders.

16 (4) Counseling, therapy, trauma-informed care, and
17 psychoeducation with individuals, families, and groups in the area
18 of substance use disorder.

19 (5) Client and family education on substance use disorders.

20 (6) Documentation, including admission summaries, progress
21 notes, problem lists, changes in level of care, discharge summaries,
22 and other relevant data.

23 (7) Clinical supervisory responsibilities for interns, trainees,
24 and nonlicensed practitioners, including registered and certified
25 alcohol drug counselors.

26 (b) Unless otherwise licensed, a licensee may perform the acts
27 listed in this section only for the purpose of treating a substance
28 use disorder.

29 (c) This section shall not be construed to constrict or limit a
30 person duly licensed by the Medical Practice Act (Chapter 5
31 (commencing with Section 2000)), the Nursing Practice Act
32 (Chapter 6 (commencing with Section 2700)), the Psychology
33 Licensing Law (Chapter 6.6 (commencing with Section 2900)),
34 the Licensed Marriage and Family Therapist Act (Chapter 13
35 (commencing with Section 4980)), or the Clinical Social Worker
36 Practice Act (Chapter 14 (commencing with Section 4991)) from
37 performing any of the actions listed in this section, provided the
38 individual does not use the title “Licensed Alcohol Drug
39 Counselor.”

Article 2. Licensure

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4458. (a) For a period not to exceed five years from the time the board commences issuing licenses, the board may issue an alcohol drug counselor license if the applicant satisfies the following requirements:

- (1) Completion of an application for a license.
- (2) Payment of the fees prescribed by the board.
- (3) Either of the following:

(A) Possession of a master’s degree in alcohol drug counseling or related counseling master’s degree.

(B) Met the requirements of the International Certification & Reciprocity Consortium to sit for the Advanced Alcohol & Other Drug Counselor written examination at the time of the examination.

(4) Passing the International Certification & Reciprocity Consortium Advanced Alcohol Drug Counselor written examination or another equivalent examination, as determined by the board.

(b) No later than five years from the time the board commences approving licenses, the board may issue an alcohol drug counselor license if the applicant satisfies the following requirements:

- (1) Completion of an application for a license.
- (2) Payment of the fees prescribed by the board.
- (3) Possesses a doctoral or master’s degree in alcohol drug counseling meeting the requirements of Section 4458 and obtained from a school, college, or university approved by the Bureau for Private Postsecondary Education or accredited by the National Addiction Studies Accreditation Commission, the California Consortium of Addiction Programs and Professionals, or a regional or national institutional accrediting agency that is recognized by the United States Department of Education. The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation or approval.

(4) Completion of a supervised practicum from an educational institution approved by the board.

(5) Passing a written examination approved by the board.

(6) Documentation of either of the following:

(A) The applicant, at the time of application, is certified by a certifying organization.

- 1 (B) The applicant has completed 2,000 hours of postgraduate
 2 supervised work experience.
 3 4459. A doctoral or master’s degree in alcohol drug counseling
 4 shall at minimum contain the following:
 5 (a) The degree shall contain not fewer than 60 semester or 90
 6 quarter units of instruction that include, but are not limited to, 27
 7 semester or 40.5 quarter units in the following academic content
 8 hours:
 9 (1) Pharmacology and physiology of addiction, including any
 10 of the following subjects:
 11 (A) Examination of the effects of alcohol and similar legal
 12 psychoactive drugs on the body and behavior.
 13 (B) Damage to the body and behaviors.
 14 (C) Damage to the brain, liver, and other organs.
 15 (D) Tolerance, cross-tolerance, and synergistic effects.
 16 (E) Physiological differences between males and females.
 17 (F) Disease model, including neurobiological signs and
 18 symptoms.
 19 (2) Clinical evaluation and psychopathology, including any of
 20 the following subjects:
 21 (A) Initial interviewing process.
 22 (B) Biopsychosocial assessment.
 23 (C) Differential diagnosis.
 24 (D) Diagnostic summaries.
 25 (E) Cooccurring disorders, referral processes, and the evaluation
 26 of clients using placement criteria, including the American Society
 27 of Addiction Medicine patient placement criteria or other validated
 28 clinical tools, to determine the most appropriate level of care for
 29 the client and eligibility for admission to a particular alcohol and
 30 other drug abuse treatment program.
 31 (3) Counseling psychotherapy for addiction, including any of
 32 the following subjects:
 33 (A) Introduction to counseling.
 34 (B) Introduction to techniques and approaches.
 35 (C) Crisis intervention.
 36 (D) Individual counseling focused on addiction.
 37 (E) Group counseling.
 38 (F) Family counseling as it pertains to addiction treatment.
 39 (4) Case management, including any of the following subjects:
 40 (A) Community resources.

