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DATE: May 18, 2011
TO: AAPS Credentialed Counselors
FROM: Deborah Stidham, M.S.
RE: Counselor Licensure Bill

As you know, Kansas is moving to licensure in July 2011. To help counselors in the transition to licensure, the Department of Social and Rehabilitation Services has partnered with the professional association, the Kansas Association of Addiction Professionals, to release this comprehensive question and answer document. I encourage each of you to review this document in it's entirety. Should you need additional CEU's to qualify for licensure, please contact KAAP at 785-235-2400. AAPS and KAAP will work together to ensure that there will be additional training opportunities scheduled in the next 30 days.

Licensure Bill (HB 2577)

Q: I heard that Kansas is moving to licensure. When will this occur and how can I learn about this?

A: Yes, HB 2577 is the addiction counselor licensure act which will take effect in the summer of 2011. You can view the licensure statute on the KAAP website (www.ksaap.org) under "advocacy."

Q: Under HB 2577, are there two levels of licensed counselors?

A: Yes. HB 2577 creates two levels of licensure for addiction counselors. The first level is the Licensed Addiction Counselor, which requires a minimum of a bachelor's degree, with coursework in addiction related studies. The second level, the Licensed Clinical Addiction Counselor, requires a minimum of a master's degree, with coursework in addictions and a supervised practicum. All addiction counselors in Kansas will be required to be licensed as an Addiction Counselor with the BSRB in order to practice addiction counseling after August 1, 2011. The statute allows for the "grandfathering" of AAPS Credentialed Counselors who are currently practicing (see below).

Q: Does the new licensure law take away my ability to diagnose substance use disorders?

A: No. None of the current substance abuse credentials – AAPS, KAAP (CADC I, II, II) or RAODAC– provide legal authorization to diagnose. Under the law, a Licensed Clinical Addiction Counselor will gain the ability to diagnose and treat substance use disorders.

Grandfathering as an addiction counselor

Q: I am currently an addiction counselor and think I will be “grandfathered” in as an LAC. What are the criteria for grandfathering as an LAC under HB 2577?

A: According to the statute, you must have the following upon application in July 2011:

1. RAODAC, AAPS Credential, or KAAP Certificate, and
2. ~~Actively engaged in the practice of addiction counseling in Kansas within three years prior to the effective date of the act (July 1, 2011),~~ (this will not be a requirement as, SB 100 passed out of the Kansas Legislature in May 2011) and
3. Last registration or credential in Kansas prior to the effective date of the act was not suspended or revoked, and
4. Demonstration acceptable to the board of competence to perform the duties of an addiction counselor, and
5. Complete the BSRB application, and
6. Pay the fees, and
7. Complete CEU's as specified in the regulations.

Q: I am currently an addiction counselor and think I will be “grandfathered” in as an LCAC. What are the criteria for grandfathering as an LCAC under HB 2577?

A: According to the statute, you must have the following upon application in July 2011:

1. RAODAC, AAPS Credential, or KAAP Certificate, and
2. Be licensed to practice independently as a mental health practitioner or licensed to practice medicine and surgery, and
3. ~~Actively engaged in the practice of addiction counseling in Kansas within three years prior to the effective date of the act (July 1, 2011),~~ (this will not be a requirement as, SB 100 passed out of the Kansas Legislature in May 2011) and
4. Last registration or credential in Kansas prior to the effective date of the act was not suspended or revoked, and
5. Demonstration acceptable to the board of competence to perform the duties of an addiction counselor, and
6. Complete the BSRB application, and
7. Pay the fees, and
8. Complete CEU's as specified in the regulations.

Because the addiction counselor licensure trailer bill (SB 100) passed and is anticipated to be signed into law, there will be one additional way to grandfather as an LCAC.

1. AAPS Credentialed, and
2. Actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four (4) years, and
3. Holds a master's degree in a related field, and
4. Last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, and

5. Complete the BSRB application, and
6. Payment of fees and
7. Completion of continuing education requirements specified in the regulations.

Q: What will I need to provide on my grandfathering application for license (LAC) this summer?

