

2020 Regular Session

HOUSE BILL NO. 822

BY REPRESENTATIVE ROBBY CARTER

HEALTH/BEHAVIORAL: Revises the Addictive Disorders Practice Act

1 AN ACT

2 To amend and reenact R.S. 36:259(A)(20) and R.S. 37:3386.1 through 3387.4, 3387.5(B)

3 through (D), (E)(introductory paragraph) and (1) through (3), (F), and (G)(2) through

4 (4), 3387.6(B) through (D), (E)(introductory paragraph), (2), (3), (5), and (6), (F),

5 (G)(2) through (4), and (I), 3387.10(B), (C), (D)(introductory paragraph), (1), (3),

6 (4), (5)(b) through (d), and (6) through (8), and (E), 3387.11(B), (C),

7 (D)(introductory paragraph), (1), (3), (4), (5)(b) through (d), and (6) through (8), and

8 (E), 3387.12(B), (C), (D)(introductory paragraph), (1), (3), (4), (5)(b) through (d),

9 and (6) through (8), and (E), 3387.14(B) through (E), 3388(B) and (C), 3388.1(B)

10 and (C), 3388.2(B) through (D), 3388.3(A), 3388.4(A)(introductory paragraph) and

11 (8) through (11) and (B), 3389, 3390, 3390.1(C) and (D), 3390.2,

12 3390.3(A)(introductory paragraph), (3), (5), (7), and (12) and (B) through (D),

13 3390.4(introductory paragraph) and (5), and 3390.6(A) and (B)(introductory

14 paragraph) and (1) through (7), to enact R.S. 37:3388.4(A)(13) through (15) and

15 3390.3(E), and to repeal R.S. 37:3387.10(F) and (G), 3387.13, and 3388.3(B),

16 relative to the practice of counseling of persons with addictive disorders by licensed,

17 certified, and registered professionals; to provide relative to credentialing

18 requirements for such professionals; to make revisions in the Addictive Disorders

19 Practice Act; to provide for the roles of the Louisiana Department of Health and the

20 Addictive Disorder Regulatory Authority with respect to credentialing and regulation

1 of professionals engaged in counseling of persons with addictive disorders; to
2 provide for the governing board of the authority as the successor to the department
3 with respect to the licensing, certification, and registration of such professionals; to
4 provide for definitions; to provide for redesignation of certain laws by the Louisiana
5 State Law Institute; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 36:259(A)(20) is hereby amended and reenacted to read as follows:

8 §259. Transfer of agencies and functions to Louisiana Department of Health

9 A. The following agencies, as defined in R.S. 36:3, are transferred to and
10 hereafter shall be within the Louisiana Department of Health, as provided in R.S.
11 36:803:

12 * * *

13 (20) Addictive Disorder Regulatory Authority (~~R.S. 37:3389~~ R.S.
14 37:3386.2).

15 * * *

16 Section 2. R.S. 37:3386.1 through 3387.4, 3387.5(B) through (D), (E)(introductory
17 paragraph) and (1) through (3), (F), and (G)(2) through (4), 3387.6(B) through (D),
18 (E)(introductory paragraph), (2), (3), (5), and (6), (F), (G)(2) through (4), and (I),
19 3387.10(B), (C), (D)(introductory paragraph), (1), (3), (4), (5)(b) through (d), and (6)
20 through (8), and (E), 3387.11(B), (C), (D)(introductory paragraph), (1), (3), (4), (5)(b)
21 through (d), and (6) through (8), and (E), 3387.12(B), (C), (D)(introductory paragraph), (1),
22 (3), (4), (5)(b) through (d), and (6) through (8), and (E), 3387.14(B) through (E), 3388(B)
23 and (C), 3388.1(B) and (C), 3388.2(B) through (D), 3388.3(A), 3388.4(A)(introductory
24 paragraph) and (8) through (11) and (B), 3389, 3390, 3390.1(C) and (D), 3390.2,
25 3390.3(A)(introductory paragraph), (3), (5), (7), and (12) and (B) through (D),
26 3390.4(introductory paragraph) and (5), and 3390.6(A) and (B)(introductory paragraph) and
27 (1) through (7) are hereby amended and reenacted and R.S. 37:3388.4(A)(13) through (15)
28 and 3390.3(E) are hereby enacted to read as follows:

1 §3386.1. Definitions

2 As used in this Chapter, the following ~~definitions apply~~ terms have the
3 meaning ascribed to them in this Section:

4 (1) "Addiction counselor" means any person who is licensed, certified, or
5 registered in accordance with the provisions of this Chapter and procedures
6 established by the ~~department~~ board and who, by means of his special knowledge
7 acquired through formal education or practical experience, is qualified to provide
8 addiction counseling services to those individuals afflicted with or suffering from an
9 addictive disorder or certain co-occurring disorders. The counseling services
10 provided shall be those which utilize KSA or core functions, as determined by the
11 ~~department~~ board to be appropriate for the addictive disorder or disorders presented.

12 (2) "Addictive disorder" means the repeated pathological use of substances
13 including but not limited to alcohol, drugs, or tobacco, or repeated pathological
14 compulsive behaviors including but not limited to gambling, which cause physical,
15 psychological, emotional, economic, legal, social, or other harms to the individual
16 afflicted with the addiction or to others affected by the individual's affliction. As
17 used in this Chapter, "addictive disorder" shall include not only those instances
18 where withdrawal from or tolerance to the substance or behaviors are present but
19 also those instances involving use and abuse of substances.

20 (3) "Board" means the ~~Louisiana State Board of Certification for Substance~~
21 ~~Abuse Counselors through June 30, 2007. Effective July 1, 2007, "board" shall mean~~
22 ~~the~~ governing body of the Addictive Disorder Regulatory Authority.

23 (4) "Certified clinical supervisor" means any person holding the necessary
24 credential of licensed, certified, or registered addiction counselor, or who holds a
25 specialty substance abuse credential in another professional discipline in a human
26 services field at the masters level or higher; and who has satisfied the requirements
27 established by the ~~department~~ board to provide clinical supervision.

1 (5) "Client" means the individual, couple, family, group, organization, or
2 community that seeks or receives addiction counseling services from the addiction
3 professional or an addiction facility until discharged.

4 (6) "Clinical supervision" means the interpersonal tutorial relationship
5 between a certified clinical supervisor and other licensed, certified, or registered
6 addiction counseling professionals centered on the goals of skill development and
7 professional growth through learning and practicing. Through observation,
8 evaluation, and feedback, clinical supervision enables the supervisee to acquire the
9 competence needed to deliver effective patient care while fulfilling professional
10 responsibility. Clinical supervision is understood to emphasize improvement of the
11 counseling skills and effectiveness of the supervisee and is to be distinguished from
12 administrative supervision.

13 ~~(6)~~ (7) "Compulsive gambling counselor" means any person holding a
14 necessary credential as a licensed, certified, or registered addiction counselor, or a
15 necessary credential as a qualified mental health professional, who is certified by the
16 ~~department~~ board, in accordance with the provisions of this Chapter, as possessing
17 special knowledge acquired through formal education and clinical experience and
18 thus is qualified to provide gambling addiction counseling to persons who have a
19 gambling addiction disorder or who exhibit gambling addictive behaviors.

20 ~~(7)~~ (8) "Co-occurring disorder" means a disorder in which an individual has
21 at least one psychiatric disorder as well as an addictive disorder. While these
22 disorders may interact differently in any one person, at least one disorder of each
23 type can be diagnosed independently of the other.

24 ~~(8)~~ (9) "Core functions" means the screening, intake, orientation, assessment,
25 treatment planning, counseling, case management, crisis intervention, client
26 education, referral, reports, and ~~recordkeeping~~ record-keeping activities associated
27 with counseling and consultation with other credentialed professionals.

28 ~~(9)~~ (10) "Counselor-in-training" or "CIT" means any person who has not yet
29 met the qualification to become a licensed, certified, or registered counselor, but who

1 has made application to the ~~department~~ board in accordance with the provisions of
2 this Chapter and procedures established by the ~~department~~ board.

