

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1343

S.P. 505

In Senate, March 28, 1991

Reference to the Committee on Business Legislation suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator BUSTIN of Kennebec  
Cosponsored by President PRAY of Penobscot and Representative DAGGETT of Augusta.

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STATE OF MAINE

---

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

---

**An Act Related to the Board of Licensure for Substance Abuse  
Counselors.**

---



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

2  
4       Sec. 1. 32 MRSA §6203, sub-§1-A is enacted to read:

6       1-A. College level course. "College level course" means  
8       any education class or program that includes at least 15 contact  
10       hours per credit.

12       Sec. 2. 32 MRSA §6203, sub-§2, as amended by PL 1987, c. 395,  
14       Pt. A, §194, is further amended to read:

16       2. Consumer of substance abuse services. A "consumer of  
18       substance abuse services" is a person affected by or ~~recovered~~  
20       recovering from alcoholism, ~~chronic intoxication,~~ or other drug  
22       abuse ~~or drug dependency having evidenced a minimum of 2 years of~~  
24       sobriety ~~or abstention from drug abuse.~~

26       Sec. 3. 32 MRSA §6203, sub-§3, as enacted by PL 1977, c. 466,  
28       §2, is amended to read:

30       3. Nonprovider. A "nonprovider" means an individual who  
32       neither is presently nor has been any of the following for the  
34       past 3 years:

36       A. A substance abuse counselor;

38       B. An administrator or board member of a facility or  
40       program which that provides substance abuse services; or

42       C. The spouse of any of those persons listed in paragraphs  
44       A and B.

46       Sec. 4. 32 MRSA §6203, sub-§4-A, as enacted by PL 1987, c.  
48       395, Pt. A, §194, is amended to read:

50       4-A. Associate substance abuse counselor. "Associate  
52       ~~Substance Abuse Counselor~~ substance abuse counselor" means a  
54       practitioner who provides the primary service of professional  
56       substance abuse counseling to the public, ~~who demonstrates a~~  
58       ~~competency in substance abuse counseling to particular settings,~~  
60       ~~client populations or who are lacking in some areas of counseling~~  
62       ~~skills to be capable of working independently for a fee, monetary~~  
64       ~~or otherwise, who does not engage in private practice and who~~  
66       meets the criteria established in sections 6213 and 6214-A for an  
68       associate substance abuse counselor.

70       Sec. 5. 32 MRSA §6203, sub-§5, as amended by PL 1987, c. 395,  
72       Pt. A, §194, is further amended to read:

74       5. Licensed substance abuse counselor. "Licensed substance  
76       abuse counselor" means an individual who is providing the primary  
78       service of professional substance abuse counseling to the public,

2 ~~who has demonstrated a broad range of clinical skills in the~~  
3 ~~field of substance abuse counseling and is capable of working~~  
4 ~~with a wide range of clients, in a wide range of treatment~~  
5 ~~settings, and has demonstrated a competency to work independently~~  
6 for a fee, monetary or otherwise, and who meets the criteria  
7 established in sections 6213 and 6214-A for a licensed substance  
8 abuse counselor.

9  
10 **Sec. 6. 32 MRSA §6203, sub-§6**, as enacted by PL 1977, c. 466,  
11 §2, is amended to read:

12 **6. Substance abuse counseling services.** "Substance abuse  
13 counseling services" are those counseling services offered for a  
14 fee, monetary or otherwise, as part of the treatment and  
15 rehabilitation of persons abusing ~~chemical substances~~ alcohol or  
16 other drugs. The purpose of substance abuse counseling services  
17 is to help individuals, families and groups confront and resolve  
18 problems caused by the abuse of ~~chemical substances~~ alcohol or  
19 other drugs. Substance abuse counseling services are the 12 core  
20 functions defined by rule of the board.

21  
22 **Sec. 7. 32 MRSA §6203, sub-§7**, as amended by PL 1987, c. 395,  
23 Pt. A, §194, is repealed.

