

**SAM BROWNBACK**  
Governor

**TOM HAWK, Ph.D.**  
Executive Director



**Proposed**

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**BEHAVIORAL SCIENCES REGULATORY BOARD**

**NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT REGULATIONS  
for  
ADDICTION COUNSELING**

***K.A.R. 102-7-1 through 102-7-12***

The Behavioral Sciences Regulatory Board will conduct a public hearing from 10:00 – 11:30 A.M. on Friday, September 23, 2011 in the board conference room at 712 S. Kansas Avenue, Topeka, to consider adopting proposed permanent rules and regulations for Addiction Counseling.

This 60-day notice of the public hearing constitutes a public comment period for purposes of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to the hearing to Tom Hawk, Executive Director, Behavioral Sciences Regulatory Board, 712 South Kansas Ave., Topeka, KS 66603-3817. E-mail comments may be directed to [tom.hawk@bsrb.state.ks.us](mailto:tom.hawk@bsrb.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Leslie Allen, Licensing Manager at 785-296-3240 or the Kansas Relay Center at 1-800-766-3777. There is designated accessible parking on Kansas Avenue and the front entrance of the board office is accessible.

A copy of the full text of the regulations and the economic impact statement may be reviewed or obtained at the board office. They are also available on the board website at [www.ksbsrb.org](http://www.ksbsrb.org) under proposed regulations. The following is a summary of the proposed regulations and economic statement. The board does not have a less costly or less intrusive method for achieving the stated purpose of this regulation.

**K.A.R. 102-7-1 – 102-7-12** implement HB 2577, the Licensed Addictions Counselors Act, passed by the 2010 Legislature and SB 100 which was passed as part of Sub HB 2182 by the 2011 Legislature.

**Economic impact:** There would be a positive economic impact to the Behavioral Sciences Regulatory Board, the State of Kansas, and other governmental agencies. There would be an economic impact to the new applicants and licensees of the Kansas Behavioral Sciences Regulatory Board. There would not be an economic impact to the public.



**102-7-1. Definitions.** (a) "Academic equivalent of a semester credit hour," when used in K.A.R. 102-7-3, means the prorated proportionate credit for formal academic coursework if that coursework is completed on the basis of trimester or quarter hours rather than semester hours.

(b) "Addiction counseling supervision" means a formal professional relationship between the supervisor and supervisee that promotes the development of responsibility, skills, knowledge, values, and ethical standards in the practice of addiction counseling.

(c) "Board" means the Kansas behavioral sciences regulatory board.

(d) "Client" means a person who is a direct recipient of addiction counseling services.

(e) "Client contact," for purposes of K.A.R. 102-7-6, means a service to a client or clients that utilizes individual, family, or group interventions through face-to-face interaction or the use of electronic mediums of face-to-face interaction in which confidentiality is protected.

(f) "Clinical supervision training plan" means a formal, written agreement that establishes the supervisory framework for postgraduate clinical experience and describes the expectations and responsibilities of the supervisor and the supervisee.

(g) "Continuing education" means formally organized programs or activities that are designed for and have content intended to enhance the addiction counselor's or clinical addiction counselor's knowledge, skill, values,



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ethics, and ability to practice as an addiction counselor or as a clinical addiction counselor.

(h) "Fraudulent representation" shall include the following:

- (1) Deceit;
- (2) misrepresentation; and
- (3) concealing a material fact.

(i) "Harmful dual relationship" means a professional relationship between a licensee and a client, student, supervisee, or any person who has had a significant relationship with either a current client or a person who has been a client within the past 24 months if that relationship is known to the licensee, in which the objectivity or competency of the licensee is impaired or compromised because of any of the following types of present or previous relationships:

- (1) Familial;
- (2) social;
- (3) emotional;
- (4) financial;
- (5) supervisory; or
- (6) administrative.

(j) "LAC" means licensed addiction counselor.

(k) "LCAC" means licensed clinical addiction counselor.

(l) "Malfeasance" means the performance of an act that a licensee should not do.



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(m) "Merits the public trust" means that an applicant or licensee possesses the high standard of good moral character and fitness that is required to practice addiction counseling as demonstrated by the following personal qualities:

- (1) Good judgment;
- (2) integrity;
- (3) honesty;
- (4) fairness;
- (5) credibility;
- (6) reliability;
- (7) respect for others;
- (8) respect for the laws of the state and nation;
- (9) self-discipline;
- (10) self-evaluation;
- (11) initiative; and
- (12) commitment to the addiction counseling profession and its values and ethics.

(n) "Misfeasance" means the improper performance of a lawful act by a licensee.

(o) "Nonfeasance" means the omission of an act that a licensee should do.



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(p) "Practice setting" means the public or private addiction counseling agency or delivery system within which addiction counseling is practiced or addiction counseling services are delivered.

(q) "Practicum or its equivalent" means a formal component of the academic curriculum in the addiction counseling or in the related field educational program that engages the student in supervised addiction counseling practice and provides opportunities to apply classroom learning to actual practice situations in a field setting.

(r) "Quarter credit hour" means two-thirds of a semester hour. Quarter credit hours shall be rounded as follows:

- (1) One quarter credit hour equals .7 semester hours.
- (2) Two quarter credit hours equal 1.3 semester hours.
- (3) Three quarter credit hours equal 2.0 semester hours.
- (4) Four quarter credit hours equal 2.7 semester hours.
- (5) Five quarter credit hours equal 3.3 semester hours.

(s) "Related field" means a degree program in a helping profession and may include any of the following:

- (1) Education;
- (2) criminal justice;
- (3) counseling;
- (4) healing arts;
- (5) human development and family studies;
- (6) human services;



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- (7) marriage and family therapy;
- (8) nursing;
- (9) psychology;
- (10) social work; or
- (11) theology.

(t) "Semester credit hour," when used in K.A.R. 102-7-3, means at least 13 clock-hours of formal, didactic classroom instruction that occurred over the course of an academic semester and for which the applicant received formal academic credit.

(u) "Undue influence" means misusing one's professional position of confidence, trust, or authority over a client or supervisee, or taking advantage of a client's vulnerability, weakness, infirmity, or distress for any of the following purposes:

(1) To improperly influence or change a client's or supervisee's actions or decisions;

(2) to exploit a client or supervisee for the counselor's or a third party's financial gain, personal gratification, or advantage; or

(3) to impose one's personal values, spiritual beliefs, or lifestyle on a client, student, or supervisee. (Authorized by and implementing K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-2. Fees.** (a) Each applicant or licensee shall pay the appropriate fee or fees as follows:

- (1) Application fee for an addiction counselor license:
  - (A) Before January 1, 2012: \$50; and
  - (B) on and after January 1, 2012: \$100;
- (2) application fee for a clinical addiction counselor license:
  - (A) Before January 1, 2012: \$50; and
  - (B) on and after January 1, 2012: \$100;
- (3) original addiction counselor license fee: \$100;
- (4) original clinical addiction counselor license fee:
  - (A) Before January 1, 2012: \$100; and
  - (B) on and after January 1, 2012: \$150;
- (5) renewal of an addiction counselor license fee: \$100;
- (6) renewal of a clinical addiction counselor license fee: \$150;
- (7) replacement of an addiction counselor or a clinical addiction counselor wall certificate: \$20;
- (8) reinstatement of an addiction counselor license: \$100;
- (9) reinstatement of a clinical addiction counselor license: \$150;
- (10) temporary addiction counselor: \$100;
- (11) temporary, 15-day permit for an out-of-state professional: \$200; or
- (12) temporary, 15-day permit for an out-of-state professional extension: \$200.



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(b) Each applicant for license renewal after the date of its expiration shall pay, in addition to the renewal fee, the applicable late renewal penalty fee as follows:

- (1) Licensed addiction counselor (LAC): \$100; or
- (2) licensed clinical addiction counselor (LCAC): \$150.

(c) Fees paid to the board shall not be refundable. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §4, as amended by 2011 HB 2182, §12, and L. 2010, ch. 45, §12; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-3. Educational requirements.** (a)(1) "Core faculty member" means an individual who is part of the teaching staff of a program covered by this regulation and who meets the following conditions:

(A) Has education, training, and experience consistent with the individual's role within the program and consistent with the published description of the goals, philosophy, and educational purpose of the program;

(B) has primary professional employment at the institution in which the program is housed; and

(C) is identified with the program and is centrally involved in program development, decision making, and student training as demonstrated by consistent inclusion of the individual's name in public and departmental documents.