3 (10) ~~"Department" means the Louisiana Department of Health, office for~~
4 ~~addictive disorders through June 30, 2007. Effective July 1, 2007, "department"~~
5 ~~shall mean the governing body of the Addictive Disorder Regulatory Authority.~~

6 (11) "Custodial environment" means a setting created by a court system
7 where a person has been deprived of freedom of action in any significant way.

8 (12) "KSA" means the knowledge, skills, and attitudes designated by the
9 ~~department~~ board as being necessary for effective addiction counseling and required
10 by the ~~department~~ board to be utilized by addictive disorders counselors in providing
11 addiction counseling services.

12 ~~(12)~~ (13) "Prevention" means those activities and services that prevent,
13 reduce, or stabilize the incidence of addictive disorders and thereby prevent, reduce,
14 or stabilize the prevalence of addictive disorders. The activities contemplated by this
15 definition include services to those at risk of developing an addictive disorder as well
16 as those individuals who, though not necessarily at risk of developing an addictive
17 disorder, are nonetheless appropriate for services. In addition, prevention shall be
18 understood to include educational programs and activities that are designed to raise
19 the awareness of and encourage healthy behaviors.

20 (14) "Prevention specialist-in-training" or "PSIT" means any person who has
21 not yet met the qualifications to become a licensed, certified, or registered
22 prevention professional, but who has made application to the ~~department~~ board in
23 accordance with the provisions of this Chapter and procedures established by the
24 ~~department~~ board.

25 (15) "Qualified mental health professional" means:

26 (a) A psychiatrist licensed pursuant to R.S. 37:1261 et seq.

27 (b) A psychologist licensed pursuant to R.S. 37:2351 et seq., or a medical
28 psychologist licensed pursuant to R.S. 37:1360.51 et seq.

1 (c) A licensed clinical social worker licensed pursuant to R.S. 37:2701 et
2 seq.

3 (d) A mental health counselor licensed pursuant to R.S. 37:1101 et seq.

4 (16) "Substance abuse disorder" means the repeated pathological use of
5 drugs, including alcohol, which causes physical, psychological, economic, legal, or
6 social harm to the individual user or to others affected by the user's behavior.

7 §3387. Licensed addiction counselor; scope of practice

8 A.(1) The practice of licensed addiction counseling within the meaning and
9 intent of this Chapter shall consist of the rendering of professional guidance to
10 individuals suffering from an addictive disorder to assist them in gaining an
11 understanding of the nature of their disorder and developing and maintaining a
12 responsible lifestyle.

13 (2) The licensed addiction counselor may practice autonomously,
14 independent of any other professional association or supervision.

15 (3) The scope of practice, in addition to any other applicable provision of
16 this Chapter, shall include making referrals to appropriate professionals, providing
17 counseling to family members, and, as appropriate, to others affected by the
18 individual's addictive disorder, and the utilization of KSA and core functions.

19 B. The ~~department~~ board shall adopt and promulgate rules which govern
20 licensed addiction counselors in accordance with the provisions of this Chapter.

21 C. Any person seeking to be recognized by the ~~department~~ board as a
22 licensed addiction counselor shall submit an application to the ~~department~~ board on
23 a form and in a manner as the ~~department~~ board shall prescribe. The initial
24 application form shall be accompanied by an initial application fee as provided for
25 in this Chapter.

26 D. Upon investigation of the application, the ~~department~~ board shall, not less
27 than forty-five days prior to any examination, notify each candidate that the
28 application is satisfactory and accepted or unsatisfactory and rejected. If an
29 application is rejected, the notice shall state the reason for such rejection.

1 E. The ~~department~~ board shall recognize as a licensed addiction counselor
2 each candidate who:

3 (1) Possesses a master's degree from an accredited institution of higher
4 education. The degree shall be in a human services or behavioral science discipline,
5 or such other discipline or disciplines as the ~~department~~ board may deem
6 appropriate.

7 (2) Is a legal resident of the United States and at least twenty-one years of
8 age on the date the application is received.

9 (3) Is not in violation of any ethical standards subscribed to by the
10 ~~department~~ board.

11 (4) Is not now and has not been a substance abuser or compulsive gambler
12 during the previous two years from the date the application is received.

13 (5) Has not been convicted of, or entered a plea of guilty or a plea of nolo
14 contendere to, a felony. However, the ~~department~~ board may, in its discretion, waive
15 this requirement upon review of the individual's circumstances. Each candidate shall
16 sign a form prescribed by the ~~department~~ board authorizing the ~~department~~ board to
17 obtain a criminal history and to conduct a criminal background check.

18 (6)(a) Demonstrates professional competence by passing a written ~~and oral~~
19 examination ~~and making a case presentation~~.

20 (b) The ~~department~~ board shall determine the scope and administration of the
21 examination.

22 (c) The ~~department~~ board may provide for circumstances under which a
23 candidate who fails ~~either the~~ the examination, but who meets all other requirements,
24 may retake the examination.

25 (d) ~~The department shall prescribe the scope and manner of the case~~
26 ~~presentation required by the provisions of Subparagraph (a) of this Paragraph. The~~
27 board shall make reasonable accommodations for those candidates who demonstrate
28 a special need or disability.

1 (7) Documents the completion of ethics training, as prescribed by the
2 ~~department~~ board.

3 (8) Signs a form of professional and ethical accountability and responsibility,
4 as prescribed by the ~~department~~ board.

5 (9) Documents the completion of supervised clinical hours, under conditions
6 as shall be determined by the ~~department~~ board. The ~~department~~ board may require
7 that such supervision be conducted by a certified clinical supervisor.

8 (10) Provides three letters of recommendation as prescribed by the
9 ~~department~~ board.

10 F. The ~~department~~ board may prescribe such other qualifications and
11 requirements for licensed addiction counselors as may be appropriate for the
12 protection of the public or the enhancement of professional services provided ~~under~~
13 pursuant to the authority of this Chapter.

14 §3387.1. Certified addiction counselor; scope of practice

15 A.(1) The practice of certified addiction counseling within the meaning and
16 intent of this Chapter shall consist of the rendering of supervised professional
17 guidance to individuals suffering from an addictive disorder to assist them in gaining
18 an understanding of the nature of their disorder and developing and maintaining a
19 responsible lifestyle.

20 (2)(a) The certified addiction counselor may not practice independently,
21 except when providing addiction counseling services in a prison or other custodial
22 environment, ~~and may not render a diagnostic impression~~.

23 (b) The certified addiction counselor shall work only under the supervision
24 of a licensed addiction counselor or qualified mental health professional.

25 (c) The certified addiction counselor shall register his supervisory licensed
26 addiction counselor or qualified mental health professional with the board.

27 (d) Supervisory contact between the certified addiction counselor and the
28 supervisory licensed addiction counselor or qualified mental health professional shall
29 be regular and documented, and shall be provided to the board upon request.

1 (3) The certified addiction counselor may not render a diagnostic impression.

2 (4) The scope of practice, in addition to any other applicable provision of
3 this Chapter, shall include making supervised referrals to appropriate professionals,
4 providing supervised counseling to family members, and, as appropriate, to others
5 affected by the individual's addictive disorder, and the utilization of KSA and core
6 functions.

7 B. The ~~department~~ board shall adopt and promulgate rules which govern
8 certified addiction counselors in accordance with the provisions of this Chapter.

9 C. Any person seeking to be recognized by the ~~department~~ board as a
10 certified addiction counselor shall submit an application to the ~~department~~ board on
11 a form and in a manner as the ~~department~~ board shall prescribe. The initial
12 application form shall be accompanied by an initial application fee as provided for
13 in this Chapter.

14 D. Upon investigation of the application, the ~~department~~ board shall, not less
15 than forty-five days prior to any examination, notify each candidate that the
16 application is satisfactory and accepted or unsatisfactory and rejected. If an
17 application is rejected, the notice shall state the reason for such rejection.

