

Senate, April 6, 1998. The Committee on Public Health reported through SEN. HARP, 10th DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING LICENSURE AND CERTIFICATION OF ALCOHOL AND DRUG COUNSELORS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1 of public act 97-186 is
2 repealed and the following is substituted in lieu
3 thereof:

4 For purposes of [this act] SUBDIVISION (18)
5 OF SUBSECTION (c) OF SECTION 19a-14, AS AMENDED BY
6 THIS ACT, AND SECTIONS 1 TO 9, INCLUSIVE, OF
7 PUBLIC ACT 97-186, AS AMENDED BY THIS ACT:

8 (1) "Commissioner" means the Commissioner of
9 Public Health;

10 (2) "Licensed alcohol and drug counselor"
11 means a person [who meets the requirements of
12 subsection (c) of section 2 of this act or
13 subsection (a) of section 4 of this act;

14 (3) "Licensed associate alcohol and drug
15 counselor" means a person who meets the
16 requirements of subsection (d) of section 2 of
17 this act or subsection (b) of section 4 of this
18 act] LICENSED UNDER THE PROVISIONS OF SECTIONS 1
19 TO 9, INCLUSIVE, OF PUBLIC ACT 97-186, AS AMENDED
20 BY THIS ACT;

21 (3) "CERTIFIED ALCOHOL AND DRUG COUNSELOR"
22 MEANS A PERSON CERTIFIED UNDER THE PROVISIONS OF

23 SECTIONS 1 TO 9, INCLUSIVE, OF PUBLIC ACT 97-186,
24 AS AMENDED BY THIS ACT;

25 (4) "Practice of alcohol and drug counseling"
26 means the professional application of methods that
27 assist an individual or group to develop an
28 understanding of alcohol and drug dependency
29 problems, define goals, and plan action reflecting
30 the individual's or group's interest, abilities
31 and needs as affected by alcohol and drug
32 dependency problems;

33 (5) "Private practice of alcohol and drug
34 counseling" means the independent practice of
35 alcohol and drug counseling by a licensed OR
36 CERTIFIED alcohol and drug counselor who is
37 self-employed on a full-time or part-time basis
38 and who is responsible for that independent
39 practice;

40 (6) "Self-help group" means a voluntary group
41 of persons who offer peer support to each other in
42 recovering from an addiction; and

43 (7) "Supervision" means the [direct review of
44 a person for the purpose of teaching, training,
45 administering, accountability or clinical review
46 by a supervisor in the same area of specialized
47 practice] REGULAR ON-SITE OBSERVATION OF THE
48 FUNCTIONS AND ACTIVITIES OF AN ALCOHOL AND DRUG
49 COUNSELOR IN THE PERFORMANCE OF HIS DUTIES AND
50 RESPONSIBILITIES TO INCLUDE A REVIEW OF THE
51 RECORDS, REPORTS, TREATMENT PLANS OR
52 RECOMMENDATIONS DEVELOPED BY A LICENSED ALCOHOL
53 AND DRUG COUNSELOR WITH RESPECT TO AN INDIVIDUAL
54 OR GROUP.

55 Sec. 2. Section 2 of public act 97-186 is
56 repealed and the following is substituted in lieu
57 thereof:

58 (a) Except as provided in section 9 of [this
59 act] PUBLIC ACT 97-186, AS AMENDED BY THIS ACT, no
60 person shall engage in the practice of alcohol and
61 drug counseling unless licensed as [either] a
62 licensed alcohol and drug counselor pursuant to
63 subsection (c) of this section or [a licensed
64 associate] CERTIFIED AS A CERTIFIED alcohol and
65 drug counselor pursuant to subsection (d) of this
66 section.

67 (b) Except as provided in section 9 of [this
68 act] PUBLIC ACT 97-186, AS AMENDED BY THIS ACT, no
69 person shall engage in the private practice of
70 alcohol and drug counseling [for a fee] unless (1)

71 licensed as a licensed alcohol and drug counselor
72 pursuant to subsection (c) of this section, or (2)
73 [licensed as an associate] CERTIFIED AS A
74 CERTIFIED alcohol and drug counselor pursuant to
75 subsection (d) of this section and PRACTICING
76 under the supervision of a licensed alcohol and
77 drug counselor.

78 (c) To be eligible for licensure as a
79 licensed alcohol and drug counselor, an applicant
80 shall (1) have attained a master's degree from an
81 accredited institution of higher education with a
82 minimum of eighteen graduate semester hours in a
83 counseling or counseling-related subjects, EXCEPT
84 THAT APPLICANTS HOLDING CERTIFIED CLINICAL
85 SUPERVISOR STATUS BY THE CONNECTICUT CERTIFICATION
86 BOARD, INC. AS OF OCTOBER 1, 1998, MAY SUBSTITUTE
87 SUCH CERTIFICATION IN LIEU OF THE MASTER'S DEGREE
88 REQUIREMENT, and (2) be [licensed,] CERTIFIED or
89 have met all the requirements for [licensure,]
90 CERTIFICATION as a [licensed associate] CERTIFIED
91 alcohol and drug counselor.

