

SENATE BILL NO. 426 (Substitute of Senate Bill No. 168 by Senator Stine)

BY SENATOR STINE

1 AN ACT

2 To amend and reenact R.S. 37:3386.1, 3386.2(A), the introductory paragraph of 3386.2(B),
3 and 3386.2(B)(5) and (6), (F), and (G), 3387.1(A)(2)(b) through (d), 3387.2(A)(2)(b)
4 through (d), 3387.3(B)(4), 3387.6(E)(1) and (3) and (I), 3388.3, the introductory
5 paragraph of 3390.3(A), 3390.3(A)(11) and (B)(4), and 3390.6(A) and (B)(6)
6 through (8) and R.S. 40:1203.3(E) and to enact R.S. 37:3386.2(B)(7) through (10)
7 and (H), 3387.15, 3387.16, 3388.4, and 3390.6(B)(9), relative to the Addictive
8 Disorder Regulatory Authority; to provide for the board's authority; to provide for
9 board membership; to provide for definitions; to provide for scope of practice; to
10 provide for peer support specialists; to provide for peer support specialist
11 supervisors; to provide for criminal background checks; to provide for renewals; to
12 provide for fees; and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 37:3386.1, 3386.2(A), the introductory paragraph of 3386.2(B), and
15 3386.2(B)(5) and (6), (F), and (G), 3387.1(A)(2)(b) through (d), 3387.2(A)(2)(b) through
16 (d), 3387.3(B)(4), 3387.6(E)(1) and (3) and (I), 3388.3, the introductory paragraph of
17 3390.3(A), 3390.3(A)(11) and (B)(4), and 3390.6(A) and (B)(6) through (8) are hereby
18 amended and reenacted and R.S. 37:3386.2(B)(7) through (10) and (H), 3387.15, 3387.16,
19 3388.4, and 3390.6(B)(9) are hereby enacted to read as follows:

20 §3386.1. Definitions

21 As used in this Chapter, the following terms have the meaning ascribed to
22 them in this Section:

23 (1) "Addiction counselor" means any person who is licensed, certified, or
24 registered in accordance with the provisions of this Chapter and procedures
25 established by the board and who, by means of his special knowledge acquired
26 through formal education or practical experience, is qualified to provide addiction

1 counseling services to those individuals afflicted with or suffering from an addictive
 2 disorder or certain co-occurring disorders. The counseling services provided shall be
 3 those which utilize KSA or core functions, as determined by the board to be
 4 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) "Behavioral health condition" means a condition that affects an**
 14 **individual's emotional, psychological, cognitive, behavioral, or social**
 15 **functioning and may impact their ability to pursue health, wellness, recovery,**
 16 **and quality of life, and includes substance use-related conditions, mental health**
 17 **conditions, co-occurring conditions, trauma-related impacts, and patterns of**
 18 **behavior that create functional impairment, distress, or increased risk of harm**
 19 **to the individual or others.**

20 ~~(3)~~**(4)** "Board" means the governing body of the Addictive Disorder
 21 Regulatory Authority.

22 ~~(4)~~**(5)** "Certified clinical supervisor" means any person holding the necessary
 23 credential of licensed, certified, or registered addiction counselor or any person who
 24 holds a specialty substance abuse credential in another professional discipline in a
 25 human services field at the master's level or higher; and who has satisfied the
 26 requirements established by the board to provide clinical supervision.

27 ~~(5)~~**(6)** "Client" means the individual, couple, family, group, organization, or
 28 community that seeks or receives addiction counseling services from the addiction
 29 professional or an addiction facility until discharged.

30 ~~(6)~~**(7)** "Clinical supervision" means the interpersonal tutorial relationship

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

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

16 ~~(8)~~**(9)** "Co-occurring disorder" means a disorder in which an individual has
17 at least one psychiatric disorder as well as an addictive disorder. While these
18 disorders may interact differently in any one person, at least one disorder of each
19 type can be diagnosed independently of the other.

20 ~~(9)~~**(10)** "Core functions" means the screening, intake, orientation, assessment,
21 treatment planning, counseling, case management, crisis intervention, client
22 education, referral, reports, and record-keeping activities associated with counseling
23 and consultation with other credentialed professionals.

24 ~~(10)~~**(11)** "Counselor-in-training" means any person who has not yet met the
25 qualification to become a licensed, certified, or registered counselor, but who has
26 made application to the board in accordance with the provisions of this Chapter and
27 procedures established by the board.