18 E. The ~~department~~ board shall recognize as a certified addiction counselor
19 each candidate who:

20 (1) Possesses a bachelor's degree from an accredited institution of higher
21 education. The degree shall be in a human services or behavioral science discipline,
22 or such other discipline or disciplines as the ~~department~~ board may deem
23 appropriate.

24 (2) Is a legal resident of the United States at least twenty-one years of age
25 on the date the application is received.

26 (3) Is not in violation of any ethical standards subscribed to by the
27 ~~department~~ board.

28 (4) Is not now and has not been a substance abuser or compulsive gambler
29 during the previous two years from the date the application is received.

1 (5) Has not been convicted of, or entered a plea of guilty or a plea of nolo
2 contendere to, a felony. However, the ~~department~~ board may, in its discretion, waive
3 this requirement upon review of the individual's circumstances. Each candidate shall
4 sign a form prescribed by the ~~department~~ board authorizing the ~~department~~ board to
5 obtain a criminal history or to conduct a criminal background check.

6 (6)(a) Demonstrates professional competence by passing a written ~~and oral~~
7 examination, ~~and making a case presentation.~~

8 (b) The ~~department~~ board shall determine the scope and administration of the
9 ~~examinations~~ examination.

10 (c) The ~~department~~ board may provide for circumstances under which a
11 candidate who fails either examination, but who meets all other requirements, may
12 retake the examination.

13 (d) The ~~department~~ board shall make reasonable accommodations for those
14 candidates who demonstrate a special need or disability.

15 ~~(e) The department shall prescribe the scope and manner of the case~~
16 ~~presentation required by the provisions of Subparagraph (a) of this Paragraph.~~

17 (7) Documents the completion of ethics training, as prescribed by the
18 ~~department~~ board.

19 (8) Signs a form of professional and ethical accountability and responsibility
20 as prescribed by the ~~department~~ board.

21 (9) Documents the completion of supervised clinical hours, under such
22 conditions as shall be determined by the ~~department~~ board. The ~~department~~ board
23 may require that such supervision be conducted by a certified clinical supervisor.

24 (10) Provides three letters of recommendation as prescribed by the
25 ~~department~~ board.

26 F. The ~~department~~ board may prescribe such other qualifications and
27 requirements for certified addiction counselors as may be appropriate for the
28 protection of the public or the enhancement of professional services provided ~~under~~
29 pursuant to the authority of this Chapter.

1 §3387.2. Registered addiction counselor; scope of practice

2 A.(1) The practice of registered addiction counseling within the meaning and
3 intent of this Chapter shall consist of the rendering of professional guidance to
4 individuals suffering from an addictive disorder to assist them in gaining an
5 understanding of the nature of their disorder and developing and maintaining a
6 responsible lifestyle.

7 (2)(a) The registered addiction counselor may not practice independently.

8 (b) The registered addiction counselor shall work only under the supervision
9 of a licensed addiction counselor or other qualified mental health professional.

10 (c) The registered addiction counselor shall register his supervisory licensed
11 addiction counselor or other qualified mental health professional with the Addictive
12 Disorder Regulatory Authority.

13 (d) Supervisory contact between the registered addiction counselor and the
14 supervisory licensed addiction counselor or qualified mental health professional must
15 be regular and documented, and shall be provided to the board.

16 (3) The registered addiction counselor ~~and~~ may not render a diagnostic
17 impression.

18 (4) The scope of practice, in addition to any other applicable provision of
19 this Chapter, shall include making supervised referrals to appropriate professionals,
20 providing supervised counseling to family members, and, as appropriate, to others
21 affected by the individual's addictive disorder, and the utilization of KSA and core
22 functions. ~~The scope of practice shall in no way be construed to include services~~
23 ~~designed to address work organization productivity issues and employee client~~
24 ~~problems affecting job performance and the ability to perform on the job.~~

25 B. The ~~department~~ board shall adopt and promulgate rules which govern
26 registered addiction counselors in accordance with the provisions of this Chapter.

27 C. Any person seeking to be recognized by the ~~department~~ board as a
28 registered addiction counselor shall submit an application to the ~~department~~ board
29 on a form and in a manner as the ~~department~~ board shall prescribe. The initial

1 application form shall be accompanied by an initial application fee as provided for
2 in this Chapter.

3 D. Upon investigation of the application, the ~~department~~ board shall, not less
4 than forty-five days prior to any examination, notify each candidate that the
5 application is satisfactory and accepted or unsatisfactory and rejected. If an
6 application is rejected, the notice shall state the reason for such rejection.

7 E. The ~~department~~ board shall recognize as a registered addiction counselor
8 each candidate who:

9 (1) Is a legal resident of the United States at least twenty-one years of age
10 on the date the application is received.

11 (2) Is not in violation of any ethical standards subscribed to by the
12 ~~department~~ board.

13 (3) Is not now and has not been a substance abuser or compulsive gambler
14 during the previous two years from the date the application is received.

15 (4) Has not been convicted of, or entered a plea of guilty or a plea of nolo
16 contendere to, a felony. However, the ~~department~~ board may, in its discretion, waive
17 this requirement upon review of the individual's circumstances. Each candidate shall
18 sign a form prescribed by the ~~department~~ board authorizing the ~~department~~ board to
19 obtain a criminal history or to conduct a criminal background check.

20 (5)(a) Demonstrates professional competence by passing a written ~~and oral~~
21 examination, ~~and making a case presentation~~.

22 (b) The ~~department~~ board shall determine the scope and administration of the
23 ~~examinations~~ examination.

24 (c) The ~~department~~ board may provide for circumstances under which a
25 candidate who fails ~~either~~ the examination, but who meets all other requirements,
26 may retake the examination.

27 (d) The ~~department~~ board shall make reasonable accommodations for those
28 candidates who demonstrate a special need or disability.

1 ~~(e) The department shall prescribe the scope and manner of the case~~
2 ~~presentation required by the provisions of Subparagraph (a) of this Paragraph.~~

3 (6) Documents the completion of ethics training, as prescribed by the
4 ~~department~~ board.

5 (7) Signs a form of professional and ethical accountability and responsibility
6 as prescribed by the ~~department~~ board.

7 (8) Documents the completion of supervised clinical hours, under such
8 conditions as shall be determined by the ~~department~~ board. The ~~department~~ board
9 may require that such supervision be conducted by a certified clinical supervisor.

10 (9) Provides three letters of recommendation as prescribed by the ~~department~~
11 board.

12 F. The ~~department~~ board may prescribe such other qualifications and
13 requirements for registered addiction counselors as may be appropriate for the
14 protection of the public or the enhancement of professional services provided ~~under~~
15 pursuant to the authority of this Chapter.

16 §3387.3. Counselor-in-training

17 A. The practice of addiction counseling within the meaning and intent of this
18 Chapter shall consist of the rendering of professional guidance to individuals
19 suffering from an addictive disorder to assist them in gaining an understanding of the
20 nature of their disorder and developing and maintaining a responsible lifestyle.

21 B.(1) The status of counselor-in-training ~~(CIT)~~ is intended to assist
22 professional development by providing qualified individuals with supervised clinical
23 counseling experience.

24 (2) ~~This status~~ The status of counselor-in-training is, by its very nature,
25 temporary and it is anticipated that the individual will progress through the
26 experience to become a licensed, certified, or registered addiction counselor.

27 (3) The counselor-in-training may not practice independently.

28 (4) The counselor-in-training may only work under the direct supervision of
29 a licensed addiction counselor, certified addiction counselor, or registered addiction

1 counselor; or in the absence of a licensed, certified, or registered addiction counselor,
2 under the direction of a qualified mental health professional.

3 (5) The scope of practice, in addition to any other applicable provision of
4 this Chapter, shall include making directly supervised referrals to appropriate
5 professionals, providing directly supervised counseling to family members, and, as
6 appropriate, to others affected by the individual's addictive disorder, and the
7 utilization of KSA and core functions.

8 ~~B: C.~~ The department board shall adopt and promulgate rules which govern
9 the status of counselor-in-training in accordance with the provisions of this Chapter.

