

CHAPTER 144

PROFESSIONS AND OCCUPATIONS

SENATE BILL 01-022

BY SENATOR(S) Hagedorn, Hanna, and Hernandez;
also REPRESENTATIVE(S) Snook, Boyd, Romanoff, Tochtrop, and Williams S.

AN ACT

CONCERNING THE LICENSURE OF ADDICTION COUNSELORS.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly hereby finds, determines, and declares that alcoholism, substance abuse, and chemical dependency pose major health and social problems for individuals and their families when left untreated, including family devastation, homelessness, and unemployment. It has been proven that successful prevention and treatment may dramatically reduce the costs of the health care, criminal justice, and social welfare systems, particularly in areas such as mental health and domestic violence. Despite the tragic, cumulative, and often fatal consequences of alcoholism and substance abuse, these are nonetheless preventable and treatable disabilities. Successful prevention and treatment require a coordinated and multifaceted network of service utilizing quality addiction counseling.

(2) The general assembly recognizes that locally planned and implemented prevention is a primary means to avert the onset of alcoholism and substance abuse. Addiction counseling is a profession with its own distinct methodologies that distinguish it from other health and human service professions. The practice of addiction counseling consists of the application of general counseling theories and treatment methods adapted to specific alcohol and drug problems within our diverse society.

(3) Therefore, the general assembly finds that it is in the best interests of the residents of Colorado to promote comprehensive and effective treatment for alcohol and substance addictions. Maintenance of the current certification levels and process for addiction counselors is an important and necessary component of the treatment of addictions. It is the intent of the general assembly to maintain the current

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

certification levels and process while adding licensure to enhance comprehensive treatment. Further, licensing addiction counselors is an important step in accomplishing comprehensive and effective treatments for addiction and may facilitate and encourage treatment by allowing access to covered health care benefits.

SECTION 2. 24-34-102 (14), Colorado Revised Statutes, is amended to read:

24-34-102. Division of registrations - creation - duties of division and department heads - definitions. (14) On and after July 1, 1998, the authority vested in the department of human services and the board of human services to certify and discipline certified ~~alcohol and drug abuse~~ OR LICENSED ADDICTION counselors is transferred to the director of the division of registrations in the department of regulatory agencies. The department of human services and board of human services shall continue to exercise all other rights, powers, duties, functions, and obligations vested in ~~the~~ those entities concerning certified ~~alcohol and drug abuse~~ OR LICENSED ADDICTION counselors pursuant to part 2 of article 1 of title 25, C.R.S. The director of the division of registrations may promulgate rules, which shall include, but shall not be limited to:

(a) A requirement that ~~alcohol and drug abuse~~ ADDICTION counselors, in order to participate in public programs or to provide purchased services and certification requirements therefor, shall meet standards established by the board of ~~humans~~ HUMAN services by rule. In addition to ~~alcohol and drug abuse~~ ADDICTION counselors specifically authorized to be certified OR LICENSED for approved programs pursuant to part 2 of article 1 of title 25, C.R.S., the director of the division of registrations in the department of regulatory agencies may certify ~~alcohol and drug abuse~~ OR LICENSE ADDICTION counselors, upon individual application, in any alcohol or drug abuse treatment program required as a condition of probation under part 2 of article 11 of title 16, C.R.S., any alcohol or drug abuse program administered by the division of adult ~~parole~~ SERVICES under article 2 of title 17, C.R.S., any community corrections facility or program administered under article 27 of title 17, C.R.S., and any alcohol or drug abuse treatment program administered by the division of youth corrections under title 19, C.R.S.

(b) Fees to be charged for ~~alcohol and drug abuse~~ ADDICTION counselor certification, LICENSURE, and renewal. The amount assessed shall be sufficient to cover a portion of the costs of administering such certification, LICENSURE, and testing, and the moneys collected after June 30, 1998, shall be deposited in the division of registrations cash fund created in section 24-34-105 (2) (b) (I). Additional funding may be obtained from general, cash, or federal funds otherwise appropriated to the division of registrations in the department of regulatory agencies. ~~A portion of the moneys in the alcohol and drug abuse counselor certification fund, created in section 25-1-211, C.R.S., prior to July 1, 1998, shall remain with the department of human services for transition work, and ninety-six thousand eight hundred eighty dollars shall be transferred to the division of registrations cash fund created in section 24-34-105 (2) (b) (I).~~

(c) A requirement that ~~alcohol and drug abuse~~ ADDICTION counselors shall comply with section 12-43-222, C.R.S., in order to obtain and maintain certification OR LICENSURE.

