

Regular Session, 2004

ACT No. 803

SENATE BILL NO. 875 (Substitute for Senate Bill No. 336 by Senator McPherson)

BY SENATOR MCPHERSON

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AN ACT

To amend and reenact R.S. 17: 403(C), R.S. 36:258(E)(1), and R.S. 46:2503(A) and to enact Chapter 50-A of Title 37 of Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3386 through 3390.6, and to repeal R.S. 36:259(E)(19), R.S. 46:2503(E), and Chapter 50 of Title 37 of Louisiana Revised Statutes of 1950, comprised of R.S. 37:3371 through 3384, relative to addictive disorder professionals; to provide for definitions; to provide for categories of addictive disorder professionals; to provide for powers and duties of the Department of Health and Hospitals, office for addictive disorders; to provide for licensure, certification, and registration of addictive disorder counselors and professionals; to authorize the department to impose application fees; to provide with respect to penalties; to establish the Addictive Disorders Professionals Licensing and Certification Fund in the state treasury; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:403(C) is hereby amended and reenacted to read as follows:

§403. Section on drug free schools and communities; program; section administrator; counselors

* * *

C.(1) There shall be ~~alcohol, drug, and substance abuse counselors~~ **addictive disorders professionals** in every school system who regularly visit every secondary school and elementary school at a maximum of four schools to one counselor, for the purpose of counseling students who have been identified as having an alcohol, drug, or substance abuse problem. The duties of each counselor shall be coordinated by the section on drug free schools and communities and each employing parish or city

1 school system.

2 (2) Qualifications for ~~alcohol, drug, and substance abuse counselors~~
3 **addictive disorders professionals** shall be determined, implemented, and enforced
4 by the ~~state board~~ **Department of Health and Hospitals, office for addictive**
5 **disorders.**

6 Section 2. R.S. 36:258(E)(1) is hereby amended and reenacted to read as follows:

7 §258. Offices; purposes and functions

8 * * *

9 E.(1) The office for addictive disorders shall perform the functions of the
10 state relating to the care, training, treatment, and education of those suffering from
11 addictive disorders and the prevention of addictive disorders. It shall administer
12 residential and outpatient care facilities of the state for patients suffering from
13 addictive disorders and administer the addictive disorders programs in the state. **It**
14 **shall regulate the practice of all addictive disorders professionals and**
15 **counselors.** It shall also provide a twenty-four-hour, toll-free telephone service to
16 provide information regarding available services to assist with compulsive or
17 problem gambling behavior.

18 * * *

19 Section 3. Chapter 50-A of Title 37 of the Louisiana Revised Statutes of 1950,
20 comprised of R.S. 37:3386 through 3390.6 is hereby enacted to read as follows:

21 CHAPTER 50-A. ADDICTIVE DISORDERS PRACTICE ACT

22 **Chapter 50-A is all new law.**

23 §3386. Short title

24 **R.S. 37:3386 is all new law.**

25 This Chapter shall be known and may be cited as the "Addictive Disorders
26 Practice Act."

27 §3386.1. Definitions

28 **R.S. 37:3386.1 is all new law.**

29 As used in this Chapter the following definitions shall apply:

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

9 (2) “Addiction counselor” means any person who is licensed or certified or
10 registered in accordance with the provisions of this Chapter and procedures
11 established by the department and who by means of his special knowledge acquired
12 through formal education or practical experience is qualified to provide addiction
13 counseling services to those individuals afflicted with or suffering from an addictive
14 disorder or certain co-occurring disorders. The counseling services provided shall
15 be those which utilize KSA’s or core functions, as determined by the department to
16 be appropriate for the addictive disorder or disorders presented.

17 (3) “Board” means the Louisiana State Board of Certification for Substance
18 Abuse Counselors.

19 (4) “Certified clinical supervisor” means any person holding the necessary
20 credential of licensed, certified, or registered addiction counselor who has satisfied
21 the requirements established by the department to provide clinical supervision.

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

1 administrative supervision.

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

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

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

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

21 (10) "Department" means the Department of Health and Hospitals, office for
22 addictive disorders.

23 (11) "KSA's" means the Knowledge, Skills, and Attitudes designated by the
24 department as being necessary for effective addiction counseling and required by the
25 department to be utilized by addictive disorders counselors in providing addiction
26 counseling services.

27 (12) "Prevention" means those activities and services that prevent, reduce,
28 or stabilize the incidence of addictive disorders and thereby prevent, reduce or
29 stabilize the prevalence of addictive disorders. The activities contemplated by this

1 definition include services to those at risk of developing an addictive disorder as well
 2 as those individuals who, though not necessarily at risk of developing an addictive
 3 disorder, are nonetheless appropriate for services. In addition, prevention shall be
 4 understood to include educational programs and activities that are designed to raise
 5 the awareness of and encourage healthy behaviors.

6 (13) "Prevention specialist" means any person who, by means of special
 7 knowledge through formal education or practical experience, is qualified to provide
 8 prevention intervention services and who is certified or registered as such in
 9 accordance with provisions of this Chapter and procedures established by the
 10 department.

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

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

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

17 (b) A psychologist licensed pursuant to R.S. 37:2351 et seq.

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

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

20 (16) "Substance abuse" means the repeated pathological use of drugs,
 21 including alcohol, which causes physical, psychological, economic, legal or social
 22 harm to the individual user or to others affected by the user's behavior.

23 §3387. Licensed addiction counselor

24 **R.S. 37:3387 is all new law.**

25 A. The practice of addiction counseling within the meaning and intent of this
 26 Chapter shall consist of the rendering of professional guidance to individuals
 27 suffering from an addictive disorder to assist them in gaining an understanding of the
 28 nature of their disorder and developing and maintaining a responsible life style. The
 29 licensed addiction counselor may practice autonomously, independent of any other

1 professional association or supervision. The scope of practice, in addition to any
2 other provision herein shall include making referrals to appropriate professionals,
3 providing counseling to family members and, as appropriate, to others affected by the
4 individual's addictive disorder, and the utilization of KSA and core functions.

