

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) through

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

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

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

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

10 3388.1(B) and (C), 3388.2(B) through (D), 3388.3(A), 3388.4(A)(introductory

11 paragraph) and (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) through (4), (5)(b) through (d), and (6)
20 through (8), and (E), 3387.11(B), (C), (D)(introductory paragraph), (1) through (4), (5)(b)
21 through (d), and (6) through (8), and (E), 3387.12(B), (C), (D)(introductory paragraph), (1)
22 through (4), (5)(b) through (d), and (6) through (8), and (E), 3387.14(B) through (E),
23 3388(B) and (C), 3388.1(B) and (C), 3388.2(B) through (D), 3388.3(A),
24 3388.4(A)(introductory paragraph) and (8) through (11) and (B), 3389, 3390, 3390.1(C) and
25 (D), 3390.2, 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 master's 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 (13) ~~(12)~~ "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 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 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 the~~ the examination, but who meets all other requirements,
12 may 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 shall
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 and at least twenty-one years of
10 age 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~~ work only under the direct
29 supervision of a licensed addiction counselor, certified addiction counselor, or

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

3 ~~(5)~~ (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.~~ 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.~~ 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.~~ 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.~~ 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 (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 (2) Is a legal resident of the United States and at least twenty-one years of
11 age on the date the application is received.

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

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

18 (5)

19 * * *

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 the examination, but who meets all other requirements, may
24 retake the examination.

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

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

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

12 (5)

13 * * *

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

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

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

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

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

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

1 (4) 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 provide the ~~department~~ board with a certified criminal history.

5 (5)

6 * * *

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

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

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

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

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

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

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

1 §3387.14. Certified prevention supervisor

2 * * *

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

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

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

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

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

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

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

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

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

1 §3388.2. Clinical supervision, prevention supervision, and compulsive gambling
2 counselor certification renewal

3 * * *

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

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

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

16 §3388.3. Applicability

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

1 §3388.4. Powers and duties of the ~~department~~ Addictive Disorder Regulatory
2 Authority

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

4 * * *

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

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

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

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

24 * * *

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

28 (14) On or before February first annually, submit a report to the governor,
29 the secretary of the Louisiana Department of Health, and the House and Senate

1 committees on health and welfare encompassing the financial and professional
2 actions of the board. The report shall have the same form and content as prescribed
3 by R.S. 49:1304(B).

4 (15) Adopt standards for supervision of registered and certified addiction
5 counselors.

6 B. ~~The department may delegate to an appropriate professional association~~
7 ~~or university any of the duties imposed upon it by this Chapter, other than~~
8 ~~rulemaking and fee determination. This delegation may be on such terms and~~
9 ~~conditions as the department deems appropriate or necessary. The department may~~
10 ~~authorize any third party acting on its behalf, pursuant to the provisions of this~~
11 ~~Chapter, to collect any fees authorized by this Chapter. The department may~~
12 ~~authorize any such third party to keep any fees collected. The board may do all of the~~
13 following:

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

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

18 §3389. ~~Transition;~~ Addictive Disorder Regulatory Authority

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

22 B. The Addictive Disorder Regulatory Authority (ADRA) is hereby created
23 within the Louisiana Department of Health ~~to exercise all regulatory jurisdiction over~~
24 ~~the credentialing and practice of addiction counselors and prevention professionals,~~
25 ~~persons holding specialty certifications issued by the board, paraprofessionals~~
26 ~~authorized by this Chapter, and those in training to become addiction counselors and~~
27 ~~prevention professionals. The ADRA shall be governed by a board of directors,~~
28 referred to hereafter in this Chapter as the "board", consisting of ~~seven~~ eight voting

1 members ~~and one nonvoting member~~, all of whom shall be appointed by the
2 governor, subject to Senate confirmation, as follows:

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

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

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

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

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

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

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

23 E. D. Members of the board ~~shall~~ may elect a chairman and such other
24 officers as they deem necessary to carry out the duties and functions of the board.
25 The ~~ADRA~~ Addictive Disorder Regulatory Authority may employ persons necessary
26 to carry out the provisions of this Chapter and may fix their compensation. The
27 ~~ADRA~~ authority shall employ at least three persons: an executive director, an
28 assistant director, and an administrative assistant. Employees of the board shall be

1 eligible to participate in the state group benefits plan and in the state retirement
2 system.

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

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

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

9 (b) Has attained the age of majority.

10 (c) Has never been licensed by any of the licensing boards identified in R.S.
11 36:259(A), nor shall he have a spouse who has ever been licensed by a board
12 identified in R.S. 36:259(A).