24  
25  
26 **Sec. 8. 32 MRSA §6204**, as amended by PL 1987, c. 395, Pt. A,  
27 §195, is further amended to read:

28 **§6204. Reporting**

29  
30 No later than August 1st of each year, the board shall  
31 submit to the Commissioner of Professional and Financial  
32 Regulation, for the preceding fiscal year ending June 30th, an  
33 annual report of its operations and financial position, together  
34 with such comments and recommendations as the board deems  
35 essential. The Commissioner of Professional and Financial  
36 Regulation shall maintain the board's funds in a separate account  
37 and shall provide the board with a quarterly accounting of its  
38 revenues and expenses. When submitting any budget request to the  
39 Legislature, the Department of Professional and Financial  
40 Regulation and the Governor shall provide that any funds for the  
41 State Board of Substance Abuse Counselors be listed in a separate  
42 account.

43  
44  
45 **Sec. 9. 32 MRSA §6205**, as repealed and replaced by PL 1987,  
46 c. 395, Pt. A, §196, is amended to read:

47 **§6205. Licensing**

48  
49 No ~~A~~ person may ~~represent himself~~ not, unless specifically  
50 exempted by this chapter, practice as a substance abuse counselor  
51 or profess to the public to be, or assume or use the title or  
52

2 designation of, "inactive substance abuse counselor," "licensed  
substance abuse counselor," or "associate substance abuse  
4 counselor," "~~registered--substance--abuse--counselor~~" or the  
abbreviation "I.S.A.C.," "L.S.A.C.," or "A.S.A.C." or "~~R.S.A.C.~~"  
6 or any other title, designation, words, letters or device tending  
to indicate that such a person is a "~~licensed,~~" "~~associate~~"  
8 licensed or "~~registered~~" "registered,  
unless such person is licensed or registered with and holds a  
10 current and valid license or certificate of registration from the  
board. Any person who offers or gives substance abuse counseling  
12 services in violation of this section shall must be punished,  
upon conviction, by a fine of not less than \$50 and not more than  
\$500 for each such offense.

14  
16 **Sec. 10. 32 MRSA §6206**, as amended by PL 1987, c. 395, Pt. A,  
§197, is repealed and the following enacted in its place:

18 **§6206. Exemptions**

20 1. Peer groups; self-help. Nothing in this chapter may  
prevent any person from engaging in or offering substance abuse  
22 services such as self-help, sponsorship through alcoholics or  
narcotics anonymous groups or other uncompensated substance abuse  
24 assistance.

26 2. Government and school employees. Nothing in this  
chapter may be construed to apply to the activities and services  
28 of an employee or other agent of a recognized academic  
institution; a federal, state, county or local government  
30 institution, a program agency or facility; or a school committee,  
school district, school approved for attendance purposes pursuant  
32 to Title 20-A, section 2901, school board or board of trustees,  
if the individual is performing those activities solely within  
34 the agency or under the jurisdiction of that agency and if a  
license granted under this chapter is not a requirement for  
36 employment.

38 3. Clergy. Nothing in this chapter may be construed to  
apply to the activities and services of any priest, rabbi, member  
40 of the clergy, Christian Science healer, or minister of the  
gospel of any religious denomination when performing counseling  
42 services as part of religious duties and in connection with a  
specific synagogue or church of any religious denomination.

44  
46 4. Interns. Nothing in this chapter may be construed to  
apply to the activities and services of a student, intern or  
48 trainee in substance abuse counseling pursuing a course of study  
in counseling in a regionally accredited institution of higher  
50 education or training institution, if these activities are  
performed under supervision and constitute a part of the  
52 supervised course of study.

2 5. Other licensed counseling professionals. Nothing in  
3 this chapter may prevent any other licensed counseling  
4 professional from engaging in or offering substance abuse  
5 counseling services if such a person does not profess to be  
6 providing the primary service of a substance abuse counselor.

7 **Sec. 11. 32 MRSA §6207**, as repealed and replaced by PL 1987,  
8 c. 395, Pt. A, §198, is amended to read:

10 **§6207. Registration required**

12 1. **Substance abuse counselor.** In order to safeguard the  
13 health and safety of Maine's citizens, any person who performs or  
14 offers to perform substance abuse counseling services as--the  
15 primary--service--provided for a fee, monetary or otherwise, and  
16 referring--to--himself--as professes to be a substance abuse  
17 counselor shall--be is required to submit evidence that--he--is  
18 qualified of the qualifications to se practice and shall must be  
19 registered, certified or licensed in accordance with this chapter.