92 (d) To be eligible for [licensure]
93 CERTIFICATION BY THE DEPARTMENT OF PUBLIC HEALTH
94 as a [licensed associate] CERTIFIED alcohol and
95 drug counselor, an applicant shall have (1)
96 completed three hundred hours of supervised
97 practical training in alcohol and drug counseling
98 that the commissioner deems acceptable; (2)
99 completed three years of supervised paid work
100 experience or unpaid internship that the
101 commissioner deems acceptable that entailed
102 working directly with alcohol and drug clients,
103 except that a master's degree may be substituted
104 for one year of such experience; (3) completed
105 three hundred sixty hours of commissioner-approved
106 education, at least two hundred forty hours of
107 which relates to the knowledge and skill base
108 associated with the practice of alcohol and drug
109 counseling; [(4) successfully completed an oral
110 examination on the applicant's written case
111 presentation; and (5)] AND (4) successfully
112 completed a [written examination provided by the
113 commissioner, which may be a written examination
114 administered by a nationally recognized alcohol
115 and drug counseling certification organization]
116 DEPARTMENT PRESCRIBED EXAMINATION.

117 (e) FOR INDIVIDUALS APPLYING FOR
118 CERTIFICATION AS AN ALCOHOL AND DRUG COUNSELOR BY

119 THE DEPARTMENT OF PUBLIC HEALTH PRIOR TO OCTOBER
120 1, 1998, CURRENT CERTIFICATION BY THE DEPARTMENT
121 OF MENTAL HEALTH AND ADDICTION SERVICES MAY BE
122 SUBSTITUTED FOR THE CERTIFICATION REQUIREMENTS OF
123 SUBSECTION (d) OF THIS SECTION.

124 Sec. 3. Section 3 of public act 97-186 is
125 repealed and the following is substituted in lieu
126 thereof:

127 (a) The commissioner shall grant a license as
128 a alcohol and drug counselor to any applicant who
129 furnishes satisfactory evidence that he has met
130 the requirements of subsection (c) of section 2 or
131 section 5 of [this act] PUBLIC ACT 97-186, AS
132 AMENDED BY THIS ACT. The commissioner shall
133 develop and provide application forms. The
134 application fee shall be [two] ONE hundred fifty
135 dollars.

136 (b) [Renewal of a license issued under
137 subsection (a) of this section may be made
138 annually pursuant to section 19a-88 of the general
139 statutes] A LICENSE AS AN ALCOHOL AND DRUG
140 COUNSELOR SHALL BE RENEWED IN ACCORDANCE WITH THE
141 PROVISIONS OF SECTION 19a-88, as amended by
142 section 10 of [this act] PUBLIC ACT 97-186, AS
143 AMENDED BY THIS ACT, for a fee of [two] ONE
144 hundred fifty dollars. [and upon presentation by
145 the renewal applicant of evidence satisfactory to
146 the commissioner of completion of any continuing
147 education requirements established pursuant to
148 section 7 of this act.]

149 (c) The commissioner shall grant [a license
150 as an associate] CERTIFICATION AS A CERTIFIED
151 alcohol and drug counselor to any applicant who
152 furnishes satisfactory evidence that he has met
153 the requirements of subsection (d) of section 2 or
154 section 5 of [this act] PUBLIC ACT 97-186, AS
155 AMENDED BY THIS ACT. The commissioner shall
156 develop and provide application forms. The
157 application fee shall be [two] ONE hundred fifty
158 dollars.

159 [(d) Renewal of a license issued under
160 subsection (c) of this section may be made
161 annually pursuant to section 19a-88 of the general
162 statutes, as amended by section 10 of this act,
163 for a fee of two hundred fifty dollars and upon
164 presentation by the renewal applicant of evidence
165 satisfactory to the commissioner of completion of

166 any continuing education requirements established
167 pursuant to section 7 of this act.]

168 (d) A CERTIFICATE AS AN ALCOHOL AND DRUG
169 COUNSELOR MAY BE RENEWED IN ACCORDANCE WITH THE
170 PROVISIONS OF SECTION 19a-88, AS AMENDED BY
171 SECTION 10 OF PUBLIC ACT 97-186, AND THIS ACT FOR
172 A FEE OF ONE HUNDRED FIFTY DOLLARS.