- 1 (B) Consultation.
- 2 (C) Documentation.
- 3 (D) Resources for people who are HIV positive.
- 4 (5) Client education, including any of the following subjects:
- 5 (A) Addiction recovery.
- 6 (B) Psychological client education.
- 7 (C) Biochemical and medical client education.
- 8 (D) Sociocultural client education.
- 9 (E) Addiction recovery and psychological family education.
- 10 (F) Biomedical and sociocultural family education.
- 11 (G) Community and professional education.
- 12 (6) Professional responsibility, including any of the following
- 13 subjects:
- 14 (A) Ethical standards, legal aspects, cultural competency,
- 15 professional growth, personal growth, dimensions of recovery,
- 16 clinical supervision, and consultation.
- 17 (B) Community involvement.
- 18 (C) Operating a private practice.
- 19 (b) The degree shall contain not fewer than 6 semester units or
- 20 9 quarter units of supervised fieldwork.
- 21 4460. A licensee shall attest to the board every two years, on
- 22 a form prescribed by the board, that they have completed
- 23 continuing education coursework that is offered by a
- 24 board-approved provider and that is in or relevant to the field of
- 25 alcohol drug counseling. The board may require licensees to take
- 26 specific coursework, including, but not limited to, coursework
- 27 concerning supervisory training, as a condition of license renewal.
- 28 (a) The board may audit the records of a licensee to verify the
- 29 completion of the continuing education requirement.
- 30 (b) A licensee shall maintain records of completion of required
- 31 continuing education coursework for a minimum of five years and
- 32 shall make these records available to the board for auditing
- 33 purposes upon request.
- 34 (c) An attestation made pursuant to this section shall not be
- 35 subject to penalty of perjury.
- 36 4461. The board shall renew an unexpired license of a licensee
- 37 who meets the following qualifications:
- 38 (a) The licensee has applied for renewal on a form prescribed
- 39 by the board and paid the required renewal fee.

1 (b) The licensee attests compliance with continuing education
2 requirements pursuant to Section 4458. An attestation made
3 pursuant to this subdivision shall not be subject to penalty of
4 perjury.

5 (c) The licensee has notified the board whether they have been
6 subject to, or whether another board has taken, disciplinary action
7 since the last renewal.

8 4462. The board may renew an expired license of a former
9 licensee who meets the following qualifications:

10 (a) The former licensee has applied for renewal on a form
11 prescribed by the board within three years of the expiration date
12 of the license.

13 (b) The former licensee has paid the renewal fees that would
14 have been paid if the license had not been delinquent.

15 (c) The former licensee has paid all delinquency fees.

16 (d) The former licensee attests compliance with continuing
17 education requirements, including for the time the license was
18 expired. An attestation made pursuant to this subdivision shall not
19 be subject to penalty of perjury.

20 (e) The former licensee notifies the board whether they have
21 been subject to, or whether another board has taken, disciplinary
22 action against the former licensee since the last renewal.

23 4463. (a) A license that is not renewed within three years after
24 its expiration shall not be renewed, restored, reinstated, or reissued
25 thereafter, but the former licensee may apply for and obtain a new
26 license if all of the following are satisfied:

27 (1) No fact, circumstance, or condition exists that, if the license
28 were issued, would justify its revocation or suspension.

29 (2) The former licensee pays the fees that would be required if
30 they were applying for a license for the first time.

31 (3) The former licensee meets the corresponding requirements
32 for licensure as a Licensed Alcohol Drug Counselor at the time of
33 application.

34 (b) A suspended license is subject to expiration and may be
35 renewed as provided in this article, but the renewal does not entitle
36 the licensee, while it remains suspended and until it is reinstated,
37 to engage in the activity for which the license related, or in any
38 other activity or conduct in violation of the order or judgment by
39 which it was suspended.

1 (c) A revoked license is subject to expiration, but it shall not be
2 renewed. If it is reinstated after its expiration, the licensee shall,
3 as a condition precedent to its reinstatement, pay a reinstatement
4 fee in an amount equal to the renewal fee in effect on the last
5 regular renewal date before the date on which it is reinstated, plus
6 the delinquency fee, if any, accrued at the time of its revocation.