(d) Procedures for disciplinary actions against certified alcohol and drug abuse OR LICENSED ADDICTION counselors for prohibited or unlawful acts, that WHICH PROCEDURES are consistent with the procedures established in sections 12-43-212, 12-43-221, 12-43-223, 12-43-224, 12-43-225, 12-43-226, and 12-43-227, C.R.S.

(e) (I) **Procedures and requirements for licensure for addiction counselors.** RULES PROMULGATED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS SHALL BE CONSISTENT WITH THE EDUCATIONAL REQUIREMENTS NECESSARY TO COMPLY WITH UNIFORM EDUCATIONAL STANDARDS SET BY THE NATIONAL ASSOCIATION OF ALCOHOLISM AND DRUG ABUSE COUNSELORS OR ITS SUCCESSOR ORGANIZATION, AND SUCH REQUIREMENTS SHALL INCLUDE:

(A) HOLDING A VALID CERTIFICATE OF ADDICTION COUNSELING, LEVEL III;

(B) POSSESSING A MASTER'S DEGREE IN THE SOCIAL SCIENCES OR AN EQUIVALENT PROGRAM, AS DETERMINED APPROPRIATE BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS; AND

(C) PASSING A NATIONAL EXAM ADMINISTERED BY EITHER THE NATIONAL ASSOCIATION OF ALCOHOLISM AND DRUG ABUSE COUNSELORS OR THE INTERNATIONAL CERTIFICATION RECIPROCITY CONSORTIUM, OR BY THE SUCCESSOR OF EITHER ORGANIZATION.

(II) THE FOLLOWING PERSONS, WHO SHALL BE IN GOOD STANDING IN THEIR PROFESSIONS, MAY PROVIDE ADDICTION COUNSELING WITHOUT BECOMING LICENSED PURSUANT TO THIS SUBSECTION (14):

(A) ANY LICENSED OR REGISTERED HEALTH CARE PROFESSIONAL PURSUANT TO ARTICLE 36, 38, OR 43 OF TITLE 12, C.R.S., ACTING WITHIN SUCH PROFESSIONAL'S SCOPE OF PRACTICE;

(B) SCHOOL PSYCHOLOGISTS PURSUANT TO PART 2 OF ARTICLE 60.5 OF TITLE 22, C.R.S., ACTING WITHIN THE SCOPE OF THEIR EMPLOYMENT AS SCHOOL PSYCHOLOGISTS; AND

(C) CERTIFIED ADDICTION COUNSELORS.

(III) A PERSON DESCRIBED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (e) SHALL NOT USE THE NAME, TITLE, OR DESIGNATION OF A LICENSED ADDICTION COUNSELOR UNLESS SUCH PERSON IS ALSO A LICENSED ADDICTION COUNSELOR.

(IV) ON OR BEFORE JANUARY 1, 2002, THE DIRECTOR OF THE DIVISION OF REGISTRATIONS SHALL ISSUE A LICENSE TO ANY PERSON WHO HOLDS A VALID CERTIFICATION FROM THE DIRECTOR OF THE DIVISION OF REGISTRATIONS AS A CERTIFIED ADDICTION COUNSELOR AND WHO:

(A) IS IN GOOD STANDING WITH THE DIRECTOR;

(B) HAS SUBMITTED AN APPLICATION AND APPLICATION FEE; AND

(C) AGREES TO ABIDE BY THE PROCEDURES DESCRIBED IN PARAGRAPH (d) OF THIS

SUBSECTION (14).

(f) NOTHING IN THIS SUBSECTION (14) SHALL PRECLUDE OR ELIMINATE PROFESSIONAL PRACTICE BY A PERSON WHO IS CERTIFIED AS AN ALCOHOL COUNSELOR LEVEL I, II, OR III THAT IS WITHIN THE PERSON'S SCOPE OF PRACTICE.

