

CHAPTER 89

(HB 505)

AN ACT relating to alcohol and drug counselors.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 309.080 is amended to read as follows:

As used in KRS 309.080 to 309.089, unless the context otherwise requires:

- (1) "Board" means the Kentucky Board of Alcohol and Drug Counselors;
- (2) "~~Associate~~~~[Certified]~~ alcohol and drug counselor ~~[associate—II]~~" means a person certified by the board who meets the requirements of KRS 309.0841;
- (3) "~~Associate~~~~[Certified]~~ alcohol and drug counselor ~~[associate—II]~~" means a person certified by the board who meets the requirements of KRS 309.0842;
- (4) "Certified alcohol and drug counselor" means a person certified by the board who meets the requirements in KRS 309.083;
- (5) "Certified clinical supervisor" means a person certified by the board who meets the requirements of KRS 309.0834;
- (6) "Certificate holder" means an alcohol and drug counselor who is certified pursuant to KRS 309.080 to 309.089;
- (7) "Licensed alcohol and drug counselor" means a person licensed by the board who meets the requirements of KRS 309.0830;
- (8) "Licensed clinical alcohol and drug counselor" means a person licensed by the board who meets the requirements of KRS 309.0832;
- (9) "Licensed clinical alcohol and drug counselor associate" means a person licensed by the board who meets the requirements of KRS 309.0833;
- (10) "Licensee" means a clinical alcohol and drug counselor who is licensed pursuant to KRS 309.080 to 309.089;
- (11) "Practice of alcohol and drug counseling":
 - (a) Means the assessment and counseling of an individual, family, or group dealing with an alcohol or drug problem or addiction; and
 - (b) Does not include the diagnosis or treatment of a mental health condition, or the administration or interpretation of psychological tests;
- (12) "Registered alcohol and drug peer support specialist" means a person registered by the board who meets the requirements in KRS 309.0831; and
- (13) "Registrant" means an alcohol and drug peer support specialist who is registered pursuant to KRS 309.080 to 309.089.

➔Section 2. KRS 309.0805 is amended to read as follows:

- (1) No person shall use the title "certified clinical supervisor," "licensed alcohol and drug counselor," "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," "~~associate~~~~[certified]~~ alcohol and drug counselor ~~[associate—II]~~," "~~associate~~~~[certified]~~ alcohol and drug counselor ~~[associate—II]~~," "**temporary alcohol and drug peer support specialist**," or "registered alcohol and drug peer support specialist," or hold himself or herself out as a "licensed clinical alcohol and drug counselor," "licensed clinical alcohol and drug counselor associate," "certified alcohol and drug counselor," "**temporary alcohol and drug peer support specialist**," or "registered alcohol and drug peer support specialist" unless he or she is licensed, certified, or registered pursuant to KRS 309.080 to 309.089.
- (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or registered under any other provision of the Kentucky Revised Statutes, including but not limited to physicians, social workers,

psychologists, marriage and family therapists, art therapists, nurses, or students in accredited training programs in those professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit, interfere with, or restrict the practice, descriptions of services, or manner in which they hold themselves out to the public.

- (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere with the practice of those who render counseling services, including but not limited to employment counseling, job placement counseling, vocational rehabilitation counseling, pastoral counseling based on any tenet of one's religious beliefs, or school counseling.
- (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a student intern or trainee who is pursuing a program of studies in alcohol and drug counseling at an accredited institution of higher education, if these activities are performed under the supervision or direction of an approved supervisor and the activities are part of the supervised program of studies.

➔Section 3. KRS 309.081 is amended to read as follows:

- (1) There is hereby created the Kentucky Board of Alcohol and Drug Counselors consisting of ***eleven (11)***~~seven (7)~~ members who shall be appointed by the Governor. One (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business of alcohol and drug counseling, and the ***ten (10)***~~six (6)~~ remaining members shall be licensed clinical alcohol and drug counselors or certified alcohol and drug counselors, pursuant to KRS 309.080 to 309.089. The board shall elect a chairperson each year at the first meeting called after the appointment of new members.
- (2) Each member of the board shall serve for a term of four (4) years with a maximum of two (2) full consecutive terms. ***After one (1) year following the expiration of a second consecutive, full term, a former member of the board may be reappointed to the board to serve a term of four (4) years with a maximum of two (2) full consecutive terms.***
- (3) Each counselor member appointed to the board shall be a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor and shall be actively engaged in the practice or teaching of alcohol and drug counseling in Kentucky.
- (4) All reappointments to and vacancies on the board shall be filled by the Governor from a list of three (3) names for each position that shall be submitted by the Kentucky Association of Addiction Professionals. The list shall consist of the three (3) nominees receiving the most votes in an election for each position to be filled. The election shall be administered by the Kentucky Association of Addiction Professionals, and nominations may be submitted by any interested party. The nominees shall be selected by all alcohol and drug counselors licensed or certified under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an unexpired term in the same manner as set out in this subsection.
- (5) The citizen-at-large member shall be disqualified from serving on the board if:
 - (a) The member, a person who is a part of the member's household, or the member's relative becomes associated with or financially interested in the business of alcohol and drug counseling, or participates or has participated in a professional field related to alcohol and drug counseling; or
 - (b) The member, a person who is a part of the member's household, or the member's relative becomes, or is in training to become, a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor.
- (6) A counselor member of the board shall be disqualified from serving on the board if:
 - (a) He or she violates the code of professional ethics or standards of practice established pursuant to KRS 309.0813; or
 - (b) He or she ceases to be a licensed clinical alcohol and drug counselor or certified alcohol and drug counselor in Kentucky.
- (7) ***Each board member shall receive one hundred dollars (\$100) per day for each day of service actually given in carrying out his or her duties under KRS 309.080 to 309.089, and shall also be reimbursed the necessary traveling, hotel, and contingent expenses incurred in attending the meetings and in performing the duties of the board.***~~Board members shall be reimbursed for all reasonable and necessary expenses they incur because of their board duties.~~

➔Section 4. KRS 309.083 is amended to read as follows:

An applicant for certification as an alcohol and drug counselor shall pay the board the initial fee for certification, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a baccalaureate degree, unless the applicant is certified by the board as *an associate*~~la-certified~~ alcohol and drug counselor ~~associate~~ II;
- (3) Have completed the minimum work experience and supervision requirements for alcohol and drug counselors by the International Certification and Reciprocity Consortium with supervised hours being under the direct supervision of:
 - (a) A certified alcohol and drug counselor who has at least two (2) years of post-certification experience and has attended the board-sponsored supervision training; or
 - (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training;
- (4) Meet all minimum supervision, education, and training requirements of the International Certification and Reciprocity Consortium for the Alcohol and Drug Counselor (ADC);
- (5) Have passed a written examination for alcohol and drug counselors that has been approved by the International Certification and Reciprocity Consortium;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Have completed at least six (6) hours of ethics training; three (3) hours of domestic violence training; and two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus;
- (8) Have submitted two (2) letters of reference from certified or licensed clinical alcohol and drug counselors;
- (9) Live or work at least a majority of the time in Kentucky; and
- (10) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.

➔Section 5. KRS 309.0813 is amended to read as follows:

The board shall:

- (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and enforcement of KRS 309.080 to 309.089;
- (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a code of ethics, standards of practice, and continuing education for certified clinical supervisors, licensed alcohol and drug counselors, licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, *associate*~~certified~~ alcohol and drug *counselors*~~counselor associates~~ II, *associate*~~certified~~ alcohol and drug *counselors*~~counselor associates~~ I, *temporary alcohol and drug peer support specialists*, and registered alcohol and drug peer support specialists;
- (3) Approve and disapprove, at least once every other month, those persons who shall be licensed, certified, or registered under KRS 309.080 to 309.089;
- (4) Approve the examination required of applicants for licensure or certification as certified clinical supervisors, or as alcohol and drug counselors and applicants for registration as alcohol and drug peer support specialists, and promulgate administrative regulations pursuant to KRS Chapter 13A for the administration and grading of the examination;
- (5) Promulgate administrative regulations pursuant to KRS Chapter 13A to define the process to register with the board as a certified clinical supervisor, licensed alcohol and drug counselor, registered alcohol and drug peer support specialist, certified alcohol and drug counselor, licensed clinical alcohol and drug counselor associate, or licensed clinical alcohol and drug counselor;
- (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing grounds and procedures for denying, suspending, failing to reissue, or revoking a license, certificate, or registration, and issuing reprimands and admonishments pursuant to KRS 309.080 to 309.089;

- (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved licensee, licensee associate, certificate holder, or registrant, or an applicant for a license, certificate, or registration;
- (8) Employ needed personnel and establish their duties and compensation;
- (9) Maintain a register of certified clinical supervisors, licensed alcohol and drug counselors, licensed clinical alcohol and drug counselors, licensed clinical alcohol and drug counselor associates, certified alcohol and drug counselors, and registered alcohol and drug peer support specialists;
- (10) Keep a complete record of the board's proceedings;
- (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (12) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing an initial licensure fee, certification fee, registration fee, and annual renewal fees not to exceed three hundred dollars (\$300) each;
- (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to 309.089 and the administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
- (14) Submit an annual report to the Governor and the Legislative Research Commission by January 1 of each year, which lists all hearings conducted by the board and the decisions rendered; and
- (15) Collect and deposit all fees, fines, and other moneys owed to the board into the State Treasury to the credit of the revolving fund established in KRS 309.082.

