

MAINE STATE LEGISLATURE

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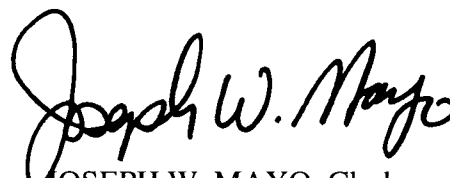
H.P. 1008

House of Representatives, April 26, 1995

An Act to Modify the Licensure Act for Substance Abuse Counselors.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.

Reference to the Committee on Business and Economic Development suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative LIBBY of Kennebunk.

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

2
4 **Sec. 1. 5 MRSA §12004-A, sub-§41**, as enacted by PL 1987, c. 786, §5, is amended to read:

6 **41.** State Board Not Autho- 32 MRSA §6201
of Substance--Abuse rized
8 Alcohol and Drug
Counselors

10
12 **Sec. 2. 32 MRSA §6201**, as amended by PL 1989, c. 503, Pt. B, §148, is further amended to read:

14 **§6201. State Board of Alcohol and Drug Counselors**

16 The State Board of Substance--Abuse Alcohol and Drug
18 Counselors within the Department of Professional and Financial
Regulation as established by Title 5, section 12004-A, subsection
20 41, shall carry out the purposes of this chapter.

22 **Sec. 3. 32 MRSA §6202**, as amended by PL 1987, c. 395, Pt. A, §193, is further amended to read:

24 **§6202. Objective**

26 The objective of this legislation is to establish a State
28 Board of Substance--Abuse Alcohol and Drug Counselors, which ~~will~~
establishes and ~~ensure~~ ensures high professional
30 standards among substance--abuse alcohol and drug counselors and
which ~~will--encourage~~ encourages and ~~promote~~ promotes quality
32 treatment and rehabilitation services for substance abusers.

34 **Sec. 4. 32 MRSA §6203**, as amended by PL 1991, c. 456, §§2 to 8, is further amended to read:

36 **§6203. Definitions**

38 As used in this chapter, unless ~~a-different-meaning-clearly~~
40 ~~appears-from~~ the context otherwise indicates, the following terms
shall have the following meanings.

42 **1. Board.** "Board" means the State Board of Substance--Abuse
Alcohol and Drug Counselors.

44 **1-A. College level course.** "College level course" means
46 any education class or program that includes at least 15 contact
hours per credit.

48 **2. Consumer of alcohol and drug counseling services.** A
50 "consumer of substance--abuse alcohol and drug counseling

2 services" is a person affected by or recovering from alcoholism
or other drug abuse.

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

8 A. ~~A-substance-abuse~~ An alcohol and drug counselor;

10 B. An administrator or board member of a facility or
program that provides ~~substance--abuse~~ alcohol and drug
12 counseling services; or

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

16 ~~4-A.---Associate--substance--abuse--counselor.---~~ "Associate
18 ~~substance-abuse-counselor"~~ means a practitioner who provides the
service of professional substance-abuse counseling to the public
20 ~~for a fee, monetary or otherwise, who does not engage in private~~
~~practice and who meets the criteria established in sections 6213~~
22 ~~and 6214-A for an associate substance-abuse counselor.~~

24 **5. Licensed alcohol and drug counselor.** "Licensed
~~substance-abuse~~ alcohol and drug counselor" means an individual
26 who is providing the service of professional ~~substance--abuse~~
alcohol and drug counseling to the public for a fee, monetary or
28 otherwise, and who meets the criteria established in sections
6213 and 6214-A for a licensed ~~substance-abuse~~ alcohol and drug
30 counselor.

32 **5-A. Inactive alcohol and drug counselor.** "Inactive
~~substance--abuse~~ alcohol and drug counselor" means a licensed,
34 ~~certified~~ or registered ~~substance--abuse~~ alcohol and drug
counselor who registers with the board for a leave from the field
36 for a period not to exceed 2 years. Inactive ~~substance--abuse~~
alcohol and drug counselors are not required to take the written
38 or oral examinations nor provide documentation of continuing
education during the period they have abstained from practice.
40 Inactive ~~substance-abuse~~ alcohol and drug counselors must notify
the board for license renewal prior to resuming their practice.

42 **6. Alcohol and drug counseling services.** "~~Substance-abuse~~
44 Alcohol and drug counseling services" are those counseling
services offered for a fee, monetary or otherwise, as part of the
46 treatment and rehabilitation of persons abusing alcohol or other
drugs. The purpose of ~~substance--abuse~~ alcohol and drug
48 counseling services is to help individuals, families and groups
confront and resolve problems caused by the abuse of alcohol or

2 other drugs. ~~Substance--abuse~~ Alcohol and drug counseling
services are the 12 core functions defined by rule of the board.