173 (e) The commissioner may contract with a
174 qualified private organization for services that
175 include (1) providing verification that applicants
176 for licensure OR CERTIFICATION have met the
177 education, training and work experience
178 requirements under [this act] SECTIONS 1 TO 9,
179 INCLUSIVE, OF PUBLIC ACT 97-186, AS AMENDED BY
180 THIS ACT; and (2) any other services that the
181 commissioner may deem necessary.

182 Sec. 4. Section 4 of public act 97-186 is
183 repealed and the following is substituted in lieu
184 thereof:

185 (a) Any person who has attained a master's
186 level degree and is certified by the Department of
187 Mental Health and Addiction Services as a
188 substance abuse counselor on October 1, [1997]
189 1998, shall be deemed a licensed alcohol and drug
190 counselor. Any person so deemed shall [be
191 considered licensed until October 1, 1998, and
192 shall, in order to remain licensed,] renew his
193 license pursuant to section 19a-88 of the general
194 statutes, as amended by section 10 of [this act]
195 PUBLIC ACT 97-186 AND THIS ACT, for a fee of [two]
196 ONE hundred fifty dollars. [and upon presentation
197 by the renewal applicant of evidence satisfactory
198 to the commissioner of completion of any
199 continuing education requirements established
200 pursuant to section 7 of this act.]

201 (b) Any person who has not attained a
202 master's level degree and is certified by the
203 Department of Mental Health and [Addition]
204 ADDICTION Services as a substance abuse counselor
205 on October 1, [1997] 1998, shall be deemed a
206 [licensed associate] CERTIFIED alcohol and drug
207 counselor. Any person so deemed shall [be
208 considered licensed until October 1, 1998, and
209 shall, in order to remain licensed, renew his
210 license] RENEW HIS CERTIFICATION pursuant to
211 section 19a-88 of the general statutes, as amended
212 by section 10 of [this act] PUBLIC ACT 97-186 AND
213 THIS ACT, for a fee of [two] ONE hundred fifty

214 dollars. [and upon presentation by the renewal
215 applicant of evidence satisfactory to the
216 commissioner of completion of any continuing
217 education requirements established pursuant to
218 section 7 of this act.]

219 (c) Any person who is not certified by the
220 Department of Mental Health and Addiction Services
221 as a substance abuse counselor on [October 1,
222 1997] JULY 1, 1998, who (1) documents to the
223 department that he has a minimum of five years
224 full-time or eight years part-time paid work
225 experience, under supervision, as an alcohol and
226 drug counselor, and (2) successfully passes a
227 commissioner-approved [written] examination no
228 later than [October 1, 1998] JULY 1, 1999, shall
229 be deemed a [licensed associate] CERTIFIED alcohol
230 and drug counselor. Any person so deemed shall [be
231 considered licensed until October 1, 1999, and
232 shall, in order to remain licensed, renew his
233 license] RENEW HIS CERTIFICATION pursuant to
234 section 19a-88 of the general statutes, as amended
235 by section 10 of [this act] PUBLIC ACT 97-186 AND
236 THIS ACT, for a fee of [two] ONE hundred fifty
237 dollars. [and upon presentation by the renewal
238 applicant of evidence satisfactory to the
239 commissioner of completion of any continuing
240 education requirements established pursuant to
241 section 7 of this act.]

242 Sec. 5. Section 5 of public act 97-186 is
243 repealed and the following is substituted in lieu
244 thereof:

245 The commissioner may [grant a license]
246 LICENSE OR CERTIFY without examination [to] any
247 applicant who, at the time of application, is
248 licensed or certified by a governmental agency or
249 private organization located in another state, or
250 territory or jurisdiction whose standards, in the
251 opinion of the commissioner, are substantially
252 similar to, or higher than, those of this state.

253 Sec. 6. Section 6 of public act 97-186 is
254 repealed and the following is substituted in lieu
255 thereof:

256 No person shall assume, represent himself as,
257 or use the title or designation "alcoholism
258 counselor", "alcohol counselor", "alcohol and drug
259 counselor", "alcoholism and drug counselor",
260 "licensed clinical alcohol and drug counselor",
261 "licensed alcohol and drug counselor", "licensed

262 associate alcohol and drug counselor", "certified
263 alcohol and drug counselor", "chemical dependency
264 counselor", "chemical dependency supervisor" or
265 any of the abbreviations for such titles, unless
266 licensed OR CERTIFIED under section 3 or SECTION 4
267 of [this act] PUBLIC ACT 97-186, AS AMENDED BY
268 THIS ACT, and unless the title or designation
269 corresponds to the license OR CERTIFICATION held.