5 B. The department shall adopt and promulgate rules which govern licensed
6 addiction counselors in accordance with the provisions of this Chapter.

7 C. Any person seeking to be recognized by the department as a licensed
8 addiction counselor shall submit an application to the department on a form and in
9 a manner as the department shall prescribe. The initial application form shall be
10 accompanied by an initial application fee as provided for herein.

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

15 E. The department shall recognize as a licensed addiction counselor each
16 candidate who:

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

20 (2) Is a legal resident of the United States at least twenty-one years of age
21 from the date the application is received.

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

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

26 (5) Has not been convicted of, or entered a plea of guilty or a plea of nolo
27 contendere to, a felony. However, the department may, in its discretion, waive this
28 requirement upon review of the individual's circumstances. Each candidate shall
29 sign a form prescribed by the department authorizing the department to obtain a

1 criminal history and to conduct a criminal background check.

2 (6) Demonstrates professional competence by passing a written and oral
3 examination and making a case presentation:

4 (a) The department shall determine the scope and administration of the
5 examination.

6 (b) The department may provide for circumstances under which a candidate
7 who fails either examination, but who meets all other requirements, may retake the
8 examination.

9 (c) The department shall prescribe the scope and manner of the case
10 presentation required herein.

11 (7) Documents the completion of ethics training, as prescribed by the
12 department.

13 (8) Signs a form of professional and ethical accountability and responsibility,
14 as prescribed by the department.

15 (9) Documents the completion of supervised clinical hours, under conditions
16 as shall be determined by the department. The department may require that such
17 supervision be conducted by a certified clinical supervisor.

18 (10) Provides three letters of recommendation as prescribed by the
19 department.

20 (11) The department may prescribe such other qualifications and
21 requirements for licensed addiction counselors as may be appropriate for the
22 protection of the public or the enhancement of professional services provided under
23 the authority of this Chapter.

24 §3387.1. Certified addiction counselor

25 **R.S. 37:3387.1 is all new law.**

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

1 certified addiction counselor may not practice independently. The certified addiction
2 counselor shall maintain an association with a licensed addiction counselor in the
3 manner prescribed by the department. The scope of practice, in addition to any other
4 provision herein shall include making referrals to appropriate professionals,
5 providing 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 shall adopt and promulgate rules which govern certified
8 addiction counselors in accordance with the provisions of this Chapter.

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

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

17 E. The department shall recognize as a certified addiction counselor each
18 candidate who:

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

22 (2) Is a legal resident of the United States at least twenty-one years of age
23 from the date the application is received.

24 (3) Is not in violation of any ethical standards subscribed to by the
25 department.

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

28 (5) Has not been convicted of, or entered a plea of guilty or a plea of nolo
29 contendere to, a felony. However, the department may, in its discretion, waive this

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

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

6 (a) The department shall determine the scope and administration of the
7 examinations.

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

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

13 (d) The department shall prescribe the scope and manner of the case
14 presentation required herein.

15 (7) Documents the completion of ethics training, as prescribed by the
16 department.

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

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

22 (10) Provides three letters of recommendation as prescribed by the
23 department.

24 (11) The department may prescribe such other qualifications and
25 requirements for certified addiction counselors as may be appropriate for the
26 protection of the public or the enhancement of professional services provided under
27 the authority of this Chapter.

28 §3387.2. Registered addiction counselor

29 **R.S. 37:3387.2 is all new law.**

1 A. The practice of addiction counseling within the meaning and intent of this
2 Chapter shall consist of the rendering of professional guidance to individuals
3 suffering from an addictive disorder to assist them in gaining an understanding of the
4 nature of their disorder and developing and maintaining a responsible life style. The
5 registered addiction counselor may not practice independently. The registered
6 addiction counselor shall maintain an association with a licensed addiction counselor
7 in the manner prescribed by the department. The scope of practice, in addition to any
8 other provision herein shall include making referrals to appropriate professionals,
9 providing counseling to family members and, as appropriate, to others affected by the
10 individual's addictive disorder, and the utilization of KSA and core functions. The
11 scope of practice shall in no way be construed to include services designed to address
12 work organization productivity issues and employee client problems affecting job
13 performance and the ability to perform on the job.

14 B. The department shall adopt and promulgate rules which govern registered
15 addiction counselors in accordance with the provisions of this Chapter.

16 C. Any person seeking to be recognized by the department as a registered
17 addiction counselor shall submit an application to the department on a form and in
18 a manner as the department shall prescribe. The initial application form shall be
19 accompanied by an initial application fee as provided for herein.

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

24 E. The department shall recognize as a registered addiction counselor each
25 candidate who:

26 (1) Is a legal resident of the United States at least twenty-one years of age
27 from the date the application is received.

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

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

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

8 (5) Demonstrates professional competence by passing a written and oral
9 examination, and making a case presentation:

10 (a) The department shall determine the scope and administration of the
11 examinations.

12 (b) The department may provide for circumstances under which a candidate
13 who fails either examination, but who meets all other requirements may retake the
14 examination.

15 (c) The department shall make reasonable accommodations for those
16 candidates who demonstrate a special need or disability.

17 (d) The department shall prescribe the scope and manner of the case
18 presentation required herein.

19 (6) Documents the completion of ethics training, as prescribed by the
20 department.

21 (7) Signs a form of professional and ethical accountability and responsibility
22 as prescribed by the department.

23 (8) Documents the completion of supervised clinical hours, under such
24 conditions as shall be determined by the department. The department may require
25 that such supervision be conducted by a certified clinical supervisor.

