GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2015 REGULAR SESSION

HOUSE BILL NO. 92

AS ENACTED

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to alcohol and drug counseling.

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

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

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

5 (1) "Board" means the Kentucky Board~~[of Certification]~~ of Alcohol and Drug

6 Counselors;

7 (2) "Certified alcohol and drug counselor" means a person certified by the board ***who***

8 ***meets the requirements in Section 6 of this Act***;~~[and]~~

9 (3) "Certificate holder" means an alcohol and drug counselor who is certified pursuant

10 to KRS 309.080 to 309.089***;***

11 ***(4) "Licensed clinical alcohol and drug counselor" means a person licensed by the***

12 ***board who meets the requirements of Section 7 of this Act;***

13 ***(5) "Licensed clinical alcohol and drug counselor associate" means a person***

14 ***licensed by the board who meets the requirements of Section 8 of this Act;***

15 ***(6) "Licensee" means a clinical alcohol and drug counselor who is licensed***

16 ***pursuant to KRS 309.080 to 309.089;***

17 ***(7) "Practice of alcohol and drug counseling":***

18 ***(a) Means the assessment and counseling of an individual, family, or group***

19 ***dealing with an alcohol or drug problem or addiction; and***

20 ***(b) Does not include the diagnosis or treatment of a mental health condition, or***

21 ***the administration or interpretation of psychological tests;***

22 ***(8) "Registered alcohol and drug peer support specialist" means a person registered***

23 ***by the board who meets the requirements in Section 5 of this Act; and***

24 ***(9) "Registrant" means an alcohol and drug peer support specialist who is registered***

25 ***pursuant to KRS 309.080 to 309.089***.

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

27 (1) No person shall use the title ***"licensed clinical alcohol and drug counselor,"***

1 ***"licensed clinical alcohol and drug counselor associate,"*** "certified alcohol and
2 drug counselor,"***,*** ***or "registered alcohol and drug peer support specialist,"*** or hold
3 himself ***or herself*** out as a ***"licensed clinical alcohol and drug counselor,"***
4 ***"licensed clinical alcohol and drug counselor associate,"*** "certified alcohol and
5 drug counselor,"***,*** ***or "registered alcohol and drug peer support specialist"*** unless
6 he ***or she*** is ***licensed,*** certified***, or registered*** pursuant to KRS 309.080 to 309.089.
7 (2) Nothing in KRS 309.080 to 309.089 shall apply to persons licensed, certified, or
8 registered under any other provision of the Kentucky Revised Statutes, including
9 but not limited to physicians, social workers, psychologists, marriage and family
10 therapists, art therapists, nurses, or students in accredited training programs in those
11 professions, and nothing in KRS 309.080 to 309.089 shall be construed to limit,
12 interfere with, or restrict the practice, descriptions of services, or manner in which
13 they hold themselves out to the public.
14 (3) Nothing in KRS 309.080 to 309.089 shall be construed to alter, amend, or interfere
15 with the practice of those who render counseling services, including but not limited
16 to employment counseling, job placement counseling, vocational rehabilitation
17 counseling, pastoral counseling based on any tenet of one's religious beliefs, or
18 school counseling.
19 (4) Nothing in KRS 309.080 to 309.089 shall apply to the activities and services of a
20 student intern or trainee who is pursuing a program of studies in alcohol and drug
21 counseling at an accredited institution of higher education, if these activities are
22 performed under the supervision or direction of an approved supervisor and the
23 activities are part of the supervised program of studies.
24 ➔Section 3. KRS 309.081 is amended to read as follows:
25 (1) There is hereby created the Kentucky Board~~[of Certification]~~ of Alcohol and Drug
26 Counselors consisting of seven (7) members who shall be appointed by the
27 Governor. One (1) member shall be a citizen at large who is not associated with or

1 financially interested in the practice or business of alcohol and drug counseling, and
2 the six (6) remaining members shall be ***licensed clinical alcohol and drug***
3 ***counselors or*** certified alcohol and drug counselors, pursuant to KRS 309.080 to
4 309.089. The board shall elect a ***chairperson***[~~chairman~~] each year at the first
5 meeting called after the appointment of new members.
6 (2) [~~Initially, six (6) members shall be appointed by the Governor from a list of~~
7 ~~eighteen (18) names submitted by the Kentucky Certification Board of Chemical~~
8 ~~Dependency Professionals. These initial appointees shall be certified by the~~
9 ~~Kentucky Certification Board of Chemical Dependency Professionals. One (1)~~
10 ~~member shall be a citizen at large who is not associated with or financially~~
11 ~~interested in the practice or business of alcohol and drug counseling. The Governor~~
12 ~~shall initially appoint two (2) members and the citizen at large member to terms of~~
13 ~~four (4) years, two (2) members to terms of three (3) years, and two (2) members to~~
14 ~~terms of two (2) years. Thereafter,~~]Each member of the board shall serve for a term
15 of four (4) years with a maximum of two (2) full consecutive terms.
16 (3) [~~Beginning July 1, 1997,~~]Each counselor member appointed to the board shall be a
17 ***licensed clinical alcohol and drug counselor or*** certified alcohol and drug
18 counselor and shall be actively engaged in the practice or teaching of alcohol and
19 drug counseling in Kentucky.
20 (4) All reappointments to and vacancies on the board shall be filled by the Governor
21 from a list of three (3) names for each position that shall be submitted by the
22 Kentucky Association of Addiction Professionals. The list shall consist of the three
23 (3) nominees receiving the most votes in an election for each position to be filled.
24 The election shall be administered by the Kentucky Association of Addiction
25 Professionals, and nominations may be submitted by any interested party. The
26 nominees shall be selected by all alcohol and drug counselors ***licensed or*** certified
27 under KRS 309.080 to 309.089. Vacancies shall be filled for the remainder of an

