

Act 443 of 2009
House Bill 1379

“AN ACT TO PROVIDE FOR THE LICENSURE OF ALCOHOLISM AND DRUG ABUSE COUNSELORS; TO PROVIDE FOR THE REGISTRATION OF CLINICAL ALCOHOLISM AND DRUG ABUSE COUNSELOR SUPERVISORS; AND FOR OTHER PURPOSES.”

SUBTITLE – “AN ACT TO PROVIDE FOR THE LICENSURE OF ALCOHOLISM AND DRUG ABUSE COUNSELORS AND THE REGISTRATION OF CLINICAL ALCOHOLISM AND DRUG ABUSE COUNSELOR SUPERVISORS.”

17-27-401. Definitions.

Statute text

As used in this subchapter:

(1) “Board” means the State Board of Examiners of Alcoholism and Drug Abuse Counselors created by this subchapter;

(2) “Licensed alcoholism and drug abuse counselor” means a person who renders for compensation alcoholism and drug abuse counseling or alcoholism and drug abuse counseling-related services to an individual, group, organization, corporation, institution, or to the general public, and who holds a license issued by the State Board of Examiners of Alcoholism and Drug Abuse Counselors or by another health or behavioral sciences board to engage in the practice of alcoholism and drug abuse counseling;

(3) “Practice of alcoholism and drug abuse counseling” means the professional activity of helping individuals, groups, organizations, corporations, institutions, or the general public to develop an understanding of alcoholism and drug dependency problems and to define goals and plan action reflecting the individual's or group's interests, abilities, and needs as affected by claimed alcoholism and drug dependency problems. It includes the professional application of values, principles, and techniques to one (1) or more of the following ends:

(A) Counseling with individuals, families, and groups;

(B) Helping people obtain tangible services;

(C) Assisting communities or groups;

(D) Providing or improving social and health services; and

(E) Engaging in alcoholism and drug abuse education and prevention through the appropriate administration of alcoholism and drug abuse counseling services;

(4) “Registered clinical supervisor” means a person registered by the State Board of Examiners of Alcoholism and Drug Abuse Counselors to provide clinical supervision of applicants for certification or licensure; and

(5) “Supervised work experience” means paid or voluntary work experience as an alcohol and drug abuse counselor who provides alcohol and drug abuse counseling services under the supervision of a credentialed alcohol and drug abuse counselor to persons with alcoholism or other drug dependency, or both.

History

History. Acts 1999, No. 1588, § 1; 2009, No. 443, § 1.

Publisher notes

Amendments. The 2009 amendment deleted (2), which defined “certified clinical supervisor,” inserted (4), redesignated the remaining subdivisions accordingly, and made related changes. 17-27-402. Purpose.

Statute text

(a) It is the purpose and policy of the State of Arkansas to protect the public from being misled by incompetent and unauthorized persons and from unprofessional conduct on the part of qualified alcoholism and drug abuse counselors by providing regulatory authority over persons who hold themselves out to the public as licensed alcoholism and drug abuse counselors under this subchapter.

(b) The purpose of this subchapter is to allow the State Board of Examiners of Alcoholism and Drug Abuse Counselors to establish appropriate licensure and certification requirements and define the practice of alcoholism and drug abuse counseling and to promote high standards of professional performance for those engaged in the practice of alcoholism and drug abuse counseling by setting standards of qualification, training, and experience for those who seek to engage in the practice of alcoholism and drug abuse counseling under this subchapter.

History

History. Acts 1999, No. 1588, § 2.

17-27-403. Exemptions.

Statute text

(a) (1) Nothing contained in this subchapter shall be applicable to employees of the Department of Education or local boards of education who meet the certification as established or which may be established by the State Board of Education.

(2) Nothing in this subchapter shall be construed to limit or restrict the regulation of the title, setting of standards, qualifications, training, or experience of those who seek to engage in the practice of alcoholism and drug abuse counseling and who have been or will be certified by the board for the position for which they have been employed.

(b) Nothing contained in this subchapter shall require persons employed by the State of Arkansas, the director or administrative head of a social service agency or division of a city or county, or applicants for such employment to be licensed.

(c) Nothing contained in this subchapter shall be construed to limit the activities and services of a student or intern seeking to fulfill educational requirements in order to qualify for a license under this subchapter or acts of other recognized health or behavioral sciences professions.