26 (9) Provides three letters of recommendation as prescribed by the
27 department.

28 (10) The department may prescribe such other qualifications and
29 requirements for registered addiction counselors as may be appropriate for the

1 protection of the public or the enhancement of professional services provided under
2 the authority of this Chapter.

3 §3387.3. Counselor-in-training

4 **R.S. 37:3387.3 is all new law.**

5 A. The practice of addiction counseling within the meaning and intent of this
6 Chapter shall consist of the rendering of professional guidance to individuals
7 suffering from an addictive disorder to assist them in gaining an understanding of the
8 nature of their disorder and developing and maintaining a responsible life style. The
9 status of counselor-in-training (CIT) is intended to assist professional development
10 by providing qualified individuals with supervised clinical counseling experience.
11 This status is, by its very nature, temporary and it is anticipated that the individual
12 will progress through the experience to become a licensed, certified or registered
13 addiction counselor. The counselor-in-training may not practice independently. The
14 counselor-in-training may only work under the direct supervision of a licensed
15 addiction counselor, certified addiction counselor or registered addiction counselor,
16 or in the absence of a licensed, certified, or registered, addiction counselor, under the
17 direction of a qualified mental health professional. The scope of practice, in addition
18 to any other provision herein shall include making referrals to appropriate
19 professionals, providing counseling to family members and, as appropriate, to others
20 affected by the individual's addictive disorder, and the utilization of KSA and core
21 functions.

22 B. The department shall adopt and promulgate rules which govern the status
23 of counselor-in-training in accordance with the provisions of this Chapter.

24 C. Any person seeking to be recognized by the department as a
25 counselor-in-training shall submit an application to the department on a form and in
26 a manner as the department shall prescribe. The initial application form shall be
27 accompanied by an initial application fee as provided for herein.

28 D. Upon investigation of the application, the department shall, within thirty
29 days notify each candidate that the application is satisfactory and accepted or

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

3 E. The department shall recognize as a counselor-in-training each candidate
4 who:

5 (1) Is a legal resident of the United States at least eighteen years of age from
6 the date the application is received.

7 (2) Is not in violation of any ethical standards subscribed to by the
8 department.

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

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

16 (5) Signs a form of professional and ethical accountability and responsibility
17 as prescribed by the department.

18 (6) Provides three letters of recommendation as prescribed by the
19 department.

20 (7) The department may prescribe such other qualifications and requirements
21 for counselor-in-training as may be appropriate for the protection of the public or the
22 enhancement of professional services provided under the authority of this Chapter.

23 §3387.4. Addiction treatment assistant

24 **R.S. 37:3387.4 is all new law.**

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

29 B. The department shall adopt and promulgate rules which govern addiction

1 treatment assistants in accordance with the provisions of this Chapter.

2 C. Any person seeking to be recognized by the department as an addiction
3 treatment assistant shall submit an application to the department on a form and in a
4 manner as the department shall prescribe. The initial application form shall be
5 accompanied by an initial application fee as provided for herein.

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

10 E. The department shall recognize as an addiction treatment assistant each
11 candidate who:

12 (1) Is a legal resident of the United States at least sixteen years of age from
13 the date the application is received.

14 (2) Is not in violation of any ethical standards subscribed to by the
15 department.

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

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

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

26 (6) Provides three letters of recommendation as prescribed by the
27 department.

28 §3387.5. Certified clinical supervisor

29 **R.S. 37:3387.5 is all new law.**

1 A. The legislature finds that addiction counseling is an effective and
2 necessary component in the continuum of addictive disorder treatment and services.
3 In order to better provide for the health and welfare of the citizens of this state, the
4 legislature desires to enhance the profession of addiction counseling by providing for
5 a qualified workforce in sufficient numbers to meet the needs of those individuals
6 within the state who suffer from treatable addictive disorders or are affected by
7 addictive disorders. The legislature finds clinical supervision to be essential for the
8 ongoing development of a qualified workforce sufficient to meet the present and
9 anticipated public health needs of the state.

10 B. The department shall adopt and promulgate rules which shall provide for
11 the certification of clinical supervisors in accordance with the provisions of this
12 Chapter.

13 C. Any person seeking to be recognized by the department as a certified
14 clinical supervisor shall first complete clinical supervision training approved by the
15 department. The candidate may then submit an application on a form and in a manner
16 prescribed by the department. Documentation of the clinical supervision training
17 shall accompany the application.

18 D. Upon investigation of the application, the department shall, within thirty
19 days notify each candidate that the application is satisfactory and accepted or
20 unsatisfactory and unaccepted. If an application is rejected, the notice shall state the
21 reason for such rejection.

22 E. The department shall recognize as a certified clinical supervisor each
23 candidate who:

24 (1) Is a licensed, certified or registered addiction counselor.

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

27 (3) Does not have any pending disciplinary action with the department.

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

29 (5) Has not been convicted of, or entered a plea of guilty or a plea of nolo

1 contendere to, a felony.

2 (6) Each candidate must sign a form prescribed by the department
3 authorizing the department to obtain a criminal history or to conduct a criminal
4 background check.

5 (7) Each applicant shall demonstrate professional competence in clinical
6 supervision by passing a written examination:

7 (a) The department shall determine the scope and administration of the
8 examination.

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

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

14 F. The scope of clinical supervision for a certified clinical supervisor shall
15 be as follows:

16 (1) A licensed addiction counselor certified in clinical supervision may
17 provide clinical supervision for any other licensed addiction counselor, for any
18 certified addiction counselor, for any registered addiction counselor, for any
19 counselor-in-training, or for any addiction treatment assistant.