20 2. **Evidence of qualifications.** Any individual who is  
21 providing the primary service of professional substance abuse  
22 counseling to the public for a fee, monetary or otherwise, and  
23 who is not employed in a program certified or licensed by the  
24 State shall--be is required to submit evidence that--he--is  
25 qualified of the qualifications to practice and shall must be  
26 licensed as a licensed substance abuse counselor as provided in  
27 this subchapter. Any individual who is providing the service of  
28 substance abuse counseling to the public for a fee, monetary or  
29 otherwise, and who is employed in a program certified or licensed  
30 by the State is required to register or be licensed pursuant to  
31 this chapter.

32 3. ~~Registration. Any individual who is providing the~~  
33 ~~primary service of professional substance abuse counseling to the~~  
34 ~~public, has demonstrated a competency in substance abuse~~  
35 ~~counseling to particular settings or client populations and is~~  
36 ~~employed in a program certified or licensed by the State must be~~  
37 ~~registered with the board or may be certified as an associate~~  
38 ~~substance abuse counselor as provided in this subchapter.~~

39 **Sec. 12. 32 MRSA §6208-A, sub-§1**, as amended by PL 1989, c.  
40 831, §1, is further amended to read:

41 1. **Membership.** The State Board of Substance Abuse  
42 Counselors, as established by Title 5, section 12004-A,  
43 subsection 41, shall--eonsist consists of 11 members. Nine  
44 members shall--be are appointed by the Governor. One member shall  
45 must be the Director of the Office of Alcoholism and Drug Abuse  
46 Prevention Substance Abuse or a designee. One member, appointed  
47 by the Chancellor of the University of Maine System, shall must  
48 be a member of the university faculty involved in the training of  
49

2 substance abuse counselors. Of these 11 members, 5 members shall  
3 must be licensed substance abuse counselors. Two members shall  
4 must be nonproviders, one of whom shall must be a family member  
5 of a consumer of substance abuse services or a consumer of  
6 substance abuse services who has abstained from the use of  
7 alcohol and other drugs for a period of at least 2 years. One  
8 member shall must be a public member. One member shall must be a  
9 representative of a regional alcohol and drug abuse council.  
10 Members must represent a broad geographic distribution of the  
11 State and must be from among the professional associations  
12 representative of the field.

13 Sec. 13. 32 MRSA §6210, as amended by PL 1989, c. 831, §2, is  
14 further amended to read:

15 **§6210. Meetings; elections; quorum**

16 The board shall meet at least once a year to conduct its  
17 business and elect its officers. Additional meetings shall may  
18 be held as necessary to conduct the business of the board, and  
19 may be convened at the call of the chair or a majority of the  
20 board members. Five Six members of the board shall constitute a  
21 quorum for all purposes.

22 The board shall elect a chair and secretary such officers as  
23 determined necessary to carry out the business of the board. The  
24 board shall keep such records and minutes as are necessary to the  
25 ordinary dispatch of its functions.

26 Sec. 14. 32 MRSA §6212, sub-§1, as amended by PL 1989, c. 831,  
27 §3, is further amended to read:

28 ~~1. Set standards. In addition to those standards set forth~~  
29 ~~in section 6213, the board in consultation with the Office of~~  
30 ~~Alcoholism and Drug Abuse Prevention may set additional standards~~  
31 ~~of eligibility for persons desiring to become substance abuse~~  
32 ~~counselors. The board shall administer and enforce this chapter,~~  
33 set forth education and examination standards and evaluate the  
34 qualifications for licensure. Any standards of eligibility set  
35 by the board must be clearly defined, measurable, and written, in  
36 accordance with accepted standards, and available to the public  
37 upon request.