270 Sec. 7. Section 7 of public act 97-186 is
271 repealed and the following is substituted in lieu
272 thereof:

273 [(a) The commissioner shall:

274 (1) Examine and pass on the qualifications of
275 all licensure applicants;

276 (2) Establish professional practice standards
277 for licensed alcohol and drug counselors and
278 licensed associate alcohol and drug counselors;

279 (3) Establish standards for the continuing
280 education of licensed alcohol and drug counselors
281 and licensed associate alcohol and drug
282 counselors, which shall not exceed forty hours
283 every two years;

284 (4) Examine, evaluate and supervise all
285 examinations and procedures as to whether or not
286 the examinations and procedures are as free as
287 possible from cultural and linguistic bias; and

288 (5) Annually publish a list of names and
289 addresses of all licensed alcohol and drug
290 counselors and licensed associate alcohol and drug
291 counselors who are licensed by the commissioner
292 under this act.]

293 [(b)] The commissioner [shall] MAY adopt
294 regulations, in accordance with chapter 54 of the
295 general statutes, to implement provisions of [this
296 act] SECTIONS 1 TO 9, INCLUSIVE, OF PUBLIC ACT
297 97-186, AS AMENDED BY THIS ACT.

298 Sec. 8. Section 8 of public act 97-186 is
299 repealed and the following is substituted in lieu
300 thereof:

301 [(a) The commissioner may conduct
302 investigations and take disciplinary action for
303 any of the following reasons: (1) Violation of any
304 of the provisions of this act or of any regulation
305 adopted thereunder or refusal to comply with any
306 such provision or regulation; (2) fraud or
307 material deception in obtaining a license; (3)
308 conviction of a felony; or (4) negligent,

309 incompetent or wrongful conduct in the practice of
310 alcohol and drug counseling.

311 (b) The commissioner may take any of the
312 following actions for cause as set forth in
313 subsection (a) of this section: (1) License
314 revocation; (2) license suspension; (3) issuance
315 of a letter of reprimand; or (4) placement of a
316 licensee on probationary status.] THE COMMISSIONER
317 MAY SUSPEND, REVOKE OR REFUSE TO ISSUE A LICENSE
318 IN CIRCUMSTANCES THAT HAVE ENDANGERED OR ARE
319 LIKELY TO ENDANGER THE HEALTH, WELFARE OR SAFETY
320 OF THE PUBLIC.

321 Sec. 9. Section 9 of public act 97-186 is
322 repealed and the following is substituted in lieu
323 thereof:

324 (a) Nothing in [this act] SECTIONS 1 TO 9,
325 INCLUSIVE, OF PUBLIC ACT 97-186 shall be construed
326 to apply to the activities and services of a
327 rabbi, priest, minister, Christian Science
328 practitioner or clergyman of any religious
329 denomination or sect, when engaging in activities
330 that are within the scope of the performance of
331 the person's regular or specialized ministerial
332 duties and for which no separate charge is made,
333 or when these activities are performed, with or
334 without charge, for or under the auspices or
335 sponsorship, individually or in conjunction with
336 others, of an established and legally cognizable
337 church, denomination or sect, and when the person
338 rendering services remains accountable to the
339 established authority thereof.

340 (b) Nothing in [this act] SECTIONS 1 TO 9,
341 INCLUSIVE, OF PUBLIC ACT 97-186 shall be construed
342 to apply to the activities and services of a
343 person licensed or certified in this state to
344 practice medicine and surgery, psychology,
345 [marriage counseling, social work] MARITAL AND
346 FAMILY THERAPY, clinical social work,
347 chiropractic, acupuncture, physical therapy,
348 occupational therapy, [speech pathology and
349 audiology,] nursing or any other profession
350 licensed or certified by the state, when acting
351 within the scope of the person's profession or
352 occupation and doing work of a nature consistent
353 with a person's training, provided the person does
354 not hold himself out to the public as possessing a
355 license OR CERTIFICATION issued pursuant to [this

356 act] SECTIONS 1 TO 9, INCLUSIVE, OF PUBLIC ACT
357 97-186.

358 (c) Nothing in [this act] SECTIONS 1 TO 9,
359 INCLUSIVE, OF PUBLIC ACT 97-186 shall be construed
360 to apply to the activities and services of a
361 student intern or trainee in alcohol and drug
362 counseling who is pursuing a course of study in an
363 accredited institution of higher education or
364 [commissioner-approved] training course, provided
365 these activities are performed under supervision
366 and constitute a part of [a commissioner-approved]
367 AN ACCREDITED course of study, AND PROVIDED
368 FURTHER THE PERSON IS DESIGNATED AS AN INTERN OR
369 TRAINEE OR OTHER SUCH TITLE INDICATING THE
370 TRAINING STATUS APPROPRIATE TO HIS LEVEL OF
371 TRAINING.