20 (2) A certified addiction counselor who is also certified in clinical
21 supervision may provide clinical supervision for any certified addiction counselor,
22 for any registered addiction counselor, for any counselor-in-training, or for any
23 addiction treatment assistant.

24 (3) A registered addiction counselor who is also certified in clinical
25 supervision may provide clinical supervision for any registered addiction counselor,
26 for any counselor-in-training, or for any addiction treatment assistant.

27 §3387.6. Certified compulsive gambling counselor

28 **R.S. 37:3387.6 is all new law.**

29 A. The legislature finds that addiction counseling is an effective and

1 necessary component in the continuum of addictive disorder treatment and services.
2 In order to better provide for the health and welfare of the citizens of this state, the
3 legislature desires to enhance compulsive gambling counseling services by providing
4 for a certification for compulsive gambling counselors.

5 B. The department shall adopt and promulgate rules which shall provide for
6 the certification of compulsive gambling counselor, in accordance with this Chapter.

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

17 D. Upon investigation of the application, the department shall, within thirty
18 days, notify each candidate that the application is satisfactory and accepted or
19 unsatisfactory and unaccepted. If the application is rejected, the notice shall state the
20 reason for such rejection.

21 E. The department shall recognize as a certified compulsive gambling
22 counselor each candidate who:

23 (1) Is a licensed, certified or registered addiction counselor, or who is a
24 qualified mental health professional.

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

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

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

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

4 (6) Has successfully completed a minimum of thirty educational hours,
5 approved by the department, specific to gambling addiction.

6 (7) Has not been convicted of, or entered a plea of guilty or a plea of nolo
7 contendere to a felony.

8 (8) Each candidate shall sign a form prescribed by the department authorizing
9 the department to obtain a criminal history or to conduct a criminal background
10 check.

11 (9) Each applicant shall demonstrate professional competence in compulsive
12 gambling counseling by passing a written examination:

13 (a) The department shall determine the scope and administration of the
14 examination.

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

18 (c) The department shall make reasonable accommodations for those
19 candidates who demonstrate a special need or disability.

20 F. The scope of practice for a certified compulsive gambling counselor shall
21 be consistent with the scope of practice for the necessary credential supporting the
22 certification. A certified compulsive gambling counselor may not practice or provide
23 gambling counseling services to any member of the public or hold himself out as a
24 compulsive gambling counselor without a valid and current necessary credential as
25 provided for herein.

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

1 §3387.7. Certified prevention specialist

2 **R.S. 37:3387.7 is all new law.**

3 A. The practice of a certified prevention specialist within the meaning and
4 intent of this Chapter shall consist of providing a broad range of prevention services
5 and activities. The certified prevention specialist may practice autonomously,
6 independent of any other professional association or supervision. The scope of
7 practice affords the certified prevention specialist with the flexibility of working in
8 a variety of settings that supports competency based levels of knowledge, skills, and
9 attitudes. Prevention can range from working with specific and varied populations
10 to mobilizing communities and advocating for healthy behaviors.

11 B. The department shall adopt and promulgate rules which govern certified
12 prevention specialists in accordance with the provisions of this Chapter.

13 C. Any person seeking to be recognized by the department as a certified
14 prevention specialist shall submit an application to the department on a form and in
15 a manner as the department shall prescribe. The initial application form shall be
16 accompanied by an initial application fee as provided for herein.

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

21 E. The department shall recognize as a certified prevention specialist each
22 candidate who:

23 (1) Possesses a bachelor's degree from an accredited institution of higher
24 education and documents one year of department-approved prevention experience or
25 a high school diploma or equivalent and documents five years of department
26 approved experience. The degree shall be in a human services or behavioral science
27 discipline or such other discipline or disciplines as the department may designate.

28 (2) Is a legal resident of the United States at least twenty-one years of age
29 from the date the application is received.

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

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

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

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

11 (a) The department shall determine the scope and administration of the
12 examination.

13 (b) The department may provide for circumstances under which a candidate
14 who fails the examination, but who meets all other requirements, may retake the
15 examination.

16 (c) The department shall make reasonable accommodations for those
17 candidates who demonstrate a special need or disability.

18 (7) Documents completion of any ethics training required by the department
19 and signs a form of professional and ethical accountability and responsibility as
20 prescribed by the department.

21 (8) Documents having successfully completed any training prescribed by the
22 department. Training as contemplated herein may include educational as well as
23 experiential components.

24 (9) Provides three letters of recommendation as prescribed by the
25 department.

26 F. The department may prescribe such other qualifications and requirements
27 for certified prevention specialists as may be appropriate for the protection of the
28 public or the enhancement of professional services provided under the authority of
29 this Chapter.

1 G. Any person who on the effective day of this Chapter, holds a valid, current
2 credential as a board certified prevention specialist shall be recognized by the
3 department as a certified prevention specialist.

4 §3387.8. Registered preventionist

5 **R.S. 37:3387.8 is all new law.**

6 A. The practice of a registered preventionist within the meaning and intent
7 of this Chapter shall consist of providing a broad range of prevention services and
8 activities. The registered preventionist shall maintain an association with a certified
9 prevention specialist in the manner prescribed by the department. The scope of
10 practice affords the registered preventionist with the flexibility of working in a
11 variety of settings that support competency based levels of knowledge, skills, and
12 attitudes. Prevention can range from working with specific or varied populations to
13 mobilizing communities, and advocating for healthy behaviors.

14 B. The department shall adopt and promulgate rules which govern registered
15 preventionists in accordance with the provisions of this Chapter.

16 C. Any person seeking to be recognized by the department as a registered
17 preventionist shall submit an application to the department on a form and in a manner
18 as the department shall prescribe. The initial application form shall be accompanied
19 by an initial application fee as provided for herein.

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

24 E. The department shall recognize as a registered preventionist each
25 candidate who:

26 (1) Possesses a high school diploma or the equivalent.