(2) "In residence," when used to describe a student, means that the student is present at the physical location of the institution for the purpose of completing coursework, during which the student and one or more core or adjunct faculty members are in face-to-face contact.

(3) "Primary professional employment" means at least 20 hours each week of instruction, research, or any other service to the institution in the course of employment, and related administrative work.

(4) "Skill-based coursework" means those courses that allow students to work on basic helping skills including open-ended questions, clarification, interpretation, response to feelings, and summarization.



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(b) To qualify for licensure as an addiction counselor with a baccalaureate degree in addiction counseling or a baccalaureate degree in a related field that included all coursework requirements, the applicant shall hold one of the following:

(1) A baccalaureate degree in addiction counseling or a related field.

When the degree was granted, the program was accredited by the national addiction studies accreditation commission;

(2) a baccalaureate degree in addiction counseling or a related field, if the applicant began the program before May 1, 2011 and the baccalaureate degree is conferred on or before June 1, 2012, from a program that was approved by the Kansas department of social and rehabilitation services, division of addiction and prevention services; or

(3) a baccalaureate degree in addiction counseling or a related field, if the applicant began the program before July 1, 2012, from a program that included at least 30 semester hours, or the academic equivalent, in coursework on substance use disorders and that meets the coursework requirements in subsection (c).

(c) Each applicant for licensure as an addiction counselor shall have satisfactorily completed formal academic coursework that contributes to the development of a broad conceptual framework for addiction counseling theory and practice. This formal academic coursework shall be distributed across the substantive content areas specified in this subsection. For applicants who



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graduate after July 1, 2013, two of the following courses shall be completed while the student is in residence: methods of individual counseling, methods of group counseling, practicum one, or practicum two. A maximum of three semester hours, or the academic equivalent, may be completed in independent study. Except for the required courses in a practicum or its equivalent, there shall be at least three discrete and unduplicated semester hours, or the academic equivalent, in each of the following content areas:

- (1) Addiction treatment, which shall include studies in the philosophies, practices, policies and outcomes of the most generally accepted, culturally sensitive, and scientifically supported models of treatment, recovery, relapse prevention, and continuing care for addiction and other substance-related problems;
- (2) methods of individual counseling, which shall include studies utilizing culturally sensitive, evidence-based approaches to individual counseling;
- (3) methods of group counseling, which shall include studies utilizing culturally sensitive, evidence-based approaches to group counseling;
- (4) pharmacology, which shall include the study of behavioral, psychological, physical, and social effects of psychoactive substances;
- (5) co-occurring disorders, which shall include studies of an understanding of terms, service delivery systems, assessment, and strategies for working with clients with co-occurring disorders;

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(6) addiction services coordination, which shall include studies of the established diagnostic criteria for substance use disorders for culturally sensitive screening, assessment, treatment planning, referral, service coordination, documentation, and consultation;

(7) legal and ethical issues, which shall include studies of the ethical, legal and culturally sensitive behavioral standards of conduct for the addiction counselor;

(8) family and community studies, which shall include studies of the importance of family, social networks, community systems, and the development of cultural competence in the treatment and recovery process;

(9) at least six semester credit hours, or the academic equivalent, of practicum or its equivalent, which shall include the following:

(A) An experience that integrates didactic learning that supports the diagnosis and treatment of substance use disorders with practical experience;

(B) at least 600 clock-hours; and

(C) at least 100 hours of supervision, of which at least 50 hours are individual, that is provided by the program's faculty and agency supervisors. Supervision shall occur at least once each week by both faculty and agency supervisors; and

(10) for applicants who graduate on and after July 1, 2012, at least three discrete and unduplicated semester hours, or the academic equivalent, in the study of research that includes studies of an understanding of research



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methodology, critical evaluation of professional research reports, knowledge and application of current research, and an understanding of how culture and history impact research.

(d) To qualify for licensure as a clinical addiction counselor with a baccalaureate degree in a related field with additional coursework in addiction counseling, the following requirements shall be met:

(1) The college or university at which the applicant completed a baccalaureate degree in a related field shall be regionally accredited with accreditation standards equivalent to those met by Kansas colleges and universities.

(2) The applicant shall meet the coursework requirements in subsection (c).

(3) The program through which the applicant obtained additional coursework in addiction counseling either shall be accredited by the national addiction studies accreditation commission or shall meet the standards approved by the board as specified in subsections (g) and (h).

(e) To qualify for licensure as a clinical addiction counselor with a master's degree in addiction counseling or a master's degree in a related field that included all coursework requirements, the applicant shall hold one of the following:



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(1) A master's degree in addiction counseling or a related field. When the degree was granted, the program was accredited by the national addiction studies accreditation commission;

(2) a master's degree in addiction counseling or a related field, if the applicant began the program before May 1, 2011 and the master's degree is conferred on or before June 1, 2012 from a program that was approved by the Kansas department of social and rehabilitation services, division of addiction and prevention services; or

(3) a master's degree in addiction counseling or a related field. Part of the coursework completed for the master's degree shall be at least 27 graduate semester credit hours, or the academic equivalent, supporting the diagnosis and treatment of substance use disorders and shall meet the coursework requirements in subsection (f).

(f) Each applicant for licensure as a clinical addiction counselor shall have satisfactorily completed formal academic coursework that contributes to the development of a broad conceptual framework for addiction counseling theory and practice. This formal academic coursework shall be distributed across the substantive content areas specified in this subsection. For applicants who graduated after July 1, 2013, half of all skill-based coursework shall be completed while the student is in residence, as defined in this regulation. A maximum of three graduate semester hours, or the academic equivalent, may be completed in independent study. There shall be at least three discrete and

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unduplicated graduate semester hours, or the academic equivalent, in each of the following content areas:

(1) Addiction recovery services, which shall include studies of theories and models of treatment including the philosophies, practices, policies, and outcomes of the most generally accepted culturally sensitive and scientifically supported models of treatment, recovery, relapse prevention, and continuing care for addiction and other substance-related problems;

(2) methods of individual and group counseling;

(3) clinical supervision, which shall include studies of the tasks and functions of the clinical supervisor and the ability to assess development of competencies, conduct supervisory interviews, and design professional development plans;

(4) pharmacology, which shall include studies of the behavioral, psychological, physical, and social effects of psychoactive substances, drug interactions, and medication-assisted therapies;

(5) integrative dual disorders, which shall include studies of collaborative psychopharmacology, psychoeducation-supported employment, and culturally sensitive integrated substance use and mental health disorder treatment;

(6) diagnosis of substance use disorders, which shall include studies of the established diagnostic criteria for substance use disorders for culturally sensitive screening, assessment, treatment planning, referrals, service coordination, documentation, and consultation;



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(7) professional legal and ethical issues, which shall include studies of the code of ethics, the legal responsibilities and liabilities of clinical supervision, practice and research, and the development of a professional attitudes by examining the role of professional socialization, the development of cultural competence, professional organizations, and licensure;

(8) research, which shall include studies of an understanding of research methodology, data analysis, computer research skills, and critical evaluation of professional research reports, knowledge, and application of current research, and an understanding of how culture impacts research, including a historical context. A maximum of three semester hours, or the academic equivalent, may be completed in thesis or independent research courses; and

(9) practicum or its equivalent, which shall meet the following requirements:

(A) Be a clinical experience that integrates didactic learning supporting the diagnosis and treatment of substance use disorders;

(B) include at least 350 hours of client contact; and

(C) provide at least one hour of supervision for every 10 hours of client contact. Supervision shall be provided by the program's faculty and agency supervisors.

(g) To qualify for licensure as a clinical addiction counselor with a master's degree in a related field with additional coursework in addiction counseling, the following requirements shall be met:



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(1) The college or university at which the applicant completed a master's degree in a related field shall be regionally accredited with accreditation standards equivalent to those met by Kansas colleges and universities.

(2) The applicant shall meet the coursework requirements in subsection (f).

(3) The program through which the applicant obtained additional coursework in addiction counseling either shall be accredited by the national addiction studies accreditation commission or shall meet the standards approved by the board as specified in subsections (h) and (i).

