

**ACT No. 328**

2020 Regular Session

HOUSE BILL NO. 822

BY REPRESENTATIVE ROBBY CARTER

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AN ACT

To amend and reenact R.S. 36:259(A)(20) and R.S. 37:3386.1 through 3387.4, 3387.5(B) through (D), (E)(introductory paragraph) and (1) through (3), (F), and (G)(2) through (4), 3387.6(B) through (D), (E)(introductory paragraph), (2), (3), (5), and (6), (F), (G)(2) through (4), and (I), 3387.10(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.11(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.12(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.14(B) through (E), 3388(B) and (C), 3388.1(B) and (C), 3388.2(B) through (D), 3388.3(A), 3388.4(A)(introductory paragraph) and (8) through (11) and (B), 3389, 3390, 3390.1(C) and (D), 3390.2, 3390.3(A)(introductory paragraph), (3), (5), (7), and (12) and (B) through (D), 3390.4(introductory paragraph) and (5), and 3390.6(A) and (B)(introductory paragraph) and (1) through (7), to enact R.S. 37:3388.4(A)(13) through (15) and 3390.3(E), and to repeal R.S. 37:3387.10(F) and (G), 3387.13, and 3388.3(B), relative to the practice of counseling of persons with addictive disorders by licensed, certified, and registered professionals; to provide relative to credentialing requirements for such professionals; to make revisions in the Addictive Disorders Practice Act; to provide for the roles of the Louisiana Department of Health and the Addictive Disorder Regulatory Authority with respect to credentialing and regulation of professionals engaged in counseling of persons with addictive disorders; to provide for the governing board of the authority as the successor to the department with respect to the licensing, certification, and registration of such professionals; to provide for definitions; to provide for redesignation of certain laws by the Louisiana State Law Institute; and to provide for related matters.

1 Be it enacted by the Legislature of Louisiana:

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

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

4 A. The following agencies, as defined in R.S. 36:3, are transferred to and  
5 hereafter shall be within the Louisiana Department of Health, as provided in R.S.  
6 36:803:

7 \* \* \*

8 (20) Addictive Disorder Regulatory Authority (~~R.S. 37:3389~~ R.S.  
9 37:3386.2).

10 \* \* \*

11 Section 2. R.S. 37:3386.1 through 3387.4, 3387.5(B) through (D), (E)(introductory  
12 paragraph) and (1) through (3), (F), and (G)(2) through (4), 3387.6(B) through (D),  
13 (E)(introductory paragraph), (2), (3), (5), and (6), (F), (G)(2) through (4), and (I),  
14 3387.10(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b) through (d), and (6)  
15 through (8), and (E), 3387.11(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b)  
16 through (d), and (6) through (8), and (E), 3387.12(B), (C), (D)(introductory paragraph), (1)  
17 through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.14(B) through (E),  
18 3388(B) and (C), 3388.1(B) and (C), 3388.2(B) through (D), 3388.3(A),  
19 3388.4(A)(introductory paragraph) and (8) through (11) and (B), 3389, 3390, 3390.1(C) and  
20 (D), 3390.2, 3390.3(A)(introductory paragraph), (3), (5), (7), and (12) and (B) through (D),  
21 3390.4(introductory paragraph) and (5), and 3390.6(A) and (B)(introductory paragraph) and  
22 (1) through (7) are hereby amended and reenacted and R.S. 37:3388.4(A)(13) through (15)  
23 and 3390.3(E) are hereby enacted to read as follows:

24 §3386.1. Definitions

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

27 (1) "Addiction counselor" means any person who is licensed, certified, or  
28 registered in accordance with the provisions of this Chapter and procedures  
29 established by the ~~department~~ board and who, by means of his special knowledge  
30 acquired through formal education or practical experience, is qualified to provide

1 addiction counseling services to those individuals afflicted with or suffering from an  
2 addictive disorder or certain co-occurring disorders. The counseling services  
3 provided shall be those which utilize KSA or core functions, as determined by the  
4 ~~department~~ board to be appropriate for the addictive disorder or disorders presented.

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

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

16 (4) "Certified clinical supervisor" means any person holding the necessary  
17 credential of licensed, certified, or registered addiction counselor or any person who  
18 holds a specialty substance abuse credential in another professional discipline in a  
19 human services field at the master's level or higher; and who has satisfied the  
20 requirements established by the ~~department~~ board to provide clinical supervision.