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

29 (3) Is not in violation of any ethical standards subscribed to by the

1 department.

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

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

9 (6) Documents completion of any ethics training required by the department
10 and signs a form of professional and ethical accountability and responsibility as
11 prescribed by the department.

12 (7) Documents having successfully completed any training prescribed by the
13 department. Training as contemplated herein may include educational as well as
14 experiential components.

15 (8) Provides three letters of recommendation as prescribed by the
16 department.

17 F. The department may prescribe such other qualifications and requirements
18 for registered preventionists as may be appropriate for the protection of the public or
19 the enhancement of professional services provided under the authority of this
20 Chapter.

21 §3387.9. Prevention specialist-in-training

22 **R.S. 37:3387.9 is all new law.**

23 A. The practice of a prevention specialist-in-training (PSIT) within the
24 meaning and intent of this Chapter shall consist of providing a broad range of
25 prevention services and activities. The status of prevention specialist-in-training is
26 intended to assist professional development by providing qualified individuals with
27 supervised practical experience. This status is, by its very nature, temporary and it is
28 anticipated that the individual will progress through the experience to become a
29 certified prevention specialist or registered preventionist. The prevention

1 specialist-in-training may not practice independently. The prevention
2 specialist-in-training may only work under the direct supervision of a certified
3 prevention specialist or registered preventionist. The scope of practice affords the
4 prevention specialist-in-training with the flexibility for working in a variety of
5 settings that supports competency based levels of knowledge, skills, and attitudes.

6 B. The department shall adopt and promulgate rules which govern prevention
7 specialist-in-training in accordance with the provisions of this Chapter.

8 C. Any person seeking to be recognized by the department as a prevention
9 specialist-in-training shall submit an application to the department on a form and in
10 a manner as the department shall prescribe. The initial application form shall be
11 accompanied by an initial application fee as provided for herein.

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

16 E. The department shall recognize as a prevention specialist-in-training each
17 candidate who:

18 (1) Is a legal resident of the United States at least eighteen years of age from
19 the date the application is received.

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

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

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

29 (5) Sign a form of professional and ethical accountability and responsibility

1 as prescribed by the department.

2 (6) Provides three letters of recommendation as prescribed by the
3 department.

4 (7) The department may prescribe such other qualifications and requirements
5 for prevention specialist-in-training as may be appropriate for the protection of the
6 public or the enhancement of professional services provided under the authority of
7 this Chapter.

8 §3388. License, certification, registration renewal

9 **R.S. 37:3388 is all new law.**

10 A. Each licensed, certified, and registered addiction counselor shall renew
11 his credentials every two years.

12 B. Within the two year period provided for herein each licensed, certified,
13 and registered addiction counselor shall provide to the department documentation of
14 successfully completing forty-eight department approved continuing educational
15 hours.

16 C. The documentation required by this Section shall be provided on a form
17 and in a manner prescribed by the department.

18 §3388.1. Counselor-in-training renewal

19 **R.S. 37:3388.1 is all new law.**

20 A. Each counselor-in-training may renew his status every twelve months.
21 Each renewal shall be for a twelve month period.

22 B. Within the twelve month period provided for herein, each
23 counselor-in-training shall provide to the department documentation of successfully
24 completing a minimum of twenty department approved continuing educational hours
25 or documentation that the counselor-in-training has been actively engaged in
26 pursuing a degree from an accredited institution of higher learning in a human
27 services or behavioral science discipline, or such other discipline or disciplines as the
28 department may designate.

29 C. The documentation required by this Section shall be provided on a form

1 and in a manner prescribed by the department.

2 D. Failure to renew his status shall not disqualify an individual from
3 re-applying for counselor-in-training status.

4 E. Individuals who, prior to the effective date of this Chapter had never
5 maintained counselor-in-training status and who, after the effective date of this
6 Chapter, make their initial application for, and are granted, counselor-in-training
7 status, shall be allowed to maintain the counselor-in-training status for an aggregate
8 period not to exceed seventy-two months.

9 F. Individuals who, at any time prior to the effective date of this Chapter, had
10 maintained counselor-in-training status for an aggregate period equal to or less than
11 sixty months, and who, after the effective date of this Chapter, renew or re-apply for
12 that status, shall be allowed to maintain the counselor-in-training status for an
13 aggregate period not to exceed seventy-two months. In calculating the seventy-two
14 month aggregate period provided for herein, the time in status prior to the effective
15 date of this Chapter shall be included.

16 G. Individuals who, at any time prior to the effective date of this Chapter,
17 had maintained counselor-in-training status for an aggregate period in excess of sixty
18 months, shall be allowed to renew or re-apply for counselor-in-training status for an
19 additional twelve month period.

20 §3388.2. Clinical supervision and compulsive gambling counselor certification
21 renewal

22 **R.S. 37:3388.2 is all new law.**

23 A. The certification for clinical supervision and compulsive gambling
24 counselor shall be renewed every twenty-four months.

25 B. Within the twenty-four month period provided for herein each clinical
26 supervisor and compulsive gambling counselor shall provide to the department
27 documentation of successfully completing a minimum of twenty department
28 approved continuing educational hours.

29 C. The documentation required by this Section shall be provided on a form

1 and in a manner prescribed by the department.

2 D. The department may prescribe such other requirements for clinical
3 supervision and compulsive gambling counselor certification renewal as may be
4 appropriate for the protection of the public or the enhancement of professional
5 services provided under the authority of this Chapter.