(d) Nothing contained in this subchapter shall prohibit individuals not licensed under the provisions of this subchapter who work in self-help groups or programs or not-for-profit organizations from providing services in those groups, programs, or organizations or agencies.

(e) Nothing contained in this subchapter shall be construed to prevent qualified members of other recognized health or behavioral science professions from performing work within the standards and ethics of their respective professions.

(f) Nothing in this subchapter shall be construed to prevent persons licensed under other health or behavioral science boards from the practice of alcoholism and drug abuse counseling so long as those persons maintain current licensure in their respective fields.

(g) Nothing contained in this subchapter shall be construed to prevent members of the clergy or Christian Science practitioners from performing work within the standards and any code of ethics of their respective professions as long as they do not hold themselves out to the public as being licensed alcoholism and drug abuse counselors.

(h) Nothing contained in this subchapter shall be construed to restrict the licensure of programs under §§ 20-64-901 — 20-64-909.

History

History. Acts 1999, No. 1588, § 3.

17-27-404. Establishment of licensure board.

Statute text

(a) (1) There is hereby created the State Board of Examiners of Alcoholism and Drug Abuse Counselors to be composed of thirteen (13) members who shall be appointed by the Governor.

(2) Two (2) of the initial members shall be alcoholism and drug abuse counselors certified by the Arkansas Substance Abuse Certification Board who are licensed under the provisions of this subchapter and who have rendered service, education, or research in alcoholism and drug abuse counseling for at least five (5) years. Their successors shall be alcoholism and drug abuse counselors licensed by the State Board of Examiners of Alcoholism and Drug Abuse Counselors who have rendered service, education, or research in alcoholism and drug abuse counseling for at least two (2) years.

(3) Four (4) of the initial members shall be alcoholism and drug abuse counselors certified by the Arkansas Substance Abuse Certification Board who are licensed under the provisions of this subchapter and who have rendered service, education, or research in alcoholism and drug abuse counseling for at least two (2) years. Their successors shall be alcoholism and drug abuse counselors licensed by the State Board of Examiners of Alcoholism and Drug Abuse Counselors who have rendered service, education, or research in alcoholism and drug abuse counseling for at least five (5) years.

(4) Four (4) of the initial members shall be alcoholism and drug abuse counselors certified by the Arkansas Substance Abuse Certification Board who are licensed under the provisions of this subchapter and who engage in the independent practice of alcoholism and drug abuse counseling. Their successors shall be alcoholism and drug abuse counselors licensed by the State Board of Examiners of Alcoholism and Drug Abuse Counselors who have rendered service, education, or research in alcoholism and drug abuse counseling for at least five (5) years.

(5) One (1) member shall be licensed by an Arkansas health or behavioral sciences board and hold a specialty in alcohol and drug abuse counseling or addiction and a current license from his or her licensing boards.

(6) One (1) member shall be a licensed professional counselor with a specialty in alcohol and drug abuse counseling or addiction.

(7) One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated.

(b) The initial members of the State Board of Examiners of Alcoholism and Drug Abuse Counselors shall be appointed so that three (3) members serve a one-year term, three (3) members serve a two-year term, three (3) members serve a three-year term, and four (4) members serve a four-year term. Successor members shall serve four-year terms except that persons appointed to fill vacancies resulting in an unexpired term shall serve for the remainder of that unexpired term.

(c) Upon the recommendation of the State Board of Examiners of Alcoholism and Drug Abuse Counselors made after notice and hearing, the Governor may remove any member of the State Board of Examiners of Alcoholism and Drug Abuse Counselors for incompetence, neglect of duty, or malfeasance in office.

(d) Any vacancy on the State Board of Examiners of Alcoholism and Drug Abuse Counselors shall be filled by the Governor.

(e) The Governor shall call the first board meeting and designate a member to preside at that meeting. The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall elect annually from its membership a chair, a vice chair, and a secretary. The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall meet as frequently as it deems necessary, at such times and places as the State Board of Examiners of Alcoholism and Drug Abuse Counselors designates. Additional meetings may be held upon the call of the chair or upon the written request of five (5) members of the State Board of Examiners of Alcoholism and Drug Abuse Counselors.

(f) Seven (7) members of the State Board of Examiners of Alcoholism and Drug Abuse Counselors shall constitute a quorum.

History

History. Acts 1999, No. 1588, § 4.

17-27-405. Compensation for board members.

