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AB-2473 Substance use disorder: counselors. (2021-2022)

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Assembly Bill No. 2473

CHAPTER 594

An act to amend Section 11833 of the Health and Safety Code, relating to substance use disorder.

[Approved by Governor September 27, 2022. Filed with Secretary of State September 27, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2473, Nazarian. Substance use disorder: counselors.

Existing law provides for the licensure and regulation of adult alcoholism or drug abuse recovery or treatment facilities by the State Department of Health Care Services and authorizes the department to enforce those provisions. Existing law also requires the department to require that an individual providing counseling services within a program be certified by a certifying organization approved by the department.

This bill would require the department to determine the required core competencies for registered and certified counselors working within an alcoholism or drug abuse recovery and treatment program, as specified, and to consult with affected stakeholders in developing these requirements. The bill would require core competency requirements for registered and certified substance use disorder counselors to include, at a minimum, specified elements, including knowledge of the Diagnostic and Statistical Manual of Mental Disorders, clinical documentation, and delivery of services in the behavioral health delivery system. The bill would prohibit hour requirements for registered counselors from being lower than the hour requirements for certified peer support specialists. The bill would prohibit the department from implementing the requirements, as specified, before July 1, 2025. The bill would exempt counselors in good standing from the requirements, as specified, if certain criteria are met. The bill would require the department to implement, interpret, or make specific the changes made by the bill without regulatory action by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions, and would require the department to adopt regulations to implement those changes by December 31, 2025.

This bill would incorporate additional changes to Section 11833 of the Health and Safety Code proposed by AB 1860 to be operative only if this bill and AB 1860 are enacted and this bill is enacted last.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 11833 of the Health and Safety Code is amended to read:

11833. (a) The department shall have the sole authority in state government to determine the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under this part.

(b) (1) The department shall determine the required core competencies for registered and certified counselors working within an alcoholism or drug abuse recovery and treatment program described in subdivision (a). The department shall consult with affected stakeholders in developing these requirements.

(2) Core competencies shall include all of the following elements:

(A) Knowledge of the current Diagnostic and Statistical Manual of Mental Disorders.

(B) Knowledge of the American Society of Addiction Medicine (ASAM) criteria and continuum of ASAM levels of care, or other similar criteria and standards as approved by the department.

(C) Cultural competence, including for people with disabilities, and its implication for treatment.

(D) Case management.

(E) Utilization of electronic health records systems.

(F) Knowledge of medications for addiction treatment.

(G) Clinical documentation.

(H) Knowledge of cooccurring substance use and mental health conditions.

(I) Confidentiality.

(J) Knowledge of relevant law and ethics.

(K) Understanding and practicing professional boundaries.

(L) Delivery of services in the behavioral health delivery system.

(3) Core competency requirements described in paragraph (2) shall align with national certification domains and competency exams. The hours completed for the core competency requirements under paragraph (2) shall count toward the education requirements for substance use disorder counselor certification.

(4) Hour requirements for registered counselors shall not be lower than the hour requirements approved by the department for certified peer support specialists.

(5) Counselors shall have six months from the time of registration to complete the core competency requirements under paragraph (2). A counselor shall provide to the certifying organization that they are registered with proof of completion of the required hours within that timeframe.

(6) The department shall not implement the core competency requirements described in paragraph (2) for registered and certified counselors registering or certifying with a state-approved substance use disorder counselor certifying organization before July 1, 2025.

(7) Counselors in good standing that registered with a state-approved substance use disorder counselor certifying organization prior to July 1, 2025, are exempt from the requirements detailed in paragraph (4).

(8) For the purposes of this subdivision, "in good standing" means registrants with an active registration status.

(9) Counselors in good standing that are registered with a state-approved substance use disorder counselor certifying organization and have a master's degree in psychology, social work, marriage and family therapy, or counseling are exempt from the core competency requirements in paragraph (2).

(10) The department shall not specify and implement the hour requirements pursuant to paragraph (4) before July 1, 2025.

(c) (1) Except for licensed professionals, as defined by the department, the department shall require that an individual providing counseling services working within a program described in subdivision (a) be registered with or certified by a certifying organization approved by the department to register and certify counselors.

(2) The department shall not approve a certifying organization that does not, prior to registering or certifying an individual, contact other department-approved certifying organizations to determine whether the individual has ever had their registration or certification revoked.

(d) If a counselor's registration or certification has been previously revoked, the certifying organization shall deny the request for registration and shall send the counselor a written notice of denial. The notice shall specify the counselor's right to appeal the

denial in accordance with applicable statutes and regulations.

(e) The department shall have the authority to conduct periodic reviews of certifying organizations to determine compliance with all applicable laws and regulations, including subdivision (d), and to take actions for noncompliance, including revocation of the department's approval.

(f) (1) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department, without taking any further regulatory action, shall implement, interpret, or make specific the changes made to this section in the 2021–22 Legislative Session by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions.