6 §3388.3. Applicability

7 **R.S. 37:3388.3 is all new law.**

8 A. The legislature finds that there are various credentials offered and
9 recognized in the state of Louisiana for those professionals who are engaged, prior
10 to the effective date of this Chapter, in the practice of counseling persons suffering
11 from addictive disorders, as well as the providing of prevention services. It is the
12 intent of the legislature that there be a single authority issuing credentials for
13 addictive disorder counseling and prevention professionals in Louisiana. The
14 authority for issuing and recognizing credentials for professionals engaged in the
15 providing of counseling and prevention services for those who suffer from addictive
16 disorders shall be the Department of Health and Hospitals, office for addictive
17 disorders.

18 B. In order to provide for the transition of regulatory authority and for
19 uniformity and consistency in the granting of new credentials and the recognition of
20 existing credentials, the following shall apply:

21 (1) Any person who, on the effective date of this Chapter, holds a valid and
22 current status as a board certified substance abuse counselor shall be allowed to
23 maintain the same level of autonomy and independence in scope of practice to which
24 they were entitled prior to the enactment of this Chapter, without regard to whether
25 they are considered a licensed or certified addiction counselor under provisions of
26 this Chapter.

27 (2) Any person who, on the effective date of this Chapter, holds a valid and
28 current status as a board certified substance abuse counselor, and who has held such
29 certification for a period of five years or more, shall be allowed to be credentialed by

1 the department as a licensed addiction counselor.

2 (3) Any person who, on the effective date of this Chapter, holds a valid and
3 current status as a board certified substance abuse counselor, and who has held such
4 certification for a period less than five years, but who has been engaged in providing
5 primary care in the field of substance abuse counseling for a period of time prior to
6 becoming board certified, may combine his years in these two capacities. If the
7 combination of years totals five years or more, the person shall be allowed to be
8 credentialed by the department as a licensed addiction counselor.

9 (4) Any person who, on the effective date of this Chapter, holds a valid and
10 current status as a board certified substance abuse counselor, and who, has held such
11 certification for a period of less than five years, and who fails to meet the
12 requirements set forth in this Chapter as a licensed addiction counselor, shall be
13 recognized as a certified addiction counselor and shall maintain the independent
14 scope of practice to which they were entitled prior to the enactment of this Chapter.
15 Nothing herein shall prevent such a person from applying for and being granted the
16 status of licensed addiction counselor, provided they meet all the requirements set
17 forth in this Chapter.

18 (5) The provisions of this Chapter relative to licensure and scope of practice
19 shall not apply to any credential which, on the effective date of this Chapter, is not
20 valid and current. Any person who is successful in having such credential reinstated
21 by the department, after the effective date of this Chapter, shall be limited to the
22 scope of practice set forth herein without regard to any prior experience and without
23 consideration of the prior years during which the individual may have been
24 credentialed.

25 §3388.4. Powers and duties of the department

26 **R.S. 37:3388.4 is all new law.**

27 The department shall:

28 (1) Establish and maintain minimum educational and experiential
29 requirements in accordance with the provisions of this Chapter.

1 (2) Establish and maintain minimum standards of practice in accordance with
2 those developed and accepted by the profession.

3 (3) Develop and promulgate rules for the approval, denial, and renewal of
4 qualified candidates for professional credentials as well as, for the revocation or
5 suspension of credentials or the refusal to renew any credential or status authorized
6 by this Chapter.

7 (4) Investigate complaints of illegal or unethical conduct or practices of those
8 holding any professional credential or status authorized by this Chapter, or any
9 candidate for same.

10 (5) Promulgate and publish rules and regulations for the purpose of
11 administering the provisions of this Chapter.

12 (6) Conduct hearings on charges pursuant to the Administrative Procedure
13 Act calling for disciplinary action against anyone holding a credential or status
14 authorized by this Chapter.

15 (7) Adopt a code of ethics for those holding a credential or status authorized
16 by this Chapter, which shall be no less stringent than those adopted by other health
17 care professionals.

18 (8) Prescribe and adopt regulations, standards, procedures and policies
19 governing the manner and conditions under which credit shall be given by the
20 department for participation in programs of education or experience, including
21 programs of continuing professional education, such as the department may consider
22 necessary.

23 (9) Maintain a complete roster of all those awarded a credential or status
24 under the provisions of this Chapter. The department may delegate to an appropriate
25 professional association, the responsibility of maintaining a roster or registry of
26 addiction treatment assistants or prevention assistants. This delegation may be upon
27 such terms and conditions as the department deems appropriate or necessary.

28 (10) Adopt and promulgate rules, regulations and standards for department
29 approval of institutions providing clinical training or education in areas pertaining

1 to a credential or status governed by the provisions of this Chapter.

2 (11) Issue subpoenas to require attendance, testimony and production of
3 documents in the process of enforcing the provisions of this Chapter and department
4 rules or in order to secure evidence or testimony pursuant to any investigation
5 conducted in furtherance of the department's authority or responsibility hereunder.

6 (12) Adopt and promulgate any rule, regulation, standard, or procedure
7 necessary to carry out the provisions of this Chapter.

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

15 §3389. Transition

16 **R.S. 37:3389 is all new law.**

17 A. The department may, in order to provide for an orderly transition of
18 authority, adopt any rule promulgated by the board prior to the effective date of this
19 Chapter and which was in effect at any time during the six month period immediately
20 preceding the effective date of this Chapter. All such rules shall be presumed adopted
21 unless and until specifically rescinded or replaced by the department.

22 B. The department shall perform an audit and inventory of the assets,
23 contracts, liabilities, obligations, regulatory activities and any records of the board.
24 The department is authorized to identify and take possession of any and all property
25 belonging to or pertaining to the board or any regulatory actions or functions of the
26 board. The audit and inventory shall be completed by September 1, 2005. The
27 department is authorized to take all necessary steps to initiate and complete the audit
28 and inventory, including, but not limited to taking any and all legal action necessary
29 to accomplish the purposes of this Chapter. Venue for any such legal action shall be

1 the Nineteenth Judicial District Court. At the commission's first regularly scheduled
2 meeting following September 1, 2005, the department shall report the findings of the
3 audit and inventory to the Louisiana Commission on Addictive Disorders.