7 4464. (a) A licensed alcohol drug counselor may apply to the
8 board to request that their license be placed on inactive status. A
9 licensee who holds an inactive license shall pay a biennial fee of
10 one-half of the active renewal fee and shall be exempt from
11 continuing education requirements, but shall otherwise be subject
12 to this chapter and shall not engage in the practice of alcohol drug
13 counseling in this state.

14 (b) A licensee on inactive status who has not committed any
15 acts or crimes constituting grounds for denial of licensure may,
16 upon their request, have their license placed on active status. A
17 licensee requesting their license to be placed on active status at
18 any time between a renewal cycle shall pay one-half of the renewal
19 fee.

20
21 Article 3. Enforcement
22

23 4465. (a) Before issuing a license pursuant to Section 4457,
24 the board shall review the state, national, and federal criminal
25 history of the applicant.

26 (b) (1) (A) The board shall deny, suspend, delay, or set aside
27 a person's license application if, at the time of the board's
28 determination, the person has a criminal conviction or criminal
29 charge pending, relating to an offense for which the circumstances
30 substantially relate to actions as a licensed alcohol drug counselor.

31 (B) An applicant who has a criminal conviction or pending
32 criminal charge shall request the appropriate authorities to provide
33 information about the conviction or charge directly to the board
34 in sufficient specificity to enable the board to make a determination
35 as to whether the conviction or charge is substantially related to
36 actions as a licensed alcohol drug counselor.

37 (2) After a hearing or review of documentation demonstrating
38 that the applicant meets all of the following criteria for a waiver,
39 the board may waive the requirements of this subdivision:

40 (A) Either of the following:

1 (i) For waiver of a felony conviction, more than five years has
2 elapsed since the date of the conviction, and at the time of the
3 application, the applicant is not incarcerated, on work release, on
4 probation, on parole, on postrelease community supervision, or
5 serving any part of a suspended sentence and the applicant is in
6 substantial compliance with all court orders pertaining to fines,
7 restitution, or community service.

8 (ii) For waiver of a misdemeanor conviction or violation, at the
9 time of the application, the applicant is not incarcerated, on work
10 release, on probation, on parole, on postrelease community
11 supervision, or serving any part of a suspended sentence and the
12 applicant is in substantial compliance with all court orders
13 pertaining to fines, restitution, or community service.

14 (B) The applicant is capable of practicing licensed alcohol drug
15 treatment counselor services in a competent and professional
16 manner.

17 (C) Granting the waiver will not endanger the public health,
18 safety, or welfare.

19 (3) A past criminal conviction shall not serve as an automatic
20 exclusion for licensure. The board shall evaluate the circumstances
21 leading to conviction and determine if the person meets the
22 conditions in subparagraphs (B) and (C) of paragraph (2) in
23 determining approval or denial of the application.

24 4466. (a) A person shall not use the title of “Licensed Alcohol
25 Drug Counselor” unless the person has applied for and obtained
26 a license from the board pursuant to Section 4457.

27 (b) A violation of subdivision (a) shall be punishable by an
28 administrative penalty not to exceed ten thousand dollars (\$10,000).

29 4467. (a) This chapter does not constrict, limit, or withdraw
30 the Medical Practice Act (Chapter 5 (commencing with Section
31 2000)), the Nursing Practice Act (Chapter 6 (commencing with
32 Section 2700)), the Psychology Licensing Law (Chapter 6.6
33 (commencing with Section 2900)), the Licensed Marriage and
34 Family Therapist Act (Chapter 13 (commencing with Section
35 4980)), or the Clinical Social Worker Practice Act (Chapter 14
36 (commencing with Section 4991)).

37 (b) This chapter does not require a person employed or
38 volunteering at a certified outpatient treatment program or licensed
39 residential treatment facility to obtain a license.

1 (c) A licensee shall display their license in a conspicuous place
2 in the licensee’s primary place of practice.

3 (d) A licensed alcohol drug counselor who conducts a private
4 practice under a fictitious business name shall not use any name
5 that is false, misleading, or deceptive and shall inform the patient,
6 prior to the commencement of treatment, of the name and license
7 designation of the owner or owners of the practice.

8 (e) A licensee or registrant shall give written notice to the board
9 of a name change within 30 days after each change, giving both
10 the old and new names. A copy of the legal document authorizing
11 the name change, such as a court order or marriage certificate,
12 shall be submitted with the notice.