38 Sec. 15. 32 MRSA §6212, sub-§2, as amended by PL 1989, c. 831,  
39 §4, is further amended to read:

40 ~~2. Adopt criteria. The board, in cooperation with the~~  
41 ~~Office of Alcoholism and Drug Abuse Prevention Substance Abuse,~~  
42 may design and adopt an examination or other suitable criteria  
43 for establishing a candidate's knowledge, skill and experience in  
44 substance abuse counseling. Any criteria adopted by the board  
45 for establishing a candidate's knowledge, skill and experience in

2 substance abuse counseling must be clearly defined, have an  
3 established base-line baseline scoring procedure that is  
4 objectively measured, be in writing and available to the public  
upon request.

6 **Sec. 16. 32 MRSA §6212, sub-§3**, as amended by PL 1989, c. 831,  
§5, is further amended to read:

8  
9 **3. Registration and standards.** The board may register and  
10 set standards of practice for ~~licensed, certified and registered~~  
11 all persons practicing as substance abuse counselors who are  
12 working in Maine. Any standards set by the board for practice  
13 for ~~licensed, certified and registered~~ substance abuse counselors  
14 working in Maine must be clearly defined, measurable, and  
15 written, in accordance with accepted standards, and available to  
16 the public upon request. Educational background must be a  
17 consideration in any licensing or registration standards adopted  
18 by the board.

20 **Sec. 17. 32 MRSA §6212, sub-§6**, as repealed and replaced by PL  
1983, c. 413, §215, is amended to read:

22  
23 **6. Complaints.** The board shall investigate, or cause to be  
24 investigated, all complaints made to it and all cases of  
25 noncompliance with or other violation of this chapter or any  
26 rules adopted by the board.

28 **Sec. 18. 32 MRSA §6212, sub-§7**, as amended by PL 1989, c. 831,  
§7, is further amended to read:

30  
31 **7. Hearings.** Hearings shall must be conducted by the board  
32 to assist with investigations, to determine whether grounds exist  
33 for suspension, revocation or denial of registration,  
34 certification or licensure, or as otherwise deemed necessary to  
the fulfillment of its responsibilities under this chapter.

36  
37 The board shall may not refuse to renew registration,  
38 certification or licensure for any reason other than failure to  
39 pay a required fee, unless it has afforded the licensee an  
40 opportunity for an adjudicatory hearing. The board shall hold an  
41 adjudicatory hearing at the written request of any person who is  
42 denied registration, certification or licensure without a hearing  
43 for any reason other than failure to pay a required fee, provided  
44 that the request for hearing is received by the board within 30  
45 days of the applicant's receipt of written notice of the denial  
46 of application, the reasons for the denial of application and the  
47 applicant's right to request a hearing. Hearings shall must be  
48 conducted in conformity with the Maine Administrative Procedure  
49 Act, Title 5, chapter 375, subchapter IV, to the extent  
50 applicable. The board may subpoena witnesses, records and  
documents in any hearing it conducts.

52



2                   Sec. 19. 32 MRSA §6212, sub-§§8 to 10 are enacted to read:

4                   8. Records. The board shall keep records and minutes for  
the ordinary dispatch of its functions.

6                   9. Code of ethics. The board shall adopt a code of ethics  
generally in keeping with standards established by the national  
8                   professional associations concerned with the areas of board  
responsibility.

10                  10. Issue licenses. The board shall issue licenses as  
12                  necessary to implement this chapter.

14                  Sec. 20. 32 MRSA §6213, as amended by PL 1987, c. 395, Pt. A,  
§203, is further amended to read:

16                  §6213. Eligibility requirements for persons providing  
18                  substance abuse counseling

20                  To be eligible to apply for registration as a licensed or  
asseeiate practice as a substance abuse counselor, an applicant  
22                  shall must:

24                  1. Age; education. Be at least 18 years of age, have a high  
school diploma or its equivalent and demonstrate trustworthiness  
26                  and competence to engage in the practice of substance abuse  
counseling in such a manner as to safeguard the interests of the  
28                  public; and