4 C. Not later than March 1, 2006, the department shall review all contracts and
5 obligations entered into by the board, which arose prior to, or which were in effect
6 on the effective date of this Chapter. The department shall have the right to accept
7 or cancel any such contract or obligation. The cancellation provided for herein shall
8 be in writing. The written cancellation shall be transmitted to the other party or
9 parties to the contract or obligation. Accepting the contract or obligation shall have
10 the effect of substituting the department in the place of the board as obligee or
11 obligor. All contracts and obligations shall be deemed accepted unless and until
12 canceled in accordance with the provisions of this Chapter. No action taken by the
13 department in the furtherance of, or in accordance with, the terms of a contract or
14 obligation shall deprive the department of the right conferred herein to cancel the
15 contract or obligation. Nothing herein shall prohibit the department from canceling
16 a contract or obligation and entering into a new contract with the same party. The
17 right to cancel conferred herein shall expire one hundred eighty days after the date
18 on which the department reported on the audit and inventory to the Louisiana
19 commission on addictive disorders.

20 D. In order to assist the department in the orderly transition of authority there
21 is hereby established the transition advisory committee. The committee shall be
22 comprised of the following:

23 (1) Three persons designated by the board who served on the board during
24 the six months immediately preceding the effective date of this Chapter and who are
25 not members of the Louisiana Commission on Addictive Disorders.

26 (2) Three persons designated by the Louisiana Association of Substance
27 Abuse Counselors, who are not currently members of the Louisiana Commission on
28 Addictive Disorders.

29 (3) All members of the Louisiana Commission on Addictive Disorders.

1 (4) One psychiatrist and one physician shall be designated by the department
2 to serve as co-chairpersons of the transition advisory committee.

3 E. The transition advisory committee shall serve only until the audit and
4 inventory provided for herein is reported to the Louisiana Commission on Addictive
5 Disorders. Thereafter, the commission, as well as a physician and psychiatrist
6 designated by the department, shall serve the department in an advisory capacity
7 regarding the exercise of authority provided for in this Chapter. The department may
8 designate either one or both of the co-chairpersons of the transition advisory
9 committee to serve on this advisory group.

10 F. The department shall, at all regularly scheduled meetings of the Louisiana
11 Commission on Addictive Disorders, provide the commission with a report on the
12 exercise of the authority provided for in this Chapter. The report shall include, but
13 not be limited to, reports of rulemaking.

14 G. On or before March first of each year, the Louisiana Commission on
15 Addictive Disorders shall prepare a report for the Senate and House committees on
16 health and welfare. The report shall advise the committees on whether or not, in the
17 opinion of the commission, the profession of addiction counseling has developed
18 sufficiently to warrant the establishment of a board to assume the regulatory authority
19 and the transfer of authority from the department to such a board.

20 H. The regulatory authority granted herein to the department shall be
21 transferred to a board on July 1, 2007. The department shall take all necessary steps
22 to accomplish this transfer.

23 §3390. Prohibited practice; injunctive relief

24 **R.S. 37:3390 is all new law.**

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

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

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

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

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

12 §3390.1. Persons and practices not affected

13 **R.S. 37:3390.1 is all new law.**

14 A. Nothing in this Chapter shall be construed as preventing or restricting
15 practice, services, or activities of any person licensed or certified in this state, by any
16 other law, from engaging in the profession or occupation for which he is licensed or
17 certified.

18 B. Nothing in this Chapter shall be construed as prohibiting other licensed
19 professionals, including members of the clergy and Christian Science practitioners,
20 from the delivery of medical, psychotherapeutic, counseling, social work,
21 psychological, or educational services to substance abusers and their families.

22 C. Nothing in this Chapter shall be construed as prohibiting the activities of
23 any person recognized as a counselor or prevention specialist in training by the
24 department and employed or supervised in the manner prescribed by the department,
25 from carrying out specific tasks under professional supervision. The person
26 supervised shall not represent himself to the public as having any credential or status
27 which the department does not recognize him as having.

28 D. Nothing in this Chapter shall be construed as prohibiting the activities of
29 any student in an accredited educational institution, from carrying out activities that

1 are part of the prescribed course of study, provided such activities are authorized by
 2 this Chapter or by the department. Such student shall hold himself out to the public
 3 only by clearly indicating his student status and the profession in which he is being
 4 trained.

5 §3390.2. Reciprocity; other states

6 **R.S. 37:3390.2 is all new law.**

7 The department may recognize, grant or issue any credential or status
 8 authorized by this Chapter and without examination in this state, to any applicant
 9 holding a valid credential or status recognized or issued in another state, provided the
 10 department determines that the credential or status in question is based upon an
 11 examination or other requirements substantially equivalent to the requirements of this
 12 Chapter and such other requirements as may be prescribed by the department in
 13 accordance with the provisions of this Chapter. The department shall have the
 14 authority to determine which status or credential, and corresponding scope of
 15 practice, authorized by this Chapter should be allowed to an individual seeking
 16 reciprocity.

17 §3390.3. Disciplinary action; causes; hearing; appeal

18 **R.S. 37:3390.3 is all new law.**

19 A. The department shall have the power to deny, revoke or suspend any
 20 credential or status authorized by this Chapter, or otherwise discipline any person
 21 holding a credential or status authorized by this Chapter who:

22 (1) Has been convicted of any offense which constitutes a felony under the
 23 laws of this state, whether or not the conviction was in a court in this state.
 24 “Conviction,” as used herein, shall include a finding or verdict of guilt, an admission
 25 of guilt, or a plea of nolo contendere.