(h) In order to be approved by the board, each addiction counseling program or related-field program, except the related-field degree listed in paragraphs (d)(1) and (g)(1), that is not accredited by the national addiction studies accreditation commission shall meet the following conditions:

(1) Have established program admission requirements that are based, in part or in full, on objective measures or standardized achievement tests and measures;

(2) offer education and training in addiction counseling, one goal of which is to prepare students for the practice of addiction counseling;

(3) require an established curriculum that encompasses at least one academic year of study for a baccalaureate degree or two academic years of study for a master's degree;



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(4) have clear administrative authority and primary responsibility within the program for the core and specialty areas of training in addiction counseling;

(5) have an established, organized, and comprehensive sequence of study that is planned by administrators who are responsible for providing an integrated educational experience in addiction counseling;

(6) for a master's degree program, be coordinated or directed by an identifiable person who holds a graduate degree that was earned from a regionally accredited college or university upon that person's actual completion of a formal academic training program;

(7) have an identifiable, full-time core faculty member who holds an earned graduate degree in addiction counseling or a related field;

(8) have an established, identifiable body of students who are formally enrolled in the program with the goal of obtaining coursework for the concentration in the study of addiction counseling;

(9) require the student's major advisor to be a member of the program faculty;

(10) require each student to complete the institution's residency requirements and to satisfactorily complete an addiction counseling practicum or its equivalent that is provided by the program from which the student completes the concentration in the study of addiction counseling. The required practicum shall meet the following requirements:



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(A) Accept as practicum students only applicants enrolled in the addiction counseling or related field program;

(B) provide the majority of supervision by clinically licensed addiction counselors;

(C) exist as a distinct and organized program that is clearly recognizable within an institution or agency, as well as in pertinent public, official documents issued by the institution or agency, and that is clearly recognizable as a training program for addiction counselors;

(D) identify students as being in training and not as staff members; and

(E) be an integrated and formally organized training experience, not an after-the-fact tabulation of experience; and

(11) conduct an ongoing, objective review and evaluation of each student's learning and progress and report this evaluation in the official student transcripts.

(i) In order to be approved by the board, each addiction counseling program or related-field program, except the related-field degree listed in paragraph (d)(1), that is not accredited by the national addiction studies accreditation commission shall meet the following requirements:


(1) Be regionally accredited, with accreditation standards equivalent to those met by Kansas colleges and universities;

(2) document in official publications, including course catalogs and announcements, the program description and standards and the admission



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requirements for the addiction counseling or related-field education and training program;

(3) identify and clearly describe in pertinent institutional catalogs the coursework, experiential, and other academic program requirements that must be satisfied before conferral of the degree;

(4) clearly identify and specify in pertinent institutional catalogs the intent to educate and train addiction counselors;

(5) have clearly established the addiction counselor or related-field education program as a coherent entity within the college or university that, when the applicant's degree was conferred, met the program standards in subsection (h);

(6) have conferred the degree upon the applicant's successful completion of an established and required formal program of studies; and

(7) have a library and equipment and resources available that are adequate for the size of the student body and the scope of the program offered.

(j) The following types of study shall not be substituted for or counted toward the coursework requirements of this regulation:

(1) Academic coursework that has been audited rather than graded;

(2) academic coursework for which the applicant received an incomplete or failing grade;

(3) coursework that the board determines is not closely related to the field or practice of addiction counseling;



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(4) coursework or training provided by any college, university, institute, or training program that does not meet the requirements of subsections (h) and (i); and

(5) any continuing education, in-service activity, or on-the-job training.

(Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §4, as amended by 2011 HB 2182, §12; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-4. Application for licensure.** (a) Each applicant for licensure as an addiction counselor or a clinical addiction counselor shall request the appropriate licensure application forms from the executive director of the board.

(b) Each applicant for licensure as an addiction counselor shall submit the completed application materials to the board and perform the following:

(1) Submit the full payment of the licensure application fee as specified in K.A.R. 102-7-2;

(2) submit, on board-approved forms, two professional references. Each individual submitting a reference shall meet all of the following conditions:

(A) Not be related to the applicant;

(B) be authorized by law to practice addiction counseling or to practice in a related field; and

(C) be able to address the applicant's professional conduct, competence, and merit of the public trust;

(3) if not previously provided to the board, submit, on a board-approved form, a third professional reference from an individual who shall meet the following conditions:

(A) Not be related to the applicant;

(B) if the individual is the applicant's practicum supervisor, be authorized by law to practice addiction counseling; and

(C) have served as the applicant's on-site practicum supervisor or, if that supervisor is unavailable, the program director or any person who has knowledge



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of the applicant's practicum experience on the basis of the applicant's practicum records; and

(4) meet either of the following requirements:

(A) Currently hold a license issued by the board at the master's level or above; or

(B)(i) Demonstrate completion of the educational requirements specified in K.A.R. 102-7-3; and

(ii) arrange for the applicant's transcripts covering all applicable college or university coursework to be sent directly from each academic institution to the board office. Each applicant who graduated from a college or university outside the United States also shall arrange for the applicant's transcript to be translated and evaluated for degree equivalency by a source and in a manner that are acceptable to the board.

(c) Each applicant for licensure as a clinical addiction counselor shall submit the completed application materials to the board and perform the following:

(1) Submit the full payment of the licensure application fee as specified in K.A.R. 102-7-2;

(2) demonstrate that the applicant is licensed by the board as an addiction counselor or meets all requirements for licensure as a licensed addiction counselor;



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(3) if not previously provided to the board, submit, on board-approved forms, two professional references. Each individual submitting a reference shall meet all of the following conditions:

(A) Not be related to the applicant;

(B) be authorized by law to practice addiction counseling or to practice in a related field; and

(C) be able to address the applicant's professional conduct, competence, and merit of the public trust;

(4) if not previously provided to the board, submit, on a board-approved form, a third professional reference from an individual who shall meet the following conditions:

(A) Not be related to the applicant;

(B) if the individual is the applicant's practicum supervisor, be authorized by law to practice addiction counseling; and

(C) have served as the applicant's on-site practicum supervisor or, if that supervisor is unavailable, the program director or any person who has knowledge of the applicant's practicum experience on the basis of the applicant's practicum records;

(5) meet either of the following requirements:

(A) Demonstrate compliance with requirements pursuant to 2011 HB 2182, sec. 12(b)(1)(A)(iv), and amendments thereto; or

(B)(i) Demonstrate satisfactory completion of the graduate education requirements specified in K.A.R. 102-7-3; and



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(ii) if not previously provided to the board, arrange for the applicant's transcripts covering all applicable college or university coursework to be sent directly from each academic institution to the board office. Each applicant who graduated from a college or university outside the United States also shall arrange for the applicant's transcript to be translated and evaluated for degree equivalency by a source and in a manner that are acceptable to the board; and

(6) submit each supervisor's attestation that the applicant has satisfactorily completed the postgraduate supervised professional experience requirements in accordance with a clinical supervision training plan approved by the board as specified in K.A.R. 102-7-6.

(d) The following provisions shall apply to each applicant for licensure as an addiction counselor and each applicant for licensure as a clinical addiction counselor:

(1) Upon the board's determination that the applicant has met the applicable educational requirements, each applicant shall pass an appropriate, nationally administered, standardized written examination approved by the board in accordance with K.A.R. 102-7-5.

(2) An applicant shall not be given a judgment on the applicant's eligibility for licensure until the board receives all application materials and the applicant completes all application procedures.

(3) Upon notification from the board that all eligibility requirements have been satisfied, the applicant shall submit the fee for the original two-year licensure period as specified in K.A.R. 102-7-2.



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(4)(A) If any of the following conditions applies to the applicant, the applicant's application shall expire one year from the date on which it was submitted to the board or on the date the applicant's temporary license expires, whichever date is later, except as provided by paragraph (d)(4)(B):

- (i) The applicant has not met the qualifications for licensure.
- (ii) The applicant has not submitted a complete application.
- (iii) The applicant has not submitted the original license fee.

(B) Any applicant whose application will expire under paragraph (d)(4)(A) may request that the application be kept open for an additional period of time, not to exceed six months, on the basis of extenuating circumstances. The applicant shall submit a written request to the board with a detailed explanation of the extenuating circumstances that are the basis of the applicant's request. The written request shall be submitted no later than 30 days before the application expires. If the request is approved by the board, the application shall remain open for the period of time stipulated by the board in its approval, which shall not exceed six months.

(C) Upon expiration of the application, the applicant may submit a new application, the required fee, and all supporting documents if the applicant wishes to reapply.