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

24 (6) "Clinical supervision" means the interpersonal tutorial relationship  
25 between a certified clinical supervisor and other licensed, certified, or registered  
26 addiction counseling professionals centered on the goals of skill development and  
27 professional growth through learning and practicing. Through observation,  
28 evaluation, and feedback, clinical supervision enables the supervisee to acquire the  
29 competence needed to deliver effective patient care while fulfilling professional  
30 responsibility. Clinical supervision is understood to emphasize improvement of the

1 counseling skills and effectiveness of the supervisee and is to be distinguished from  
2 administrative supervision.

3 ~~(6)~~ (7) "Compulsive gambling counselor" means any person holding a  
4 necessary credential as a licensed, certified, or registered addiction counselor, or a  
5 necessary credential as a qualified mental health professional, who is certified by the  
6 ~~department~~ board, in accordance with the provisions of this Chapter, as possessing  
7 special knowledge acquired through formal education and clinical experience and  
8 thus is qualified to provide gambling addiction counseling to persons who have a  
9 gambling addiction disorder or who exhibit gambling addictive behaviors.

10 ~~(7)~~ (8) "Co-occurring disorder" means a disorder in which an individual has  
11 at least one psychiatric disorder as well as an addictive disorder. While these  
12 disorders may interact differently in any one person, at least one disorder of each  
13 type can be diagnosed independently of the other.

14 ~~(8)~~ (9) "Core functions" means the screening, intake, orientation, assessment,  
15 treatment planning, counseling, case management, crisis intervention, client  
16 education, referral, reports, and ~~recordkeeping~~ record-keeping activities associated  
17 with counseling and consultation with other credentialed professionals.

18 ~~(9)~~ (10) "Counselor-in-training" ~~or "CIT"~~ means any person who has not yet  
19 met the qualification to become a licensed, certified, or registered counselor, but who  
20 has made application to the ~~department~~ board in accordance with the provisions of  
21 this Chapter and procedures established by the ~~department~~ board.

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

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

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

1           ~~(12)~~ (13) "Prevention" means those activities and services that prevent,  
 2           reduce, or stabilize the incidence of addictive disorders and thereby prevent, reduce,  
 3           or stabilize the prevalence of addictive disorders. The activities contemplated by this  
 4           definition include services to those at risk of developing an addictive disorder as well  
 5           as those individuals who, though not necessarily at risk of developing an addictive  
 6           disorder, are nonetheless appropriate for services. In addition, prevention shall be  
 7           understood to include educational programs and activities that are designed to raise  
 8           the awareness of and encourage healthy behaviors.

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

- 14          (15) "Qualified mental health professional" means:
- 15          (a) A psychiatrist licensed pursuant to R.S. 37:1261 et seq.
  - 16          (b) A psychologist licensed pursuant to R.S. 37:2351 et seq., or a medical  
 17          psychologist licensed pursuant to R.S. 37:1360.51 et seq.
  - 18          (c) A licensed clinical social worker licensed pursuant to R.S. 37:2701 et  
 19          seq.
  - 20          (d) A mental health counselor licensed pursuant to R.S. 37:1101 et seq.

21          (16) "Substance abuse disorder" means the repeated pathological use of  
 22          drugs, including alcohol, which causes physical, psychological, economic, legal, or  
 23          social harm to the individual user or to others affected by the user's behavior.  
 24          §3387. Licensed addiction counselor; scope of practice

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

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

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

7           B. The ~~department~~ board shall adopt and promulgate rules which govern  
8 licensed 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 licensed 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 licensed addiction counselor  
19 each candidate who:

20           (1) Possesses a master'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 and at least twenty-one years of  
25 age 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 and 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 examination.

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

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

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 conditions  
22 as shall be determined by the ~~department~~ board. The ~~department~~ board may require  
23 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 licensed 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 §3387.1. Certified addiction counselor; scope of practice

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

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

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

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

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

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

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

25 C. Any person seeking to be recognized by the ~~department~~ board as a  
26 certified addiction counselor shall submit an application to the ~~department~~ board on  
27 a form and in a manner as the ~~department~~ board shall prescribe. The initial  
28 application form shall be accompanied by an initial application fee as provided for  
29 in this Chapter.