28 **(12) "Credentialing" means licensing, certification, registration, or**
29 **recognition of status of an individual to provide mental health services in**
30 **accordance with the provisions of this Chapter.**

1 ~~(11)~~**(13)** "Custodial environment" means a setting created by a court system
2 in which a person has been deprived of freedom of action in any significant way.

3 ~~(12)~~**(14)** "KSA" means the knowledge, skills, and attitudes designated by the
4 board as being necessary for effective addiction counseling and required by the board
5 to be utilized by addictive disorders counselors in providing addiction counseling
6 services.

7 **(15) "Licensed mental health professional" means an individual who is**
8 **currently licensed and in good standing in the state of Louisiana to practice**
9 **within the scope of all applicable state laws, practice acts, and the individual's**
10 **professional license, as one of the following:**

11 **(a) Medical psychologist.**

12 **(b) Licensed psychologist.**

13 **(c) Licensed clinical social worker.**

14 **(d) Licensed professional counselor.**

15 **(e) Licensed marriage and family therapist.**

16 **(f) Licensed addiction counselor.**

17 **(g) Advanced practice registered nurse.**

18 **(h) Licensed rehabilitation counselor.**

19 **(16) "Peer support" means nonclinical, strengths-based activities and**
20 **services provided by an individual in recovery from a behavioral health**
21 **condition to a person experiencing a behavioral health condition. Such services**
22 **are grounded in lived experience and include mentoring, guiding, and**
23 **supporting individuals in the identification and implementation of recovery**
24 **strategies through relationship-based support. Peer support utilizes shared**
25 **experience to provide empathy, practical guidance, encouragement, and hope,**
26 **and may include assistance with self-advocacy, goal setting, and engagement**
27 **with treatment and community-based recovery supports. Peer support services**
28 **complement but do not replace clinical treatment and shall not include**
29 **diagnosis, clinical assessment, psychotherapy, or any service requiring**
30 **professional licensure.**

1 (17) "Peer support specialist" means any person who is credentialed in
 2 accordance with the provisions of this Chapter and procedures established by
 3 the board and who, by means of his special knowledge acquired through formal
 4 education and lived experience, is qualified to provide behavioral health
 5 services to those individuals afflicted with or suffering from a behavioral health
 6 condition. The services provided shall be those which utilize support services or
 7 core functions, as determined by the board.

8 (18) "Peer support specialist supervisor" means any person holding the
 9 necessary credential of peer support specialist, licensed mental health
 10 professional, certified, or registered addiction counselor and who has satisfied
 11 the requirements established by the board to provide peer supervision.

12 ~~(13)~~**(19)** "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)~~**(20)** "Prevention specialist-in-training" means any person who has not
 21 yet met the qualifications to become a licensed, certified, or registered prevention
 22 professional, but who has made application to the board in accordance with the
 23 provisions of this Chapter and procedures established by the board.

24 ~~(15)~~ "Qualified mental health professional" means:

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

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

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

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

30 ~~(16)~~**(21)** "Substance ~~abuse~~ **use** disorder" means the repeated pathological use

1 of drugs, including alcohol, which causes physical, psychological, economic, legal,
2 or social harm to the individual user or to others affected by the user's behavior.

3 §3386.2. Addictive Disorder Regulatory Authority

4 A. The legislature hereby finds ~~it appropriate~~ that the responsibility and
5 authority to regulate ~~the practice of addictive disorder treatment, and prevention, and~~
6 **peer support shall** be exercised by a licensing board created for that purpose. **It is**
7 **the intent of the legislature that a single authority issue and recognize**
8 **credentials for addictive disorder counseling, prevention, and peer support**
9 **professionals in Louisiana, and that such authority shall be the Addictive**
10 **Disorder Regulatory Authority.**

11 B. The Addictive Disorder Regulatory Authority (ADRA) is hereby created
12 within the Louisiana Department of Health. The ADRA shall be governed by a board
13 of directors, referred to hereafter in this Chapter as the "board", consisting of ~~eight~~
14 **eleven** voting members, **composed of one member appointed by the secretary of**
15 **the Louisiana Department of Health to represent the office of behavioral health**
16 **and ten members** all of whom shall be appointed by the governor, subject to Senate
17 confirmation, as follows:

18 * * *

19 ~~(5) Three members from a list of nine names divided into three groups of~~
20 ~~three names each submitted by the Louisiana Association of Substance Abuse~~
21 ~~Counselors and Trainers, Inc. One member with a master's degree in addiction~~
22 **counseling, counseling, psychology, social work, or another human services field**
23 **submitted by the president of the University of Louisiana at Lafayette.**

24 (6) **One member with a master's degree in addiction counseling,**
25 **counseling, psychology, social work, or another human services field submitted**
26 **by the president of Louisiana State University.**

27 (7) **One member with a master's degree in addiction counseling,**
28 **counseling, psychology, social work, or another human services field submitted**
29 **by the president of Southern University New Orleans.**

30 **(8) One member with a master's degree in addiction counseling,**

1 counseling, psychology, social work, or another human services field submitted
2 by the president of Northwestern State University.

3 (9) One member who is a trained and recognized peer support specialist
4 with a minimum of three years of experience as a peer support specialist
5 providing peer support services to persons with addictive disorders.

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

7 * * *

8 F. Except for the consumer member, each member of the board shall at
9 the time of appointment satisfy all of the following criteria:

10 (1) Be currently credentialed by the board.

11 (2) Have no disciplinary history with the board.

12 (3) Be eligible to provide supervised clinical services, mentor trainees, or
13 participate in board-approved supervision structures.

14 (4) Demonstrate competency in all of the following:

15 (a) Addiction counseling and recovery-oriented care.

16 (b) Co-occurring disorder treatment.

17 (c) Evidence-based behavioral health practices.

18 (5) Have familiarity with Louisiana's behavioral health infrastructure,
19 including state agencies, parish level services, and community based recovery
20 networks.

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

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

25 (b) Has attained the age of majority.

26 (c) Has never been licensed by any of the licensing boards identified in R.S.
27 36:259(A), nor shall he have a spouse who has ever been licensed by a board
28 identified in R.S. 36:259(A).

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

30 (e) Does not have and has never had a material financial interest in the

1 healthcare profession.

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

5 ~~G-H.~~ It is the intent of the legislature that the board exercise all regulatory
6 jurisdiction over the credentialing and practice of addiction counselors, **peer support**
7 **specialists**, prevention professionals, persons holding specialty certifications issued
8 by the board, paraprofessionals authorized by this Chapter, and those in training to
9 become addiction counselors and prevention professionals.

10 * * *

11 §3387.1. Certified addiction counselor; scope of practice

12 A. * * *

13 (2) * * *

14 (b) The certified addiction counselor shall work only under the supervision
15 of a licensed addiction counselor or ~~qualified~~ **licensed** mental health professional.

16 (c) The certified addiction counselor shall register his supervisory licensed
17 addiction counselor or ~~qualified~~ **licensed** mental health professional with the board.

18 (d) Supervisory contact between the certified addiction counselor and the
19 supervisory licensed addiction counselor or ~~qualified~~ **licensed** mental health
20 professional shall be regular and documented, and shall be provided to the board
21 upon request.

22 * * *

23 §3387.2. Registered addiction counselor; scope of practice

24 A. * * *

25 (2) * * *

26 (b) The registered addiction counselor shall work only under the supervision
27 of a licensed addiction counselor or other ~~qualified~~ **licensed** mental health
28 professional.

29 (c) The registered addiction counselor shall register his supervisory licensed
30 addiction counselor or other ~~qualified~~ **licensed** mental health professional with the

1 Addictive Disorder Regulatory Authority.

2 (d) Supervisory contact between the registered addiction counselor and the
3 supervisory licensed addiction counselor or ~~qualified~~ **licensed** mental health
4 professional shall be regular and documented, and shall be provided to the board.

5 * * *

6 §3387.3. Counselor-in-training

7 * * *

8 B.(1)

* * *

9 * * *

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

14 * * *

15 §3387.6. Certified compulsive gambling counselor

16 * * *

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

19 (1) Is a licensed, certified, or registered addiction counselor, or who is a
20 ~~qualified~~ **licensed** mental health professional.