A: Although the regulations are still in draft form, counselors are likely to need to supply the following to the BSRB in order to process an application:

- Certificate verifying (or the BSRB can verify this certification via KAAP database) the applicant was registered or credentialed as an alcohol or other drug counselor before July 1, 2011 (this would be your CADC or AAPS Credential certificate)
- Attestation by the applicant that your last A/D credential was not suspended or revoked
- Documentation (CEU certificates of completion) verifying the applicant has completed **two hours** each of continuing education in ethics, confidentiality, and infectious disease during the three years preceding July 2011
- Two professional references, who are authorized to practice addiction counseling or in a related field, and who can verify that the applicant is competent to perform addiction counseling
- Completed application form
- Payment of fees

Q: What will I need to provide on my grandfathering application for clinical license (LCAC) this summer?

A: Although the regulations are still in draft form, counselors are likely to need to supply the following to the BSRB in order to process an application:

- Certificate verifying (or the BSRB can verify this certification via KAAP database) the applicant was registered or credentialed as an alcohol or other drug counselor before July 1, 2011 (this would be your CADC or AAPS Credential certificate)
- Attestation by the applicant that your last A/D credential was not suspended or revoked
- Documentation (CEU certificates of completion) verifying the applicant has completed **two hours each** of continuing education in ethics, confidentiality, and infectious disease and **six hours** of continuing education in the diagnosis and treatment of substance use disorders during the three years preceding July 2011
- Documentation of authority to practice independently (BSRB license at clinical level)
- Two professional references, who are authorized to practice addiction counseling or in a related field, and who can verify that the applicant is competent to perform addiction counseling
- Completed application form
- Payment of fees

*Again, as SB 100 was passed by the legislature and anticipated being signed into law, there will be another way to be grandfathered as an LCAC. For that application, you would need to provide the

following:

- Certificate verifying (or the BSRB can verify this certification via KAAP database) the applicant was credentialed as an alcohol or other drug counselor before July 1, 2011 (this would be your AAPS Credential certificate)
- Attestation by the applicant that your last A/D credential was not suspended or revoked
- Documentation (CEU certificates of completion) verifying the applicant has completed **two hours each** of continuing education in ethics, confidentiality, and infectious disease and **six hours** of continuing education in the diagnosis and treatment of substance use disorders during the three years preceding July 2011
- Supervisor attestation that the applicant has been actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four (4) years
- Documentation of your master's degree in a related field
- Two professional references, who are authorized to practice addiction counseling or in a related field, and who can verify that the applicant is competent to perform addiction counseling
- Completed application form
- Payment of fees

Q: Can I send my application in two parts or does it need to be sent in one packet?

A: Because of the high volume of applications anticipated to be sent to the BSRB, counselors **MUST** submit all application documents with application and fee in one packet. Incomplete packets will not be reviewed. We advise counselors to take their time and double check the application packet before mailing.

The Trailer bill

Q: What is SB 100?

A: This legislative session, the association worked to introduce a trailer bill which would modestly revise the addiction counselor licensure bill passed last session. Although the previous bill, HB 2577, is strong, stakeholders have identified several components which may be detrimental to the workforce. These changes, which are outlined below, are the product of conversations with members and stakeholders across the state. The trailer bill was passed by both the Senate and House on Friday, May 13, 2011. It is anticipated that this bill will be signed into law by the Governor.

Q: What changes does SB 100 make to addiction counselor licensure?

A: Below are the changes which will most dramatically impact addiction counselors.

1. Approved change: New Section 2 (b) and New Section 2 (d), amend “limited to the diagnosis and treatment of substance use disorders” to “including the diagnosis and treatment of substance use disorders”

Rationale for change: This would eliminate any confusion related to the scope of practice of an addiction counselor. The word “limited” implies the counselor will only be allowed to diagnose and treat substance use disorders versus perform all tasks outlined in the definition of addiction counseling.

2. Approved change: New Section 2 (c), amend “such person shall engage in the practice of addiction counseling only in a state-licensed or certified alcohol or other drug treatment program” to “a licensed addiction counselor may engage in the practice of addiction counseling only in a state licensed or certified alcohol and other drug treatment program unless otherwise exempt for licensure in KSA 59-29b46a (m) (1-3).”

Rationale for change: This would allow counselors to practice in exempted facilities.