1 D. Upon investigation of the application, the ~~department~~ board shall, not less  
2 than 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 E. The ~~department~~ board shall recognize as a certified addiction counselor  
6 each candidate who:

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

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

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

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

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

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

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

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

29 (d) The ~~department~~ board shall make reasonable accommodations for those  
30 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           (7) Documents the completion of ethics training; as prescribed by the  
4           ~~department board.~~

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

7           (9) 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          (10) Provides three letters of recommendation as prescribed by the  
11          ~~department board.~~

12          F. The ~~department board~~ may prescribe such other qualifications and  
13          requirements for certified 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          §3387.2. Registered addiction counselor; scope of practice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29                   (4) Has not been convicted of, or entered a plea of guilty or a plea of nolo  
30                   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 sign a form prescribed by the ~~department~~ board authorizing the ~~department~~ board to  
 3 obtain a criminal history or to conduct a criminal background check.

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

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

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

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

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

15 (6) Documents the completion of ethics training; as prescribed by the  
 16 ~~department~~ board.

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

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

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

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

28 §3387.3. Counselor-in-training

29 A. The practice of addiction counseling within the meaning and intent of this  
 30 Chapter shall consist of the rendering of professional guidance to individuals

1 suffering from an addictive disorder to assist them in gaining an understanding of the  
 2 nature of their disorder and developing and maintaining a responsible lifestyle.

3 B.(1) The status of counselor-in-training (~~CFI~~) is intended to assist  
 4 professional development by providing qualified individuals with supervised clinical  
 5 counseling experience.

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

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

10 (4) The counselor-in-training may ~~only work~~ work only under the direct  
 11 supervision of a licensed addiction counselor, certified addiction counselor, or  
 12 registered addiction counselor; or in the absence of a licensed, certified, or registered  
 13 addiction counselor, under the direction of a qualified mental health professional.

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

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

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

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

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

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

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

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

9                   (4) Has not been convicted of, or entered a plea of guilty or a plea of nolo  
10 contendere to, a felony. However, the ~~department~~ board may, in its discretion, waive  
11 this requirement upon review of the individual's circumstances. Each candidate shall  
12 sign a form prescribed by the ~~department~~ board authorizing the ~~department~~ board to  
13 obtain a criminal history or to conduct a criminal background 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                   F. G. The ~~department~~ board may prescribe such other qualifications and  
19 requirements for counselor-in-training as may be appropriate for the protection of the  
20 public or the enhancement of professional services provided ~~under~~ pursuant to the  
21 authority of this Chapter.

22 §3387.4. Addiction treatment assistant

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

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

29                   C. Any person seeking to be recognized by the ~~department~~ board as an  
30 addiction treatment assistant shall submit an application to the ~~department~~ board on

1 a form and in a manner as the ~~department~~ board shall prescribe. The initial  
2 application form shall be accompanied by an initial application fee as provided for  
3 in this Chapter.

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

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

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

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

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

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

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

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

27 §3387.5. Certified clinical supervisor

28 \* \* \*

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

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

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

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

15 (1) Is a licensed, certified, or registered addiction counselor or holds a  
16 specialty substance abuse certification in another professional discipline in a human  
17 services field at the masters level or higher.

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 \* \* \*

23 F. Each clinical supervisor candidate must sign a form prescribed by the  
24 ~~department~~ board authorizing the department to obtain a criminal history or to  
25 conduct a criminal background check.

26 G.

27 \* \* \*

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



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

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

6   \*       \*       \*

7 §3387.6. Certified compulsive gambling counselor

8   \*       \*       \*

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

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

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

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

28   \*       \*       \*

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

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

4 \* \* \*

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

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

9 \* \* \*

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

13 G.

14 \* \* \*

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

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

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

22 \* \* \*

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

27 §3387.10. Licensed prevention professional

28 \* \* \*

29 B. Any person seeking to be recognized by the ~~department~~ board as a  
30 licensed prevention professional shall submit an application to the ~~department~~ board

1 on a form and in a manner as the ~~department~~ board shall prescribe. The initial  
2 application form shall be accompanied by an initial application fee of not less than  
3 one hundred dollars nor more than three hundred dollars. The license shall be  
4 renewed every two years and shall be accompanied by a fee for renewal of not less  
5 than one hundred dollars nor more than three hundred dollars.