30                  ~~2. Qualifications. Have been employed in the profession of~~  
substance abuse counseling for a minimum of 2 years or have the  
32                  equivalent of 2 years of paid employment as a substance abuse  
counselor. ~~In determining such equivalent, an applicant shall~~  
34                  ~~have been employed at least one year in the profession of~~  
substance abuse counseling and the board may substitute  
36                  work-based educational experience for the remaining period of  
required paid employment at a rate of no less than 2 months of  
38                  work-based educational experience for each one-month period of  
required paid employment. ~~In determining such equivalent, an~~  
40                  ~~applicant shall have been employed at least 1 1/2 years in the~~  
profession of substance abuse counseling and the board may  
42                  substitute volunteer work for the remaining period of required  
paid employment at a rate of no less than 2 months of volunteer  
44                  work for each one-month period of required paid employment; and

46                  3. Abstinence from drugs and alcohol. Have abstained from  
the active abuse of alcohol or any other drug which that in the  
48                  judgment of the board has been or could have been detrimental to  
the applicant's performance or competency as a substance abuse  
50                  counselor. It is strongly recommended that applicants have  
abstained for at least the 2-year period immediately preceding  
52                  the date on which application is made. In considering an

2 applicant for registration, the board shall ~~may~~ not consider a  
3 history of previous alcoholism or drug addiction as an essential  
4 qualification nor disqualification for certification or licensure.

6 Sec. 21. 32 MRSA §6213-A, as enacted by PL 1987, c. 395, Pt.  
7 A, §204, is amended to read:

8 **§6213-A. Eligibility requirements for registration**

10 ~~To be eligible to apply for registration as a registered~~  
11 ~~substance abuse counselor, an applicant shall notify the State~~  
12 ~~Board of Substance Abuse Counselors and provide their name,~~  
13 ~~address and any other information as deemed necessary by the~~  
14 ~~board. An individual may not practice as a substance abuse~~  
15 ~~counselor for a fee, monetary or otherwise, unless that~~  
16 ~~individual is licensed pursuant to this chapter or registers with~~  
17 ~~the board. Each individual who is not licensed and who engages~~  
18 ~~in substance abuse counseling shall register with the board every~~  
19 ~~2 years. Each individual who registers shall fill out a form~~  
20 ~~designed by the board. A person registered to provide substance~~  
21 ~~abuse services may not practice without supervision or engage in~~  
22 ~~private practice.~~

24 Sec. 22. 32 MRSA §6214-A, as enacted by PL 1987, c. 395, Pt.  
25 A, §206, is amended to read:

26 **§6214-A. Eligibility requirements for qualification as a licensed**  
27 **substance abuse counselor or associate substance abuse**  
28 **counselor**

30 1. Associate substance abuse counselor. The board shall  
31 issue a license certificate to practice as an associate substance  
32 abuse counseling counselor upon the affirmative vote of at least  
33 5 6 members of the board to any applicant who has satisfactorily  
34 met the following minimal requirements:

36 A. Met the eligibility requirements set forth in section  
37 6213 and attained the age of 21 years;

38 B. Obtained a passing grade, as established by the board,  
39 on any examinations the written examination prescribed by  
40 the board may prescribe by its rules;

41 C. Completed ~~30-semester~~ 300 clock hours of college-level  
42 course-work education in appropriate social science fields  
43 or its equivalent in appropriate substance abuse training,  
44 and, with at least 50% of the education in college level  
45 courses related to the 12 core functions defined by rule of  
46 the board;

47 D. ~~Met any other criteria the board may prescribe by its~~  
48 rules. Completed 4,000 supervised direct client service  
49  
50  
51  
52

2 hours in the 12 core functions defined by rule of the  
3 board. This work experience may be gained in any supervised  
4 activity, including volunteer work or student placement,  
5 that relates to the core functions; and

6 E. Demonstrated a competency in substance abuse counseling  
7 in one particular setting or client population.

8  
9 An associate substance abuse counselor may not practice without  
10 supervision or engage in private practice.