3. Approved change: New Section 4 (a)(2)(B), strike “diagnosis and treatment of”

Rationale for change: By eliminating the wording about, baccalaureate degree programs can provide other substance use disorder coursework that is not specific to diagnosing or treating substance use disorders yet relevant to addiction counseling in general. This would include critical instruction in documentation, ethics, co-occurring disorders, etc.

4a. Approved change: New Section 4 (b) (1)(A)(iii), change “and” to “or” and

4b. New Section 4 (b) (1)(A)(iii), insert after New Section 4 (b)(1)(A)(iv) words to the effect, “has completed a masters’ degree in a related field, and”

Rationale for change: This change is necessary to assure that individuals who grandfather as Licensed Addiction Counselors have the opportunity to earn licensure as a Licensed Clinical Addictions Counselor (LCAC) without securing a secondary master’s degree specifically in addiction counseling. Without this change the field is likely to have a workforce shortage in Licensed Clinical Addiction Counselors. The applicant still must furnish evidence of competency in practice through completion of postgraduate supervised practice which, does not compromise the value of consumer protection.

5. Approved change: New Section 4 (b)(2), strike “who has been actively engaged in the practice of addiction counseling”

Rationale for change: This is a requirement for those individuals wishing to grandfather as an addictions counselor. The removal of this requirement is paramount to the workforce and will affect newly credentialed counselors (new to the field and students), program administrators, clinical supervisors and administrators of addiction programs. The most profound effect will be upon students who worked to complete the requirements to become an AAPS Credentialed Counselor by July 1, 2011. These individuals, who have demonstrated competence to practice in the profession, would be stripped of the ability to practice thus, affecting the workforce in the

hundreds.

6. Approved change: New Section 8 (b), amend “As part of such continuing education, the applicant shall complete not less than six continuing education hours related to diagnosis and treatment of substance use disorders and not less than three continuing education hours of professional ethics” to read: “As part of such continuing education, the clinical applicant shall complete not less than six continuing education hours related to diagnosis and treatment of substance use disorders and the clinical addiction counselor and addiction counselor levels, not less than three continuing education hours of professional ethics”

Rationale for the change: In the original draft of the bill, LAC’s were to have the ability to diagnose and treat substance use disorders. As such, the continuing education required for both LAC’s and LCAC’s including education in diagnosis of substance use disorders. In the final bill, signed into law, LAC’s do not have the authority to diagnosis and thus, should not be required to receive ongoing education on diagnosis.

7. Approved change: New Sec 4 (b)(4) and renumber, (4) Any person who was credentialed by the department of social and Rehabilitation services as an alcohol and drug counselor and has been actively engaged in the practice, supervision or administration of addiction counseling in Kansas for not less than four (4) years and holds a master's degree in a related field and whose last registration or credential in Kansas prior to the effective date of this act was not suspended or revoked, upon application to the board, payment of fees and completion of applicable continuing education requirements, shall be licensed as a clinical addiction counselor and may engage in the independent practice of addiction counseling and is authorized to diagnose and treat substance use disorders specified in the edition of the diagnostic and statistical manual of mental disorders of the American psychiatric association designated by the board by rules and regulations.

Rationale for the change: Due to federal changes which were unforeseen during the passage of the original HB 2577, this addition has now become critical to assure the proper amount of clinical counselors exist to serve clients across the state of Kansas. The state has begun to enforce additional federal requirements which mandate programs to have a clinician eligible to diagnose and treat. This individual must “sign off” on every substance use disorder diagnosis of every client served in Kansas. Today, there are 300 persons likely to qualify to become licensed clinical addiction counselors via grandfathering. There are over 400 substance use disorder programs in the entire state. In this assessment, we believe there are not enough clinical persons to provide supervision and diagnostic “sign off” in the current system. We believe this added language would address workforce shortage issues in Kansas and assure those with proven experience and competence in substance use disorder treatment be grandfathered.

Q: What qualifies as a “related field”?

A: According to the draft regulations, a related field means a degree program in the helping professions and may include any of the following: education, criminal justice, counseling, healing arts, human

development, human services, marriage and family therapy, nursing, psychology, social work or theology.

About the regulations

Q: When will the LAC/LCAC regulations be complete?