(e)(1) Any applicant who is determined by the board to meet the requirements of L. 2010, ch. 45, sec. 4 (a)(1), (2), and (4), and amendments thereto, may be granted a temporary license if the applicant submits a written request for a temporary license on a form approved by the board and the



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temporary license fee as specified in K.A.R. 102-7-2. Except as provided in paragraph (e)(2), the temporary license shall remain in effect for 12 months.

(2) Any applicant whose 12-month temporary license is due to expire may request that the temporary license remain in effect for a period of time not to exceed six months on the basis of extenuating circumstances. The applicant shall submit a written request to the board with a detailed explanation of the extenuating circumstances that are the basis of the applicant's request. The written request shall be submitted no later than 30 days before the application expires. If the request is approved by the board, the temporary license shall remain in effect for the period of time stipulated by the board in its approval, which shall not exceed six months.

(f) For purposes of this regulation, the term "extenuating circumstances" shall mean any condition caused by events beyond a person's control that is sufficiently extreme in nature to result in either of the following:

(1) The person's inability to comply with the requirements of this regulation within the time frames established by this regulation or L. 2010, ch. 45, sec. 5, and amendments thereto; or

(2) the inadvisability of requiring the applicant to comply with the requirements of this regulation within the time frames established by this regulation and L. 2010, ch. 45, sec. 5, and amendments thereto. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §4, as amended by 2011 HB 2182, §12, and K.S.A. 2010 Supp.



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**102-7-4a. Licensure without examination.** (a) Each applicant for licensure as an addiction counselor or clinical addiction counselor shall request the appropriate licensure application forms from the executive director of the board.

(b) Each applicant for licensure as an addiction counselor without examination shall submit the completed application materials to the board and meet the following requirements:

(1) Submit a certificate or written statement issued by the credentialing organization verifying that the applicant was registered or credentialed as an alcohol or other drug counselor pursuant to L. 2010, ch. 45, sec. 4, and amendments thereto, at any time from July 1, 2008 through June 30, 2011;

(2) submit an attestation, on a board-approved form, by the applicant that the applicant's last Kansas alcohol or other drug registration or credential was not suspended or revoked;

(3) submit documentation verifying that the applicant has completed two hours each of continuing education in ethics, confidentiality, and infectious disease during the three years immediately preceding application;

(4) submit, on board-approved forms, references from two professionals. Each individual submitting a reference shall meet all of the following conditions:

(A) Not be related to the applicant;

(B) be authorized to engage in the practice of addiction counseling or to practice in a related field; and

(C) be able to address the applicant's competence to perform the duties of an addiction counselor; and



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(5) pay the application fee specified in K.A.R. 102-7-2.

(c) Each applicant for licensure as a clinical addiction counselor without examination shall submit to the board all application materials prescribed in paragraphs (b)(1) through (4), in addition to the following items:

(1) Documentation verifying that the applicant has completed six hours of continuing education in the diagnosis and treatment of substance use disorders during the three years immediately preceding the application date;

(2) (A) Documentation verifying that the applicant is authorized to practice independently as a licensed specialist clinical social worker, licensed clinical professional counselor, licensed clinical marriage and family therapist, licensed clinical psychotherapist, licensed psychologist, or mental health advanced registered nurse practitioner or is a physician licensed to practice medicine and surgery; or

(B) (i) An official transcript verifying that the applicant holds a master's degree in a related field; and

(ii) an attestation, on a board-approved form, that the applicant has engaged in the practice, supervision, or administration of addiction counseling for at least four years with an average of at least eight hours each week for at least nine months of each of the four years; and

(3) payment of the application fee specified in K.A.R. 102-7-2.

(d) The following provisions shall apply to each applicant for licensure as an addiction counselor and each applicant for licensure as a clinical addiction counselor:



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(1) An applicant shall not be given a judgment on the applicant's eligibility for licensure until the board receives all application materials and the applicant completes all application procedures.

(2) Upon notification from the board that all eligibility requirements for licensure without examination have been satisfied, the applicant shall submit the fee for the original two-year licensure period as specified in K.A.R. 102-7-2.

(3)(A) If any of the following conditions applies to the applicant, the applicant's application shall expire one year from the date on which it was submitted to the board:

(i) The applicant has not met the qualifications for licensure.

(ii) The applicant has not submitted a complete application.

(iii) The applicant has not submitted the original license fee.

(B) Upon expiration of the application, the applicant may submit a new application, the required fee, and all supporting documents if the applicant wishes to reapply. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §4, as amended by L. 2011, ch. 114, §12, and K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-4b. Application for licensure based on reciprocity.** (a) Each individual who wishes to be licensed as an addiction counselor or a clinical addiction counselor based on reciprocity, pursuant to L. 2010, ch. 45, sec. 7 and amendments thereto, shall submit an application for licensure in accordance with this regulation.

(b) Each applicant for licensure as an addiction counselor shall request the application forms for licensure by reciprocity from the board. Each applicant shall ensure that the application materials are submitted to the board as follows:

(1) The applicant shall submit the completed application form and payment in full of the application for a license fee, as specified in K.A.R. 102-7-2.

(2) The applicant shall forward to the licensing agency for the jurisdiction in which the applicant is currently licensed, certified, or registered as an addiction counselor a form provided by the board on which the licensing agency is to provide the following information directly to the board:

(A) Verification that the applicant currently holds a valid license, registration, or certification to practice addiction counseling issued by the licensing agency;

(B) the date on which the applicant was initially licensed, registered, or certified as an addiction counselor by the licensing agency and a complete history of each subsequent renewal, reinstatement, and lapse in licensure, registration, or certification. If an applicant is seeking licensure based on reciprocity pursuant to L. 2010, ch. 45, sec. 7 (a)(2) and amendments thereto, the applicant shall ensure that documentation covering the five years of

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continuous licensure, registration, or certification as an addiction counselor that immediately precede the date of the application is submitted to the board by the licensing agency for each jurisdiction in which the applicant was licensed, registered, or certified during that five-year period; and

(C) a complete history of any disciplinary action of a serious nature brought by the licensing agency against the applicant. For purposes of this regulation, "disciplinary action of a serious nature" shall mean the revocation or suspension of a license, registration, or certification issued by the licensing board or the voluntary surrender of a license, registration, or certification in lieu of the completion of an investigation or final disciplinary action.

(3) The applicant either shall provide verification that the standards for licensure, certification, or registration as an addiction counselor in that jurisdiction are substantially equivalent to the standards in Kansas or shall meet the following requirements:

(A)(i) Demonstrate completion of a baccalaureate or master's degree in addiction counseling as specified in K.A.R. 102-7-3; or

(ii) demonstrate completion of a baccalaureate or master's degree in a related field that included all required addiction counseling coursework requirements as specified in K.A.R. 102-7-3; and

(B) arrange for the applicant's transcripts covering all applicable college or university coursework to be sent directly from each academic institution to the board office. Each applicant who graduated from a college or university outside the United States also shall arrange for the applicant's transcript to be translated



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and evaluated for degree equivalency by a source and in a manner that are acceptable to the board.

(4) The applicant shall submit an attestation that the applicant engaged in the professional practice of addiction counseling an average of at least 15 hours each week for nine months during each of the five years immediately preceding the date of application for licensure based on reciprocity.

(c) In addition to meeting the requirements of subsection (b), each applicant for licensure as a clinical addiction counselor shall demonstrate competence to diagnose and treat substance use disorders by submitting at least two of the following forms of documentation:

(1)(A) A transcript sent directly from a regionally accredited university or college documenting satisfactory completion of 15 graduate credit hours supporting diagnosis or treatment of substance use disorders, including the following coursework:

- (i) Three graduate semester hours of discrete coursework in ethics;
- (ii) three graduate semester hours of discrete coursework in the diagnosis of substance use disorders that includes studies of the established diagnostic criteria for substance use disorders; and
- (iii) coursework that addresses interdisciplinary referrals, interdisciplinary collaborations, and treatment approaches; or

(B) verification from either the licensing agency or the testing service that the applicant passed a national clinical examination approved by the board,

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including the applicant's score on the exam and the passing score established for the exam;

(2) one or both of the following types of documentation, which shall cover periods of time totaling at least three years:

(A) An attestation by a supervisor or other designated representative of the applicant's employer that the applicant has at least three years of clinical practice, including at least eight hours of client contact each week during nine months or more of each year, in a treatment facility, community mental health center or its affiliate, state mental hospital, or another employment setting in which the applicant engaged in clinical practice that included diagnosis or treatment of substance use disorders; or

(B) an attestation by the applicant that the applicant engaged in at least three years of independent clinical practice that included diagnosis or treatment of substance use disorders, as well as supporting documentation in the form of a published job description, a description of the applicant's practice in a public information brochure, a description of services in an informed consent document, or other similar published statements demonstrating that the applicant has engaged in independent clinical practice for at least three years; or

(3) an attestation that the applicant has demonstrated competence in diagnosis or treatment of substance use disorders, which shall be signed by either a professional licensed to practice medicine and surgery or a professional licensed psychologist, a licensed clinical social worker, or another professional

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licensed to diagnose and treat mental disorders or substance use disorders, or both, in independent practice. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §7, as amended by 2011 HB 2182, §13; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-5. Examination for addiction counselor or clinical addiction**

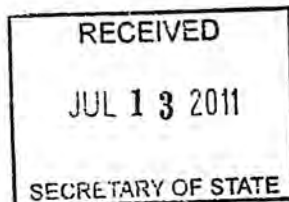
**counselor.** (a)(1) Each applicant for licensure as an addiction counselor who does not meet the requirements of K.A.R. 102-7-4a or 102-7-4b shall be required to pass a nationally administered, standardized written examination approved by the board.