1 unexpired term in the same manner as set out in this subsection.
2 (5) The citizen-at-large member shall be disqualified from serving on the board if:
3 (a) ***The member, a person who is a part of the member's household, or the***
4 ***member's relative***[~~He, a member of his household, or his relative~~] becomes
5 associated with or financially interested in the business of alcohol and drug
6 counseling, or participates or has participated in a professional field related to
7 alcohol and drug counseling; or
8 (b) ***The member, a person who is a part of the member's household, or the***
9 ***member's relative***[~~He, a member of his household, or his relative~~] becomes,
10 or is in training to become, a ***licensed clinical alcohol and drug counselor or***
11 certified alcohol and drug counselor.
12 (6) A counselor member of the board shall be disqualified from serving on the board if:
13 (a) He ***or she*** violates the code of professional ethics or standards of practice
14 established pursuant to KRS 309.0813; or
15 (b) He ***or she*** ceases to be a ***licensed clinical alcohol and drug counselor or***
16 certified alcohol and drug counselor in Kentucky.
17 (7) Board members shall be reimbursed for all reasonable and necessary expenses they
18 incur because of their board duties.
19 ➔Section 4. KRS 309.0813 is amended to read as follows:
20 The board shall:
21 (1) Promulgate administrative regulations pursuant to KRS Chapter 13A for the
22 administration and enforcement of KRS 309.080 to 309.089;
23 (2) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing a
24 code of ethics, standards of practice, and continuing education for ***licensed clinical***
25 ***alcohol and drug counselors, licensed clinical alcohol and drug counselor***
26 ***associates,*** certified alcohol and drug counselors***, and registered alcohol and drug***
27 ***peer support specialists***;

1 (3) Approve and disapprove, at least twice a year, those persons who shall be ***licensed,***
2 certified***, or registered*** under KRS 309.080 to 309.089;
3 (4) Approve the examination required of applicants for ***licensure or*** certification ***as***
4 ***alcohol and drug counselors and applicants for registration as alcohol and drug***
5 ***peer support specialists,*** and promulgate administrative regulations pursuant to
6 KRS Chapter 13A for the administration and grading of the examination;
7 (5) ***Promulgate administrative regulations pursuant to KRS Chapter 13A to define***
8 ***the process to register with the board as a registered alcohol and drug peer***
9 ***support specialist, certified alcohol and drug counselor, licensed clinical alcohol***
10 ***and drug counselor associate, or licensed clinical alcohol and drug***
11 ***counselor***[~~Establish an examination committee to administer and evaluate the case~~
12 ~~method presentation and the oral examination~~];
13 (6) Promulgate administrative regulations pursuant to KRS Chapter 13A establishing
14 grounds and procedures for denying, suspending, failing to reissue, or revoking a
15 ***license,*** certificate, ***or registration,*** and issuing reprimands and admonishments
16 pursuant to KRS 309.080 to 309.089;
17 (7) Hold a hearing pursuant to KRS Chapter 13B upon the request of an aggrieved
18 ***licensee, licensee associate,*** certificate holder***, or registrant,*** or an applicant for a
19 ***license,*** certificate***, or registration***;
20 (8) Employ needed personnel and establish their duties and compensation;
21 (9) Maintain a register of ***licensed clinical alcohol and drug counselors, licensed***
22 ***clinical alcohol and drug counselor associates,*** certified alcohol and drug
23 counselors***, and registered alcohol and drug peer support specialists***;
24 (10) Keep a complete record of the board's proceedings;
25 (11) Investigate suspected or alleged violations of KRS 309.080 to 309.089 and the
26 administrative regulations promulgated pursuant to KRS 309.080 to 309.089;
27 (12) Promulgate administrative regulations pursuant to KRS ***Chapter*** 13A establishing