11  
12 **2. Licensed substance abuse counselor.** The board may issue  
13 ~~a certificate of registration as an associate~~ a license to  
14 practice as a licensed substance abuse counselor upon the  
15 affirmative vote of 5 6 members of the board to any applicant who  
16 has met the following minimal requirements:

17  
18 A. Met the eligibility requirements set forth in section  
19 6213;

20  
21 B. Obtained a passing grade, as established by the board,  
22 on the written exam and oral examinations and  
23 ~~a provisionally-passing grade on the oral exam, as established~~  
24 by the board and has prescribed by its rules; and

25  
26 C. ~~Met any other criteria the board may prescribe by its~~  
27 ~~rules.~~ Obtained at least an associate's degree in an  
28 appropriate social science field from an accredited  
29 institution or program approved by the board with a  
30 concentration of course work in the 12 core functions  
31 defined by rule of the board;

32  
33 D. Completed a minimum of 4,000 supervised direct client  
34 service hours in the 12 core functions defined by rule of  
35 the board. This work experience may be gained in any  
36 supervised activity, including volunteer work or student  
37 placement, that relates to the core functions described in  
38 the board's licensing examination; and

39  
40 E. Demonstrated a competency in substance abuse counseling  
41 and a broad range of clinical skills in the field of  
42 substance abuse counseling and the capability to work with a  
43 wide range of clients, in a wide range of treatment settings  
44 and to work independently.

45  
46 **3. Reapplication for certificate.** Any applicant who is not  
47 issued a license or a certificate of registration may again apply  
48 for registration after a period of not less than 6 months from  
49 the date of the last denial.

50  
51 **4. Other qualifications.** Any individual who has obtained a  
52 master's degree in counseling, substance abuse or a related

2 field, who can document 1,000 hours of direct service to clients  
3 with problems related to substance abuse, is eligible to apply  
4 for licensure and must be licensed in accordance with this  
5 chapter. The board may adopt rules to recognize exceptional  
6 education or experience that qualifies an applicant to apply for  
7 licensure.

8 Sec. 23. 32 MRSA §6214-B, first ¶, as enacted by PL 1987, c.  
9 395, Pt. A, §206, is amended to read:

10 Any person registered by the board as a registered substance  
11 abuse counselor, R.S.A.C., prior to ~~the effective date of this~~  
12 ~~section~~ September 1, 1987, shall ~~is~~ automatically be licensed as  
13 a licensed substance abuse counselor, L.S.A.C.

14 Sec. 24. 32 MRSA §6214-B, as enacted by PL 1987, c. 395, Pt.  
15 A, §206, is amended by adding at the end a new paragraph to read:

16 Any person who is licensed by the board as an associate  
17 substance abuse counselor, licensed substance abuse counselor or  
18 inactive substance abuse counselor who was actively engaged as a  
19 substance abuse counselor for one year prior to October 1, 1993,  
20 is deemed to have met all the requirements for that person's  
21 respective credential. Any registered substance abuse counselor  
22 shall, after October 1, 1993, cease using the title "registered  
23 substance abuse counselor" or the initials "R.S.A.C." unless that  
24 person has met the standards for licensure that existed prior to  
25 that date.

26 Sec. 25. 32 MRSA §6215, as amended by PL 1989, c. 831, §8, is  
27 further amended to read:

28 **§6215. Application; membership fees**

29 Application for registration as a registered substance abuse  
30 counselor, licensure as a licensed substance abuse counselor or  
31 certification as an associate substance abuse counselor must be  
32 on forms prescribed and furnished by the board. Application and  
33 examination fees may be established by the board in amounts that  
34 are reasonable and necessary for their respective purposes. A  
35 biennial registration fee for registered substance abuse  
36 counselors must be established by the board in an amount not to  
37 exceed \$50 biennially. A biennial registration fee for licensed  
38 substance abuse counselors and must be established in an amount  
39 not to exceed \$250. A biennial registration fee for associate  
40 substance abuse counselors must be established by the board in an  
41 amount not to exceed \$100. The payment of fees is suspended  
42 during the term of inactive status.