4 **Sec. 5. 32 MRSA §6203, sub-§7-A** is enacted to read:

6 **7-A. Registered alcohol and drug counselor.** "Registered
7 alcohol and drug counselor" means a practitioner who provides the
8 service of professional alcohol and drug counseling to the public
9 for a fee, monetary or otherwise, who does not engage in private
10 practice and who meets the criteria established in sections 6213
11 and 6214-A for a registered alcohol and drug counselor.

12
13 **Sec. 6. 32 MRSA §6205**, as amended by PL 1991, c. 456, §10 and
14 affected by §36, is further amended to read:

15 **§6205. Licensing**

16
17 A person may not, unless specifically exempted by this
18 chapter, practice as a--~~substance--abuse~~ an alcohol and drug
19 counselor or profess to the public to be, or assume or use the
20 title or designation of, "inactive substance--abuse alcohol and
21 drug counselor," "licensed--substance--abuse--counselor,"--or
22 "asseeiate-substance-abuse-counselor," "licensed alcohol and drug
23 counselor" or registered alcohol and drug counselor or the
24 abbreviation "I.S.A.C.,"--"L.S.A.C.,"--or--"A.S.A.G." "I.A.D.C.,"
25 "L.A.D.C." or "R.A.D.C." or any other title, designation, words,
26 letters or device tending to indicate that such a person is
27 licensed or registered, unless such that person is licensed or
28 registered with and holds a current and valid license or
29 certificate of registration from the board. Any person who
30 offers or gives substance--abuse alcohol and drug counseling
31 services in violation of this section must be punished, upon
32 conviction, by a fine of not less than \$50 and not more than \$500
33 for each such offense.

34
35 **Sec. 7. 32 MRSA §6207**, as amended by PL 1991, c. 456, §12, is
36 further amended to read:

37 **§6207. Registration required**

38
39 **1. Alcohol and drug counselor.** In order to safeguard the
40 health and safety of Maine's citizens of this State, any person
41 who performs or offers to perform ~~substance--abuse~~ alcohol and
42 drug counseling services for a fee, monetary or otherwise, and
43 professes to be a--substance--abuse an alcohol and drug counselor
44 is required to submit evidence of the qualifications to practice
45 and must be registered,--certified or licensed in accordance with
46 this chapter.

2 skill and experience in ~~substance--abuse~~ alcohol and drug
counseling. Any criteria adopted by the board for establishing a
4 candidate's knowledge, skill and experience in ~~substance--abuse~~
alcohol and drug counseling must be clearly defined, have an
6 established baseline scoring procedure that is objectively
measured, be in writing and be available to the public upon
request.

8
10 **Sec. 11. 32 MRSA §6212, sub-§3**, as amended by PL 1991, c. 456,
§17, is further amended to read:

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

22 **Sec. 12. 32 MRSA §6212, sub-§12** is enacted to read:

24 **12. Clinical supervision.** The board may certify or
approve, for purposes of direct clinical supervision of licensed
26 practitioners in the field of alcohol and drug counseling,
members of any mental health profession who meet the criteria set
28 forth by the International Certification and Reciprocity
Consortium, the National Association of Alcohol and Drug Abuse
30 Counselors and the rules of the board.

32 **Sec. 13. 32 MRSA §6213**, as amended by PL 1991, c. 456, §21,
is further amended to read:

34 **§6213. Eligibility requirements for persons providing alcohol and**
36 **drug counseling**

38 To be eligible to practice as a ~~substance--abuse~~ an alcohol
and drug counselor, an applicant must:

40
42 **1. Age; education.** Be at least 18 years of age, have a high
school diploma or its equivalent and demonstrate trustworthiness
and competence to engage in the practice of ~~substance--abuse~~
44 alcohol and drug counseling in such a manner as to safeguard the
interests of the public; and

46
48 **3. Abstinence from drugs and alcohol.** Have abstained from
the active abuse of alcohol or any other drug that in the
judgment of the board has been or could have been detrimental to
50 the applicant's performance or competency as a ~~substance--abuse~~ an

2 alcohol and drug counselor. It is strongly recommended that
4 applicants have abstained for at least the 2-year period
6 immediately preceding the date on which application is made. In
8 considering an applicant for registration, the board may not
consider a history of previous alcoholism or drug addiction as an
essential qualification nor disqualification for ~~certification~~
registration or licensure.