10 ~~C: D.~~ Any person seeking to be recognized by the department board as a
11 counselor-in-training shall submit an application to the department board on a form
12 and in a manner as the department board shall prescribe. The initial application form
13 shall be accompanied by an initial application fee as provided for in this Chapter.

14 ~~D: E.~~ Upon investigation of the application, the department board shall,
15 within thirty days, notify each candidate that the application is satisfactory and
16 accepted or unsatisfactory and rejected. If an application is rejected, the notice shall
17 state the reason for such rejection.

18 ~~E: F.~~ The department board shall recognize as a counselor-in-training each
19 candidate who:

20 (1) Is a legal resident of the United States and at least eighteen years of age
21 on the date the application is received.

22 (2) Is not in violation of any ethical standards subscribed to by the
23 department board.

24 (3) Is not now and has not been a substance abuser or compulsive gambler
25 during the previous two years from the date the application is received.

26 (4) Has not been convicted of, or entered a plea of guilty or a plea of nolo
27 contendere to, a felony. However, the department board may, in its discretion, waive
28 this requirement upon review of the individual's circumstances. Each candidate shall

1 sign a form prescribed by the ~~department~~ board authorizing the ~~department~~ board to
2 obtain a criminal history or to conduct a criminal background check.

3 (5) Signs a form of professional and ethical accountability and responsibility
4 as prescribed by the ~~department~~ board.

5 (6) Provides three letters of recommendation as prescribed by the ~~department~~
6 board.

7 F. G. The ~~department~~ board may prescribe such other qualifications and
8 requirements for counselor-in-training as may be appropriate for the protection of the
9 public or the enhancement of professional services provided ~~under~~ pursuant to the
10 authority of this Chapter.

11 §3387.4. Addiction treatment assistant

12 A. An addiction treatment assistant is a paraprofessional who serves in a
13 supportive role within the therapeutic process. The addiction treatment assistant
14 shall work under the direct supervision of a licensed, certified, or registered
15 counselor in a manner prescribed by the ~~department~~ board.

16 B. The ~~department~~ board shall adopt and promulgate rules which govern
17 addiction treatment assistants in accordance with the provisions of this Chapter.

18 C. Any person seeking to be recognized by the ~~department~~ board as an
19 addiction treatment assistant shall submit an application to the ~~department~~ board on
20 a form and in a manner as the ~~department~~ board shall prescribe. The initial
21 application form shall be accompanied by an initial application fee as provided for
22 in this Chapter.

23 D. Upon investigation of the application, the ~~department~~ board shall, within
24 thirty days, notify each candidate that the application is satisfactory and accepted or
25 unsatisfactory and rejected. If an application is rejected, the notice shall state the
26 reason for such rejection.

27 E. The ~~department~~ board shall recognize as an addiction treatment assistant
28 each candidate who:

1 (1) Is a legal resident of the United States and at least sixteen years of age
2 on the date the application is received.

3 (2) Is not in violation of any ethical standards subscribed to by the
4 ~~department~~ board.

5 (3) Is not and has not been a substance abuser or compulsive gambler during
6 the previous six months from the date the application is received.

7 (4) Has not been convicted of, or entered a plea of guilty or a plea of nolo
8 contendere to, a felony. However, the ~~department~~ board may, in its discretion, waive
9 this requirement upon review of the individual's circumstances. Each candidate, or
10 at least one parent or legal guardian of a candidate in the case of an unemancipated
11 minor, shall sign a form prescribed by the ~~department~~ board authorizing the
12 ~~department~~ board to obtain a criminal history or to conduct a criminal background
13 check.

14 (5) Signs a form of professional and ethical accountability and responsibility
15 as prescribed by the ~~department~~ board.

16 (6) Provides three letters of recommendation as prescribed by the ~~department~~
17 board.

18 §3387.5. Certified clinical supervisor

19 * * *

20 B. The ~~department~~ board shall adopt and promulgate rules which shall
21 provide for the certification of clinical supervisors in accordance with the provisions
22 of this Chapter.

23 C. Any person seeking to be recognized by the ~~department~~ board as a
24 certified clinical supervisor shall first complete clinical supervision training
25 approved by the ~~department~~ board. The candidate may then submit an application
26 on a form and in a manner prescribed by the ~~department~~ board. Documentation of
27 the clinical supervision training shall accompany the application.

28 D. Upon investigation of the application, the ~~department~~ board shall, within
29 thirty days, notify each candidate that the application is satisfactory and accepted or

1 B. The ~~department~~ board shall adopt and promulgate rules which shall
2 provide for the certification of compulsive gambling counselors in accordance with
3 this Chapter.

4 C. Any person seeking to be recognized by the ~~department~~ board as a
5 certified compulsive gambling counselor shall hold the valid and current necessary
6 credential of licensed, certified, or registered addiction counselor or hold the valid
7 and current necessary credential of a qualified mental health professional. In
8 addition, the candidate shall complete the minimum educational hours provided for
9 in this Chapter. Any candidate holding the necessary credential who has completed
10 the educational hours required may submit an application on a form and in a manner
11 prescribed by the ~~department~~ board. Documentation of the necessary credential and
12 completion of the required educational hours shall accompany the application. The
13 application shall also be accompanied by a fee as provided for in this Chapter.

14 D. Upon investigation of the application, the ~~department~~ board shall, within
15 thirty days, notify each candidate that the application is satisfactory and accepted or
16 unsatisfactory and rejected. If the application is rejected, the notice shall state the
17 reason for such rejection.

18 E. The ~~department~~ board shall recognize as a certified compulsive gambling
19 counselor each candidate who:

20 * * *

21 (2) Is not in violation of any ethical standards subscribed to by the
22 ~~department~~ board.

23 (3) Does not have any pending disciplinary action with the ~~department~~
24 board, or, in the case of a qualified mental health professional, with the appropriate
25 regulatory board.

26 * * *

27 (5) Has successfully completed a minimum of sixty educational hours,
28 approved by the ~~department~~ board, specific to addiction.

1 (6) Has successfully completed a minimum of thirty educational hours,
2 approved by the ~~department~~ board, specific to gambling addiction.

3 * * *

4 F. Each compulsive gambling counselor candidate shall sign a form
5 prescribed by the ~~department~~ board authorizing the ~~department~~ board to obtain a
6 criminal history or to conduct a criminal background check.

7 G.

8 * * *

9 (2) The ~~department~~ board shall determine the scope and administration of the
10 examination.

11 (3) The ~~department~~ board may provide for circumstances under which a
12 candidate who fails the examination, but who meets all other requirements, may
13 retake the examination.

14 (4) The ~~department~~ board shall make reasonable accommodations for those
15 candidates who demonstrate a special need or disability.

16 * * *

17 I. The ~~department~~ board shall revoke the certification for gambling
18 counseling of any person who does not maintain the valid and current necessary
19 credential of licensed, certified, or registered addiction counselor or qualified mental
20 health professional.

21 §3387.10. Licensed prevention professional

22 * * *

23 B. Any person seeking to be recognized by the ~~department~~ board as a
24 licensed prevention professional shall submit an application to the ~~department~~ board
25 on a form and in a manner as the ~~department~~ board shall prescribe. The initial
26 application form shall be accompanied by an initial application fee of not less than
27 one hundred dollars nor more than three hundred dollars. The license shall be
28 renewed every two years and shall be accompanied by a fee for renewal of not less
29 than one hundred dollars nor more than three hundred dollars.

1 C. Upon investigation of the application, the ~~department~~ board shall, ~~not less~~
2 ~~than~~ within forty-five days ~~prior to any examination~~, notify each candidate that the
3 application is satisfactory and accepted or unsatisfactory and rejected. If an
4 application is rejected, the notice shall state the reason for such rejection.

5 D. The ~~department~~ board shall recognize as a licensed prevention
6 professional each candidate who:

7 (1) Possesses, at a minimum, a master's degree from an accredited institution
8 of higher education and documents one year of ~~department-approved~~ board-approved
9 prevention experience.