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

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

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

19 G. It is the intent of the legislature that the board exercise all regulatory
20 jurisdiction over the credentialing and practice of addiction counselors, prevention
21 professionals, persons holding specialty certifications issued by the board,
22 paraprofessionals authorized by this Chapter, and those in training to become
23 addiction counselors and prevention professionals.

24 §3390. Prohibited practice; injunctive relief

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

27 B. The credential or status of anyone who fails to timely renew a status or
28 credential authorized by this Chapter shall be deemed suspended unless and until
29 renewed or reinstated as provided for by the ~~department~~ board. Any person whose

1 status or credential is suspended shall be prohibited from exercising the scope of
2 practice provided for in this Chapter relative to the suspended credential or status.

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

8 D. In any suit for injunction, the ~~department~~ board may impose on the
9 defendant a penalty of not less than one hundred dollars nor more than one thousand
10 dollars and attorney fees and court costs. The judgment for penalty, attorney fees,
11 and costs may be rendered in the same judgment in which the injunction is made
12 absolute.

13 §3390.1. Persons and practices not affected

14 * * *

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

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

27 §3390.2. Reciprocity; other states

28 The ~~department~~ board may recognize, grant, or issue any credential or status
29 authorized by this Chapter, and without examination in this state, to any applicant

1 holding a valid credential or status recognized or issued in another state, provided
2 the ~~department~~ board determines that the credential or status in question is based
3 upon an examination or other requirements substantially equivalent to the
4 requirements of this Chapter and such other requirements as may be prescribed by
5 the ~~department~~ board in accordance with the provisions of this Chapter. The
6 ~~department~~ board shall have the authority to determine which status or credential,
7 and corresponding scope of practice, authorized by this Chapter should be allowed
8 to an individual seeking reciprocity.

9 §3390.3. Disciplinary action; administrative fee; causes; hearing; appeal

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

16 * * *

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

19 * * *

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

23 * * *

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

26 * * *

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

29 * * *

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

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

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

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

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

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

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

27 E. The board, in its discretion, may maintain the confidentiality of an
28 individual licensee, registrant, or certificate holder who violates a provision of this

1 (2) Each application for a certified prevention specialist or registered
2 preventionist shall be accompanied by a fee prescribed by the ~~department~~ board. The
3 fee for processing the application shall be in an amount at least sufficient to cover
4 the cost of processing the application, but shall not be less than one hundred dollars
5 nor more than three hundred dollars. The fee for administering the written
6 examination shall be in an amount at least sufficient to cover the cost of
7 administering the written examination, but shall not be less than one hundred dollars
8 nor more than three hundred dollars. The renewal fee for a certified prevention
9 specialist or registered preventionist shall not be less than one hundred dollars nor
10 more than three hundred dollars.

11 (3) Each application for a certified clinical supervisor or certified compulsive
12 gambling counselor shall be accompanied by a fee prescribed by the ~~department~~
13 board. The fee for processing the application shall be in an amount at least sufficient
14 to cover the cost of processing the application, but shall not be less than fifty dollars
15 nor more than two hundred dollars. The fee for administering the written
16 examination shall be in an amount at least sufficient to cover the cost of
17 administering the written examination, but shall not be less than fifty dollars nor
18 more than two hundred dollars. The renewal fee for a certified clinical supervisor
19 or certified compulsive gambling counselor shall not be less than one hundred dollars
20 nor more than three hundred dollars.

21 (4) Each application for a counselor-in-training or prevention specialist-in-
22 training shall be accompanied by a fee prescribed by the ~~department~~ board. The fee
23 shall be in an amount at least sufficient to cover the cost of processing the
24 application, but shall not be less than twenty-five dollars nor more than one hundred
25 dollars. The renewal fee for a certified clinical supervisor or certified compulsive
26 gambling counselor shall not be less than twenty-five dollars nor more than one
27 hundred dollars.

28 (5) Each application for an addiction treatment assistant shall be
29 accompanied by a fee prescribed by the ~~department~~ board. The fee for processing

1 the application shall be in an amount at least sufficient to cover the cost of
2 processing the application, but shall not be less than twenty-five dollars nor more
3 than one hundred dollars. The fee for administering the written examination shall
4 be in an amount at least sufficient to cover the cost of administering the written
5 examination, but shall not be less than twenty-five dollars nor more than one hundred
6 dollars. The renewal fee for an addiction treatment assistant shall not be less than
7 twenty-five nor more than one hundred dollars.

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

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

21 * * *

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

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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 Reengrossed

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 (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 (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)-(4), (5)(b)-(d), and (6)-(8), and (E), 3387.11(B), (C), (D)(intro. para.), (1)-(4), (5)(b)-(d), and (6)-(8), and (E), 3387.12(B), (C), (D)(intro. para.), (1)-(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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Health and Welfare to the original bill:

1. Make technical changes.