10 **Sec. 14. 32 MRSA §6213-A**, as amended by PL 1991, c. 456, §22
and affected by §36, is further amended to read:

12 **§6213-A. Eligibility requirements for registration**

14 An individual may not practice as a ~~substance-abuse~~ an
16 alcohol and drug counselor for a fee, monetary or otherwise,
unless that individual is licensed pursuant to this chapter or
18 registers with the board. Each individual who is not licensed
and who engages in ~~substance-abuse~~ alcohol and drug counseling
20 shall register with the board every 2 years. Each individual who
registers shall fill out a form designed by the board. A person
22 registered to provide ~~substance-abuse~~ alcohol and drug counseling
services may not practice without supervision or engage in
private practice.

24 **Sec. 15. 32 MRSA §6214-A**, as enacted by PL 1987, c. 395, Pt.
26 A, §206, is amended to read:

28 **§6214-A. Eligibility requirements for qualification as a licensed**
30 **alcohol and drug counselor**

32 **1. Licensed alcohol and drug counselor.** The board shall
issue a license to practice ~~substance-abuse~~ alcohol and drug
34 counseling upon the affirmative vote of at least 5 members of the
board to any applicant who has satisfactorily met the following
minimal requirements:

36 A. Met the eligibility requirements set forth in section
38 6213;

40 B. Obtained a passing grade, as established by the board,
42 on any examinations the board may prescribe by its rules;

44 C. Completed 30 semester hours of college-level course work
in appropriate social science fields or its equivalent in
46 appropriate ~~substance-abuse~~ alcohol and drug training; and

48 D. Met any other criteria the board may prescribe by its
rules.

2 ~~2.-- Associate substance abuse counselor.-- The board may issue~~
3 ~~a certificate of registration as an associate substance abuse~~
4 ~~counselor upon the affirmative vote of 5 members of the board to~~
5 ~~any applicant who has met the following minimal requirements:~~

6 ~~A.-- Met the eligibility requirements set forth in section~~
7 ~~6213;~~

8
9 ~~B.-- Obtained a passing grade on the written exam and a~~
10 ~~provisionally passing grade on the oral exam, as established~~
11 ~~by the board and prescribed by its rules; and~~

12
13 ~~C.-- Met any other criteria the board may prescribe by its~~
14 ~~rules.~~

15 2-A. Registered alcohol and drug counselor. The board may
16 issue a certificate of registration as a registered alcohol and
17 drug counselor, upon the affirmative vote of 5 members of the
18 board, to any applicant who has met the following minimal
19 requirements:

20
21 A. Met the eligibility requirements set forth in section
22 6213;

23
24 B. Obtained a passing grade on the written exam and a
25 provisionally passing grade on the oral exam, as established
26 by the board and prescribed by its rules; and

27
28 C. Met any other criteria the board may prescribe by its
29 rules.

30
31 **3. Reapplication for certificate.** Any applicant who is not
32 issued a license or a certificate of registration may again apply
33 for registration after a period of not less than 6 months from
34 the date of the last denial.

35
36 **4. Other qualifications.** Any individual who has obtained a
37 master's degree in counseling, substance abuse or a related
38 field, who can document 1,000 hours of direct service to clients
39 with problems related to substance abuse, is eligible to apply
40 for licensure and must be licensed in accordance with this
41 chapter. The board may adopt rules to recognize exceptional
42 education or experience that qualifies an applicant to apply for
43 licensure.

44
45 **Sec. 16. 32 MRSA §6214-A, sub-§1,** as amended by PL 1991, c.
46 456, §23 and affected by §36, is further amended to read:

47
48 **1. Licensed alcohol and drug counselor.** The board shall
49 issue a license to practice as a licensed substance abuse alcohol
50 and drug counselor.

2 and drug counselor upon the affirmative vote of at least 6
members of the board to any applicant who has satisfactorily met
the following minimal requirements:

4
6 A. Met the eligibility requirements set forth in section
6213;

8 B. Obtained a passing grade, as established by the board,
on the written and oral examinations the board has
10 prescribed by its rules;

12 C-1. Obtained at least an associate's degree in an
appropriate social science field from an accredited
14 institution or program approved by the board with a
concentration of course work in the 12 core functions
16 defined by rule of the board;

18 D-1. Completed a minimum of 4,000 supervised direct client
service hours in the 12 core functions defined by rule of
20 the board. This work experience may be gained in any
supervised activity, including volunteer work or student
22 placement, that relates to the core functions described in
the board's licensing examination; and

24 E. Provided documentation of experience with a wide range
26 of clients, in a wide range of treatment settings while
working independently.