43 Sec. 26. 32 MRSA §6216, first ¶, as repealed and replaced by PL  
44 1989, c. 831, §9, is amended to read:

2 The board shall make reasonable arrangements for written and  
4 oral examinations to be held at such times and places as  
6 necessary to accommodate those persons applying to take the  
8 examinations. The examinations must be graded using established  
10 written base-line scores for failure or passage, be based on  
12 accepted substance abuse counseling criteria and include  
14 measurable and clearly defined procedures for grading the results  
16 and issuing a pass or fail decision. Decisions on all  
18 examinations, oral and written, must be in writing and include a  
20 grade, a summary of the criteria for the grade and an explanation  
22 of the procedure for reexamination or appeal. Notice of the  
24 examination results must be forwarded to the applicants within 15  
26 days of the date on which the examination was conducted. The  
28 notice must include a written explanation of the appeal process.  
30 The board may use fees generated from examinations to pay  
32 examination evaluators.

34 Sec. 27. 32 MRSA §6217-A, sub-§5, as repealed and replaced by  
36 PL 1983, c. 413, §218, is amended to read:

38 5. Unprofessional conduct or negligence. Any gross  
40 negligence, incompetency or misconduct or violation of the  
42 existing code of ethics in the performance of substance abuse  
44 services;

46 Sec. 28. 32 MRSA §6217-A, sub-§6-A is enacted to read:

48 6-A. Incompetence in the practice of counseling. Any  
50 incompetence in the practice of counseling such as engaging in  
52 conduct that evidences a lack of ability or fitness to discharge  
54 the duty owed by the counselor to a client or engaging in conduct  
56 that evidences a lack of knowledge or inability to apply  
58 principles or skills to carry out the practice for which that  
60 person is licensed, certified or registered.

62 Sec. 29. 32 MRSA §6217-A, sub-§7, as enacted by PL 1983, c.  
64 413, §218, is amended to read:

66 7. Valid cause. Any other valid cause including violation  
68 of any provision of this chapter or rule of the board.

70 Sec. 30. 32 MRSA §6218, as amended by PL 1987, c. 395, Pt. A,  
72 §210, is further amended to read:

74 §6218. Issuance after denial, suspension or revocation

76 The board, for reasons it may deem sufficient, may issue or  
78 reissue a license or certificate of registration to any person  
80 whose license or certificate of registration has been denied,  
82 suspended or revoked, provided that at least 5 members of the  
84 board vote in favor of that issuance. Any individual whose

2 license, registration or certification has been denied, suspended  
3 or revoked may apply to the board for licensure, registration or  
4 certification reinstatement one year after the date of the  
5 board's original action. A competency review is a condition of  
6 reinstatement. The board shall determine the nature of this  
7 review and shall adopt rules in accordance with the Maine  
8 Administrative Procedure Act, Title 5, chapter 375, subchapter II.

9  
10 **Sec. 31. 32 MRSA §6219**, as amended by PL 1989, c. 831, §10,  
is further amended to read:

11 **§6219. Expiration and renewal**

12  
13 The license and certificate of registration expire  
14 biennially on August 31st or at such other time as the  
15 Commissioner of Professional and Financial Regulation may  
16 designate. Licensure or registration may be renewed for the  
17 succeeding 2-year period upon written application of the  
18 registrant, the approval of the board and the payment of the fee  
19 provided. A fee for renewal of license or certificate of  
20 registration is \$100 ~~\$250~~ biennially for licensing, ~~\$100~~  
21 biennially, for certification as an associate substance abuse  
22 counselor and \$50 biennially for registration, due and payable on  
23 or before the expiration date. Before a license or certificate  
24 of registration may be renewed, the applicant must present  
25 evidence of continued professional learning and training of a  
26 type acceptable to the board.

27  
28 Licensure, certification or registration may be renewed up  
29 to 90 days after the date of expiration upon payment of a late  
30 fee of \$10 in addition to the renewal fee. Any person who  
31 submits an application for renewal more than 90 days after the  
32 license renewal date shall be subject to all requirements  
33 governing new applicants under this chapter, except that the  
34 board may in its discretion, giving due consideration to the  
35 protection of the public, waive examination if that renewal  
36 application is made within 2 years from the date of that  
37 expiration or if the applicant is a registered inactive substance  
38 abuse counselor. The board shall be responsible for mailing  
39 notification of the date of expiration of a license or a  
40 certificate of registration to any licensed substance abuse  
41 counselor, associate substance abuse counselor, inactive  
42 substance abuse counselor or registered substance abuse counselor  
43 not later than 30 days prior to the date of expiration. At a  
44 minimum, applicants for renewal must document 250 hours of  
45 supervised experience within the core functions defined by rule  
46 of the board and the successful completion of at least 50 hours  
47 of continuing education related to substance abuse during the  
48 2-year period.

