

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 1837

S.P. 699

In Senate, December 8, 1989

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Received by the Secretary of the Senate on December 8, 1989. Referred to the Committee on Business Legislation and 1,600 ordered printed pursuant to Joint Rule 14.

Joy J. O'Brien
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec.
Cosponsored by Representative ROLDE of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

An Act Related to the State Board of Substance Abuse Counselors.

(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not
2 become effective until 90 days after adjournment unless enacted
as emergencies; and

4
Whereas, the State is experiencing a shortage of licensed
6 substance abuse counselors; and

8
Whereas, the current examination practices of the State
Board of Substance Abuse Counselors are not clearly defined; and

10
Whereas, the laws governing the design and delivery of the
12 examinations for licensing substance abuse counselors do not
specify measurement and evaluation criteria; and

14
Whereas, in the judgment of the Legislature, these facts
16 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
18 necessary for the preservation of the public peace, health and
safety; now, therefore,

20
Be it enacted by the People of the State of Maine as follows:

22
Sec. 1. 32 MRSA §6208-A, sub-§1, as amended by PL 1989, c.
24 503, Pt. B, §149, is further amended to read:

26
1. **Membership.** The State Board of Substance Abuse
Counselors, as established by Title 5, section 12004-A,
28 subsection 41, shall consist of 9 11 members. Nine members shall
be appointed by the Governor. One member shall be the Director
30 of the Office of Alcoholism and Drug Abuse Prevention or a
designee. One member, appointed by the Chancellor of the
32 University of Maine System, shall be a member of the university
faculty involved in the training of substance abuse counselors.
34 Seven Of these 11 members, 5 members shall be licensed, certified
or registered substance abuse counselors. Two members shall be
36 nonproviders, one of whom shall be a consumer of substance abuse
services. One member shall be a public member. One member shall
38 be a representative of a regional alcohol and drug abuse
council. Members must represent a broad geographic distribution
40 of the State.

42
Sec. 2. 32 MRSA §6210, as repealed and replaced by PL 1983,
c. 413, §213, is amended to read:

44
§6210. Meetings; elections; quorum

46
The board shall meet at least once a year to conduct ~~is~~ its
48 business and elect its officers. Additional meetings shall be
held as necessary to conduct the ~~the~~ business of the board, and
50 may be convened at the call of the ~~chairman~~ chair or a majority
of the board members. Five members of the board shall constitute
52 a quorum for all purposes.

2 The board may shall elect a chairman chair, secretary and
4 treasurer. The board shall keep such records and minutes as are
necessary to the ordinary dispatch of its functions.

6 **Sec. 3. 32 MRSA §6212, sub-§1**, as amended by PL 1987, c. 395,
8 Pt. A, §201, is further amended to read:

10 **1. Set standards.** In addition to those standards set forth
12 in section 6213, the board in consultation with the Office of
14 Alcoholism and Drug Abuse Prevention may set additional standards
of eligibility for persons desiring to become substance abuse
16 counselors. Any standards of eligibility set by the board must
be clearly defined, measurable, written, in accordance with
accepted standards, and available to the public upon request.

18 **Sec. 4. 32 MRSA §6212, sub-§2**, as enacted by PL 1977, c. 466,
§2, is amended to read:

20 **2. Adopt criteria.** The board, in cooperation with the
22 Office of Alcoholism and Drug Abuse Prevention, may design and
adopt an examination or other suitable criteria for establishing
24 a candidate's knowledge, skill and experience in substance abuse
counseling. Any criteria adopted by the board for establishing a
candidate's knowledge, skill and experience in substance abuse
26 counseling must be clearly defined, have an established base-line
scoring procedure that is objectively measured, be in writing and
28 available to the public upon request.