(2) An applicant shall not be authorized to register for an examination until the applicant is within at least four months of anticipated completion of the applicable academic degree requirements and has satisfied the board that the applicant merits the public trust. Each applicant who has not completed the applicable academic degree requirements on the date that the application is submitted shall arrange for the required transcripts to be sent to the board when the academic degree is awarded to the applicant.

(3) The applicant's required written examination may be waived by the board if the applicant obtained a passing score as determined by the examination company on a nationally administered, standardized written examination deemed by the board to be substantially equivalent to the examination used in this state.

(b)(1) Each applicant for licensure as a clinical addiction counselor who does not meet the requirements of K.A.R. 102-7-4a or 102-7-4b shall be required to pass a nationally administered, standardized written clinical examination approved by the board.

(2) An applicant shall not be authorized to register for the clinical examination or to qualify for a waiver of the examination until the applicant has



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fulfilled all educational requirements and has satisfied the board that the applicant merits the public trust.

(3) The applicant's required written clinical examination may be waived by the board if the applicant obtained a passing score as determined by the examination company on a standardized written examination deemed by the board to be substantially equivalent to the examination used in this state.

(Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §4, as amended by 2011 HB 2182, §12; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-6. Professional postgraduate supervised experience requirement for a clinical addiction counselor.** For each applicant for licensure as a clinical addiction counselor, the postgraduate supervised professional experience of addiction counseling shall meet all of the following requirements:

(a) The postgraduate supervised professional experience of addiction counseling shall consist of 4,000 hours of professional experience, including 1,500 hours of direct client contact conducting substance abuse assessments and treatment.

(b) Except as provided in subsection (c), clinical supervision shall be provided throughout the entirety of the postgraduate supervised professional experience at a ratio of one hour of clinical supervision for each 20 hours of direct client contact, specified as follows:

(1) At least 50 hours of one-on-one, individual clinical supervision occurring with the supervisor and supervisee in the same physical space;

(2) at least 100 hours of clinical supervision with one supervisor and no more than six supervisees, which may be obtained in person or, if confidentiality is technologically protected, person-to-person contact by interactive video or other telephonic means; and


(3) at least two separate clinical supervision sessions per month, at least one of which shall be one-on-one individual supervision.

(c) Each applicant with a doctor's degree in addiction counseling or a related field as defined in K.A.R. 102-7-1(s) shall be required to complete, after



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the doctoral degree is granted, at least one-half of the postgraduate supervised professional experience requirements as follows:

- (1) At least 25 hours of one-on-one, individual clinical supervision occurring with the supervisor and supervisee in the same physical space;
- (2) at least 50 hours of clinical supervision with one supervisor and no more than six supervisees, which may be obtained in person or, if confidentiality is technologically protected, person-to-person contact by interactive video or other telephonic means; and
- (3) at least two separate clinical supervision sessions per month, at least one of which shall be one-on-one individual supervision.

(d) The clinical supervisor of each person attaining the 4,000 hours of postgraduate supervised professional experience required for licensure as a clinical addiction counselor shall meet one of the following requirements while the individual is providing supervision:

(1) The clinical supervisor shall be a clinical addiction counselor who is licensed in Kansas or is certified or licensed in another jurisdiction and, on and after January 1, 2014, who has engaged in the independent practice of clinical addiction counseling, including the diagnosis and treatment of substance use disorders, for at least two years beyond the supervisor's certification or licensure date as a clinical addiction counselor.

(2) If a licensed clinical addiction counselor is not available, the clinical supervisor may be a person who is certified or licensed at the graduate level to practice in one of the behavioral sciences and whose authorized scope of

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practice permits the diagnosis and treatment of mental disorders independently.

The qualifying individual shall have had at least two years of clinical professional experience beyond the date of the supervisor's certification or licensure.

(e) In addition to the requirements of subsection (d), each clinical supervisor shall meet the following requirements:

(1) Have professional authority over and responsibility for the supervisee's clinical functioning in the practice of addiction counseling;

(2) not have a harmful dual relationship with the supervisee;

(3) not be under any sanction from a disciplinary proceeding, unless the board waives this prohibition for good cause shown by the proposed supervisor;

(4) have knowledge of and experience with the supervisee's client population;

(5) have knowledge of and experience with the methods of practice that the supervisee employs;

(6) have an understanding of the organization and the administrative policies and procedures of the supervisee's practice setting; and

(7) be a member of the practice setting staff or meet the requirements of subsection (f).

(f) If a qualified clinical supervisor is not available from among staff in the supervisee's practice setting, the supervisee may secure an otherwise qualified clinical supervisor outside the practice setting if all of the following conditions are met:



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(1) The supervisor has an understanding of the practice setting's mission, policies, and procedures.

(2) The extent of the supervisor's responsibility for the supervisee is clearly defined in terms of client cases to be supervised, role in personnel evaluation within the practice setting, and other aspects of the clinical supervision training plan.

(3) The responsibility for payment for supervision is clearly defined.

(4) If the supervisee pays the supervisor directly for the supervision, the supervisor maintains responsibility for the client and to the practice setting.

(g) Each clinical supervisor shall perform the following duties:

(1) Provide oversight, guidance, and direction for the supervisee's clinical practice of addiction counseling by assessing and evaluating the supervisee's performance;

(2) conduct supervision as a process distinct from personal therapy, didactic instruction, or addiction counseling consultation;

(3) provide documentation of supervisory qualifications to the supervisee;

(4) periodically evaluate the supervisee's clinical functioning;

(5) provide supervision in accordance with the clinical supervision training plan;


(6) maintain documentation of supervision in accordance with the clinical supervision training plan;

(7) provide the documentation required by the board when the supervisee completes the postgraduate supervised professional experience. The supervisor



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shall submit this documentation on board-approved forms and in a manner that will enable the board to evaluate the extent and quality of the supervisee's professional experience and assign credit for that experience;

(8) provide a level of supervision that is commensurate with the education, training, experience, and ability of both the supervisor and the supervisee; and

(9) ensure that each client knows that the supervisee is practicing addiction counseling under supervision.

(h)(1) In order for an applicant for a clinical addiction counselor license to obtain credit for hours accrued before August 1, 2011 toward the required 4,000 hours of clinical supervision, the applicant shall provide an attestation that the clinical supervision occurred in accordance with a plan that meets the following conditions:

(A) The supervision was scheduled and formalized.

(B) The supervision included review and examination of cases.

(C) Assessment of the supervisee's competencies was addressed by the supervisor.

(2) The attestation shall be signed by one of the following:

(A) The supervisor, if available; or

(B) if the supervisor is not available, another person who was in the supervisee's practice setting with knowledge of the supervisee's clinical supervision.