21 * * *

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

25 * * *

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

30 * * *

1 **§3387.15. Peer support specialist; scope of practice**

2 **A.(1) The practice of peer support within the meaning and intent of this**
3 **Chapter shall consist of the supervised rendering of mentorship, guidance, and**
4 **support services to individuals suffering from a behavioral health condition to**
5 **assist them in gaining an understanding of the nature of their disorder and**
6 **developing and maintaining a responsible lifestyle.**

7 **(2) A peer support specialist shall not practice autonomously.**
8 **Supervision shall be rendered by a licensed mental health professional or peer**
9 **support specialist supervisor. A peer support specialist shall not render clinical**
10 **services.**

11 **(3) The scope of practice, in addition to any other applicable provision**
12 **of this Chapter, shall include implementing strategic support, providing**
13 **mentorship to family members and, as appropriate, to others affected by the**
14 **individual's behavioral health condition.**

15 **B. The board shall adopt and promulgate rules which govern peer**
16 **support specialists in accordance with the provisions of this Chapter.**

17 **C. Any person seeking to be certified by the board as a peer support**
18 **specialist shall submit an application on a form and in a manner prescribed by**
19 **the board. The initial application form shall be accompanied by an initial**
20 **application fee as provided for in this Chapter.**

21 **D. Upon investigation of the application, the board shall, within forty-**
22 **five days, notify each candidate that the application is satisfactory and accepted**
23 **or unsatisfactory and rejected. If an application is rejected, the notice shall state**
24 **the reason for such rejection.**

25 **E. The board shall recognize, as a peer support specialist, each candidate**
26 **who satisfies all of the following criteria:**

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

29 **(2) Is not in violation of any ethical standards prescribed by the board.**

30 **(3) If the applicant has lived experience with a behavioral health**

1 condition, has attested to at least twelve months of stability and is not currently
2 engaged in acute treatment at the time the application is received.

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 board may, in its discretion, waive this
5 requirement upon review of the individual's circumstances. Each candidate
6 shall sign a form prescribed by the board authorizing the board to obtain a
7 criminal history or to conduct a criminal background check to be performed by
8 the Bureau of Criminal Identification and Information. The bureau shall, upon
9 request and after receipt of fingerprints and other identifying information from
10 the board, make available to the board information contained in the bureau's
11 criminal history record and identification files, which pertains to the individual
12 applying to be licensed by the board as a peer support specialist. In addition, in
13 order to determine the applicant's suitability for licensing, the bureau shall then
14 forward the applicant's fingerprints to the Federal Bureau of Investigation for
15 a national criminal history check. The results of the criminal history record
16 check shall not be released to any other individual or agency outside of the
17 board. The bureau shall charge a processing fee as provided in R.S.
18 15:587(B)(1).

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

21 (6)(a) Demonstrates professional competence by passing a written
22 examination.

23 (b) The board shall determine the scope and administration of the
24 examination.

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

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

30 (7) Documents the completion of education specific to the domains of

1 peer support.

2 (8) Documents the completion of supervision specific to domains of peer
3 support and core functions under conditions as shall be determined by the
4 board. The board may require that such supervision be conducted by an
5 organization's documented and qualified supervisory staff per job description.

6 F. The board may prescribe such other qualifications and requirements
7 for peer support specialists as may be appropriate for the protection of the
8 public or the enhancement of professional services provided pursuant to the
9 authority of this Chapter.

10 §3387.16. Peer support specialist supervisor; scope of practice

11 A. The legislature finds that peer support is an effective and necessary
12 component in the continuum of behavioral health treatment and services. In
13 order to better provide for the health and welfare of the citizens of this state, the
14 legislature desires to enhance the profession of peer support by providing for
15 a qualified workforce in sufficient numbers to meet the needs of Louisiana and
16 to contribute to the development of healthy communities within the state. The
17 legislature finds peer support supervision to be essential for the ongoing
18 development of a qualified workforce sufficient to meet the present and
19 anticipated public health needs of the state.

20 B. The board shall adopt and promulgate rules which govern peer
21 support specialist supervisors in accordance with the provisions of this Chapter.

22 C. Any person seeking to be recognized by the board as a peer support
23 specialist supervisor shall submit an application to the board on a form and in
24 a manner as the board shall prescribe. The initial application form shall be
25 accompanied by an initial application fee as provided for in this Chapter.

26 D. Upon investigation of the application, the board shall, within forty-
27 five days, notify each candidate that the application is satisfactory and accepted
28 or unsatisfactory and rejected. If an application is rejected, the notice shall state
29 the reason for such rejection.

30 E. The board shall recognize, as a peer support specialist supervisor,

1 each candidate who satisfies all of the following criteria:

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

4 (2) Is not in violation of any ethical standards prescribed by the board.