➔Section 6. KRS 309.0831 is amended to read as follows:

An applicant for registration as an alcohol and drug peer support specialist shall pay the board an initial fee for registration, and shall:

- (1) Be at least eighteen (18) years of age;
- (2) Have obtained a high school diploma or equivalent;
- (3) Have completed five hundred (500) hours of board-approved experience working with persons having a substance use disorder, twenty-five (25) hours of which shall have been under the direct supervision of:
 - (a) A certified alcohol and drug counselor who has at least two (2) years post-certification experience and has attended the board-sponsored supervision training;~~{or}~~
 - (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training; *or*
 - (c) ***Under supervision of the board, a registered alcohol and drug peer support specialist who has at least two (2) years of post-registered experience and has attended the board-sponsored supervision training;***
- (4) Have completed at least forty (40) classroom hours of board-approved curriculum;
- (5) Have passed a written examination that has been approved by the board;
- (6) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;
- (7) Attest to being in recovery for a minimum of ***twelve (12) consecutive months***~~{one (1) year}~~ from a substance-related disorder;
- (8) Have completed at least sixteen (16) hours of ethics training; three (3) hours of domestic violence training; two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus; ten (10) hours of advocacy training; ten (10) hours of training in mentoring and education; and ten (10) hours of training in recovery support;
- (9) Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;
- (10) Live or work at least a majority of the time in Kentucky; and
- (11) Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.

➔Section 7. KRS 309.0841 is amended to read as follows:

- (1) An applicant for certification as ***an associate***~~[a-certified]~~ alcohol and drug counselor ~~[associate]~~ II shall pay the board the initial fee for certification, and shall:
- (a) Be at least eighteen (18) years of age;
 - (b) Have obtained a high school diploma or high school equivalency diploma;
 - (c) Have completed forty (40) classroom hours of board-approved curriculum, twenty (20) hours of which shall have been obtained in the previous two (2) years, that includes:
 - 1. Screening assessment and engagement;
 - 2. Treatment planning, collaboration, and referral;
 - 3. Counseling; and
 - 4. Professional and ethical responsibilities;
 - (d) Be under the ongoing supervision of a board-approved supervisor for no less than two (2) hours, two (2) times a month in the practice of drug and alcohol counseling; and
 - (e) Submit a signed statement agreeing to practice by the code of ethical standards adopted by the board.
- (2) During the first twelve (12) months after an initial certificate has been issued, ***an associate***~~[a-certified]~~ alcohol and drug counselor ~~[associate]~~ II shall complete at least thirty (30) additional classroom hours of board-approved curriculum as specified in subsection (1)(c)1. to 4. of this section.

➔Section 8. KRS 309.0842 is amended to read as follows:

An applicant for certification as ***an associate***~~[a-certified]~~ alcohol and drug counselor ~~[associate]~~ II shall pay the board the initial fee for certification, and shall:

- (1) Be certified by the board as ***an associate***~~[a-certified]~~ alcohol and drug counselor ~~[associate]~~ II for a period of at least eight (8) months;
- (2) Have four hundred (400) hours of documented chemical dependency counseling-related compensated work or supervised internship experience of which a minimum of eighty (80) hours shall be in chemical dependency counseling and all of which shall have been under the direct supervision of:
 - (a) A certified alcohol and drug counselor who has at least two (2) years of post-certification experience and has attended the board-sponsored supervision training; or
 - (b) A licensed clinical alcohol and drug counselor who has at least twelve (12) months of post-licensure experience or has attended the board-sponsored supervision training; and
- (3) Have seventy (70) hours of approved classroom hours of board-approved curriculum of which twenty (20) hours shall have been obtained in the previous two (2) years and shall be in addition to the classroom hours required in KRS 309.0841 for ***an associate***~~[a-certified]~~ alcohol and drug counselor ~~[associate]~~ II.

➔Section 9. KRS 309.088 is amended to read as follows:

- (1) The board may permit an out-of-state certified clinical supervisor, licensed alcohol and drug counselor, licensed clinical alcohol and drug counselor, certified alcohol and drug counselor, ***associate***~~[certified]~~ alcohol and drug counselor ~~[associate]~~ II, ***associate***~~[certified]~~ alcohol and drug counselor ~~[associate]~~ II, or alcohol and drug peer support specialist to obtain a license, certificate, or registration by reciprocity if:
 - (a) The out-of-state licensee, certificate holder, or registrant possesses a valid license, certificate, or registration from another jurisdiction that grants the same privileges to persons licensed, certified, or registered by this state as Kentucky grants to persons licensed, certified, or registered by the other jurisdiction;
 - (b) The requirements for licensure, certification, or registration are substantially similar to the requirements in KRS 309.080 to 309.089; and
 - (c) The out-of-state licensee, certificate holder, or registrant seeking licensure, certification, or registration states that he or she has studied, is familiar with, and shall abide by KRS 309.080 to 309.089 and the administrative regulations promulgated thereunder.