372 (d) NOTHING IN THIS ACT SHALL BE CONSTRUED TO
373 APPLY TO ANY ALCOHOL AND DRUG COUNSELOR OR
374 SUBSTANCE ABUSE COUNSELOR EMPLOYED BY THE STATE,
375 EXCEPT FOR AN EMPLOYEE OF THE DEPARTMENT OF
376 CORRECTION AS PROVIDED IN SUBSECTION (e) OF THIS
377 SECTION.

378 (e) NO PERSON SHALL BE HIRED OR APPOINTED AS
379 A DEPARTMENT OF CORRECTION SUBSTANCE ABUSE
380 COUNSELOR OR SUPERVISOR OF SUBSTANCE ABUSE
381 COUNSELORS UNLESS LICENSED OR CERTIFIED AS AN
382 ALCOHOL AND DRUG COUNSELOR. ANY PERSON EMPLOYED ON
383 OR BEFORE OCTOBER 1, 1998, AS A DEPARTMENT OF
384 CORRECTION SUBSTANCE ABUSE COUNSELOR OR SUPERVISOR
385 OF SUBSTANCE ABUSE COUNSELORS MAY CONTINUE TO
386 ENGAGE IN ALCOHOL AND DRUG ABUSE COUNSELING
387 WITHOUT A LICENSE OR CERTIFICATION AS SUCH UNTIL
388 OCTOBER 1, 2003. ANY PERSON HIRED OR APPOINTED BY
389 THE DEPARTMENT OF CORRECTION TO A TRAINING
390 POSITION TO BECOME A SUBSTANCE ABUSE COUNSELOR
391 SHALL BECOME LICENSED OR CERTIFIED AS AN ALCOHOL
392 AND DRUG COUNSELOR WITHIN FOUR YEARS OF THE DATE
393 OF HIRE OR APPOINTMENT.

394 [(d)] (f) Nothing in [this act] SECTIONS 1 TO
395 9, INCLUSIVE, OF PUBLIC ACT 97-186 shall be
396 construed to apply to the activities and services
397 of paid alcohol and drug counselors who are
398 working under supervision OR UNCOMPENSATED ALCOHOL
399 AND DRUG ABUSE SELF-HELP GROUPS, INCLUDING, BUT
400 NOT LIMITED TO, ALCOHOLICS ANONYMOUS AND NARCOTICS
401 ANONYMOUS.

402 [(e) Nothing in this act shall be construed
403 to prevent a person from engaging in or offering

404 self-help or other uncompensated alcohol and drug
405 counseling assistance.]

406 Sec. 10. Subsection (c) of section 19a-14 of
407 the general statutes, as amended by section 11 of
408 public act 97-186 and section 7 of public act
409 97-311, is repealed and the following is
410 substituted in lieu thereof:

411 (c) No board shall exist for the following
412 professions which are licensed or otherwise
413 regulated by the Department of Public Health:

- 414 (1) Speech pathologist and audiologist;
- 415 (2) Hearing aid dealer;
- 416 (3) Nursing home administrator;
- 417 (4) Sanitarian;
- 418 (5) Subsurface sewage system installer or
419 cleaner;
- 420 (6) Marital and family therapist;
- 421 (7) Nurse-midwife;
- 422 (8) Licensed clinical social worker;
- 423 (9) Respiratory care practitioner;
- 424 (10) Asbestos contractor and asbestos
425 consultant;
- 426 (11) Massage therapist;
- 427 (12) Registered nurse's aide;
- 428 (13) Radiographer;
- 429 (14) Dental hygienist;
- 430 (15) Dietitian-Nutritionist;
- 431 (16) Asbestos abatement worker;
- 432 (17) Asbestos abatement site supervisor;
- 433 (18) Licensed or [associate licensed]
434 CERTIFIED alcohol and drug counselor; and
435 (19) Professional counselor.

436 The department shall assume all powers and duties
437 normally vested with a board in administering
438 regulatory jurisdiction over said professions. The
439 uniform provisions of this chapter and chapters
440 368v, 369 to 381, inclusive, 383 to 388,
441 inclusive, 393a, 395, 398, 399 and 400a, including
442 but not limited to standards for entry and
443 renewal; grounds for professional discipline;
444 receiving and processing complaints; and
445 disciplinary sanctions, shall apply, except as
446 otherwise provided by law, to the professions
447 listed in this subsection.