(g) AS USED IN THIS SUBSECTION (14), UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "ADDICTION COUNSELING" CONSISTS OF THE APPLICATION OF GENERAL COUNSELING THEORIES AND TREATMENT METHODS ADOPTED SPECIFICALLY FOR ALCOHOL AND DRUG THEORY AND RESEARCH FOR THE EXPRESS PURPOSE OF TREATING ALCOHOL AND DRUG PROBLEMS. ADDICTION COUNSELING INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

(A) SCREENING CLIENTS BY MEANS OF A PROCESS IN WHICH A CLIENT IS DETERMINED TO BE AN APPROPRIATE CANDIDATE AND ELIGIBLE FOR ADMISSION TO A PARTICULAR PROGRAM OF TREATMENT;

(B) AN INTAKE ASSESSMENT THROUGH AN ADMINISTRATIVE AND INITIAL INTERVIEW FOR ADMISSION INTO A TREATMENT PROGRAM;

(C) ORIENTATION TO DESCRIBE TO THE CLIENT THE GENERAL NATURE AND GOALS OF THE PROGRAM AND THE CLIENT'S RIGHTS IN ACCORDANCE WITH SECTION 12-43-214, C.R.S.;

(D) AN ASSESSMENT INCLUDING THOSE PROCEDURES BY WHICH AN ADDICTION COUNSELOR IDENTIFIES AND EVALUATES A CLIENT'S STRENGTHS, WEAKNESSES, PROBLEMS, AND NEEDS IN PREPARATION OF A TREATMENT PLAN;

(E) A TREATMENT PLAN THAT INCLUDES IDENTIFICATION OF THE PROBLEMS NECESSITATING RESOLUTION, ESTABLISHMENT OF SHORT-TERM AND LONG-TERM GOALS, AND THE ESTABLISHMENT OF A TREATMENT PROCESS;

(F) COUNSELING THAT ENCOMPASSES THE USE OF SPECIAL SKILLS TO ASSIST INDIVIDUALS, FAMILIES, OR GROUPS IN ACHIEVING OBJECTIVES ESTABLISHED IN THE TREATMENT PLAN;

(G) CASE MANAGEMENT ACTIVITIES THAT BRING TOGETHER SERVICES, AGENCIES, RESOURCES, OR INDIVIDUALS FOR THE PURPOSE OF ACHIEVING THE GOALS OUTLINED IN THE TREATMENT PLAN;

(H) CRISIS INTERVENTION THAT RESPONDS TO A CLIENT'S NEEDS DURING ACUTE EMOTIONAL OR PHYSICAL DISTRESS;

(I) CLIENT EDUCATION TO PROVIDE INFORMATION TO AN INDIVIDUAL OR GROUP CONCERNING ALCOHOL OR DRUG ABUSE AND THE AVAILABLE SERVICES AND RESOURCES;

(J) REFERRING A CLIENT TO SUPPORT SYSTEMS, COMMUNITY RESOURCES, OR HEALTH CARE PROFESSIONALS TO ASSIST THE CLIENT WITH NEEDS THAT MAY NOT BE MET BY THE ADDICTION COUNSELOR;

(K) REPORTING AND RECORD-KEEPING TO CHART THE RESULTS OF AN ASSESSMENT AND TREATMENT PLAN, INCLUDING THE PREPARATION OF REPORTS, PROGRESS NOTES, DISCHARGE SUMMARIES, AND OTHER CLIENT-RELATED DATA;

(L) CONSULTING WITH OTHER ADDICTION COUNSELORS, HEALTH CARE PROFESSIONALS, OR MENTAL HEALTH PROFESSIONALS TO ENSURE COMPREHENSIVE AND QUALITY CARE FOR THE CLIENT; AND

(M) THE MAINTENANCE OF THE ETHICAL ADDICTION COUNSELOR-CLIENT RELATIONSHIPS PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (14).

(II) "CERTIFIED ADDICTION COUNSELOR" MEANS AN INDIVIDUAL WHO HAS A CERTIFICATE ISSUED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES TO PRACTICE ADDICTION COUNSELING.