Statute text

The members of the State Board of Examiners of Alcoholism and Drug Abuse Counselors may receive a stipend of sixty dollars (\$60.00) per day for each day of attendance at a board meeting plus expense reimbursement pursuant to § 25-16-901 et seq. The stipend and expense reimbursement shall not be made if available funds are insufficient for this purpose.

History

History. Acts 1999, No. 1588, § 5; 2001, No. 1650, § 8.

Publisher notes

Amendments. The 2001 amendment substituted “sixty dollars (\$60.00)” for “fifty dollars (\$50.00).”

17-27-406. Powers and duties of board.

Statute text

(a) The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall administer and enforce the provisions of this subchapter and shall adopt rules and regulations consistent with its provisions, including a code of ethical practice.

(b) The board shall review and act upon applications for licensure and certification at least four (4) times a year and shall regulate the renewal of licenses or certifications.

(c) The board may conduct hearings on charges calling for the denial, revocation, or suspension of a license or certification, shall adopt rules for the conduct of the hearings, and shall cause the prosecution of all persons who violate any provisions of this subchapter or any rule or regulation promulgated pursuant to its provisions.

(d) The board may sue and be sued in its own name.

(e) The board may employ any persons it deems necessary to carry on the work of the board and shall define their duties and fix their compensation within the limits prescribed by law.

(f) The board shall maintain a register of all individuals licensed or certified under the provisions of this subchapter. The register shall be a public record.

(g) The board shall keep a complete record of all of its proceedings.

(h) The board shall set by regulation a fee schedule for examination. The fees shall be set at a level sufficient to cover the cost of preparations, administration, and grading of the examination.

History

History. Acts 1999, No. 1588, § 6.

17-27-407. Board to enjoin violations.

Statute text

When it appears to the State Board of Examiners of Alcoholism and Drug Abuse Counselors that a person is violating any provisions of this subchapter, the board or any member thereof shall not be required to furnish bond for any cost or filing fees in connection with the proceeding.

History

History. Acts 1999, No. 1588, § 7.

17-27-408. Licensed alcoholism and drug abuse counselor — License requirements.

Statute text

(a) The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall issue the license as a licensed alcoholism and drug abuse counselor to an applicant who meets the following requirements:

(1) Is at least twenty-one (21) years of age;

(2) (A) Has successfully completed a minimum of three (3) years or six thousand (6,000) hours of supervised experience.

(B) Supervised experience shall be approved and documented by a registered clinical supervisor in good standing with the board;

(3) (A) Has successfully completed a minimum of two hundred seventy (270) clock hours of approved education.

(B) Approved education shall be directly related to alcoholism or drug abuse counseling subjects, theory, practice, or research;

(4) Has submitted an application on a form provided by the board;

(5) Has certified under penalty of perjury as evidenced by a notarized signature on the application for licensure that all education and experience requirements have been met;

(6) Has submitted three (3) letters of reference;

(7) Has paid to the board an examination fee fixed by the board;

(8) Has passed a national qualifying written examination prescribed by the board, sufficient to ensure professional competence in keeping with the highest standards of the alcoholism and drug abuse counseling profession;

(9) Has signed a written agreement to abide by the code of ethics adopted by the board; and

(10) Holds a master's degree in the health or behavioral sciences field or other appropriate field from an accredited college or university.

(b) The license shall be displayed in the licensee's principal place of practice and shall entitle the licensee to hold himself or herself forth to the public as providing services as authorized by this subchapter.

History

History. Acts 1999, No. 1588, § 8; 2009, No. 443, § 2.

Publisher notes

Amendments. The 2009 amendment, in (a), subdivided (a)(2) and (a)(3), substituted “registered” for “certified” in (a)(2)(B), deleted “and oral examination” following “written examination” in (a)(5), and made minor stylistic changes.

17-27-409. Licensed associate alcoholism and drug abuse counselor — License requirements.

Statute text

(a) The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall issue a license as a licensed associate alcoholism and drug abuse counselor to an applicant who meets the following requirements:

(1) Is at least twenty-one (21) years of age;

(2) (A) Has successfully completed a minimum of three (3) years or six thousand (6,000) hours of supervised experience.

(B) Supervised experience shall be approved and documented by a registered clinical supervisor in good standing with the board;

(3) (A) Has successfully completed a minimum of two hundred seventy (270) clock hours of approved education.