448 Sec. 11. Subsection (e) of section 19a-88 of
449 the general statutes, as amended by section 10 of
450 public act 97-186 and sections 8 and 16 of public

451 act 97-311, is repealed and the following is
452 substituted in lieu thereof:

453 (e) Each person holding a license or
454 certificate issued under [this act] SECTIONS 1 TO
455 9, INCLUSIVE, OF PUBLIC ACT 97-186, AS AMENDED BY
456 THIS ACT, sections 3 and 11 of [this act] PUBLIC
457 ACT 97-311, section 19a-514 and chapters 370 to
458 373, inclusive, 375, 378 to 381a, inclusive, 383
459 to 388, inclusive, 393a, 395, 398, 399 or 400a and
460 section 20-206n or 20-206o shall, annually, during
461 the month of his birth, apply for renewal of such
462 license or certificate to the Department of Public
463 Health, giving his name in full, his residence and
464 business address and such other information as the
465 department requests. Each person holding a license
466 or certificate issued pursuant to section 20-475
467 or 20-476 shall, annually, during the month of his
468 birth apply for renewal of such license or
469 certificate to the department. Each entity holding
470 a license issued pursuant to section 20-475 shall,
471 annually, during the anniversary month of initial
472 licensure, apply for renewal of such license or
473 certificate to the department.

474 Sec. 12. (a) Sections 20-74o to 20-74r,
475 inclusive, of the general statutes are repealed.

476 (b) In codifying the provisions of this
477 section, the Legislative Commissioners shall
478 delete the reference to the sections repealed by
479 subsection (a) of this section that appears in
480 section 17a-450a of the general statutes.

481 PH COMMITTEE VOTE: YEA 23 NAY 0 JFS

* * * * *

"THE FOLLOWING FISCAL IMPACT STATEMENT AND BILL ANALYSIS ARE PREPARED FOR THE BENEFIT OF MEMBERS OF THE GENERAL ASSEMBLY, SOLELY FOR PURPOSES OF INFORMATION, SUMMARIZATION AND EXPLANATION AND DO NOT REPRESENT THE INTENT OF THE GENERAL ASSEMBLY OR EITHER HOUSE THEREOF FOR ANY PURPOSE."

* * * * *

FISCAL IMPACT STATEMENT - BILL NUMBER sSB 426

STATE IMPACT	Cost, Revenue Loss, Potential Cost, Minimal Cost, Can Be Absorbed, see explanation below
MUNICIPAL IMPACT	None
STATE AGENCY(S)	Departments of Public Health, Mental Health and Addiction Services, Correction, Judicial Department

EXPLANATION OF ESTIMATES:

This bill makes modifications to PA 97-186, "An Act Concerning Licensure of Alcohol and Drug Counselors". This Act mandated the establishment of the new licensure program for alcohol and drug counselors, effective October 1, 1997. To date, the Department of Public Health has not yet begun program implementation.

The Department of Public Health will incur a first year expense of \$102,534 to support 1 Licensing Examination Assistant and 1 Nurse Consultant and associated equipment costs necessary to establish the licensure program for a projected 1,000 applicants seeking licensure or certification as alcohol and drug counselors. Ongoing annual costs will be approximately \$96,934 as one time equipment costs will not be incurred in future years.

An estimated revenue loss of \$125,000 will result from reducing the initial and renewal license fees for licensed alcohol and drug counselor and certified alcohol and drug counselor from \$250 to \$150. An estimated 1,000 individuals will pay the lower fee.

Since applicants for license renewal must submit their applications during the month of their birthday, a portion of those seeking licensure will pay both an initial license fee and a renewal fee in the first year of the program. A total of \$187,500 is anticipated to be collected in SFY 1998-99. (Under current law, an estimated \$312,500 would have been collected.)

In subsequent fiscal years, an estimated \$150,000 would be collected from individuals renewing their licenses. (Under current law, revenues of \$250,000 would be collected.) An indeterminate number of new applicants in future years would pay the \$150 initial license fee.

The bill requires persons working as substance abuse counselors or supervisors for the Department of Correction to be licensed or certified. Current employees may continue to engage in alcohol or drug counseling without being licensed or certified until October 1, 2003. Newly hired or appointed DOC substance abuse counselors or supervisors must be licensed or certified. Trainees must be licensed or certified within four years of their date of hire. The DOC will incur minimal costs, which can be absorbed within its anticipated budgetary resources, to comply with these provisions.

This bill eliminates the substance abuse counselor certification program under the Department of Mental Health and Addiction Services. The department currently uses the Connecticut Alcoholism and Drug Abuse Counselor Certification Board, Inc. to certify both substance abuse counselors and substance abuse prevention professionals. It appears that the department would still be responsible for the certification of the substance abuse prevention professional under the provisions of this bill. As the department would still incur administrative costs related to the certification of prevention professionals, only minimal savings will result from the elimination of the substance abuse counselor certification program.

