

Licensing and Certification Division

**Proposed Changes to California Code of Regulations, Title 9, Division 4,
Chapter 8**

COUNSELOR CERTIFICATION REGULATIONS

Suggestions, Changes and Comments

Regulation Section Number:
Title Section – Page 1

Regulation Section Title:

Suggested Changes:

Add under Text of Proposed Emergency Regulations the phrase “For AOD providers licensed and/or certified by ADP”

Rationale for Change:

Adds clarity and specificity

Comments:

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Licensing and Certification Division

**Proposed Changes to California Code of Regulations, Title 9, Division 4,
Chapter 8**

COUNSELOR CERTIFICATION REGULATIONS

Suggestions, Changes and Comments

Regulation Section Number:

9846(c)

Regulation Section Title:

Staff Qualifications and Functions

Suggested Changes:

The Code of Conduct should be standard statewide. Reportable violations should be spelled out and limited to serious patient safety issues.

Rationale for Change:

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**Proposed Changes to California Code of Regulations, Title 9, Division 4,
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COUNSELOR CERTIFICATION REGULATIONS

Suggestions, Changes and Comments

Regulation Section Number:

9846(d)1

Regulation Section Title:

Staff Qualifications and Functions

Suggested Changes:

Add additional language that would provide for the allowance of supervision by someone who is specialized and/or licensed in other areas (LMFT, LCSW, PhD)

Rationale for Change:

In many programs the Clinical Supervisor or person acting in this capacity is a licensed mental health professional (LMFT, LCSW, PhD).

Comments:

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COUNSELOR CERTIFICATION REGULATIONS

Suggestions, Changes and Comments

Regulation Section Number:

9846(d)(2)

Regulation Section Title:

Staff Qualifications and functions

Suggested Changes:

Delete this provision requiring that the supervisor be physically present in the room whenever a volunteer is providing services.

Rationale for Change:

This would be difficult to provide for at best.

Comments:

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COUNSELOR CERTIFICATION REGULATIONS

Suggestions, Changes and Comments

Regulation Section Number:

9846(e)

Regulation Section Title:

Staff Qualifications and Functions

Suggested Changes:

Add the following passage highlighted in *italics*:

“The program may employ interns gaining hours of experience toward counselor certification to conduct educational sessions, individual or group counseling sessions.....

Rationale for Change:

These regulations are intended to apply to persons who are certified, or are seeking certification as a drug and alcohol counselor and do not apply to other types of interns gaining hours of experience towards other types of licensure (LMFT, LCSW, PhD, etc)

Comments:

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**Proposed Changes to California Code of Regulations, Title 9, Division 4,
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COUNSELOR CERTIFICATION REGULATIONS

Suggestions, Changes and Comments

Regulation Section Number:

9846(f)

Regulation Section Title:

Staff Qualifications and Functions

Suggested Changes:

Add passage noted below in *italics*:

The Licensee shall maintain personnel records for all staff *who are required by the licensee to provide one or more of the core counseling functions covered by this regulation, including DUI program administrators.....*

Rationale for Change:

Adds clarity.

Comments:

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Chapter 8
COUNSELOR CERTIFICATION REGULATIONS**

Suggestions, Changes and Comments

Regulation Section Number: 9846 (f) (2)

Regulation Section Title: Staff Qualifications and Functions

Suggested Changes:

Resumes, applications and other documentation verifying work experience and education used to meet the requirements of this regulation.

Rationale for Change:

Requiring the employer to obtain transcripts of academic course work is burdensome; transcripts are not easily obtained from academic institutions. No similar requirement exists for employers in the mental health or medical services fields.

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COUNSELOR CERTIFICATION REGULATIONS

Suggestions, Changes and Comments

Regulation Section Number:

10125(d)

Regulation Section Title:

Counselors

Suggested Changes:

The code of conduct should be standardized state-wide, furthermore it should clearly specify what constitutes reportable violations.

Rationale for Change:

Guards against the possibility of variances in the codes of conduct of the various certifying organizations.

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**Proposed Changes to California Code of Regulations, Title 9, Division 4,
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COUNSELOR CERTIFICATION REGULATIONS

Suggestions, Changes and Comments

Regulation Section Number:

10564(b)(1)

Regulation Section Title:

Personnel Requirements

Suggested Changes:

Delete the word “resident” and replace with the word “participant”.

Rationale for Change:

These regulations are intended to cover more than just residential providers (i.e., outpatient, Detox, etc.)

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COUNSELOR CERTIFICATION REGULATIONS

Suggestions, Changes and Comments

Regulation Section Number:

10564(d)

Regulation Section Title:

Personnel Requirements

Suggested Changes:

This section was previously objected to. We feel it should be deleted.

Rationale for Change:

Reporting *alleged* violations of a Code of Conduct to an outside certifying entity could be construed as a violation of an employee's right to privacy. Furthermore such disclosure, if it resulted in negative consequences to the employee, could result in exposure of the facility to legal action.

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Suggestions, Changes and Comments

Regulation Section Number:

10564(h)

Regulation Section Title:

Personnel Requirements

Suggested Changes:

Add language that better specifies what is required by this section.

Add phrase “in accordance with licensees Program Statement or Operation’s Manual.”