10 * * *

11 (3) Is not in violation of any ethical standards subscribed to by the
12 ~~department~~ board.

13 (4) Has not been convicted of or entered a plea of guilty or a plea of nolo
14 contendere to a felony. However, the ~~department~~ board may, in its discretion, waive
15 this requirement upon review of the individual's circumstances. Each candidate shall
16 provide the ~~department~~ board with a certified criminal history.

17 (5)

18 * * *

19 (b) The ~~department~~ board shall determine the scope and administration of the
20 examination.

21 (c) The ~~department~~ board may provide for circumstances under which a
22 candidate who fails the examination, but who meets all other requirements, may
23 retake the examination.

24 (d) The ~~department~~ board shall make reasonable accommodations for those
25 candidates who demonstrate a special need or disability.

26 (6) Documents completion of any ethics training required by the ~~department~~
27 board and signs a form of professional and ethical accountability and responsibility
28 as prescribed by the ~~department~~ board.

1 (7) Documents having successfully completed any training prescribed by the
2 ~~department~~ board. Training as contemplated in this Chapter may include educational
3 as well as experiential components.

4 (8) Provides three letters of recommendation as prescribed by the ~~department~~
5 board.

6 E. The licensed prevention professional is a practice credential and to the
7 extent possible, it shall be governed by existing rules, including but not limited to
8 those applicable to the application for and renewal of prevention practice credentials.
9 The ~~department~~ board may adopt and promulgate such additional rules as may be
10 necessary and may prescribe such other qualifications and requirements for licensed
11 prevention professionals as may be appropriate for the protection of the public or the
12 enhancement of professional services provided ~~under~~ pursuant to the authority of this
13 Chapter.

14 §3387.11. Certified prevention professional

15 * * *

16 B. Any person seeking to be recognized by the ~~department~~ board as a
17 certified prevention professional shall submit an application to the ~~department~~ board
18 on a form and in a manner as the ~~department~~ board shall prescribe. The initial
19 application form shall be accompanied by an initial application fee of not less than
20 one hundred dollars nor more than three hundred dollars. The certification shall be
21 renewed every two years and shall be accompanied by a fee for renewal of not less
22 than one hundred dollars nor more than three hundred dollars.

23 C. Upon investigation of the application, the ~~department~~ board shall, ~~not less~~
24 ~~than~~ within forty-five days ~~prior to any examination~~, notify each candidate that the
25 application is satisfactory and accepted or unsatisfactory and rejected. If an
26 application is rejected, the notice shall state the reason for such rejection.

27 D. The ~~department~~ board shall recognize as a certified prevention
28 professional each candidate who:

1 (1) Possesses a bachelor's degree from an accredited institution of higher
2 education and documents two years of ~~department-approved~~ board-approved
3 prevention experience.

4 * * *

5 (3) Is not in violation of any ethical standards subscribed to by the
6 ~~department~~ board.

7 (4) Has not been convicted of or entered a plea of guilty or a plea of nolo
8 contendere to a felony. However, the ~~department~~ board may, in its discretion, waive
9 this requirement upon review of the individual's circumstances. Each candidate
10 shall provide the ~~department~~ board with a certified criminal history.

11 (5)

12 * * *

13 (b) The ~~department~~ board shall determine the scope and administration of the
14 examination.

15 (c) The ~~department~~ board may provide for circumstances under which a
16 candidate who fails the examination, but who meets all other requirements, may
17 retake the examination.

18 (d) The ~~department~~ board shall make reasonable accommodations for those
19 candidates who demonstrate a special need or disability.

20 (6) Documents completion of any ethics training required by the ~~department~~
21 board and signs a form of professional and ethical accountability and responsibility
22 as prescribed by the ~~department~~ board.

23 (7) Documents having successfully completed any training prescribed by the
24 ~~department~~ board. Training as contemplated in this Chapter may include educational
25 as well as experiential components.

26 (8) Provides three letters of recommendation as prescribed by the ~~department~~
27 board.

28 E. The certified prevention professional is a practice credential and, to the
29 extent possible, it shall be governed by existing rules, including but not limited to

1 those applicable to the application for and renewal of prevention practice credentials.
 2 The ~~department~~ board may adopt and promulgate such additional rules as may be
 3 necessary and may prescribe such other qualifications and requirements for certified
 4 prevention professionals as may be appropriate for the protection of the public or the
 5 enhancement of professional services provided ~~under~~ pursuant to the authority of this
 6 Chapter.

7 §3387.12. Registered prevention professional

8 * * *

9 B. Any person seeking to be recognized by the ~~department~~ board as a
 10 registered prevention professional shall submit an application to the ~~department~~
 11 board on a form and in a manner as the ~~department~~ board shall prescribe. The initial
 12 application form shall be accompanied by an initial application fee of not less than
 13 one hundred dollars nor more than three hundred dollars. The registration shall be
 14 renewed every two years and shall be accompanied by a fee for renewal of not less
 15 than one hundred dollars nor more than three hundred dollars.

16 C. Upon investigation of the application, the ~~department~~ board shall, ~~not less~~
 17 ~~than~~ within forty-five days prior to any examination, notify each candidate that the
 18 application is satisfactory and accepted or unsatisfactory and rejected. If an
 19 application is rejected, the notice shall state the reason for such rejection.

20 D. The ~~department~~ board shall recognize as a registered prevention
21 professional each candidate who:

22 (1) Possesses a high school diploma or its equivalent and documents three
 23 years of ~~department-approved~~ board-approved prevention experience.

24 * * *

25 (3) Is not in violation of any ethical standards subscribed to by the
 26 ~~department~~ board.

27 (4) Has not been convicted of or entered a plea of guilty or a plea of nolo
 28 contendere to a felony. However, the ~~department~~ board may, in its discretion, waive

1 this requirement upon review of the individual's circumstances. Each candidate shall
2 provide the ~~department~~ board with a certified criminal history.

3 (5)

4 * * *

5 (b) The ~~department~~ board shall determine the scope and administration of the
6 examination.

7 (c) The ~~department~~ board may provide for circumstances under which a
8 candidate who fails the examination but who meets all other requirements may retake
9 the examination.

10 (d) The ~~department~~ board shall make reasonable accommodations for those
11 candidates who demonstrate a special need or disability.

12 (6) Documents completion of any ethics training required by the ~~department~~
13 board and signs a form of professional and ethical accountability and responsibility
14 as prescribed by the ~~department~~ board.

15 (7) Documents having successfully completed any training prescribed by the
16 ~~department~~ board. Training as contemplated in this Chapter may include educational
17 as well as experiential components.

18 (8) Provides three letters of recommendation as prescribed by the ~~department~~
19 board.

20 E. The registered prevention professional is a practice credential and, to the
21 extent possible, it shall be governed by existing rules, including but not limited to
22 those applicable to the application for and renewal of prevention practice credentials.
23 The ~~department~~ board may adopt and promulgate such additional rules as may be
24 necessary and may prescribe such other qualifications and requirements for
25 registered prevention professionals as may be appropriate for the protection of the
26 public or the enhancement of professional services provided ~~under~~ pursuant to the
27 authority of this Chapter.

28 §3387.14. Certified prevention supervisor

29 * * *

1 B. The ~~department~~ board shall adopt and promulgate rules which shall
2 provide for the certification of prevention supervisors in accordance with the
3 provisions of this Chapter.

4 C. Any person seeking to be recognized by the ~~department~~ board as a
5 certified prevention supervisor shall submit an application on a form and in a manner
6 prescribed by the ~~department~~ board. The application shall be accompanied by a fee
7 of not less than one hundred dollars nor more than three hundred dollars. The fee for
8 renewal shall be not less than one hundred dollars nor more than three hundred
9 dollars.

10 D. Upon investigation of the application, the ~~department~~ board shall, within
11 thirty days, notify each candidate that the application is satisfactory and accepted or
12 unsatisfactory and rejected. If an application is rejected, the notice shall state the
13 reason for such rejection.