(i) For supervision hours accrued on and after August 1, 2011, each supervisor and supervisee shall develop and cosign a written clinical supervision



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training plan on forms provided by the board at the beginning of the supervisory relationship. The supervisee shall submit an official position description and the training plan to the board and shall receive board approval of the plan before any supervised professional experience hours for clinical licensure can begin to accrue. This plan shall clearly define and delineate the following items:

- (1) The supervisory context, which shall include the purpose of supervision;
- (2) a summary of the anticipated types of clients and the services to be provided, as evidenced by the supervisee's official position description;
- (3) a plan that describes the supervision goals and objectives and the means to attain and evaluate progress towards the goals;
- (4) the supervisor's responsibilities;
- (5) the supervisee's responsibilities;
- (6) the format and schedule of supervision;
- (7) a plan for documenting the following information:
  - (A) The date of each supervisory meeting;
  - (B) the length of each supervisory meeting;
  - (C) a designation of each supervisory meeting as an individual or group meeting;
  - (D) a designation of each supervisory meeting as conducted in the same physical space or by another means as specified in paragraph (b)(2);
  - (E) the 4,000 hours of postgraduate supervised clinical addiction counseling experience, which shall include specifically documenting the 1,500

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hours of direct client contact conducting substance abuse assessments and treatment; and

(F) an evaluation of the supervisee's progress under clinical supervision;

(8) a plan to address and remedy circumstances in which there is a conflict between the supervisor and the supervisee;

(9) a plan to notify clients of the following information:

(A) The fact that the supervisee is practicing addiction counseling under supervision;

(B) the limits of client confidentiality within the supervisory process; and

(C) the name, address, and telephone number of the clinical supervisor;

(10) the date on which the parties entered into the clinical supervision training plan and the time frame that the plan is intended to encompass;

(11) an agreement to amend or renegotiate the terms of the clinical supervision training plan, if warranted, including written notification of these changes to the board office, as provided in subsection (j);

(12) the supervisee's informed consent for the supervisor to discuss supervision or performance issues with the supervisee's clients, the supervisee's other addiction counseling or employment supervisors, the board, or any other individual or entity to which either the supervisee or the supervisor is professionally accountable; and

(13) a statement signed by each supervisor and supervisee acknowledging that each person has read and agrees to the postgraduate supervised professional experience requirements specified in this regulation.



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(j) All changes to the clinical supervision training plan shall be submitted by the supervisee to the board for its approval. The changes shall be submitted no more than 45 days after the date on which the changes took effect. If the supervisee fails to submit the changes to the board within that 45-day period, no supervised hours of practice shall be accrued or credited for any practice, beginning on the date the changes took effect through the date on which the changes to the plan are approved by the board. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §4, as amended by 2011 HB 2182, §12; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-7. Renewal; late renewal.** (a) To be considered for license renewal, each licensed addiction counselor and each licensed clinical addiction counselor shall submit the following items to the board:

- (1) A completed renewal application;
- (2) the continuing education reporting form; and
- (3) the renewal fee specified in K.A.R. 102-7-2.

(b) If the items specified in subsection (a) are not submitted before the date the license expires, the licensee may late renew the license by performing the following:

- (1) Submitting a completed late renewal application form;
- (2) paying the required renewal fee and the late renewal penalty fee specified in K.A.R. 102-7-2; and
- (3) submitting the continuing education reporting form and documentation pursuant to K.A.R. 102-7-10.

(c) Each individual who holds an addiction counseling license or a clinical addiction counseling license but who fails to renew the license before its expiration and subsequently applies to renew the license shall indicate the following on the late renewal application form:

- (1) Specification of whether or not the individual has continued to practice addiction counseling in Kansas or has continued to represent that individual as being a licensed addiction counselor or a licensed clinical addiction counselor in Kansas after the individual's license expired; and



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(2) if either condition in paragraph (c)(1) has been met, an explanation of the circumstances. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §8, as amended by 2011 HB 2182, §14, and K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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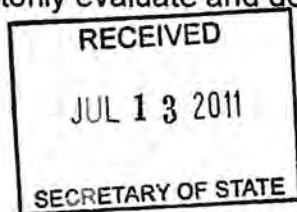
# Proposed

**102-7-7a. Reinstatement after suspension or revocation.** (a) If the license of any individual has been suspended and the individual subsequently wants to apply for license reinstatement, the individual shall submit the following items:

- (1) The completed reinstatement application form;
- (2) the required reinstatement fee specified in K.A.R. 102-7-2;
- (3) the continuing education reporting form and documentation pursuant to K.A.R. 102-7-10;
- (4) proof satisfactory to the board that the individual has complied with sanctions and any other conditions imposed under the suspension; and
- (5) any materials, information, evaluation or examination reports, or other documentation that may be requested by the board and that will enable the board to satisfactorily evaluate and determine whether or not the license should be reinstated.

(b) If the license of any individual has been revoked and the individual subsequently wants to apply for license reinstatement, the individual shall submit the following items:

- (1) The completed reinstatement application form;
- (2) the required reinstatement fee specified in K.A.R. 102-7-2;
- (3) the continuing education reporting form and documentation pursuant to K.A.R. 102-7-10; and
- (4) any materials, information, evaluation or examination reports, or other documentation that the board may request and that will enable the board to satisfactorily evaluate and determine whether or not to reinstate the license.



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Factors to be considered by the board in determining whether or not to reinstate the revoked license shall include the following:

(A) The extent to which the individual presently merits the public trust;

(B) the extent to which the individual has demonstrated consciousness of the misconduct that resulted in the license revocation;

(C) the extent of the individual's remediation and rehabilitation in regard to the misconduct that resulted in the license revocation;

(D) the nature and seriousness of the original misconduct;

(E) the individual's conduct after the license revocation;

(F) the time elapsed since the license revocation; and

(G) the individual's present knowledge and competence in addiction counseling skills. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §8, as amended by 2011 HB 2182, §14; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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## Proposed

**102-7-8. Renewal audit.** (a) A random audit of the continuing education documentation for 10 percent of the addiction counselor licenses and the clinical addiction counselor licenses expiring each month shall be conducted by the board.

(b) Each licensee selected for the random audit shall be notified after the board has received the licensee's renewal application form required by K.A.R. 102-7-7.

(c) Upon board notification, each renewal applicant shall submit the following to the board within 30 days after the license expiration date:

(1) The completed renewal audit forms; and

(2) the original continuing education documents that validate all continuing education hours claimed for credit during the current renewal period.

(d) Continuing education hours that a renewal applicant earns after board receipt of the renewal application form shall not be approved for continuing education credit for the period being audited. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §8, as amended by 2011 HB 2182, §14, and K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)



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**102-7-9. Continuing education.** (a) Each licensee shall complete 30 hours of documented and approved continuing education oriented to the enhancement of an addiction counselor's practice, values, ethics, skills, or knowledge during each two-year renewal period. Continuing education hours accumulated in excess of the requirement shall not be carried over to the next renewal period.

(b) During each two-year renewal period and as a part of the required continuing education hours, each licensee shall complete three hours of professional ethics and each clinical addiction counselor licensee shall complete six hours related to the diagnosis and treatment of substance use disorders. These hours shall be obtained from any of the activities specified in paragraphs (d)(1), (d)(2), (d)(3), (d)(4), (d)(9), and (d)(10).

(c) One hour of continuing education credit shall consist of at least 50 minutes of classroom instruction or at least one clock-hour of other types of acceptable continuing education experiences listed in subsection (d). One-quarter hour of continuing education credit may be granted for each 15 minutes of acceptable continuing education. Credit shall not be granted for fewer than 15 minutes.

(d) Acceptable continuing education, whether taken within the state or outside the state, shall include the following:

(1) An academic addiction counseling course or an academic course oriented to the enhancement of addiction counselor's practice, values, ethics, skills, or knowledge that is taken for academic credit. Each licensee shall be granted 15 continuing education hours for each academic credit hour that the

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licensee successfully completes. The maximum number of allowable continuing education hours shall be 30;

(2) an academic addiction counseling course, or an academic course oriented to the enhancement of an addiction counselor's practice, values, ethics, skills, or knowledge, that is audited. Each licensee shall receive continuing education credit on the basis of the actual contact time that the licensee spends attending the course, up to a maximum of 15 hours per academic credit hour.

