

SB 707 (DeSaulnier) Counselor Certification and Licensing.
Recommendations for Amendments
Submitted by
California Association of Alcohol and Drug Program Executives,
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Consistency: Titles and Definitions.

There is a proliferation of acronyms and names for counselors that is confusing to the public and to clients. National certifying bodies are currently attempting to determine a single title. SB 707, too, contains several different references: substance abuse, chemical dependency, alcohol and drug use counseling.

CAADPE RECOMMENDATION:

The designation for counselors should be standardized. The term “substance use” and “substance use disorder” is used by the federal government in its reference to counselors and to programs and services. “Substance use” as a term also includes other forms of substance use such as inhalants and tobacco. The designation “Certified Substance Use Counselor” should be used in all references and acronyms in SB 707. In addition, all references of “alcohol and drug abuse” should be identified and replaced with the standard terminology, “substance use disorder” in SB 707.

Criminal Background Checks.

CAADPE RECOMMENDATION:

Requirement for background checks should be retained in SB 707. However, criteria for clearing background checks should be deleted from SB 707 and adopted through regulation. An appeal and waiver process should be included in SB 707 with the specifics of the criteria and appeal process designated in the regulation.

Universality of Licensing and Certification Program.

Laws and regulations should apply to all practioners in California, regardless of venue.

CAADPE RECOMMENDATION:

Strike out all exemptions so licensing and certification applies to all venues, e.g. CDCR, page 17 line 10.

Clarify page 19, line 14. This provision should be clarified to insure that the licensing and certification laws apply to counselors in both the public and private sector.

Educational requirements and hours of experience

All educational requirements and requirements for hours of experience should be subject to regulation. The specifications for types of training and number of

hours should be deleted from the bill and moved to the regulations. As changes and new evidence based treatment protocols become available, it will be easier to update the training and education requirements to reflect these new treatment modalities.

References to volunteers and financial interests do not belong in the licensing requirements and therefore are irrelevant. They should be deleted from SB 707.

CAADPE RECOMMENDATION:

Delete page 15 lines 19-25

Delete page 16 lines 7, 8 and lines 24- 26. This section should be clarified because it implies that independent contracts are not supervised and independent contractors work either under their own license (LCSW, MFT, MA, etc) or under the supervision of a licensed professionals.

Fiscal Provisions – Chapter 4

All fees should be set through advisory committee recommendations and regulation rather than be specified in statutes as proposed in SB 707.

The proposed Licensing and Certification Program should be self-supporting and fee schedules should be set so that sufficient funds are collected for the services required for appropriate implementation, auditing, and oversight of licensed and certified counselors. There should be no access to treatment funds, especially any federal funds designated for treatment. SB 707 proposes to “raid” the federal funds (SAPT block grant) if funding through renewals for licensing falls short.

CAADPE RECOMMENDATION:

Delete page 29, line 10-40 and page 30 Lines 1-24.

Delete page 30 lines 36-39.

Criminal Background Checks and Related Provisions

There is no need for an individual applying for a counselor license to seek and obtain approval of a parole officer. This provision is not only unnecessary; it continues to validate stereotypes of individuals.

CAADPE RECOMMENDATION:

Delete page 24, line 35-40 and page 25, lines 1-13.

The requirement to display a license in conspicuous place should only apply to independent practice. This requirement should apply only to those operating an independent practice/business. Many counselors work in the field and have no place to show their license. Those working in licensed programs are not required to display their licenses because they are working under the license of the program/agency.

CAADPE RECOMMENDATION

Delete page 26, line 17-26.

Mandated Reporting

Counselors and clinical supervisors are mandated reporters under current law, and it is unnecessary to restate in SB 707. Reference to the appropriate penal code sections should suffice. Adding the entire penal code to the counselor licensing law could stretch the counselor law to cover others identified as mandated reporters in the current law.

CAADPE RECOMMENDATION

Delete page 29, line 40 through page 40 line 6.

Insert language that references Penal Code section 11165.7 and that stipulates licensed and certified counselors are subject to the Penal Code provisions.

Counselors

CAADPE recommends the following amendments for SB 707 related to substance use counselor certification at the practitioner level.

Page 4, Lines 7-10. This section needs clarification of the following definitions:

- Peer Discussion
- Clinical Supervision
- Case Consultation

Page 7, lines 23-27: Counselor level requirement seems to be random and unacceptable to CAADPE. Designation of 250 hours of supervised work to accumulate over two years has no continuing supervision requirement. Under the provisions of SB 707, 250 hours is only six or seven weeks of supervision and the remaining hours are all free lance. This requirement of limited supervision applies to individuals who have an AA degree and who are just beginning their careers and who are most vulnerable to boundary and other issues. It is the time for closer supervision, not less. Also, this section is inconsistent with sections on Page 14, line 32.

CAADPE RECOMMENDATION

CAADPE recommends that ALL hours should be supervised hours, thus the total number of supervised hours should be 2080 hours. In this context, supervised hours means clinically supervised hours.

Clinical Supervision

CAADPE recommends the following amendments for SB 707 related to substance use counselor certification at the clinical supervision level.

Master's Degree should be the minimum requirement for clinical supervision. Bachelor's Degree programs do not have clinically focused majors and thus not relevant as a requirement for this level of counselors. In addition, this requirement creates a low level of training for the field and is self defeating.

Health care reform will require high levels of supervision and high levels of competencies for substance use services as substance use becomes integrated into primary health care.

CAADPE RECOMMENDATIONS

Delete reference to TAP 21A on page 3.

Language should be added to specify and define clinical supervision as differing from administrative/program supervision. Administrative and/or program supervision is a discretionary activity under the purview of employers and not part of this certification.

Page 10, line 15 is inconsistent and needs clarification regarding supervisory experience. Employers will not hire clinical supervisors until they have their work experience. .

Standard Code of Unprofessional Conduct

Requirement for a standard code of unprofessional conduct should be retained in SB 707. However, the actual code of conduct and criteria/process for addressing unprofessional conduct should be specified in regulation.

CAADPE RECOMMENDATION:

Retain page 19, lines 19 through 21.

Delete page 19, line 21, beginning with “Unprofessional conduct includes...” through page 21 line 36 and adopt through regulations

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