- (2) If the requirements for licensure, certification, or registration under KRS 309.080 to 309.089 are more restrictive than the standards of the other jurisdiction, then the out-of-state licensee, certificate holder, or registrant shall comply with the additional requirements in KRS 309.080 to 309.089 to obtain a reciprocal license, certificate, or registration.

➔SECTION 10. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED TO READ AS FOLLOWS:

An applicant for registration as a temporary alcohol and drug peer support specialist shall pay the board an initial fee for registration, and shall:

- (1) *Be at least eighteen (18) years of age;*
- (2) *Have obtained a high school diploma or equivalent;*
- (3) *Have completed at least forty (40) classroom hours of board-approved curriculum;*
- (4) *Have passed a written examination that has been approved by the board;*
- (5) *Have signed an agreement to abide by the standards of practice and code of ethics approved by the board;*
- (6) *Attest to being in recovery for a minimum of twelve (12) consecutive months immediately preceding the date of registration from a substance-related disorder;*
- (7) *Have completed at least:*
 - (a) *Sixteen (16) hours of ethics training;*
 - (b) *Three (3) hours of domestic violence training;*
 - (c) *Two (2) hours of training in the transmission, control, treatment, and prevention of the human immunodeficiency virus;*
 - (d) *Ten (10) hours of advocacy training;*
 - (e) *Ten (10) hours of training in mentoring and education; and*
 - (f) *Ten (10) hours of training in recovery support;*
- (8) *Have submitted two (2) letters of reference from certified alcohol and drug counselors or licensed clinical alcohol and drug counselors;*
- (9) *Live or work a majority of the time in Kentucky; and*
- (10) *Have complied with the requirements for the training program in suicide assessment, treatment, and management in KRS 210.366 and any administrative regulations promulgated thereunder.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 222 IS CREATED TO READ AS FOLLOWS:

The Cabinet for Health and Family Services shall promulgate administrative regulations in accordance with KRS Chapter 13A to:

- (1) (a) *Until January 1, 2026, require that licensed alcohol and other drug treatment entities and behavioral health service organizations only employ a temporary alcohol and drug peer support specialist or alcohol and drug peer support specialist who is registered under KRS Chapter 309 or a temporary alcohol and drug peer support specialist or alcohol and drug peer support specialist who meets the requirements of applicable administrative regulations in effect on the effective date of this Act or any applicable administrative regulations promulgated thereafter.*
- (b) *Beginning January 1, 2026, require that licensed alcohol and other drug treatment entities and behavioral health service organizations only employ a temporary alcohol and drug peer support specialist or alcohol and drug peer support specialist who is registered under KRS Chapter 309;*
- (2) *Permit a registered temporary alcohol and drug peer support specialist to provide the same services and be reimbursed at the same rates as a registered alcohol and drug peer support specialist;*
- (3) *Remove any limits on the maximum number of hours of direct client care that may be provided by a registered alcohol and drug peer support specialist;*
- (4) *Require that a temporary certified alcohol and drug counselor under the clinical supervision of a certified alcohol and drug counselor, a licensed alcohol and drug counselor, or a licensed clinical alcohol or drug*

counselor be a reimbursable service provider in alcohol and other drug treatment entities and behavioral health service organizations;

- (5) Permit a licensed alcohol and drug counselor to provide the same services and be reimbursed at the same rates as a licensed clinical alcohol and drug counselor in licensed alcohol and other drug treatment entities and behavioral health service organizations;*
- (6) Permit the qualifications for a case manager for an individual with mental or substance use disorder to be a bachelor's degree or higher in any field of study and set forth training and supervision requirements to substitute for required work experience;*
- (7) Require that a community support associate approved by the Department for Behavioral Health, Developmental and Intellectual Disabilities to be a reimbursable service provider in licensed alcohol and other drug treatment entities and behavioral health service organizations; and*
- (8) Permit peer support specialists to provide services to groups of the same size as other licensed clinical professionals in a licensed alcohol and other drug treatment entities and behavioral health service organizations.*

➔Section 12. If the Cabinet for Health and Family Services determines that a waiver or any other authorization from a federal agency is necessary to implement any provision of this Act for any reason, including the loss of federal funds, the Cabinet shall, within 90 days after the effective date of this section, request the waiver or authorization, and may only delay implementation of those provisions for which a waiver or authorization was deemed necessary until the waiver or authorization is granted.

Signed by Governor April 5, 2024.