The bill could also result in a long-term cost impact on the drug programs provided through the Office of Alternative Sanctions (Judicial Department). These costs relate to the potential for higher salaries of those employed in the private provider network utilized

by OAS. In FY 1998-99, the OAS will contract for over \$40 million in alternative sanction programs. It should be noted that these contracts are rebid on a periodic basis with such costs factored into the bids. However, SHB 5021 (the revised Appropriations Act for FY 1998-99, as favorably reported by the Appropriations Committee) contains about \$1 million in funding for a 2.1% wage increase for community justice providers under OAS, the Board of Parole and the Department of Correction.

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OLR BILL ANALYSIS

sSB 426

AN ACT CONCERNING LICENSURE AND CERTIFICATION OF ALCOHOL AND DRUG COUNSELORS

SUMMARY: This bill makes a number of changes to the alcohol and drug counselors licensing program established by PA 97-186 and administered by the Department of Public Health (DPH). It establishes a certified alcohol and drug counselor category instead of the current licensed associate alcohol and drug counselor classification and establishes educational, training, and examination requirements for certification, which are very similar to those for current licensure as an associate counselor. The bill requires a certified counselor to practice under the supervision of a licensed counselor and redefines supervision. It allows individuals currently certified by the Department of Mental Health and Addiction Services (DMHAS) to substitute this certification for the bill's requirements. It establishes a \$150 certification fee and lowers the license fee from \$250 to \$150. Renewals for both are also \$150.

The bill also:

1. eliminates a number of DPH responsibilities concerning administration of the program and allows rather than requires it to adopt regulations;
2. allows licensing certain Connecticut Alcoholism and Drug Counselor Certification

- Board (the board) - certified individuals who do not have a master's degree;
3. deems as licensed certain individuals with a master's and DMHAS certification;
 4. deems as certified individuals without a master's but with board certification;
 5. amends the requirements for certification based on work experience;
 6. allows for certification without examination based on licensure or certification in other jurisdictions;
 7. specifies that it does not apply to alcohol and drug counselors, or substance abuse counselors employed by the state, except for Department of Correction (DOC) employees;
 8. requires DOC counselors to be licensed or certified, but allows some to practice for five years without licensure or certification;
 9. clarifies those other professions and activities to which the licensure and certification requirements do not apply;
 10. clarifies the disciplinary actions DPH can take against alcohol and drug counselors; and
 11. eliminates the current DMHAS substance abuse counselor certification program.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

DPH Duties

The bill eliminates the DPH commissioner's specific responsibilities to (1) examine and decide on qualifications for licensing applicants; (2) establish professional practice standards for licensed counselors and associate counselors; (3) establish continuing education requirements for licensed counselors and associate counselors, not to exceed 40 hours every two

years; (4) examine, supervise, and evaluate all examinations and procedures and certify whether they are as free as possible from cultural and linguistic bias; and (5) annually publish a list of names and addresses of all licensed counselors and associate counselors. It also allows rather than requires the commissioner to adopt regulations to implement the law.

Licensure Requirements

Under current law, an alcohol and drug counselor license requires (1) a master's degree from an accredited higher education institution with a minimum 18 graduate semester hours in counseling or counseling-related subjects and (2) licensure as, or completion of all requirements for, an associate alcohol and drug counselor.

The bill allows an applicant certified as a clinical supervisor by the Connecticut Alcoholism and Drug Abuse Certification Board as of October 1, 1998 to substitute such certification for the master's requirement. It also amends the second criterion to require certification as an alcohol and drug counselor instead of licensure as an associate counselor.

Certification Requirements

Under the law, licensing as an associate alcohol and drug counselor requires completion of (1) 300 hours of supervised practical training in alcohol and drug counseling acceptable to DPH; (2) three years of supervised paid work experience or an unpaid internship acceptable to DPH working directly with clients (a master's degree can be substituted for one year of experience); (3) 360 hours of DPH-approved education, with at least 240 hours relating to the knowledge and skill associated with such counseling; (4) an oral exam on the applicant's written case presentation; and (5) a DPH-provided written exam (this exam can be written and administered by a nationally recognized alcohol and drug counseling certification organization). The applicant must pass the oral and written exams.

The bill substitutes "certified alcohol and drug counselor" for "licensed associate alcohol and drug counselor." The certification requirements are very similar to those for a licensed associate counselor

except that instead of requiring an applicant to pass an oral and written examination, the bill requires him to successfully complete a DPH-prescribed examination.

The bill allows applicants applying for certification before October 1, 1998 who are currently certified by DMHAS to substitute that certification in place of the above requirements.

Supervision Requirement for Certified Counselors

Current law requires a licensed associate counselor to practice under the supervision of a licensed alcohol and drug counselor. The bill defines "supervision" as the regular on-site observation of a counselor's activities including a review of the records, reports, treatment plans, or recommendations developed by a licensed counselor concerning an individual or group. The current definition of supervision is the direct review of a person for purposes of teaching, training, administering, accountability, or clinical review by a supervisor in the same area of specialized practice.