(B) Approved education shall be directly related to alcoholism or drug abuse counseling subjects, theory, practice, or research;

(4) Has submitted an application on a form provided by the board;

(5) Has certified under penalty of perjury as evidenced by a notarized signature on the application for licensure that all education and experience requirements have been met;

(6) Has submitted three (3) letters of reference;

(7) Has paid to the board an examination fee fixed by the board;

(8) Has passed a national qualifying written examination prescribed by the board, sufficient to ensure professional competence in keeping with the highest standards of the alcoholism and drug abuse counseling profession;

(9) Has signed a written agreement to abide by the code of ethics adopted by the board;

(10) Holds a baccalaureate degree in the health or behavioral sciences field or other appropriate field from an accredited college or university; and

(11) (A) Has successfully completed a minimum of three (3) years or six thousand (6,000) hours of supervised direct counseling experience in the alcoholism or drug abuse counseling field, either paid or voluntary.

(B) Supervised experience shall be approved and documented by a registered clinical supervisor in good standing with the board.

(b) The certification shall be displayed in the associate's principal place of practice and shall entitle the individual to hold himself or herself forth to the public as providing services as authorized by this subchapter.

(c) Associates licensed by the board may engage in the practice of alcoholism and drug abuse counseling after successfully completing a schedule of supervision prescribed by the board and performed under the direct supervision of a registered clinical supervisor in good standing with the board.

History

History. Acts 1999, No. 1588, § 9; 2009, No. 443, § 2.

Publisher notes

Amendments. The 2009 amendment, in (a), substituted “a license as a licensed associate alcoholism and drug abuse counselor” for “the certification as a certified alcoholism and drug abuse associate” in the introductory language, subdivided (a)(2) and substituted “registered” for “certified” in (a)(2)(B), deleted “and oral examination” following “written examination” in (a)(8), deleted (a)(11), (a)(13), and (a)(14) and redesignated the remaining subdivisions accordingly, and rewrote (a)(11); rewrote (c); and made related and minor stylistic changes. 17-27-410. Certified alcoholism and drug abuse technician — Certification requirements.

Statute text

(a) The State Board of Examiners of Alcoholism and Drug Abuse Counselors shall issue the certification as a certified alcoholism and drug abuse technician to an applicant who meets the following requirements:

(1) Is at least twenty-one (21) years of age;

(2) (A) Has successfully completed a minimum of three (3) years or six thousand (6,000) hours of supervised experience.

(B) Supervised experience shall be approved and documented by a registered clinical supervisor in good standing with the board;

(3) (A) Has successfully completed a minimum of two hundred seventy (270) clock hours of approved education.

(B) Approved education shall be directly related to alcoholism or drug abuse counseling subjects, theory, practice, or research;

(4) Has submitted an application on a form provided by the board;

(5) Has certified under penalty of perjury as evidenced by a notarized signature on the application for licensure that all education and experience requirements have been met;

(6) Has submitted three (3) letters of reference;

(7) Has paid to the board an examination fee fixed by the board;

(8) Has passed a national qualifying written examination prescribed by the board, sufficient to ensure professional competence in keeping with the highest standards of the alcoholism and drug abuse counseling profession;

(9) Has signed a written agreement to abide by the code of ethics adopted by the board; and

(10) Holds a high school diploma or equivalent.

(b) The certification shall be displayed in the technician's principal place of practice and shall entitle the individual to hold himself or herself forth to the public as providing services as authorized by this subchapter.

(c) Technicians certified by the board may engage in the practice of alcoholism and drug abuse counseling only while under the direct supervision of a licensed alcoholism and drug abuse counselor who is registered as a registered clinical supervisor by the board.

(d) A technician shall not receive a license as a licensed alcoholism and drug abuse counselor or a license as an associate alcoholism and drug abuse counselor unless the provisions of §§ 17-27-408 and 17-27-409 have been met.

History

History. Acts 1999, No. 1588, § 10; 2009, No. 443, § 2.

Publisher notes

Amendments. The 2009 amendment, in (a), subdivided (a)(2) and (a)(3), substituted “registered” for “certified” in (a)(2)(B), and deleted “and oral examination” following “written examination” in (a)(8); substituted “technician’s” for “associate’s” in (b); substituted “who is registered as a registered clinical supervisor by the board” for “or other health professional licensed under other behavioral or health boards and practicing alcohol and drug abuse counseling” in (c); substituted “license as an associate alcoholism and drug abuse counselor” for “certificate as a certified alcohol and drug abuse associate” in (d); and made minor stylistic changes.