(2) The department shall adopt regulations to implement the changes made to this section in the 2021–22 Legislative Session by December 31, 2025, in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 1.5. Section 11833 of the Health and Safety Code is amended to read:

11833. (a) The department shall have the sole authority in state government to determine the qualifications, including the appropriate skills, education, training, and experience of personnel working within alcoholism or drug abuse recovery and treatment programs licensed, certified, or funded under this part.

(b) (1) The department shall determine the required core competencies for registered and certified counselors working within an alcoholism or drug abuse recovery and treatment program described in subdivision (a). The department shall consult with affected stakeholders in developing these requirements.

(2) Core competencies shall include all of the following elements:

(A) Knowledge of the current Diagnostic and Statistical Manual of Mental Disorders.

(B) Knowledge of the American Society of Addiction Medicine (ASAM) criteria and continuum of ASAM levels of care, or other similar criteria and standards as approved by the department.

(C) Cultural competence, including for people with disabilities, and its implication for treatment.

(D) Case management.

(E) Utilization of electronic health records systems.

(F) Knowledge of medications for addiction treatment.

(G) Clinical documentation.

(H) Knowledge of cooccurring substance use and mental health conditions.

(I) Confidentiality.

(J) Knowledge of relevant law and ethics.

(K) Understanding and practicing professional boundaries.

(L) Delivery of services in the behavioral health delivery system.

(3) Core competency requirements described in paragraph (2) shall align with national certification domains and competency exams. The hours completed for the core competency requirements under paragraph (2) shall count toward the education requirements for substance use disorder counselor certification.

(4) Hour requirements for registered counselors shall not be lower than the hour requirements approved by the department for certified peer support specialists.

(5) Counselors shall have six months from the time of registration to complete the core competency requirements under paragraph (2). A counselor shall provide to the certifying organization that they are registered with proof of completion of the required hours within that timeframe.

(6) The department shall not implement the core competency requirements described in paragraph (2) for registered and certified counselors registering or certifying with a state-approved substance use disorder counselor certifying organization before July 1, 2025.

(7) Counselors in good standing that registered with a state-approved substance use disorder counselor certifying organization prior to July 1, 2025, are exempt from the requirements detailed in paragraph (4).

(8) For the purposes of this subdivision, "in good standing" means registrants with an active registration status.

(9) Counselors in good standing that are registered with a state-approved substance use disorder counselor certifying organization and have a master's degree in psychology, social work, marriage and family therapy, or counseling are exempt from the core competency requirements in paragraph (2).

(10) The department shall not specify and implement the hour requirements pursuant to paragraph (4) before July 1, 2025.

(c) (1) Except as set forth in subdivision (d), an individual providing counseling services working within a program described in subdivision (a) shall be registered with, or certified by, a certifying organization approved by the department to register and certify counselors.

(2) The department shall not approve a certifying organization that does not, prior to registering or certifying an individual, contact other department-approved certifying organizations to determine whether the individual has ever had their registration or certification revoked or has been removed from a postgraduate practicum for an ethical or professional violation.

(d) (1) The following individuals are exempt from the requirement in paragraph (1) of subdivision (c) to be registered or certified by a department-approved certifying organization:

(A) A graduate student affiliated with university programs in psychology, social work, marriage and family therapy, or counseling, who is completing their supervised practicum hours to meet postgraduate requirements.

(B) An associate registered with the Board of Behavioral Sciences.

(C) A licensed professional, as defined by the department.

(2) A program providing practicum for graduate students exempted from registration or certification in paragraph (1) shall notify department-approved certifying organizations if a graduate student is removed from the practicum as a result of an ethical or professional conduct violation, as determined by either the university or the program.

(e) If a counselor's registration or certification has been previously revoked or the individual has been removed from a postgraduate practicum for an ethical or professional conduct violation, the certifying organization shall deny the request for registration and shall send the counselor a written notice of denial. The notice shall specify the counselor's right to appeal the denial in accordance with applicable statutes and regulations.

(f) The department shall have the authority to conduct periodic reviews of certifying organizations to determine compliance with all applicable laws and regulations, including subdivision (e), and to take actions for noncompliance, including revocation of the department's approval.

(g) (1) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the department, without taking any further regulatory action, shall implement, interpret, or make specific the changes made to this section in the 2021–22 Legislative Session by means of all-county letters, plan letters, plan or provider bulletins, or similar instructions.

(2) The department shall adopt regulations to implement the changes made to this section in the 2021–22 Legislative Session by December 31, 2025, in accordance with the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 2. Section 1.5 of this bill incorporates amendments to Section 11833 of the Health and Safety Code proposed by both this bill and Assembly Bill 1860. That section of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2023, (2) each bill amends Section 11833 of the Health and Safety Code, and (3) this bill is enacted after Assembly Bill 1860, in which case Section 1 of this bill shall not become operative.