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

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

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

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

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

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

23 (5)

24 \* \* \*

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

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

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

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

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

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

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

19 §3387.11. Certified prevention professional

20 \* \* \*

21 B. Any person seeking to be recognized by the ~~department~~ board as a  
22 certified prevention professional shall submit an application to the ~~department~~ board  
23 on 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 of not less than  
25 one hundred dollars nor more than three hundred dollars. The certification shall be  
26 renewed every two years and shall be accompanied by a fee for renewal of not less  
27 than one hundred dollars nor more than three hundred dollars.

28 C. Upon investigation of the application, the ~~department~~ board shall, ~~not less~~  
29 ~~than~~ within forty-five days ~~prior to any examination~~, notify each candidate that the

1 application is satisfactory and accepted or unsatisfactory and rejected. If an  
2 application is rejected, the notice shall state the reason for such rejection.

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

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

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

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

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

16 (5)

17 \* \* \*

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

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

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

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

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

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

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

11 §3387.12. Registered prevention professional

12 \* \* \*

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

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

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

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

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

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

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

7 (5)

8 \* \* \*

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

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

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

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

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

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

24 E. The registered prevention professional is a practice credential and, to the  
25 extent possible, it shall be governed by existing rules, including but not limited to  
26 those applicable to the application for and renewal of prevention practice credentials.  
27 The ~~department~~ board may adopt and promulgate such additional rules as may be  
28 necessary and may prescribe such other qualifications and requirements for  
29 registered prevention professionals as may be appropriate for the protection of the

1 public or the enhancement of professional services provided ~~under~~ pursuant to the  
2 authority of this Chapter.

3 §3387.14. Certified prevention supervisor

4 \* \* \*

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

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

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 an application is rejected, the notice shall state the  
17 reason for such rejection.

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

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

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

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

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

27 (5) 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  
29 this requirement upon review of the individual's circumstances. Each candidate shall  
30 provide a certified criminal history.



1 (6) Satisfies such other requirements as the ~~department board~~ may establish,  
 2 including but not limited to receiving specialized training, obtaining specialized  
 3 experience, and passing an examination. In the event the ~~department board~~ requires  
 4 an examination, the fee for administering the examination shall be in an amount  
 5 sufficient to cover the cost of administering the examination, but shall not be less  
 6 than fifty dollars nor more than two hundred dollars.

7 §3388. License, certification, registration renewal

8 \* \* \*

9 B. Within the two-year period provided for ~~herein~~ in Subsection A of this  
 10 Section, each licensed, certified, and registered addiction counselor shall provide to  
 11 the ~~department board~~ documentation of successfully completing forty-eight  
 12 ~~department-approved~~ board-approved continuing educational hours.

13 C. The documentation required by Subsection B of this Section shall be  
 14 provided on a form and in a manner prescribed by the ~~department board~~.

15 §3388.1. Counselor-in-training renewal

16 \* \* \*

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

25 C. The documentation required by Subsection B of this Section shall be  
 26 provided on a form and in a manner prescribed by the ~~department board~~.

27 \* \* \*

28 §3388.2. Clinical supervision, prevention supervision, and compulsive gambling  
 29 counselor certification renewal

30 \* \* \*

1                B. Within the twenty-four-month period provided for ~~herein~~ in Subsection  
 2                A of this Section, each clinical supervisor, prevention supervisor, and compulsive  
 3                gambling counselor shall provide to the ~~department~~ board documentation of  
 4                successfully completing a minimum of eight ~~department-approved~~ board-approved  
 5                continuing educational hours for each certificate being renewed. Such hours shall  
 6                be directly related to the area of certification.

7                C. The documentation required by Subsection B of this Section shall be  
 8                provided on a form and in a manner prescribed by the ~~department~~ board.

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

13              §3388.3. Applicability

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

24              §3388.4. Powers and duties of the ~~department~~ Addictive Disorder Regulatory  
 25              Authority

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

27    \*        \*        \*

28              (8) Prescribe and adopt regulations, standards, procedures, and policies  
 29              governing the manner and conditions under which credit shall be given by the  
 30              ~~department~~ board for participation in programs of education or experience, including

1 programs of continuing professional education, such as the ~~department~~ board may  
2 consider necessary.

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

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

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

17 \* \* \*

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

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

26 (15) Adopt standards for supervision of registered and certified addiction  
27 counselors.