5 (3) If the applicant has lived experience with a behavior health condition,
6 has attested to at least twelve months of stability and is not currently engaged
7 in acute treatment at the time the application is received.

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 board may, in its discretion, waive this
10 requirement upon review of the individual's circumstances. Each candidate
11 shall sign a form prescribed by the board authorizing the board to obtain a
12 criminal history or to conduct a criminal background check to be performed by
13 the Bureau of Criminal Identification and Information. The bureau shall, upon
14 request and after receipt of fingerprints and other identifying information from
15 the board, make available to the board information contained in the bureau's
16 criminal history record and identification files, which pertains to the individual
17 applying to be licensed by the board as a peer support specialist. In addition, in
18 order to determine the applicant's suitability for licensing, the bureau shall then
19 forward the applicant's fingerprints to the Federal Bureau of Investigation for
20 a national criminal history check. The results of the criminal history record
21 check shall not be released to any other individual or agency outside of the
22 board. The bureau shall charge a processing fee as provided in R.S.
23 15:587(B)(1).

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

26 F.(1) Each applicant shall demonstrate professional competence in peer
27 support supervision by passing a written examination.

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

30 (3) The board may provide for circumstances under which a candidate

1 who fails the examination, but meets all other requirements, may retake the
 2 examination.

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

5 G. A peer support specialist supervisor may provide supervision for any
 6 other peer support specialist.

7 * * *

8 §3388.3. ~~Applicability~~ Peer support specialist renewal

9 ~~A. It is the intent of the legislature that there be a single authority issuing~~
 10 ~~credentials for addictive disorder counseling and prevention professionals in~~
 11 ~~Louisiana. The authority for issuing and recognizing credentials for professionals~~
 12 ~~engaged in the providing of counseling and prevention services for those who suffer~~
 13 ~~from addictive disorders shall be the Addictive Disorder Regulatory Authority. Each~~
 14 ~~peer support specialist shall renew his certification annually. Each renewal shall~~
 15 ~~be for a twelve-month period.~~

16 B. Within the twelve-month period provided for in Subsection A of this
 17 Section, each peer support specialist shall provide to the board documentation
 18 of successfully completing a minimum of twenty board-approved continuing
 19 educational hours. Such hours shall be directly related to the area of
 20 certification, including six continuing educational hours in ethics.

21 §3388.4. Peer support specialist supervisor renewal

22 A. The certification for peer support specialist supervisor shall be
 23 renewed every twenty-four months.

24 B. Within the twenty-four-month period provided for in Subsection A of
 25 this Section, each peer support supervisor shall provide to the board
 26 documentation of successful completion of a minimum of twenty
 27 board-approved continuing educational hours. Such hours shall be directly
 28 related to the area of certification, including six continuing educational hours
 29 in ethics.

30 C. The documentation required by Subsection B of this Section shall be

1 provided on a form and in a manner prescribed by the board.

2 D. The board may prescribe such other requirements for renewal as may
3 be appropriate for the protection of the public or the enhancement of
4 professional services as provided under the authority of this Chapter.

5 * * *

6 §3390.3. Disciplinary action; administrative fee; causes; hearing; appeal

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

13 * * *

14 (11) Has been grossly negligent in practice as a licensed, certified, or
15 registered professional, professional in training, peer support specialist, or assistant,
16 as provided for in this Chapter.

17 * * *

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

20 * * *

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

26 * * *

27 §3390.6. Addictive disorders professionals; fees and penalties

28 A. The board shall, by rule, adopt a schedule of fees and penalties to be
29 charged relative to the issuance of licenses, registrations, ~~and~~ certifications, ~~and~~
30 statuses provided for in this Chapter.

1 B. The board may impose and collect the following fees:

2 * * *

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

12 ~~(6)~~**(7)** The board may require that each application or request for a copy of
13 any roster maintained pursuant to R.S. 37:3386.3(A)(9) be accompanied by a fee of
14 not less than one hundred dollars nor more than three hundred dollars.

15 ~~(7)~~**(8)** Each training or educational institute, provider, or institution shall pay
16 a fee of not less than two hundred nor more than two hundred fifty dollars to the
17 board in order to be authorized to provide approved education, training, and courses.
18 Such authorization shall be valid for a period of one year. For those education
19 providers who elect not to seek annual approval, the board is authorized to impose
20 and collect a fee of not less than one hundred nor more than one hundred fifty dollars
21 for each course approved. In addition, all providers submitting course reports shall
22 pay a fee of not less than one nor more than five dollars per participant.