Alternative Licensure and Certification Provisions

Current Certification. The law specifies that anyone with a master's degree and certified by DMHAS as a substance abuse counselor on October 1, 1997 is considered a licensed alcohol and drug counselor until October 1, 1998. By law a person certified by the board but without a master's degree as of October 1, 1997 is deemed a licensed associate alcohol drug counselor until October 1, 1998. These individuals can renew their licenses for \$250 if they present DPH with satisfactory evidence of meeting continuing education requirements.

The bill instead provides that (1) anyone with a master's and certified by DMHAS on October 1, 1998 is considered licensed and (2) anyone without a master's but certified by the board on October 1, 1998 is deemed a certified alcohol and drug counselor.

It reduces renewal fees for both to \$150 and eliminates continuing education requirements for renewal.

Work Experience-Based. Under the law, a person not certified by DMHAS on October 1, 1997 who (1) documents

to DPH that he has at least five years of full-time or eight years part-time paid, supervised work experience as an alcohol and drug counselor and (2) passes a DPH-approved written exam by October 1, 1998 is deemed a licensed associate alcohol and drug counselor. He is considered licensed until October 1, 1999 and then must renew it.

The bill extends the date for those not certified to July 1, 1998 and eliminates reference to a "written" exam, instead requiring passage of a DPH-approved exam by July 1, 1999. This certification can be renewed for \$150 instead of \$250 and is not subject to continuing education requirements.

Licensed or Certified in Other Jurisdictions. DPH can currently license without examination an applicant who already is licensed or certified by a government agency or private organization in another state or jurisdiction with standards equivalent to Connecticut's. The bill also allows for certification in this manner.

Applicability to Other Professions and Activities

Other Licensed Health Professions. The law does not apply to the activities of licensed physicians and surgeons, psychologists, social workers, marriage and family therapists, chiropractors, acupuncturists, physical therapists, occupational therapists, speech pathologists, audiologists, nurses, or any other licensed professional if the person is acting within the scope of his profession, doing work consistent with this training, and not holding himself out as a licensed drug and alcohol counselor. The bill removes speech pathologists and audiologists from the list and clarifies that these exempt professionals are not holding themselves out as licensed or certified drug and alcohol counselors.

Students. The law does not apply to the activities of student interns or trainees in alcohol and drug counseling pursuing studies at accredited higher education institutions or commissioner-approved training courses, if these activities are done under supervision and are part of commissioner approved study.

The bill eliminates reference to a "commissioner approved" training course and instead requires that the students' activities be part of an accredited study course and that the individual is designated as an intern, trainee, or other title indicating his training level.

Counselors Employed by the State; Department of Correction Employees

The bill specifies that it does not apply to alcohol and drug counselors or substance abuse counselors employed by the state, except for the Department of Correction (DOC) employees.

The bill requires that all DOC substance abuse counselors must be licensed or certified as an alcohol and drug counselor. But any counselor or supervisor of counselors employed on or before October 1, 1998 by DOC can continue to do alcohol and drug abuse counseling without a license or certification until October 1, 2003.

The bill also requires that any person hired by DOC in a training position to become a counselor must be licensed or certified within four years of the hiring.

***Self-Help.** Current law does not prevent a person from engaging in or offering self-help or other uncompensated alcohol and drug counseling assistance. Under the law, a "self-help group" is a voluntary group offering peer support to others recovering from an addiction. The bill makes it clear that it does not apply to the activities and services of uncompensated alcohol and drug abuse self-help groups, such as Alcoholics Anonymous and Narcotics Anonymous.

Investigations, Disciplinary Actions

By law, DPH can investigate and take disciplinary action against alcohol and drug counselors for (1) violation of any of the law's provisions and implementing regulations; (2) fraud or material deception in getting a license; (3) felony conviction; or (4) negligent, incompetent, or wrongful conduct in their practice.

The DPH commissioner can revoke or suspend a license,

place a licensee on probation, or issue a letter of reprimand.

The bill instead allows DPH to suspend, revoke or refuse to issue a license in circumstances that have endangered or are likely to endanger the public's health, welfare or safety. This bill does not apply these sanctions to certificates.

DMHAS Certification Program

The bill repeals a certification program for substance abuse counselors, which includes working with alcoholics or drug dependent people. DMHAS certifies an applicant if he (1) is certified by the Connecticut Alcoholism and Drug Abuse Counselor Certification Board Inc. and (2) meets other DMHAS-prescribed criteria. The certification board is not a state board. Rather it is an independent, private certification organization recognized by and receiving funds from the state and other sources.

COMMITTEE ACTION

Public Health Committee

Joint Favorable Substitute
Yea 24 Nay 0