17-27-411. Registered clinical supervisors.

Statute text

The State Board of Examiners of Alcoholism and Drug Abuse Counselors may register persons who meet the qualifications and standards established by the board for registered clinical supervisors.

History

History. Acts 1999, No. 1588, § 11; 2009, No. 443, § 2.

Publisher notes

Amendments. The 2009 amendment substituted “register” for “issue certificates to” and “registered” for “certified.”

17-27-412. [Repealed.]

Publisher notes

Publisher's Notes. This section, concerning grandfather clause, was repealed by Acts 2009, No. 443, § 3. The section was derived from Acts 1999, No. 1588, § 12; 2001, No. 1708, § 1.

17-27-413. License and certificate renewal — Fee — Waiver.

Statute text

(a) Each licensed alcoholism and drug abuse counselor, licensed associate alcoholism and drug abuse counselor, and certified alcoholism and drug abuse technician shall:

(1) Renew his or her license or certificate every two (2) years; and

(2) Pay the State Board of Examiners of Alcoholism and Drug Abuse Counselors a renewal fee fixed by the board.

(b) (1) Renewal fees shall be waived for any licensee or person certified actually serving in the armed forces of the United States.

(2) A waiver under subdivision (b)(1) of this section shall be effective for six (6) months following honorable discharge, separation, or release from the armed forces, after which period a license or certificate shall be considered lapsed.

(c) The board, at its discretion, may require continuing education as a condition of license or certificate renewal.

History

History. Acts 1999, No. 1588, § 13; 2009, No. 443, § 4.

Publisher notes

Amendments. The 2009 amendment subdivided (a) and substituted “licensed associate” for “certified” and “counselor” for “associate” in the introductory language; subdivided (b) and inserted “under subdivision (b)(1) of this section” in (b)(2); and made related and minor stylistic changes.

17-27-414. Grievance procedure — Denial, revocation, or suspension of license or certificate — Appeals.

Statute text

(a) The State Board of Examiners of Alcoholism and Drug Abuse Counselors may hear the grievances of any person whose application for a license, registration, or certificate has been denied.

(b) The board may deny, revoke, or suspend any license, registration, or certificate upon proof that the person has willfully or repeatedly violated any of the provisions of this subchapter or any rule or regulation promulgated by the board or upon proof that a person has practiced outside the scope of practice for which he or she is licensed or certified under this subchapter.

(c) The board shall not suspend, revoke, or refuse to renew a license or certificate, except after a hearing held before the board, upon notice to the person charged.

(d) The notice shall:

(1) Be in writing;

(2) State the nature of the charges and the time and place of the hearing; and

(3) Be served on the person charged by certified mail not less than thirty (30) days

before the date of the hearing.

(e) The person charged:

(1) May appear in person or by counsel;

(2) May testify;

(3) May produce evidence and witnesses on his or her own behalf;

(4) May cross-examine witnesses; and

(5) Is entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of documentary evidence.

(f) (1) The board or its authorized representative on his or her behalf shall have the authority to issue subpoenas to compel the attendance of witnesses and the production of documents and may administer oaths.

(2) The board may invoke the aid of the circuit court for the county in which the hearing is held to enforce compliance with its subpoenas.

(g) A stenographic or mechanical record of the hearing shall be taken, and a transcript shall be preserved by the board.

(h) At all hearings before the board, the Attorney General of the State of Arkansas or one (1) of his or her assistants designated by him or her shall appear and represent the board.

(i) The decision of the board shall be by a majority vote of the board.

(j) A copy of the board's order shall be sent by certified mail to the last known address of the person charged.

(k) The board may grant a rehearing when new and material evidence is offered for its consideration.

(l) (1) Any person aggrieved by a final order of the board, within thirty (30) days of the entry of the order, may appeal to the circuit court of the county in which he or she resides.

(2) The appeal shall be determined by the court upon the certified record, and new or additional evidence shall not be heard or considered by the court.

History

History. Acts 1999, No. 1588, § 14; 2009, No. 443, § 4.

Publisher notes

Amendments. The 2009 amendment inserted “registration” in (a) and (b); subdivided (d), (e), (f), and (l); and made related and minor stylistic changes.