26 (2) Has been declared insane or incompetent by a court of law.

27 (3) Violates any provision of the ethical standards to which the department
 28 subscribes.

29 (4) Attempts to practice medicine, psychology, or social work without being

1 licensed in such professions.

2 (5) Is impaired in delivery of professional services because of substance
3 abuse, compulsive gambling, or because of medical or psychiatric disability.

4 (6) Without authority provides drugs or other restricted chemical substances
5 to another person.

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

8 (8) Engages in sexual misconduct with a client or a family member of a
9 client.

10 (9) Obtained a credential or status by means of fraud, misrepresentation, or
11 concealment of material facts.

12 (10) Has been found guilty of fraud or deceit in connection with services
13 rendered.

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

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

19 (13) Has violated any provisions of this Chapter.

20 (14) Has had his certificate or registration to practice disciplined by another
21 state, territory, or district of the United States.

22 (15) Has been found guilty of unprofessional conduct, including departing
23 from, or failing to conform to, the minimal standards of acceptable and prevailing
24 practice. Actual injury to a client need not be established.

25 B. The department shall adopt rules and procedures establishing a
26 disciplinary process which shall, at a minimum, comply with the following:

27 (1) Any person whose credential or status is sought to be disciplined in
28 accordance with the provisions of this Chapter shall be given thirty days notice in
29 writing enumerating the charges and specifying the date for a hearing before the

1 department conducted in accordance with applicable provisions of the Administrative
2 Procedure Act, R.S. 49:950 et seq.

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

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

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

14 C. Any person aggrieved by a decision of the department in a disciplinary
15 hearing may appeal the decision within thirty days to the district court for the parish
16 wherein the hearing was held pursuant to the Administrative Procedure Act.

17 D. In addition to the disciplinary action or fines assessed by the department,
18 the department may assess all costs incurred in connection with the proceedings
19 including, but not limited to, investigation, court reporting, attorney fees and court
20 costs.

21 §3390.4. Confidentiality

22 **R.S. 37:3390.4 is all new law.**

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

27 (1) With the written consent of the client, or in the case of death or disability,
28 with the written consent of his personal representative, other persons authorized to
29 sue, or the beneficiary of any insurance policy on his life, health, or physical

1 condition.

2 (2) When the person is a minor under the age of eighteen and the information
3 acquired indicates that the child was the victim or subject of a crime, then, the person
4 having received the information may be required to testify fully in relation thereto
5 upon any examination, trial, or other proceeding in which the commission of such
6 crime is a subject of inquiry, unless otherwise prohibited by law.

7 (3) When the person is a minor under the age of eighteen and the information
8 acquired shall be disclosed pursuant to any law which mandates the reporting of
9 certain information relative to minors and the persons or agencies to whom the
10 information shall be disclosed.

11 (4) When, unless otherwise prohibited by law, a communication reveals the
12 contemplation of a crime or harmful act.

13 (5) When the person waives the privilege by filing a complaint with the
14 department or otherwise invokes the jurisdiction of the department.

15 §3390.5. Penalties

16 **R.S. 37:3390.5 is all new law.**

17 Whoever violates any provision of this Chapter shall be guilty of a
18 misdemeanor and shall be punished by a fine of not less than one hundred dollars nor
19 more than five hundred dollars, or imprisonment for not more than six months, or
20 both.

21 §3390.6. Addictive Disorders Professionals Licensing and Certification Fund

22 **R.S. 37:3390.6 is all new law.**

23 A. There is hereby established in the state treasury a special fund to be known
24 as the "Addictive Disorders Professionals Licensing and Certification Fund,"
25 hereinafter referred to as the "fund."

26 B. Out of the funds remaining in the Bond Security and Redemption Fund
27 after a sufficient amount is allocated from that fund to pay all obligations secured by
28 the full faith and credit of the state that become due and payable within a fiscal year,
29 the treasurer in each fiscal year shall pay into the fund an amount equal to the total

1 amount of all donations, penalties, and licensing and certification fees collected
 2 pursuant to the provisions of this Chapter.

3 C. The monies in this fund shall be used solely as provided in Subsection D
 4 hereof and only in the amounts appropriated by the legislature. All unexpended and
 5 unencumbered monies in the fund at the end of the fiscal year shall remain in the
 6 fund and be available for appropriation in the next fiscal year in the same manner as
 7 provided herein. Monies in the fund shall be invested by the state treasurer with the
 8 same authority and subject to the same restrictions as for investment of the state
 9 general fund. Interest earned on the investment of these monies shall be credited to
 10 the state general fund.

11 D. The monies in the fund shall be used by the Department of Health and
 12 Hospitals solely for the administration, monitoring, and enforcement of the licensing
 13 and certification provisions of this Chapter.

14 E. The department shall, by rule, adopt a schedule of fees and penalties to be
 15 charged relative to the issuance of licenses and certifications, as provided in this
 16 Chapter.

17 Section 4. R.S. 46:2503(A) is hereby amended and reenacted to read as follows:

18 §2503. Commission duties and responsibilities

19 A. The commission shall advise the office for addictive disorders, ~~the~~
 20 ~~Louisiana State Board of Certification of Substance Abuse Counselors~~, and officers
 21 of any other state department concerning the policy of the state with respect to
 22 addictive disorders. However, the provisions of this Chapter shall not apply to the
 23 Substance Abuse Prevention Education Program of the Department of Education and
 24 the Highway Safety Act of 1966 (P.L. 89-564) administered by the Highway Safety
 25 Commission of the Department of Public Safety and Corrections.

26 * * *

27 Section 5. R.S. 36:259(E)(19), R.S. 37:3371 through 3384, and R.S. 46:2503(E) are
 28 hereby repealed.

29 Section 6. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____