The maximum numbers of allowable continuing education hours shall be 30;

(3) a seminar, institute, conference, workshop, or course. The maximum number of allowable continuing education hours shall be 30;

(4) if a posttest is provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be 30;

(5) if a posttest is not provided, an activity consisting of completing a computerized interactive learning module, viewing a telecast or videotape, listening to an audiotape, or reading. The maximum number of allowable continuing education hours shall be five;

(6) a cross-disciplinary offering in medicine, law, a foreign or sign language, computer science, professional or technical writing, business administration, management sciences, or any other discipline if the offering is clearly related to the enhancement of an addiction counselor's practice, values,



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ethics, skills, or knowledge. The maximum number of allowable continuing education hours shall be 10;

(7) a self-directed learning project preapproved by the board. The maximum number of allowable continuing education hours shall be 10;

(8) providing supervision to practicum or intern students, applicants for licensure as clinical addiction counselors, or other clinical mental health practitioners. The maximum number of allowable continuing education hours shall be 10;

(9) the first-time preparation and presentation of an addiction seminar, institute, conference, workshop, or course, or the substantial revision of an addiction counseling seminar, institute, conference, workshop, or course. The maximum number of allowable continuing education hours shall be 10 for documented preparation and presentation time;

(10) the preparation of a professional addiction counseling article published for the first time in a professional journal, a book chapter published by a recognized publisher, or a written presentation given for the first time at a statewide or national professional meeting. If more than one licensee or other professional authored the material, the continuing education credit shall be prorated among the authors. The maximum number of allowable continuing education hours shall be 10; and

(11) participation in a professional organization or appointment to a professional credentialing board, if the goals of the organization or board are clearly related to the enhancement of addiction counseling practice, values,

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ethics, skills, and knowledge. Participation may include holding office or serving on committees of the organization or board. The maximum number of allowable continuing education hours shall be 10.

(e) Continuing education credit approval shall not be granted for identical programs if the programs are completed within the same renewal period.

(f) Continuing education credit shall not be granted for the following:

(1) In-service training, if the training is for job orientation or job training or is specific to the employing agency; and

(2) any activity for which the licensee cannot demonstrate to the board's satisfaction that the program's goals and objectives are to enhance the licensee's practice, values, ethics, skills, or knowledge in addition counseling.

(g) Each licensee shall maintain individual, original continuing education records. These records shall document the licensee's continuing education activity attendance, participation, or completion as specified in K.A.R. 102-7-10. Any licensee may be required to submit these records to the board at least 30 days before the expiration date of each current licensure period. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §8, as amended by 2011 HB 2182, §14; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-10. Documentation of continuing education.** Each of the following forms of documentation shall be accepted as proof that a licensee has completed that continuing education activity:

(a) An official transcript or other proof indicating a passing grade for an academic course;

(b) a statement signed by the instructor indicating the number of actual contact hours attended for an audited academic course. A copy shall not be accepted;

(c) a signed statement from the provider of a seminar, institute, conference, workshop, or course indicating that the licensee attended the continuing education program. A copy shall not be accepted;

(d) for each videotape, audiotape, computerized interactive learning module, or telecast that the licensee utilized for continuing education purposes, a written statement from the licensee specifying the media format, content title, presenter or sponsor, content description, length, and activity date;

(e) a copy of a self-directed project. The licensee shall submit this copy to the board to evaluate and certify the number of credit hours that the board will grant;

(f) written, signed verification from the university practicum or intern instructor or other official training director for whom the licensee supervised undergraduate or graduate students or from the postgraduate supervisee for whom the licensee provided supervision. A copy shall not be accepted;



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(g) a copy of an academic course syllabus and verification that the licensee presented the course;

(h) a copy of a letter from the presentation sponsor or a copy of the brochure announcing the licensee as the presenter, the agenda of the presentation, and verification that the licensee presented the seminar, institute, conference, workshop, or course;

(i) a copy of an article or book chapter written by the licensee and verification of publication or written presentation at a professional meeting. The licensee shall submit these materials to the board to evaluate and certify the number of hours of credit to be granted; and

(j) a signed letter from a professional organization or credentialing board outlining the licensee's participation in that professional organization or credentialing board. A copy shall not be accepted. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §8, as amended by 2011 HB 2182, §14; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-11. Unprofessional conduct.** Each of the following acts shall be considered unprofessional conduct for a licensed addiction counselor, a licensed clinical addiction counselor, or an applicant for an addiction counselor license or a clinical addiction counselor license:

(a) Except when the information has been obtained in the context of confidentiality, failing to notify the board, within a reasonable period of time, that the licensee or applicant or any other person regulated by the board or applying for licensure or registration has met any of these conditions:

(1) Has had a professional license, certificate, permit, registration, certification, or professional membership granted by any jurisdiction, professional association, or professional organization that has been limited, conditioned, qualified, restricted, suspended, revoked, refused, voluntarily surrendered, or allowed to expire in lieu of or during investigatory or disciplinary proceedings;

(2) has been subject to any other disciplinary action by any credentialing board, professional association, or professional organization;

(3) has been demoted, terminated, suspended, reassigned, or asked to resign from employment, or has resigned from employment, for some form of misfeasance, malfeasance, or nonfeasance;

(4) has been substantiated of abuse against a child, an adult, or a resident of a care facility; or

(5) has practiced the licensee's profession in violation of the laws or regulations that regulate the profession;

(b) knowingly allowing another person to use one's license;

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(c) impersonating another person holding a license or registration issued by this or any other board;

(d) having been convicted of a crime resulting from or relating to one's professional practice of addiction counseling;

(e) furthering the licensure application of another person who is known or reasonably believed to be unqualified with respect to character, education, or other relevant eligibility requirements;

(f) knowingly aiding or abetting any individual who is not credentialed by the board to represent that individual as a person who was or is credentialed by the board;

(g) failing to recognize, seek intervention, and otherwise appropriately respond when one's own personal problems, psychosocial distress, or mental health difficulties interfere with or negatively impact professional judgment, professional performance and functioning, or the ability to act in the client's best interests;

(h) failing or refusing to cooperate in a timely manner with any request from the board for a response, information, or assistance with respect to the board's investigation of any report of an alleged violation filed against oneself or any other applicant or professional who is required to be licensed or registered by the board. Each person taking longer than 30 days to provide the requested response, information, or assistance shall have the burden of demonstrating that the person has acted in a timely manner;



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(i) offering to perform or performing services clearly inconsistent or incommensurate with one's training, education, or experience or with accepted professional standards;

(j) engaging in any behavior that is abusive or demeaning to a client, student, or supervisee;

(k) imposing one's personal values, spiritual beliefs, or lifestyle on a client, student, or supervisee;

(l) failing to inform each client of that client's rights as those rights relate to the addiction counseling relationship;

(m) failing to provide each client with a description of the services, fees, and payment expectations, or failing to reasonably comply with that description;

(n) failing to provide each client with a description of the possible effects of the proposed treatment if the treatment is experimental or if there are clear and known risks to the client;

(o) failing to inform each client, student, or supervisee of any financial interests that might accrue to the licensee or applicant if the licensee or applicant refers a client, student, or supervisee to any other service or if the licensee or applicant uses any tests, books, or apparatus;

(p) failing to inform each client that the client can receive services from a public agency if one is employed by that public agency and also offers services privately;

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(q) failing to obtain written, informed consent from each client, or the client's legal representative or representatives, before performing any of the following actions:

- (1) Electronically recording sessions with that client;
- (2) permitting a third-party observation of their activities; or
- (3) releasing information concerning a client to a third person, unless required or permitted by law;

(r) failing to exercise due diligence in protecting the information regarding the client from disclosure by other persons in one's work or practice setting;

(s) engaging in professional activities, including billing practices and advertising, involving dishonesty, fraud, deceit, or misrepresentation;

(t) using alcohol or any illegal drug or misusing any substance that could cause impairment while performing the duties or services of an addiction counselor;

(u) engaging in a harmful dual relationship or exercising undue influence;

(v) making sexual advances toward or engaging in physical intimacies or sexual activities with either of the following:

- (1) Any person who is a client, supervisee, or student; or
- (2) any person who has a significant relationship with the client and that relationship is known to the licensee;

(w) making sexual advances toward or engaging in physical intimacies or sexual activities with any person who meets either of the following conditions:

- (1) Has been a client within the past 24 months; or



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(2) has had a significant relationship with a current client or a person who has been a client within the past 24 months and that relationship is known to the licensee;

(x) directly or indirectly offering or giving to a third party or soliciting, receiving, or agreeing to receive from a third party any fee or other consideration for referring the client or in connection with performing professional services;

(y) permitting any person to share in the fees for professional services, other than a partner, an employee, an associate in a professional firm, or a consultant authorized to practice addiction counseling or clinical addiction counseling;

(z) soliciting or assuming professional responsibility for clients of another agency or colleague without attempting to coordinate the continued provision of client services by that agency or colleague;

(aa) making claims of professional superiority that one cannot substantiate;

(bb) guaranteeing that satisfaction or a cure will result from performing or providing any professional service;

(cc) claiming or using any secret or special method of treatment or techniques that one refuses to disclose to the board;