14 E. The ~~department~~ board shall recognize as a certified prevention supervisor
15 each candidate who:

16 (1) Holds a valid and current credential as a licensed or certified prevention
17 professional.

18 (2) Is not in violation of any ethical standards subscribed to by the
19 ~~department~~ board.

20 (3) Does not have any pending disciplinary action with the ~~department~~
21 board.

22 (4) Is not a defendant in any pending felony criminal proceedings.

23 (5) Has not been convicted of or entered a plea of guilty or a plea of nolo
24 contendere to a felony. However, the ~~department~~ board may, in its discretion, waive
25 this requirement upon review of the individual's circumstances. Each candidate shall
26 provide a certified criminal history.

27 (6) Satisfies such other requirements as the ~~department~~ board may establish,
28 including but not limited to receiving specialized training, obtaining specialized
29 experience, and passing an examination. In the event the ~~department~~ board requires

1 an examination, the fee for administering the examination shall be in an amount
2 sufficient to cover the cost of administering the examination, but shall not be less
3 than fifty dollars nor more than two hundred dollars.

4 §3388. License, certification, registration renewal

5 * * *

6 B. Within the two-year period provided for herein each licensed, certified,
7 and registered addiction counselor shall provide to the ~~department~~ board
8 documentation of successfully completing forty-eight ~~department-approved~~ board-
9 approved continuing educational hours.

10 C. The documentation required by this Section shall be provided on a form
11 and in a manner prescribed by the ~~department~~ board.

12 §3388.1. Counselor-in-training renewal

13 * * *

14 B. Within the twelve-month period provided for herein, each counselor-in-
15 training shall provide to the ~~department~~ board documentation of successfully
16 completing a minimum of twenty ~~department-approved~~ board-approved continuing
17 educational hours or documentation that the counselor-in-training has been actively
18 engaged in pursuing a degree from an accredited institution of higher learning in a
19 human services or behavioral science discipline, or such other discipline or
20 disciplines as the ~~department~~ board may designate.

21 C. The documentation required by this Section shall be provided on a form
22 and in a manner prescribed by the ~~department~~ board.

23 * * *

24 §3388.2. Clinical supervision, prevention supervision, and compulsive gambling
25 counselor certification renewal

26 * * *

27 B. Within the twenty-four-month period provided for ~~herein~~ in this Section,
28 each clinical supervisor, prevention supervisor, and compulsive gambling counselor
29 shall provide to the ~~department~~ board documentation of successfully completing a

1 minimum of eight ~~department-approved~~ board-approved continuing educational
2 hours for each certificate being renewed. Such hours shall be directly related to the
3 area of certification.

4 C. The documentation required by this Section shall be provided on a form
5 and in a manner prescribed by the ~~department~~ board.

6 D. The ~~department~~ board may prescribe such other requirements for clinical
7 supervision, prevention supervision, and compulsive gambling counselor
8 certification renewal as may be appropriate for the protection of the public or the
9 enhancement of professional services provided under the authority of this Chapter.

10 §3388.3. Applicability

11 A. ~~The legislature finds that there are various credentials offered and~~
12 ~~recognized in the state of Louisiana for those professionals who are engaged, prior~~
13 ~~to July 8, 2004, in the practice of counseling persons suffering from addictive~~
14 ~~disorders, as well as the providing of prevention services. It is the intent of the~~
15 legislature that there be a single authority issuing credentials for addictive disorder
16 counseling and prevention professionals in Louisiana. The authority for issuing and
17 recognizing credentials for professionals engaged in the providing of counseling and
18 prevention services for those who suffer from addictive disorders shall be the
19 ~~Louisiana Department of Health, office of behavioral health~~ Addictive Disorder
20 Regulatory Authority.

21 §3388.4. Powers and duties of the ~~department~~ Addictive Disorder Regulatory
22 Authority

23 A. The ~~department~~ Addictive Disorder Regulatory Authority shall:

24 * * *

25 (8) Prescribe and adopt regulations, standards, procedures, and policies
26 governing the manner and conditions under which credit shall be given by the
27 ~~department~~ board for participation in programs of education or experience, including
28 programs of continuing professional education, such as the ~~department~~ board may
29 consider necessary.

1 (9) Maintain a complete roster of all those awarded a credential or status
 2 ~~under pursuant to~~ the provisions of this Chapter. ~~The department may delegate to~~
 3 ~~an appropriate professional association, the responsibility of maintaining a roster or~~
 4 ~~registry of addiction treatment assistants or prevention assistants. This delegation~~
 5 ~~may be upon such terms and conditions as the department deems appropriate or~~
 6 ~~necessary.~~

7 (10) Adopt and promulgate rules, regulations, and standards for ~~department~~
 8 board approval of institutions providing clinical training or education in areas
 9 pertaining to a credential or status governed by the provisions of this Chapter.

10 (11) Issue subpoenas to require attendance, testimony, and production of
 11 documents in the process of enforcing the provisions of this Chapter and ~~department~~
 12 board rules or in order to secure evidence or testimony pursuant to any investigation
 13 conducted in furtherance of the ~~department's~~ board's authority or responsibility as
 14 provided in this Chapter.

15 * * *

16 (13) Enter into any contract, including any professional services contract,
 17 related to its responsibilities in complying with this Chapter and other applicable
 18 state laws.

19 (14) On or before February 1 annually, submit a report to the governor, the
 20 secretary of the Louisiana Department of Health, and the House and Senate
 21 committees on health and welfare encompassing the financial and professional
 22 actions of the board. The report shall have the same form and content as prescribed
 23 by R.S. 49:1304(B).

24 (15) Adopt standards for supervision of registered and certified addiction
 25 counselors.

26 B. ~~The department may delegate to an appropriate professional association~~
 27 ~~or university any of the duties imposed upon it by this Chapter, other than~~
 28 ~~rulemaking and fee determination. This delegation may be on such terms and~~
 29 ~~conditions as the department deems appropriate or necessary. The department may~~

1 ~~authorize any third party acting on its behalf, pursuant to the provisions of this~~
2 ~~Chapter, to collect any fees authorized by this Chapter. The department may~~
3 ~~authorize any such third party to keep any fees collected. The board may do all of the~~
4 following:

5 (1) Apply for all available and appropriate public and private grants from
6 any source.

7 (2) Accept grants from public or private sources to be utilized for purposes
8 of the board.

9 §3389. ~~Transition;~~ Addictive Disorder Regulatory Authority

10 A. The legislature hereby finds it appropriate that the responsibility and
11 authority to regulate the practice of addictive disorder treatment and prevention be
12 exercised by a licensing board created for that purpose.

13 B. The Addictive Disorder Regulatory Authority (ADRA) is hereby created
14 within the Louisiana Department of Health ~~to exercise all regulatory jurisdiction over~~
15 ~~the credentialing and practice of addiction counselors and prevention professionals,~~
16 ~~persons holding specialty certifications issued by the board, paraprofessionals~~
17 ~~authorized by this Chapter, and those in training to become addiction counselors and~~
18 ~~prevention professionals.~~ The ADRA shall be governed by a board of directors,
19 referred to hereafter in this Chapter as the "board", consisting of ~~seven~~ eight voting
20 members ~~and one nonvoting member,~~ all of whom shall be appointed by the
21 governor, subject to Senate confirmation, as follows:

22 (1) One ~~nonvoting~~ member who possesses significant knowledge in the area
23 of addiction from a list of three names submitted by the Louisiana State Medical
24 Society.

25 (2) One ~~voting~~ member who possesses significant experience and knowledge
26 in the area of compulsive gambling from a list of three names submitted by the
27 Louisiana Association of Substance Abuse Counselors and Trainers, Inc.

1 (3) One ~~voting~~ member who possesses significant experience and knowledge
2 in the area of prevention from a list of three names submitted by the Louisiana
3 Association of Substance Abuse Counselors and Trainers, Inc.

4 (4) One ~~voting~~ member who possesses significant experience and knowledge
5 in the area of opiate replacement therapy from a list of three names submitted by the
6 Louisiana Association of Substance Abuse Counselors and Trainers, Inc.