13 4468. The board may refuse to issue a registration or license,
14 or may suspend or revoke the license or registration of any
15 registrant or licensee, if the applicant, licensee, or registrant has
16 been guilty of unprofessional conduct. Unprofessional conduct
17 shall include, but not be limited to, all of the following:

18 (a) The conviction of a crime substantially related to the
19 qualifications, functions, or duties of a licensee or registrant under
20 this chapter. The record of conviction shall be conclusive evidence
21 only of the fact that the conviction occurred. The board may inquire
22 into the circumstances surrounding the commission of the crime
23 in order to fix the degree of discipline or to determine if the
24 conviction is substantially related to the qualifications, functions,
25 or duties of a licensee or registrant under this chapter. A plea or
26 verdict of guilty or a conviction following a plea of nolo contendere
27 made to a charge substantially related to the qualifications,
28 functions, or duties of a licensee or registrant under this chapter
29 shall be deemed to be a conviction within the meaning of this
30 section. The board may order any license or registration suspended
31 or revoked, or may decline to issue a license or registration when
32 the time for appeal has elapsed or the judgment of conviction has
33 been affirmed on appeal, or when an order granting probation is
34 made suspending the imposition of sentence, irrespective of a
35 subsequent order under Section 1203.4 of the Penal Code allowing
36 the person to withdraw a plea of guilty and enter a plea of not
37 guilty, or setting aside the verdict of guilty, or dismissing the
38 accusation, information, or indictment.

39 (b) Securing a license or registration by fraud, deceit, or
40 misrepresentation on any application for licensure or registration

1 submitted to the board, whether engaged in by an applicant for a
2 license or registration, or by a licensee in support of any application
3 for licensure or registration.

4 (c) Administering to themselves any controlled substance or
5 using any of the dangerous drugs specified in Section 4022, or any
6 alcoholic beverage to the extent, or in a manner, as to be dangerous
7 or injurious to the person applying for a registration or license or
8 holding a registration or license under this chapter, or to any other
9 person, or to the public, or to the extent that the use impairs the
10 ability of the person applying for or holding a registration or license
11 to conduct with safety to the public the practice authorized by the
12 registration or license, or the conviction of more than one
13 misdemeanor or any felony involving the use, consumption, or
14 self-administration of a substance referred to in this subdivision
15 after becoming licensed. The board shall deny an application for
16 a registration or license or revoke the license or registration of a
17 person who uses or offers to use drugs in the course of performing
18 alcoholism and drug abuse counseling services.

19 (d) Gross negligence or incompetence in the performance of
20 alcoholism and drug abuse counseling services.

21 (e) Violating, attempting to violate, or conspiring to violate this
22 chapter or a regulation adopted by the board.

23 (f) Misrepresentation as to the type or status of a license or
24 registration held by the person, or otherwise misrepresenting or
25 permitting misrepresentation of their education, professional
26 qualifications, or professional affiliations to a person or entity.

27 (g) Impersonation of another by a licensee, registrant, or
28 applicant for a license or registration, or, in the case of a licensee,
29 allowing any other person to use their license or registration.

30 (h) Aiding or abetting, or employing, directly or indirectly, an
31 unlicensed or unregistered person to engage in conduct for which
32 a license or registration is required under this chapter.

33 (i) Intentionally or recklessly causing physical or emotional
34 harm to a client.

35 (j) The commission of any dishonest, corrupt, or fraudulent act
36 substantially related to the qualifications, functions, or duties of a
37 licensee or registrant.

38 (k) Engaging in sexual relations with a client or a former client
39 within two years following termination of services, soliciting sexual
40 relations with a client, committing an act of sexual abuse or sexual

1 misconduct with a client, or committing an act punishable as a
2 sexually related crime, if that act or solicitation is substantially
3 related to the qualifications, functions, or duties of an alcoholism
4 and drug abuse counselor.

5 (l) Failure to maintain confidentiality, except as otherwise
6 required or permitted by law, of any information that has been
7 received from a client in confidence during the course of treatment
8 or any information about the client that is obtained from tests or
9 other means.

10 (m) Before the commencement of treatment, failing to disclose
11 to the client or prospective client the fee to be charged for the
12 professional services, or the basis upon which that fee will be
13 computed.