(dd) continuing or ordering tests, procedures, or treatments or using treatment facilities or services not warranted by the client's condition, best interests, or preferences;



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(ee) taking credit for work not personally performed, whether by giving inaccurate or misleading information or by failing to disclose accurate or material information;

(ff) if engaged in research, failing to meet these requirements:

(1) Considering carefully the possible consequences for human beings participating in the research;

(2) protecting each participant from unwarranted physical and mental harm;

(3) ascertaining that each participant's consent is voluntary and informed; and

(4) preserving the privacy and protecting the anonymity of each subject of the research within the terms of informed consent;

(gg) making or filing a report that one knows to be false, distorted, erroneous, incomplete, or misleading;

(hh) failing to notify the client promptly if one anticipates terminating or interrupting service to the client;

(ii) failing to seek continuation of service, or abandoning or neglecting a client under or in need of professional care, without making reasonable arrangements for that care;

(jj) abandoning employment under circumstances that seriously impair the delivery of professional care to clients and without providing reasonable notice to the employer;



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(kk) failing to terminate addiction counseling services if it is apparent that the relationship no longer serves the client's needs or best interests;

(ll) when supervising, failing to provide accurate and current information, timely evaluations, and constructive consultation;

(mm) when applicable, failing to inform a client that addiction counseling services are provided or delivered under supervision;

(nn) failing to inform a client that addiction counseling services are delivered under supervision as a student or an individual seeking clinical licensure;

(oo) failing to report unprofessional conduct of a licensed addiction counselor, licensed clinical addiction counselor, or any individual licensed by the board;

(pp) intentionally or negligently failing to file a report or record required by state or federal law, willfully impeding or obstructing another person from filing a report or record that is required by state or federal law, or inducing another person to take any of these actions;

(qq) offering to perform or performing any service, procedure, or therapy that, by the accepted standards of addiction counseling practice in the community, would constitute experimentation on human subjects without first obtaining the full, informed, and voluntary written consent of the client or the client's legal representative or representatives;

(rr) practicing addiction counseling after one's license expires;



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(ss) using without a license, or continuing to use after a license has expired, any title or abbreviation defined by regulation; and

(tt) violating any provision of the addictions counselor licensure act or any implementing regulation. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §9, as amended by 2011 HB 2182, §15; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**102-7-11a. Recordkeeping.** (a) Each licensed addiction counselor and each licensed clinical addiction counselor shall maintain a record for each client that accurately reflects the licensee's contact with the client and the results of the addiction counseling or clinical addiction counseling services provided. Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of formats, if reasonable steps are taken to maintain the confidentiality, accessibility, and durability of the records. Each record shall be completed in a timely manner and, at a minimum, shall include the following information for each client in sufficient detail to permit planning for continuity of care:

(1) Adequate identifying data;

(2) the date or dates of services that the licensee or the licensee's supervisee provided;

(3) the type or types of services that the licensee or the licensee's supervisee provided;

(4) the initial assessment, conclusions, and recommendations;

(5) the treatment plan; and

(6) the clinical or progress notes from each session.

(b) If a licensee is the owner or custodian of client records, the licensee shall retain a complete record for the following time periods, unless otherwise provided by law:



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(1) At least six years after the date of termination of one or more contacts with an adult; and

(2) for a client who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:

(A) Two years past the date on which the client reaches the age of majority; or

(B) six years after the date of termination of the contact or contacts with the minor. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §2, as amended by 2011 HB 2182, §10; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)



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**Proposed**

**102-7-12. Designation of referral source for use in the diagnosis and treatment of substance use disorders.** The "diagnostic and statistical manual of mental disorders," fourth edition, text revision, copyrighted in 2000 and published by the American psychiatric association, is hereby adopted by reference. This manual shall be used for the diagnosis and treatment of substance use disorders. (Authorized by K.S.A. 2010 Supp. 74-7507, as amended by L. 2010, ch. 45, §15; implementing L. 2010, ch. 45, §2, as amended by 2011 HB 2182, §10; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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**SAM BROWNBACK**  
Governor

**TOM HAWK, Ph.D.**  
Executive Director



**Proposed**

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[www.ksbsrb.org](http://www.ksbsrb.org)

**BEHAVIORAL SCIENCES REGULATORY BOARD**

**ECONOMIC IMPACT STATEMENT FOR  
NEW ARTICLE 7  
ADDICTIONS COUNSELORS TEMPORARY REGULATIONS**

***K.A.R. 102-7-1 through 102-7-12***

**I. *Brief Description of the Proposed Regulations and what is intended to be accomplished by their adoption.***

**K.A.R. 102-7-1 – 7-12** implement HB 2577, the Licensed Addictions Counselors Act, passed by the 2010 Legislature and SB 100 which was passed as part of Sub HB 2182 by the 2011 Legislature. SB 100 modified and corrected some licensure requirements of the original bill.

**II. **Whether or Not the Proposed Regulations are Mandated by Federal Law****

- A. Federal law as a requirement for participating in or implementing a federally subsidized or assisted program does not mandate the proposed regulations.
- B. There is no applicable federal law related to the proposed regulations.

**III. **Anticipated Economic Impact of the Proposed Regulations****

- A. There will be a positive economic impact to the Kansas Behavioral Sciences Regulatory Board (BSRB) from the proposed regulations. Revenue for BSRB and for the State of Kansas will increase as a result of licensure of Addictions Counselors. It is anticipated there will be 1000 new Addiction Counselors (LAC) and Clinical Addiction Counselors (LCAC): 800 LAC's and 200 LCAC's who submit applications and become licensed during the next year. This will generate approximately \$150,000 in revenue of which 20%, or \$30,000, is deposited in the State General Fund leaving the remaining 80%, or \$120,000, in the BSRB fee fund. Every two years there will be approximately \$110,000 in renewal license fees. At this time it is the administrative and Board plan of BSRB to absorb the extra work load of adding 1000 new licensees, an increase of 10%. The standard at BSRB for quick turnaround of applications and also of timely investigations with minimal to zero backlogs will be maintained. It is possible that one additional staff will need to be hired in the future to manage the increased workload. That could be a cost of \$40,000. At this time those positions were not requested and are not in the budget appropriations for FY2012.
- B. There would be an economic impact to other governmental agencies from the proposed regulation change. Currently, SRS contracts with KAAP (Kansas Association of Addiction Professionals) in the amount of \$56,000 for certification of Addiction Counselors with the AAPS (Addiction and Prevention Services) certification. Since the certification will not be available after licensure begins, all addiction counselors will now be regulated by the BSRB. With this movement to BSRB, SRS will save that \$56,000 expenditure. In addition, the State General Fund will receive an additional \$30,000 with

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the 20% payment from new licenses this year and \$22,000 every two years on average with license renewals.

- C. There would be no economic impact to private citizens of Kansas from the proposed regulations. However, KAAP believes that addiction counselor licensure will have a positive impact for substance abuse programs that provide services reimbursed by Kansas Medicaid and/or the Federal Block Grant. Pursuant to State and Value Options requirements, beginning one year from the facility's re-credentialing date, all existing Value Options Kansas providers (providers who provide block grant and Medicaid substance use disorder services) must offer evidence that any diagnosis is made by an independently licensed behavioral health professional. Enactment of the new Addiction Counselor Licensure Act will enable many existing substance abuse counselors to qualify as licensed clinical addiction counselors and become authorized to diagnosis substance use disorders. Kansas addiction counselors did not have this authority by law prior to the implementation of licensure.
- D. There would be an economic impact to licensees of the Kansas Behavioral Sciences Regulatory Board from the proposed regulations. The current AAPS certification is being replaced by the Addiction Counselor (LAC) and Clinical Addiction Counselor (LCAC) licensure requirement. Licensees would be picking up this professional cost, like the other areas licensed by BSRB, with the \$50 application fee and the \$100 license fee for those current Addiction Counselors wishing to be grandfathered into the BSRB oversight. New members in the professional will be required to make application for licensure and pay the fees. All will be required to complete continuing education requirements and pay renewal fees every two years.

**IV. Less Costly or Less Intrusive Methods Considered and Rejected.**

- A. We are not aware of any less costly or less intrusive method.
- B. The proposed regulations have no economic impact related to environmental rules and regulations.
- C. The proposed regulations have no effect on revenues of cities, counties, or school districts.
- D. The proposed regulations have no effect on responsibilities of cities, counties, or school districts that will increase their expenditures or fiscal liability.