Rationale for Change:

Rationale integration in Program Description

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Suggestions, Changes and Comments

Regulation Section Number:

10564(i)

Regulation Section Title:

Personnel Requirements

Suggested Changes:

Add language that better specifies what is required by this section.

Rationale for Change:

It is not clear what qualifications would be required of the “fill in” staff. Should they be certified? What constitutes “on the job performance, experience or training”. This should be expressed in quantifiable terms.

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Suggestions, Changes and Comments

Regulation Section Number:

10564(I)

Regulation Section Title:

Personnel Requirements

Suggested Changes:

Add “for persons working in Residential Programs”, or delete this section.

Rationale for Change:

For the most part this section is only relevant to persons working at a Residential level of care. It would not be necessary to require this knowledge/training of an individual working in an Outpatient program.

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Suggestions, Changes and Comments

Regulation Section Number:

13000

Regulation Section Title:

Application and Purpose of Subchapter

Suggested Changes:

Move this entire section to the first page of the document. Also specify/list what the core functions are.

Rationale for Change:

Adds clarity to entire document by clearly stating it's purpose at the beginning.

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Suggestions, Changes and Comments

Regulation Section Number:

13005(5)(C)

Regulation Section Title:

Definitions

Suggested Changes:

Remove as a core function.

Rationale for Change:

Section as currently is not what was agreed to. This was tied to professional referrals only.

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Suggestions, Changes and Comments

Regulation Section Number:

13005(5)(E)

Regulation Section Title:

Definitions

Suggested Changes:

Remove this as a core function for counselors

Rationale for Change:

The section does not seem relevant to the duties of the vast majority of existing counselors. In addition many agencies employ outreach workers who do only that which is specified in this section. Often times these are entry-level personnel. To require certification to provide this function only would be unnecessarily burdensome.

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Suggestions, Changes and Comments

Regulation Section Number:

13015

Regulation Section Title:

Requirement for Certification of Non-licensed individuals

Suggested Changes:

Add language that addresses professional interns (i.e., LMFT, LCSW, PhD interns).

Add section dealing with individuals who are currently certified when this regulation goes into effect. Any individual who holds certification by current certifying agencies should be recognized. There should be a grandfathering provision for such individuals.

Rationale for Change:

Covers individuals previously omitted.

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Suggestions, Changes and Comments

Regulation Section Number:

13020(b)(1)

Regulation Section Title:

Use of Interns

Suggested Changes:

Delete this section.

Rationale for Change:

A 20% limit on interns is unreasonable.

Comments:

The problem here is there will be greater number of interns in the first five years of implementation. These regulations do not recognize this ramp up. However, some standard should be set thereafter. I agree that the 20% is arbitrary. This proportionality of experience and certification vs. interns is impacted by the size of a program. Perhaps the mix should be defined by the licensee in its Program Statement.

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Suggestions, Changes and Comments

Regulation Section Number:

13020(b)(2)

Regulation Section Title:

Use of Interns

Suggested Changes:

Add the passage highlighted below in *italics*:

The licensee shall designate an AOD counselor *or other appropriately licensed mental health professional (i.e. LMFT, LCSW, PhD)* as coordinator of its intern program.

Rationale for Change:

Many programs employ a licensed mental health professional as its Clinical Supervisor to perform this task. If this is allowed to go forward as presently stated, programs would be forced to employ an additional (certified AOD counselor) to perform the same task.

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Suggestions, Changes and Comments

Regulation Section Number:

13055

Regulation Section Title:

Maintenance of Records

Suggested Changes:

Record keeping must be set to allow for certification for a lifetime career with CEU's every two years – so the keeping records for “ five years” must be clarified.

There should be an inactive category and a mechanism for becoming “active” again.

Rationale for Change:

It is not clear what qualifications would be required of the “fill in” staff. Should they be certified? What constitutes “on the job performance, experience or training”. This should be expressed in quantifiable terms.

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Suggestions, Changes and Comments

Regulation Section Number:

13060(b)

Regulation Section Title:

Issuance of Alcohol and Other Drug Certification

Suggested Changes:

Specify what the grounds for revocation of certification are. In addition the regulations should cover lesser forms of disciplinary action such as probation, suspension, etc..

Rationale for Change:

Adds clarity and guards against variations amongst the several certifying organizations.

Comments:

Revocation cannot rest completely with the certifying agency – DADP needs to bolster this whole process.

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Suggestions, Changes and Comments

Regulation Section Number:

13070

Regulation Section Title:

Renewal of Certification

Suggested Changes:

Add language that requires a certifying agency to allow matriculation and curriculum from multiple sources --- including on-line ATTC curriculum etc.

There should be a uniform regulation governing how individual curriculum for continuing education are certified for units.

Rationale for Change:

We want this to be an open accessible best practice system that allows for years of growth and development.

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Suggestions, Changes and Comments

Regulation Section Number:

13075(a)

Regulation Section Title:

Code of Conduct

Suggested Changes:

A single Code of Conduct should be standardized on a state wide basis.

Rationale for Change:

Guards against variances amongst the several certifying organizations.

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Suggestions, Changes and Comments

Regulation Section Number:

13080(b)

Regulation Section Title:

Investigations of Complaints Against Registrants and Alcohol and Other Drug Counselors.

Suggested Changes:

The “process for investigating and verifying violations...” should be standardized on a state-wide basis and specified in these regulations.

Rationale for Change:

Adds clarity and avoids against variations.

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