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

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

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

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

10           §3389. ~~Transition;~~ Addictive Disorder Regulatory Authority

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

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

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

26                     (2) One ~~voting~~ member who possesses significant experience and knowledge  
 27                     in the area of compulsive gambling from a list of three names submitted by the  
 28                     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  
 30 dollars and attorney fees and court costs. The judgment for penalty, attorney fees,

1 and costs may be rendered in the same judgment in which the injunction is made  
2 absolute.

3 §3390.1. Persons and practices not affected

4 \* \* \*

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

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

17 §3390.2. Reciprocity; other states

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

28 §3390.3. Disciplinary action; administrative fee; causes; hearing; appeal

29 A. The ~~department~~ board shall have the power to deny, revoke, or suspend  
30 any credential, specialty certification, status, or other recognition authorized by this

1 Chapter. In addition, the ~~department~~ board is authorized to impose and collect an  
2 administrative fee not to exceed five hundred dollars per violation or otherwise  
3 discipline any person holding a credential, specialty certification, status, or  
4 recognition authorized by this Chapter who:

5 \* \* \*

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

8 \* \* \*

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

12 \* \* \*

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

15 \* \* \*

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

18 \* \* \*

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

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

26 (2) In connection with any hearing, the ~~department~~ board may issue  
27 subpoenas, compel the attendance and testimony of witnesses, and administer oaths  
28 in the same manner as a district court in the parish wherein the hearing takes place.



1 (3) A stenographic or audio record of all disciplinary proceedings before the  
2 ~~department~~ board shall be made and upon payment by the requesting party a  
3 transcript kept on file with the ~~department~~ board.

4 (4) If the ~~department~~ board finds that public health, safety, and welfare  
5 requires emergency action and incorporates a finding to that effect in its order, a  
6 summary suspension of a license, certificate, or registration may be ordered pending  
7 proceedings for disciplinary action. Such proceedings shall be promptly instituted  
8 and determined pursuant to rule.

9 C. Any person aggrieved by a decision of the ~~department~~ board in a  
10 disciplinary hearing may appeal the decision within thirty days to the district court  
11 for the parish wherein the hearing was held pursuant to the Administrative Procedure  
12 Act.

13 D. In addition to the disciplinary action or fines assessed by the ~~department~~  
14 board, the ~~department~~ board may assess all costs incurred in connection with the  
15 proceedings including but not limited to investigation, court reporting, attorney fees,  
16 and court costs.

17 E. The board, in its discretion, may maintain the confidentiality of an  
18 individual licensee, registrant, or certificate holder who violates a provision of this  
19 Chapter whenever the board determines that the public interest will be best served  
20 by alternatives to the disciplinary process.

21 §3390.4. Confidentiality

22 No person holding a credential or status recognized by the ~~department~~ board  
23 and authorized by this Chapter may disclose any information he may have acquired  
24 from persons consulting him in his professional capacity where the information was  
25 necessary to enable him to render services to those persons except:

26 \* \* \*

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

29 \* \* \*

1 §3390.6. Addictive disorders professionals; fees and penalties

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

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

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

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

29 (3) Each application for a certified clinical supervisor or certified compulsive  
 30 gambling counselor shall be accompanied by a fee prescribed by the ~~department~~

1           board. The fee for processing the application shall be in an amount at least sufficient  
 2           to cover the cost of processing the application, but shall not be less than fifty dollars  
 3           nor more than two hundred dollars. The fee for administering the written  
 4           examination shall be in an amount at least sufficient to cover the cost of  
 5           administering the written examination, but shall not be less than fifty dollars nor  
 6           more than two hundred dollars. The renewal fee for a certified clinical supervisor  
 7           or certified compulsive gambling counselor shall not be less than one hundred dollars  
 8           nor more than three hundred dollars.

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

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

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

29                    (7) Each training or educational institute, provider, or institution shall pay  
 30           a fee of not less than two hundred nor more than two hundred fifty dollars to the

1 ~~department~~ board in order to be authorized to provide approved education, training,  
2 and courses. Such authorization shall be valid for a period of one year. For those  
3 education providers who elect not to seek annual approval, the ~~department~~ board is  
4 authorized to impose and collect a fee of not less than one hundred nor more than  
5 one hundred fifty dollars for each course approved. In addition, all providers  
6 submitting course reports shall pay a fee of not less than one nor more than five  
7 dollars per participant.

8 \* \* \*

9 Section 3. R.S. 37:3387.10(F) and (G), 3387.13, and 3388.3(B) are hereby repealed  
10 in their entirety.

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

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_