23 ~~(8)~~**(9)** Any person seeking approval of continuing education credit when
24 those credits were not approved pursuant to Paragraph ~~(7)~~**(8)** of this Subsection, shall
25 pay a fee of not less than twenty-five dollars nor more than fifty dollars for each
26 fifteen hours of continuing education credit.

27 Section 2. R.S. 40:1203.3(E) is hereby amended and reenacted to read as follows:
28 §1203.3. Refusal to hire or contract; termination of employment; exceptions to
29 hiring prohibition; appeal procedure; waiver

30 * * *

1 E.(1) ~~For purposes of this Subsection, "peer support specialist" means a~~
 2 ~~behavioral health staff member who possesses lived experience with his own~~
 3 ~~behavioral health condition and with navigating the behavioral health services~~
 4 ~~network who seeks employment with a behavioral healthcare facility or program~~
 5 ~~servicing people with behavioral health conditions.~~

6 ~~(2)~~**(1)** The provisions of this Subsection shall apply exclusively to **certified**
 7 **addiction counselors, registered addiction counselors, counselors in training, or**
 8 peer support specialists employed or contracted with a behavioral health services
 9 provider licensed by the department and shall not be construed to apply to any other
 10 person or any licensed personnel.

11 ~~(3)~~**(2)** Notwithstanding any other provision of law, a person shall not be
 12 prohibited or disqualified from employment as a ~~peer support specialist~~ **certified**
 13 **addiction counselor, registered addiction counselor, counselor in training, or**
 14 **peer support specialist** with a licensed behavioral health services provider if the
 15 person's criminal background check reveals he has been convicted of an offense
 16 provided for in R.S. 14:38.1 or 67, or convicted of distribution or possession with the
 17 intent to distribute controlled dangerous substances listed in Schedules I through V
 18 of the Uniform Controlled Dangerous Substances Law, R.S. 40:961 et seq., if that
 19 person meets all of the following requirements:

20 (a) No less than three years prior to being hired as a ~~peer support specialist~~,
 21 the person satisfactorily completed his sentence or was lawfully released from
 22 confinement, supervision, or probation imposed by a court for the person's most
 23 recent conviction for an offense listed in this Paragraph.

24 (b) After satisfactorily completing his sentence or after being lawfully
 25 released from confinement, supervision, or probation for his most recent conviction
 26 for an offense listed in this Paragraph, the person successfully completed all ~~training~~
 27 **and** requirements established by the ~~office of behavioral health of the department for~~
 28 a ~~peer support specialist as evidenced by a Notice of Completion of Training and~~
 29 ~~Requirements issued by the office of behavioral health or its designee~~ **Addictive**
 30 **Disorder Regulatory Authority.**

1 ~~(4)~~**(3)** Nothing in this Subsection shall be construed as creating an obligation
2 upon an employer to offer employment to a person.

3 ~~(5)~~**(4)** The ~~department~~ **Addictive Disorder Regulatory Authority** shall
4 promulgate rules in accordance with the Administrative Procedure Act relating to the
5 ~~training and requirements of peer support specialists for purposes of implementing~~
6 this Subsection.

7 Section 3.(A) The Addictive Disorder Regulatory Authority shall convene an
8 advisory group, composed of subject matter experts on addictive disorders and peer support
9 services and peer support specialists, to coordinate with the Louisiana Department of Health
10 during the transition of peer support specialists from the department to the board.

11 (B) Any individual recognized by the Louisiana Department of Health as a peer
12 support specialist on the effective date of this Act shall continue to be recognized by the
13 Addictive Disorders Regulatory Authority. Upon transfer from the Louisiana Department
14 of Health to the Addictive Disorders Regulatory Authority, a peer support specialist shall
15 renew his certification twelve months from the date of his most recent recognition by the
16 Louisiana Department of Health.

17 (C) Any rules promulgated by the Addictive Disorder Regulatory Authority relative
18 to peer support specialists and peer support specialist supervisors shall align with the
19 Substance Abuse Mental Health Services Administration's (SAMHSA) National Model
20 Standards for Peer Support Certification in accordance with any federal requirements by the
21 Centers for Medicare and Medicaid Services (CMS).

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____