30 **Sec. 5. 32 MRSA §6212, sub-§3**, as amended by PL 1987, c. 395,
32 Pt. A, §201, is further amended to read:

34 **3. Registration and standards.** The board may register and
36 set standards of practice for licensed, certified and registered
substance abuse counselors working in Maine. Any standards set
by the board for practice for licensed, certified and registered
38 substance abuse counselors working in Maine must be clearly
defined, measurable, written, in accordance with accepted
standards, and available to the public upon request. Educational
40 background must be a consideration in any licensing or
registration standards adopted by the board.

42 **Sec. 6. 32 MRSA §6212, sub-§4-A** is enacted to read:

44 **4-A. Advisory committee.** Within 30 days of the effective
46 date of this subsection, the board shall establish an advisory
committee composed of representatives from the University of
48 Maine System substance abuse training program, the Maine
association of substance abuse programs, the regional alcoholism
50 and drug abuse councils, the Office of Alcoholism and Drug Abuse
Prevention, the Legislature and any other representatives the
52 board considers appropriate. The committee shall review current

2 licensing standards, examine educational requirements, study
3 reciprocity with other states and review criteria for licensure.
4 This committee shall make recommendations for updating and
5 revising the licensing procedures, standards and practices of the
6 board and for statutory modifications to be presented to the
7 Legislature for consideration.

8 **Sec. 7. 32 MRSA §6212, sub-§7, as enacted by PL 1983, c. 413,**
9 **§216, is amended to read:**

10

11 **7. Hearings.** Hearings may shall be conducted by the board
12 to assist with investigations, to determine whether grounds exist
13 for suspension, revocation or denial of registration, or as
14 otherwise deemed necessary to the fulfillment of its
15 responsibilities under this chapter.

16

17 The board shall not refuse to renew registration for any reason
18 other than failure to pay a required fee, unless it has afforded
19 the licensee an opportunity for an adjudicatory hearing. The
20 board shall hold an adjudicatory hearing at the written request
21 of any person who is denied registration without a hearing for
22 any reason other than failure to pay a required fee, provided
23 that the request for hearing is received by the board within 30
24 days of the applicant's receipt of written notice of the denial
25 of his application, the reasons for the denial of his application
26 and his the applicant's right to request a hearing. Hearings
27 shall be conducted in conformity with the Maine Administrative
28 Procedure Act, Title 5, chapter 375, subchapter IV, to the extent
29 applicable. The board may subpoena witnesses, records and
30 documents in any hearing it conducts.

31 **Sec. 8. 32 MRSA §6216, as enacted by PL 1977, c. 466, §2, is**
32 **repealed and the following enacted in its place:**

33

34 **§6216. Examinations**

35

36 Written or oral examinations or written and oral
37 examinations must be held at least twice a year. At least one
38 examination must be held in the northern part of the State and at
39 least one examination must be held in the southern part of the
40 State. The examinations must be graded using established written
41 base-line scores for failure or passage, be based on accepted
42 substance abuse counseling criteria and include measurable and
43 clearly defined procedures for grading the results and issuing a
44 pass or fail decision. Decisions on all examinations, oral and
45 written, must be in writing and include a grade, a summary of the
46 criteria for the grade and an explanation of the procedure for
47 reexamination or appeal. Notice of the examination results must
48 be forwarded to the applicants within 15 days of the date on
49 which the examination was conducted. The notice must include a
50 written explanation of the appeal process.

51

2 The appeal process must include an outside review as
3 established by rules promulgated by the board under the
4 procedures established by the Maine Administrative Procedure Act,
5 Title 5, chapter 375, subchapter II. Failure of an applicant to
6 take a portion of the exam because of administrative delays or
7 the board's failure to comply with the time deadlines and written
8 notice requirements outlined in this section does not constitute
9 reason to deny provisional license status until such time as the
10 exam may be completed. All applicants have the right to review
11 their test results and any scoring comments.

12 **Emergency clause.** In view of the emergency cited in the
13 preamble, this Act shall take effect when approved.

14

16

STATEMENT OF FACT

18

19 This bill clarifies the design, administration, delivery and
20 evaluation of licensing of substance abuse counselors.