(III) "LICENSED ADDICTION COUNSELOR" MEANS A PERSON WHO RENDERS ADDICTION COUNSELING TO AN INDIVIDUAL, GROUP, OR ORGANIZATION AND WHO HOLDS A LICENSE ISSUED BY THE DIRECTOR OF THE DIVISION OF REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES.

SECTION 3. 25-1-203 (2) (e), Colorado Revised Statutes, is amended to read:

25-1-203. Grants for public programs. (2) A public program may provide, but need not be limited to, any of the following:

(e) Training of teachers, health professionals, and others in the field of alcohol and drug abuse AND ADDICTION COUNSELING;

SECTION 4. 25-1-207 (1) (d), Colorado Revised Statutes, is amended to read:

25-1-207. Rules. (1) The state board of human services, created in section 26-1-107, C.R.S., has the power to promulgate rules governing the provisions of this part 2. Such rules may include, but shall not be limited to:

(d) Standards that must be met by ~~alcohol and drug abuse~~ ADDICTION counselors to participate in public programs or to provide purchased services and certification requirements necessary to be certified by the director of the division of registrations, pursuant to section 24-34-102 (14), C.R.S.;

SECTION 5. 25-1-211, Colorado Revised Statutes, is amended to read:

25-1-211. Counselor training - fund created. (1) The executive director of the department of human services shall establish by rule ~~and regulation~~ fees to be charged for ~~alcohol and drug abuse~~ ADDICTION counselor training. The amount assessed shall be sufficient to cover a portion of the costs of administering such training, and the moneys collected therefor shall be deposited in the ~~alcohol and drug abuse~~ ADDICTION counselor training fund. Additional funding may be obtained from general, cash, or federal funds otherwise appropriated to the division.

(2) There is hereby created in the office of the state treasurer the ~~alcohol and drug abuse~~ ADDICTION counselor training fund. ~~The alcohol and drug abuse counselor~~

~~training fund is the successor fund to the alcohol and drug abuse counselor certification fund.~~ Moneys collected pursuant to subsection (1) of this section shall be deposited in the fund. The moneys in the fund shall be subject to annual appropriation by the general assembly to the department of human services for allocation to the division of alcohol and drug abuse for the administration of ~~alcohol and drug abuse~~ ADDICTION counselor training requirements established by rules of the state board of human services pursuant to section 25-1-207 (1) (d). Moneys in the fund at the end of the fiscal year shall remain in the fund and shall not revert to the general fund.

SECTION 6. 25-1-213, Colorado Revised Statutes, is amended to read:

25-1-213. Alcohol and drug and addiction counseling and treatment - necessary components. Any entity ~~which~~ THAT qualifies to provide services pursuant to section 26-4-302 (1) (s), C.R.S., in ~~regards~~ REGARD to the treatment program for high-risk pregnant women, shall make available, in addition to alcohol and drug AND ADDICTION counseling and treatment: Risk assessment services; care coordination; nutrition assessment; psychosocial counseling; intensive health education, including but not limited to parenting education and education on risk factors and appropriate health behaviors; home visits; transportation services; and other services deemed necessary by the division of alcohol and drug abuse of the department of human services ~~the department of public health and environment~~, and the department of health care policy and financing.

SECTION 7. 26-4-302 (1) (s) (I), Colorado Revised Statutes, is amended to read:

26-4-302. Basic services for the categorically needy - optional services.
(1) The following are services for which federal financial participation is available and which Colorado has selected to provide as optional services under the medical assistance program:

(s) (I) For any pregnant woman who is enrolled for services pursuant to section 26-4-508, or who would be eligible for aid to families with dependent children pursuant to rules in effect on July 16, 1996, alcohol and drug AND ADDICTION counseling and treatment, including outpatient and residential care but not including room and board while receiving residential care.

SECTION 8. Effective date - applicability. (1) This act shall take effect August 15, 2001, unless a referendum petition is filed during the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution. If such a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to addiction counselors who are certified on or before August 15, 2001, and addiction counselors who apply for licensure on or after August 15, 2001.

Approved: April 20, 2001