49  
50 **Sec. 32. 32 MRSA §6220**, as amended by PL 1983, c. 413, §221,  
51 is further amended to read:  
52

2       **§6220. Reciprocity**

4           The board may waive ~~any--examinations~~ examination for  
6       applicants who are recognized by other credentialing bodies as  
      having met qualifications and standards determined by the board  
      to be equivalent to those set forth in this chapter.

8           **Sec. 33. Recommendations.** The State Board of Substance Abuse  
10       Counselors shall develop a plan to upgrade the education  
12       requirements for licensure as a substance abuse counselor, for  
14       additions to the University of Maine System and other educational  
16       facilities in the State that ensure that any education program  
      needed to implement the recommendations of the board to upgrade  
      education requirements are available in the State, and for any  
      other modifications of the State's substance abuse licensing laws.

18           The board's plan must include the following:

20           1. Increased educational requirements for licensure as a  
22       substance abuse counselor, including consideration of a  
24       bachelor's degree minimum and the creation of at least one  
      additional level of licensure that recognizes advanced  
      educational training and experience beyond the associate's and  
      bachelor's level;

26           2. An inventory of all of the education programs that are  
28       currently available in the substance abuse counseling field and  
      related social sciences;

30           3. Recommendations for ensuring that the educational  
32       programs needed to carry out the board's recommendations are  
      available in the State;

34           4. The establishment of an inactive status for substance  
36       abuse counselors that may be longer than 2 years and the criteria  
      for renewal following that period of inactivity;

38           6. Recommendations on the appropriate compensation of board  
40       members, including the payment of a per diem; and

42           7. Recommended legislation to implement the board's final  
44       recommendations for the plan to upgrade education requirements  
      for licensure.

46           The board must submit its report and legislative  
48       recommendations to the First Regular Session of the 116th  
      Legislature. The final report must be filed no later than March  
      1, 1993.

50           **Sec. 34. Effective dates.** That section of this Act that amends  
52       the Maine Revised Statutes, Title 32, section 6205 takes

2 effect October 1, 1993. That section of this section that amends  
Title 32, section 6213-A takes effect October 1, 1992. That  
4 section of this Act that amends Title 32, section 6214-A,  
subsections 1 and 2 takes effect October 1, 1996.

6 **STATEMENT OF FACT**

8 This bill makes the following changes in the laws governing  
the licensing of substance abuse counselors;

10 1. Defines college level course as an education program  
12 that includes at least 15 contact hours per credit;

14 2. Denies practice to anyone not registered or licensed by  
the board after October 1, 1993, unless specifically exempted;

16 3. Requires the State Board of Substance Abuse Counselors  
18 to keep records and adopt a code of ethics.

20 4. Allows persons who have been practicing for at least a  
22 year prior to October 1, 1993, to comply with existing licensing  
standards;

24 5. Eliminates the title "registered substance abuse  
26 counselor" but retains the registration requirement;

28 6. Allows the board to recognize master's level education  
and 1,000 hours of experience or other exceptional education or  
30 experience as eligibility for licensure;

32 7. Increases the eligibility requirements for registered  
substance abuse counselors to include high school graduation and  
34 demonstration of adherence to the ethical standards adopted by  
the board;

36 8. Increases the eligibility requirements for associate  
substance abuse counselors to include 300 education hours in  
38 substance abuse or a related field and a minimum of 4,000 hours  
of direct client service;

40 9. Increases the eligibility requirements for licensed  
42 substance abuse counselors to include an associate's degree in  
substance abuse or a related field and a minimum of 4,000 hours  
44 of direct client service;

46 10. Allows the board to revoke a license or registration  
48 for incompetence in the practice of counseling and establishes  
specific criteria for reinstatement; and

50 11. Increases the license fees.