

2020 Regular Session

HOUSE BILL NO. 822

BY REPRESENTATIVE ROBBY CARTER

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AN ACT

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

1 Be it enacted by the Legislature of Louisiana:

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

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

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

7 * * *

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

10 * * *

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

24 §3386.1. Definitions

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 §3387.1. Certified addiction counselor; scope of practice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 §3387.2. Registered addiction counselor; scope of practice

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 this requirement upon review of the individual's circumstances. Each candidate shall
 2 sign a form prescribed by the ~~department~~ board authorizing the ~~department~~ board to
 3 obtain a criminal history or to conduct a criminal background check.

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

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

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

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

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

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

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

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

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

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

28 §3387.3. Counselor-in-training

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 §3387.4. Addiction treatment assistant

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

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

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

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

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

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

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

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

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

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

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

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

27 §3387.5. Certified clinical supervisor

28 * * *

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

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

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

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

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

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

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

22 * * *

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

26 G.

27 * * *

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

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

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

6 * * *

7 §3387.6. Certified compulsive gambling counselor

8 * * *

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

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

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

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

28 * * *

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

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

4 * * *

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

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

9 * * *

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

13 G.

14 * * *

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

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

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

22 * * *

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

27 §3387.10. Licensed prevention professional

28 * * *

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

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

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

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

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

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

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

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

23 (5)

24 * * *

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

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

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

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

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

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

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

19 §3387.11. Certified prevention professional

20 * * *

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

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

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

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

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

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

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

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

16 (5)

17 * * *

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

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

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

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

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

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

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

11 §3387.12. Registered prevention professional

12 * * *

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

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

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

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

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

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

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

7 (5)

8 * * *

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

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

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

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

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

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

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

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

3 §3387.14. Certified prevention supervisor

4 * * *

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

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

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

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

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

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

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

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

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

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

7 §3388. License, certification, registration renewal

8 * * *

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

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

15 §3388.1. Counselor-in-training renewal

16 * * *

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

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

27 * * *

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

30 * * *

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

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

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

13 §3388.3. Applicability

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

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

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

27 * * *

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

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

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

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

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

17 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (b) Has attained the age of majority.

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

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

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

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

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

15 §3390. Prohibited practice; injunctive relief

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

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

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

28 D. In any suit for injunction, the ~~department~~ board may impose on the
 29 defendant a penalty of not less than one hundred dollars nor more than one thousand
 30 dollars and attorney fees and court costs. The judgment for penalty, attorney fees,

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

3 §3390.1. Persons and practices not affected

4 * * *

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

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

17 §3390.2. Reciprocity; other states

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

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

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

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

5 * * *

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

8 * * *

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

12 * * *

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

15 * * *

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

18 * * *

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

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

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

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

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

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

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

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

21 §3390.4. Confidentiality

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

26 * * *

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

29 * * *

1 §3390.6. Addictive disorders professionals; fees and penalties

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

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____