7 (5) Three ~~voting~~ members from a list of nine names divided into three groups
8 of three names each submitted by the Louisiana Association of Substance Abuse
9 Counselors and Trainers, Inc.

10 (6) One ~~voting~~ member who is a consumer selected from the state at large.

11 C. The governor shall ensure that his appointments demonstrate race, gender,
12 ethnic, and geographical diversity. Members of the board shall serve three-year
13 terms. Members appointed to fill vacancies caused by death, resignation, or removal
14 shall serve the unexpired terms of their predecessors.

15 ~~E.~~ D. Members of the board ~~shall~~ may elect a chairman and such other
16 officers as they deem necessary to carry out the duties and functions of the board.
17 The ~~ADRA~~ Addictive Disorder Regulatory Authority may employ persons necessary
18 to carry out the provisions of this Chapter and may fix their compensation. The
19 ~~ADRA~~ authority shall employ at least three persons: an executive director, an
20 assistant director, and an administrative assistant. Employees of the board shall be
21 eligible to participate in the state group benefits plan and in the state retirement
22 system.

23 ~~F.~~ E. A majority of the ~~voting~~ members of the board shall constitute a
24 quorum for the transaction of all business.

25 ~~G.(1)~~ F.(1) The consumer member of the board shall possess all of the
26 following qualifications:

27 (a) Is a citizen of the United States and has been a resident of Louisiana for
28 at least one year immediately prior to appointment.

29 (b) Has attained the age of majority.

1 (c) Has never been licensed by any of the licensing boards identified in R.S.
2 36:259(A), nor shall he have a spouse who has ever been licensed by a board
3 identified in R.S. 36:259(A).

4 (d) Has never been convicted of a felony.

5 (e) Does not have and has never had a material financial interest in the
6 healthcare profession.

7 (2) The consumer member shall be a full voting member of the board with
8 all rights and privileges conferred on board members, except that the consumer
9 member shall not participate in the grading of individual examinations.

10 G. It is the intent of the legislature that the board exercise all regulatory
11 jurisdiction over the credentialing and practice of addiction counselors, prevention
12 professionals, persons holding specialty certifications issued by the board,
13 paraprofessionals authorized by this Chapter, and those in training to become
14 addiction counselors and prevention professionals.

15 §3390. Prohibited practice; injunctive relief

16 A. No one may hold himself out as having a credential or status authorized
17 by the provisions of this Chapter who is not so recognized by the ~~department~~ board.

18 B. The credential or status of anyone who fails to timely renew a status or
19 credential authorized by this Chapter shall be deemed suspended unless and until
20 renewed or reinstated as provided for by the ~~department~~ board. Any person whose
21 status or credential is suspended shall be prohibited from exercising the scope of
22 practice provided for in this Chapter relative to the suspended credential or status.

23 C. The ~~department~~ board may cause an injunction to be issued in any court
24 of competent jurisdiction enjoining any person from violating the provisions of this
25 Chapter. Failure of the ~~department~~ board to seek an injunction shall not constitute
26 a waiver nor confer upon any person violating the provisions of this Chapter a right
27 to engage in such conduct.

28 D. In any suit for injunction, the ~~department~~ board may impose on the
29 defendant a penalty of not less than one hundred dollars nor more than one thousand

1 dollars and attorney fees and court costs. The judgment for penalty, attorney fees,
2 and costs may be rendered in the same judgment in which the injunction is made
3 absolute.

4 §3390.1. Persons and practices not affected

5 * * *

6 C. Nothing in this Chapter shall be construed as prohibiting the activities of
7 any person recognized as a counselor or prevention specialist-in-training by the
8 ~~department~~ board, and employed or supervised in the manner prescribed by the
9 ~~department~~ board, from carrying out specific tasks under professional supervision.
10 The person supervised shall not represent himself to the public as having any
11 credential or status which the ~~department~~ board does not recognize him as having.

12 D. Nothing in this Chapter shall be construed as prohibiting the activities of
13 any student in an accredited educational institution; from carrying out activities that
14 are part of the prescribed course of study, provided such activities are authorized by
15 this Chapter or by the ~~department~~ board. Such student shall hold himself out to the
16 public only by clearly indicating his student status and the profession in which he is
17 being trained.

18 §3390.2. Reciprocity; other states

19 The ~~department~~ board may recognize, grant, or issue any credential or status
20 authorized by this Chapter, and without examination in this state, to any applicant
21 holding a valid credential or status recognized or issued in another state, provided
22 the ~~department~~ board determines that the credential or status in question is based
23 upon an examination or other requirements substantially equivalent to the
24 requirements of this Chapter and such other requirements as may be prescribed by
25 the ~~department~~ board in accordance with the provisions of this Chapter. The
26 ~~department~~ board shall have the authority to determine which status or credential,
27 and corresponding scope of practice, authorized by this Chapter should be allowed
28 to an individual seeking reciprocity.

1 §3390.3. Disciplinary action; administrative fee; causes; hearing; appeal

2 A. The ~~department~~ board shall have the power to deny, revoke, or suspend
3 any credential, specialty certification, status, or other recognition authorized by this
4 Chapter. In addition, the ~~department~~ board is authorized to impose and collect an
5 administrative fee not to exceed five hundred dollars per violation or otherwise
6 discipline any person holding a credential, specialty certification, status, or
7 recognition authorized by this Chapter who:

8 * * *

9 (3) Violates any provision of the ethical standards to which the ~~department~~
10 board subscribes.

11 * * *

12 (5) Is impaired in delivery of professional services because of substance
13 ~~abuse~~ use disorder, compulsive gambling, or because of medical or psychiatric
14 disability.

15 * * *

16 (7) Allows a credential or status issued by the ~~department~~ board to be used
17 by a person other than the one to whom the credential or status was issued.

18 * * *

19 (12) Has violated any lawful order, rule, or regulation rendered or adopted
20 by the ~~department~~ board.

21 * * *

22 B. The ~~department~~ board shall adopt rules and procedures establishing a
23 disciplinary process which shall, at a minimum, comply with the following:

24 (1) Any person whose credential or status is sought to be disciplined in
25 accordance with the provisions of this Chapter shall be given thirty days notice in
26 writing enumerating the charges and specifying the date for a hearing before the
27 ~~department~~ board conducted in accordance with applicable provisions of the
28 Administrative Procedure Act, R.S. 49:950 et seq.

1 (5) When the person waives the privilege by filing a complaint with the
2 ~~department~~ board or otherwise invokes the jurisdiction of the ~~department~~ board.

3 * * *

4 §3390.6. Addictive disorders professionals; fees and penalties

5 A. The ~~department~~ board shall, by rule, adopt a schedule of fees and
6 penalties to be charged relative to the issuance of licenses and certifications, ~~as~~
7 provided for in this Chapter.

8 B. The ~~department is authorized to~~ board may impose and collect the
9 following fees:

10 (1) Each application for a licensed addiction counselor, certified addiction
11 counselor, or registered addiction counselor shall be accompanied by a fee prescribed
12 by the ~~department~~ board. The fee for processing the application shall be in an
13 amount at least sufficient to cover the cost of processing the application, but shall not
14 be less than one hundred dollars nor more than three hundred dollars. The fee for
15 administering the written examination shall be in an amount at least sufficient to
16 cover the cost of administering the written examination, but shall not be less than one
17 hundred dollars nor more than three hundred dollars. ~~The fee for the oral~~
18 ~~examination or case presentation shall not be less than one hundred dollars nor more~~
19 ~~than three hundred dollars.~~ The renewal fee for a licensed addiction counselor,
20 certified addiction counselor, or registered addiction counselor shall not be less than
21 one hundred dollars nor more than three hundred dollars.