A: The last meeting of the BSRB Licensed Addiction Counselor Advisory Committee occurred on December 9, 2010. This committee was tasked with creating the regulations which accompany the Addiction Counselor Licensure statute. Membership of the committee included: Phyllis Gilmore (BSRB), Barbara Burks (Johnson County Mental Health Center), Ruth Owens-Jurgens (Corner House), Sarah Hansen (KS Association of Addition Professionals), Iris Wilkinson (Washburn University), Deborah Stidham (Dept. of SRS-AAPS), and Leslie Allen (BSRB). The committee has now presented the draft to the full BSRB for review.

Q: What is the process for regulation adoption?

A: Now that the draft regulations are complete, the documents will go through the process of revision and adoption. The process includes: review by the Board of the BSRB, review by the Department of Administration, review by the Attorney General's office, public comment and hearing, review by the Joint Rules and Regulations Committee and finally, review and final approval by the Board of the BSRB. This final approval cannot occur until July 1, 2011.

Q: What information is covered in the LAC regulations?

A: Regulations accompany the statute and help with details of implementing licensure. Items in the regulations include: fees, educational requirements, application process, examination, grandfathering, postgraduate supervision requirements, process for renewal, continuing education requirements, and unprofessional conduct.

Q: How will I be informed about details in the draft regulations?

A: The association (KAAP) has teamed up with the BSRB to host two informational workshops on the Licensed Addiction Counselor draft regulations. These events, hosted by KAAP, occurred on January 14, 2011, and February 11, 2011. KAAP will host one additional event on June 17, 2011, in Dodge City KS.

Moving forward

Q: My AAPS Credential indicates expiration of December 31, 2011. Do I need to be licensed in August?

A: Yes. Even though your certificate still reads December 31, 2011, the AAPS credential will be void effective July 31, 2011. This means you MUST apply for a license with the BSRB if you wish to practice after July 31, 2011.

Q: I am not an AAPS Credentialed Counselor. Can I still become an AAPS Credentialed counselor?

A: Yes. Applications will be accepted until June 1, 2011. No new AAPS credentials will be awarded after June 30, 2011. All AAPS Credentials will expire on July 31, 2011.

Q: What if I cannot meet the criteria for AAPS Credential thus, not be grandfathered in as an LAC or LCAC?

A: You will then review the criteria for new licensure as an LAC or LCAC. HB 2577 allows for persons waiting to take the examination for licensure to apply for a temporary license to practice as an LAC or LCAC.

Q: When can I apply to become a Licensed Addiction Counselor?

A: The application will be issued by the Behavioral Sciences Regulatory Board. The draft application will be available to view in mid May 2011. You may apply for licensure in late June/early July 2011 with applications being processed and awarded between August 1, 2011 to September 1, 2011.

Q: I am confused the role of SRS-AAPS, BSRB and KAAP. Can you explain each organizations function and role?

A: Please see the chart below for clarity.

Organization	Functions	Will I get regular communication from this organization?
Behavioral Sciences Regulatory Board	-Issue addiction counselor license -Facilitate testing for new LAC/LCAC applicants	BSRB will communicate with you about your license and your status as a counselor.
Department of Social and Rehabilitation Services – AAPS	-Issue facility/program licenses for addiction programs.	AAPS communicates with programs related to meeting standards for agencies practicing alcohol/drug counseling.

<p>Kansas Association of Addiction Professionals</p>	<ul style="list-style-type: none"> -Advocate on behalf of members -Issue communication on current changes at the state and national level -Provide opportunities to interact with elected officials and state policy makers -Offer continuing education and other trainings to meet requirements for licensure and other certifications -Provide technical assistance to programs and agency leaders -Provide members only discounts -Provider counselors membership and benefits of NAADAC through membership with KAAP (membership is linked) -Represent you at state level committees (DUI Commission, Problem Gambling and other Addictions Advisory Council, BSRB LAC Advisory Committee) 	<p>The association will serve and communicate exclusively with our members.</p>
<p>KAAP Certification Commission</p>	<p>Issue specialty credentials such as: CADC I, II and III, Kansas Certified Gambling Counselor (KCGC), Peer Mentor in Training, Kansas Certified Peer Mentor, Person Centered Case Manager</p>	<p>The Certification Commission will communicate with you about your credential and your status as credentialed person.</p>