14 (n) Paying, accepting, or soliciting consideration, compensation,
15 or remuneration, whether monetary or otherwise, for the referral
16 of professional clients. All consideration, compensation, or
17 remuneration shall be in relation to professional counseling services
18 actually provided by the licensee. This subdivision does not prevent
19 collaboration among two or more licensees in a case or cases.
20 However, a fee shall not be charged for that collaboration, except
21 when disclosure of the fee has been made in compliance with
22 subdivision (m).

23 (o) Advertising in a manner that is false, misleading, or
24 deceptive.

25 (p) Conduct in the supervision of a registered intern by a licensee
26 that violates this chapter or rules or regulations adopted by the
27 board.

28 (q) Performing or holding oneself out as being able to perform
29 professional services beyond the scope of one's competence, as
30 established by one's education, training, or experience. This
31 subdivision shall not be construed to expand the scope of the
32 license authorized by this chapter.

33 (r) Permitting a registered intern, trainee, or applicant for
34 licensure under one's supervision or control to perform, or
35 permitting the registered intern, trainee, or applicant for licensure
36 to hold themselves out as competent to perform, professional
37 services beyond the registered intern's, trainee's, or applicant for
38 licensure's level of education, training, or experience.

39 (s) The violation of a statute or regulation governing the training,
40 supervision, or experience required by this chapter.

1 (t) Failure to maintain records consistent with sound clinical
 2 judgment, the standards of the profession, and the nature of the
 3 services being rendered.

4 (u) Failure to comply with the child abuse reporting
 5 requirements of Section 11166 of the Penal Code.

6 (v) Failure to comply with the elder and dependent adult abuse
 7 reporting requirements of Section 15630 of the Welfare and
 8 Institutions Code.

9 (w) Willful violation of Chapter 1 (commencing with Section
 10 123100) of Part 1 of Division 106 of the Health and Safety Code.

11 4469. The board may deny an application, or may suspend or
 12 revoke a license or registration issued under this chapter, for any
 13 of the following:

14 (a) Denial of licensure, revocation, suspension, restriction, or
 15 any other disciplinary action imposed by another state or territory
 16 or possession of the United States, or by any other governmental
 17 agency, on a license, certificate, or registration to practice
 18 alcoholism and drug abuse counseling or any other healing art
 19 shall constitute unprofessional conduct. A certified copy of the
 20 disciplinary action decision or judgment shall be conclusive
 21 evidence of that action.

22 (b) Revocation, suspension, or restriction by the board of a
 23 license, certificate, or registration to practice as a marriage and
 24 family therapist, clinical social worker, or educational psychologist
 25 shall also constitute grounds for disciplinary action for
 26 unprofessional conduct against the licensee or registrant under this
 27 chapter.

28 (c) Written documentation from the State Department of Health
 29 Care Services demonstrating that the department has ruled that a
 30 certification should be revoked by a private certifying organization.

31 4470. The board shall revoke a license issued under this chapter
 32 upon a decision made in accordance with the procedures set forth
 33 in Chapter 5 (commencing with Section 11500) of Part 1 of
 34 Division 3 of Title 2 of the Government Code that contains any
 35 finding of fact that the licensee or registrant engaged in any act of
 36 sexual contact, as defined in Section 729, when that act is with a
 37 patient, or with a former patient when the relationship was
 38 terminated primarily for the purpose of engaging in that act. The
 39 revocation shall not be stayed by the administrative law judge or
 40 the board.

1 4471. The proceedings conducted under this article shall be
2 held in accordance with Chapter 5 (commencing with Section
3 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

4
5 Article 4. Revenue
6

7 4472. The board may establish fees for licensure under this
8 chapter. The total amount of fees collected pursuant to this chapter
9 shall not exceed the reasonable regulatory cost to the board for
10 administering this chapter. The license fee for an original license
11 and license renewal shall not exceed two hundred dollars (\$200)
12 for the first 10 years of operation or until the board is self-funded,
13 whichever is later.

14
15 Article 5. Operation
16

17 4473. This chapter shall become operative upon the
18 appropriation by the Legislature of funds allocated to the state
19 from any of the following:

20 (a) Current or future substance use disorder workforce expansion
21 funds received by the Department of Health Care Access and
22 Information.

23 (b) Current or future substance use disorder workforce expansion
24 funds received by the State Department of Health Care Services.

25 (c) Current or future allocations from the Opioid Settlement
26 Fund.

27 (d) State opioid response grant funding.

28 (e) Other funding provided to the state to address addiction and
29 overdose.

30 (f) Adult use of marijuana funding.

O