22 (2) Each application for a certified prevention specialist or registered
23 preventionist shall be accompanied by a fee prescribed by the ~~department~~ board. The
24 fee for processing the application shall be in an amount at least sufficient to cover
25 the cost of processing the application, but shall not be less than one hundred dollars
26 nor more than three hundred dollars. The fee for administering the written
27 examination shall be in an amount at least sufficient to cover the cost of
28 administering the written examination, but shall not be less than one hundred dollars
29 nor more than three hundred dollars. The renewal fee for a certified prevention

1 specialist or registered preventionist shall not be less than one hundred dollars nor
2 more than three hundred dollars.

3 (3) Each application for a certified clinical supervisor or certified compulsive
4 gambling counselor shall be accompanied by a fee prescribed by the ~~department~~
5 board. The fee for processing the application shall be in an amount at least sufficient
6 to cover the cost of processing the application, but shall not be less than fifty dollars
7 nor more than two hundred dollars. The fee for administering the written
8 examination shall be in an amount at least sufficient to cover the cost of
9 administering the written examination, but shall not be less than fifty dollars nor
10 more than two hundred dollars. The renewal fee for a certified clinical supervisor
11 or certified compulsive gambling counselor shall not be less than one hundred dollars
12 nor more than three hundred dollars.

13 (4) Each application for a counselor-in-training or prevention specialist-in-
14 training shall be accompanied by a fee prescribed by the ~~department~~ board. The fee
15 shall be in an amount at least sufficient to cover the cost of processing the
16 application, but shall not be less than twenty-five dollars nor more than one hundred
17 dollars. The renewal fee for a certified clinical supervisor or certified compulsive
18 gambling counselor shall not be less than twenty-five dollars nor more than one
19 hundred dollars.

20 (5) Each application for an addiction treatment assistant shall be
21 accompanied by a fee prescribed by the ~~department~~ board. The fee for processing
22 the application shall be in an amount at least sufficient to cover the cost of
23 processing the application, but shall not be less than twenty-five dollars nor more
24 than one hundred dollars. The fee for administering the written examination shall
25 be in an amount at least sufficient to cover the cost of administering the written
26 examination, but shall not be less than twenty-five dollars nor more than one hundred
27 dollars. The renewal fee for an addiction treatment assistant shall not be less than
28 twenty-five nor more than one hundred dollars.

1 (6) The ~~department~~ board may require that each application or request for
2 a copy of any roster maintained pursuant to ~~R.S. 37:3388.4(9)~~ R.S. 37:3386.3(A)(9)
3 be accompanied by a fee of not less than one hundred dollars nor more than three
4 hundred dollars.

5 (7) Each training or educational institute, provider, or institution shall pay
6 a fee of not less than two hundred nor more than two hundred fifty dollars to the
7 ~~department~~ board in order to be authorized to provide approved education, training,
8 and courses. Such authorization shall be valid for a period of one year. For those
9 education providers who elect not to seek annual approval, the ~~department~~ board is
10 authorized to impose and collect a fee of not less than one hundred nor more than
11 one hundred fifty dollars for each course approved. In addition, all providers
12 submitting course reports shall pay a fee of not less than one nor more than five
13 dollars per participant.

14 * * *

15 Section 3. R.S. 373387.10(F) and (G), 3387.13, and 3388.3(B) are hereby repealed
16 in their entirety.

17 Section 4.(A) The Louisiana State Law Institute is hereby directed to redesignate
18 R.S. 37:3388.4, as amended by Section 2 of this Act, as R.S. 37:3386.3.

19 (B) The Louisiana State Law Institute is hereby directed to redesignate R.S. 37:3389,
20 as amended by Section 2 of this Act, as R.S. 37:3386.2.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 822 Original

2020 Regular Session

Robby Carter

Abstract: Revises the Addictive Disorders Practice Act; provides for the governing board of the Addictive Disorder Regulatory Authority to be the successor to the La. Dept. of Health with respect to credentialing of professionals who engage in the practice of counseling of persons with addictive disorders.

Present law provides for the licensing, certification, registration, and other credentialing of the following professionals who engage in the practice of counseling of persons with addictive disorders:

- (1) Licensed addiction counselors.
- (2) Certified addiction counselors.
- (3) Registered addiction counselors.
- (4) Counselors-in-training.
- (5) Addiction treatment assistants.
- (6) Certified clinical supervisors.
- (7) Certified compulsive gambling counselors.
- (8) Licensed prevention professionals.
- (9) Certified prevention professionals.
- (10) Registered prevention professionals.
- (11) Certified prevention supervisors.
- (12) Prevention services assistants.

Proposed law repeals all provisions relating to prevention services assistants. Retains provisions relating to the other professionals listed above.

Present law provides that the authority for issuing and recognizing credentials for professionals engaged in providing counseling and prevention services for those who suffer from addictive disorders shall be the office of behavioral health of the La. Department of Health (referred to hereafter as the "department"). Proposed law changes this authority from the department to the governing board of the Addictive Disorder Regulatory Authority created and provided for in present law (referred to hereafter as the "board").

Present law provides for enumerated powers and duties of the department with respect to credentialing of professionals engaged in providing counseling and prevention services for those who suffer from addictive disorders. Proposed law revises present law to assign these powers and duties to the board.

Present law establishes the scope of practice and credentialing requirements for licensed addiction counselors, certified addiction counselors, and registered addiction counselors, respectively. Proposed law deletes requirements that licensed addiction counselor candidates, certified addiction counselor candidates, and registered addiction counselor candidates demonstrate competence by passing an oral examination. Otherwise, retains present law, including the requirement that candidates demonstrate competence by passing a written examination.

Proposed law establishes the following limitations and requirements for certified addiction counselors:

- (1) The certified addiction counselor shall work only under the supervision of a licensed addiction counselor or qualified mental health professional.

- (2) The certified addiction counselor shall register his supervisory licensed addiction counselor or qualified mental health professional with the board.
- (3) Supervisory contact between the certified addiction counselor and the supervisory licensed addiction counselor or qualified mental health professional shall be regular and documented, and shall be provided to the board upon request.

Proposed law establishes the following limitations and requirements for registered addiction counselors:

- (1) The registered addiction counselor shall work only under the supervision of a licensed addiction counselor or other qualified mental health professional.
- (2) The registered addiction counselor shall register his supervisory licensed addiction counselor or other qualified mental health professional with the Addictive Disorder Regulatory Authority.
- (3) Supervisory contact between the registered addiction counselor and the supervisory licensed addiction counselor or qualified mental health professional must be regular and documented, and shall be provided to the board.

Proposed law authorizes the board, in its discretion, to maintain the confidentiality of an individual licensee, registrant, or certificate holder who violates a provision of present law or proposed law whenever it determines that the public interest will be best served by alternatives to the disciplinary process.

Proposed law repeals the following provisions of present law:

- (1) Provisions relating to prevention services assistants.
- (2) Date-specific provisions that have become obsolete.

(Amends R.S. 36:259(A)(20) and R.S. 37:3386.1-3387.4, 3387.5(B)-(D), (E)(intro. para.) and (1)-(3), (F), and (G)(2)-(4), 3387.6(B)-(D), (E)(intro. para.), (2), (3), (5), and (6), (F), (G)(2)-(4), and (I), 3387.10(B), (C), (D)(intro. para.), (1), (3), (4), (5)(b)-(d), and (6)-(8), and (E), 3387.11(B), (C), (D)(intro. para.), (1), (3), (4), (5)(b)-(d), and (6)-(8), and (E), 3387.12(B), (C), (D)(intro. para.), (1), (3), (4), (5)(b)-(d), and (6)-(8), and (E), 3387.14(B)-(E), 3388(B) and (C), 3388.1(B) and (C), 3388.2(B)-(D), 3388.3(A), 3388.4(A)(intro. para.) and (8)-(11) and (B), 3389, 3390, 3390.1(C) and (D), 3390.2, 3390.3(A)(intro. para.), (3), (5), (7), and (12) and (B)-(D), 3390.4(intro. para.) and (5), and 3390.6(A) and (B)(intro. para.) and (1)-(7); Adds R.S. 37:3388.4(A)(13)-(15) and 3390.3(E); Repeals R.S. 37:3387.10(F) and (G), 3387.13, and 3388.3(B))