28 **Sec. 17. 32 MRSA §6214-A, sub-§2,** as amended by PL 1991, c.
30 456, §23 and affected by §36, is repealed.

32 **Sec. 18. 32 MRSA §6214-A, sub-§2-A** is enacted to read:

34 2-A. Registered alcohol and drug counselor. The board may
36 issue a license to practice as a registered alcohol and drug
counselor upon the affirmative vote of 6 members of the board to
any applicant who has met the following minimal requirements:

38 A. Met the eligibility requirements set forth in section
40 6213;

42 B. Obtained a passing grade, as established by the board,
44 on the written exam prescribed by its rules;

46 C. Completed 300 clock hours of education in appropriate
social science fields or its equivalent in appropriate
alcohol and drug abuse training, with at least 50% of the
48 education in college level courses related to the 12 core
functions defined by rule of the board;

50

2 D. Completed 4,000 supervised direct client service hours
3 in the 12 core functions defined by rule of the board. This
4 work experience may be gained in any supervised activity,
5 including volunteer work or student placement, that relates
6 to the core functions; and

7 E. Provided documentation of experience in alcohol and drug
8 counseling in one particular setting or client population.

10 **Sec. 19. 32 MRSA §6214-B**, as amended by PL 1991, c. 456, §§24
11 and 25, is further amended to read:

12 **§6214-B. Application**

13 Any person registered by the board as a registered substance
14 abuse counselor, R.S.A.C., prior to September 1, 1987, is
15 automatically licensed as a licensed ~~substance-abuse~~ alcohol and
16 drug counselor, ~~L.S.A.C.~~ L.A.D.C.

17 Any person registered by the board as a registered substance
18 abuse counselor, provisional, R.S.A.C., provisional; or not
19 registered by the board, but who is providing the primary service
20 of professional ~~substance-abuse~~ alcohol and drug counseling to
21 the public and who is not employed in a program certified or
22 licensed by the State, prior to the effective date of this
23 section, shall comply with the requirements of section 6207,
24 subsection 2, by July 1, 1990.

25 Any person who is providing the primary service of
26 professional ~~substance-abuse~~ alcohol and drug counseling to the
27 public and who is employed in a program certified or licensed by
28 the State shall comply with the requirements of section 6207,
29 subsection 3, by January 1, 1988.

30 ~~Any person who is licensed by the board as an associate~~
31 ~~substance-abuse counselor, licensed substance-abuse counselor or~~
32 ~~inactive substance-abuse counselor who was actively engaged as a~~
33 ~~substance-abuse counselor for one year prior to October 1, 1993,~~
34 ~~is deemed to have met all the requirements for that person's~~
35 ~~respective credential. Any registered substance-abuse counselor~~
36 ~~shall, after October 1, 1993, cease using the title "registered~~
37 ~~substance-abuse counselor" or the initials "R.S.A.C." unless that~~
38 ~~person has met the standards for licensure that existed prior to~~
39 ~~that date.~~

40 **Sec. 20. 32 MRSA §6215**, as amended by PL 1991, c. 456, §26,
41 is further amended to read:

42 **§6215. Application; membership fees**

2 Application for registration as a registered ~~substance-abuse~~
3 alcohol and drug counselor, ~~or~~ licensure as a licensed ~~substance~~
4 abuse alcohol and drug counselor ~~or certification as an associate~~
5 ~~substance--abuse--counselor~~ must be on forms prescribed and
6 furnished by the board. Application and examination fees may be
7 established by the board in amounts that are reasonable and
8 necessary for their respective purposes. Successful applicants
9 shall pay biennial fees of \$75 for registration, ~~---\$100---for~~
10 licensure as a ~~substance-abuse~~ an alcohol and drug counselor.
11 The payment of fees is suspended during the term of inactive
12 status.

14 **Sec. 21. 32 MRSA §6216**, as amended by PL 1991, c. 456, §27,
15 is further amended to read:

16 **§6216. Examinations**

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

36 ~~The--appeal--process--must--include--an--outside--review--as~~
37 ~~established--by--rules--promulgated--by--the--board--under--the~~
38 ~~procedures-established-by-the-Maine-Administrative-Procedure-Act,~~
39 ~~Title-5--chapter-375--subchapter-II.--All-applicants-have-the~~
40 ~~right-to-review-their-test-results-and-any-scoring-comments.~~

42 **Sec. 22. 32 MRSA §6217-A, sub-§1**, as amended by PL 1987, c.
43 395, Pt. A, §209, is further amended to read:

44 **1. Fraud or deceit.** The practice of fraud or deceit in
45 obtaining a license or a certificate of registration under this
46 chapter or in connection with services rendered as a ~~substance~~
47 abuse an alcohol and drug counselor;

2 **Sec. 23. 32 MRSA §6217-A, sub-§2**, as repealed and replaced by
PL 1983, c. 413, §218, is amended to read:

4 **2. Active abuse.** Active abuse of alcohol, or any other
drug, ~~which that~~ in the judgment of the board is detrimental to
6 the performance or competency of a ~~substance-abuse~~ an alcohol and
drug counselor;

8 **Sec. 24. 32 MRSA §6217-A, sub-§4**, as amended by PL 1987, c.
10 395, Pt. A, §209, is further amended to read:

12 **4. Aiding and abetting misrepresentation.** Aiding or
abetting a person, not duly licensed or registered as a ~~substance~~
14 ~~abuse~~ an alcohol and drug counselor, in representing oneself ~~that~~
person as a licensed ~~substance-abuse~~ alcohol and drug counselor,
16 ~~associate-substance-abuse-counselor~~ or registered ~~substance-abuse~~
alcohol and drug counselor in this State;

18 **Sec. 25. 32 MRSA §6217-A, sub-§5**, as amended by PL 1991, c.
20 456, §28, is further amended to read:

22 **5. Unprofessional conduct or negligence.** Any gross
negligence, incompetency, misconduct or violation of the existing
24 code of ethics in the performance of ~~substance-abuse~~ alcohol and
drug counseling services;

26 **Sec. 26. 32 MRSA §6219**, as amended by PL 1991, c. 456, §32,
28 is further amended to read:

30 **§6219. Expiration and renewal**

32 The license and certificate of registration expire
biennially on August 31st or at such other time as the
34 Commissioner of Professional and Financial Regulation may
designate. Licensure or registration may be renewed for the
36 succeeding 2-year period upon written application of the
registrant, the approval of the board and the payment of the fee
38 provided. A fee for renewal of license or certificate of
registration is \$150 biennially for licensing, ~~-\$100-biennially,~~
40 ~~for licensure as an associate-substance-abuse-counselor~~ and \$75
biennially for registration, due and payable on or before the
42 expiration date. Before a license or certificate of registration
may be renewed, the applicant must present evidence of continued
44 professional learning and training of a type acceptable to the
board.

46 Licensure, ~~certification~~ or registration may be renewed up
48 to 90 days after the date of expiration upon payment of a late
fee of \$10 in addition to the renewal fee. Any person who
50 submits an application for renewal more than 90 days after the

license renewal date shall--be is subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if that renewal application is made within 2 years from the date of that expiration or if the applicant is a registered inactive ~~substance abuse~~ alcohol and drug counselor. The board shall--be is responsible for mailing notification of the date of expiration of a license or a certificate of registration to any licensed ~~substance-abuse~~ alcohol and drug counselor, ~~asseeiate-substance abuse--counselor,~~ inactive ~~substance--abuse~~ alcohol and drug counselor or registered ~~substance--abuse~~ alcohol and drug counselor not later than 30 days prior to the date of expiration. At a minimum, applicants for renewal must document 250 hours of supervised experience within the core functions defined by rule of the board and the successful completion of at least 50 hours of continuing education related to ~~substance-abuse~~ alcohol and drug counseling during the 2-year period.

Sec. 27. Transitional clause. On the effective date of this Act, all individuals licensed as Licensed Substance Abuse Counselors, L.S.A.C., are known as Licensed Alcohol and Drug Counselors, L.A.D.C. These licenses are renewable in November 1995, at which time the revised title is included on all renewed credentials.

Sec. 28. Effective date. Sections 16 to 18 of this Act take effect October 1, 1996.

30
32 **STATEMENT OF FACT**

34 This bill brings credentialing nomenclature of the statute into conformity with that of other member states and entities of the International Certification Reciprocity Consortium and the National Association of Alcoholism and Drug Abuse Counselors by:

- 38 1. Changing the name of the board from the "State Board of Substance Abuse Counselors" to the "State Board of Alcohol and Drug Counselors;"
- 42 2. Changing the title of licensed and registered practitioners to "licensed alcohol and drug counselor" and "registered alcohol and drug counselor"; and
- 46 3. Eliminating the credential of "associated substance abuse counselor."

48 The bill authorizes the board to establish by rule uniform and clearly intelligible standards for the clinical supervision of all practitioners who engage in alcohol and drug counseling. These standards include the necessary qualifications for mental health practitioners to render such clinical supervision.