1 an initial ***licensure fee,*** certification fee***, registration fee,*** and annual renewal
2 ***fees***[~~fee~~] not to exceed three hundred dollars ($300) each;
3 (13) Take legal action as necessary to restrain or enjoin violations of KRS 309.080 to
4 309.089 and the administrative regulations promulgated pursuant to KRS 309.080
5 to 309.089;[~~ and~~]
6 (14) Submit an annual report to the Governor and the Legislative Research Commission
7 by January 1 of each year, which lists all hearings conducted by the board and the
8 decisions rendered***; and***
9 ***(15) Collect and deposit all fees, fines, and other moneys owed to the board into the***
10 ***State Treasury to the credit of the revolving fund established in Section 15 of this***
11 ***Act***.
12 ➔SECTION 5. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED
13 TO READ AS FOLLOWS:
14 ***An applicant for registration as an alcohol and drug peer support specialist shall pay***
15 ***the board an initial fee for registration, and shall:***
16 ***(1) Be at least eighteen (18) years of age;***
17 ***(2) Have obtained a high school diploma or equivalent;***
18 ***(3) Have completed five hundred (500) hours of board-approved experience working***
19 ***with persons having a substance use disorder, twenty-five (25) hours of which***
20 ***shall have been under the direct supervision of:***
21 ***(a) A certified alcohol and drug counselor who has at least two (2) years post-***
22 ***certification experience; or***
23 ***(b) A licensed clinical alcohol and drug counselor;***
24 ***(4) Have completed at least sixty (60) classroom hours of board-approved***
25 ***curriculum;***
26 ***(5) Have passed a written examination that has been approved by the board;***
27 ***(6) Have signed an agreement to abide by the standards of practice and code of ethics***

1 ***approved by the board;***
2 ***(7) Attest to being in recovery for a minimum of two (2) years from a substance-***
3 ***related disorder;***
4 ***(8) Have completed at least sixteen (16) hours of ethics training; three (3) hours of***
5 ***domestic violence training; two (2) hours of training in the transmission, control,***
6 ***treatment, and prevention of the human immunodeficiency virus; ten (10) hours***
7 ***of advocacy training; ten (10) hours of training in mentoring and education; and***
8 ***ten (10) hours of training in recovery support;***
9 ***(9) Have submitted two (2) letters of reference from certified alcohol and drug***
10 ***counselors or licensed clinical alcohol and drug counselors;***
11 ***(10) Live or work at least a majority of the time in Kentucky; and***
12 ***(11) Have complied with the requirements for the training program in suicide***
13 ***assessment, treatment, and management in Section 18 of this Act and any***
14 ***administrative regulations promulgated thereunder.***
15 ➔Section 6. KRS 309.083 is amended to read as follows:
16 An applicant for certification as an alcohol and drug counselor shall pay the board the
17 initial fee for certification, and shall:
18 (1) Be at least eighteen (18) years of age;
19 (2) Have obtained a baccalaureate degree;
20 (3) Have completed six thousand (6,000) hours of board-approved experience working
21 with~~[alcohol or drug dependent]~~ persons ***having a substance use disorder***, three
22 hundred (300) hours of which shall have been under the direct supervision of***:***
23 ***(a)*** A certified alcohol and drug counselor who has at least two (2) years of post-
24 certification experience;***or***
25 ***(b) A licensed clinical alcohol and drug counselor who has at least two (2)***
26 ***years of post-licensure experience;***
27 (4) Have completed at least two hundred seventy (270) classroom hours of board-

1 approved curriculum;
2 (5) Have passed a written examination that has been approved by the International
3 Certification Reciprocity Consortium on Alcoholism and Drug Abuse~~[and an oral~~
4 ~~examination approved by the board]~~;
5 (6) Have signed an agreement to abide by the standards of practice and code of ethics
6 approved by the board;
7 (7) Have completed at least six (6) hours of ethics training***; three (3) hours of domestic***
8 ***violence training;*** and two (2) hours of training in the transmission, control,
9 treatment, and prevention of the human immunodeficiency virus;~~[and]~~
10 (8) Have submitted two (2) letters of reference from certified ***or licensed clinical***
11 alcohol and drug counselors***;***
12 ***(9) Live or work at least a majority of the time in Kentucky; and***
13 ***(10) Have complied with the requirements for the training program in suicide***
14 ***assessment, treatment, and management in Section 18 of this Act and any***
15 ***administrative regulations promulgated thereunder***.
16 ➔SECTION 7. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED
17 TO READ AS FOLLOWS:
18 ***An applicant for licensure as a licensed clinical alcohol and drug counselor shall pay***
19 ***the board the initial fee for licensure, and shall:***
20 ***(1) Be at least eighteen (18) years of age;***
21 ***(2) Have obtained from a regionally accredited college or university or a college or***
22 ***university accredited by an agency recognized by the United States Department of***
23 ***Education:***
24 ***(a) A sixty (60) hour master's degree in a behavioral science with clinical***
25 ***application;***
26 ***(b) A thirty (30) hour advanced placement master's degree in a behavioral***
27 ***science with clinical application; or***

1 *(c) A doctoral degree in a behavioral science with clinical application;*
2 *(3) Have completed at least one hundred eighty (180) classroom hours of alcohol and*
3 *drug counselor specific board-approved curriculum;*
4 *(4) Have passed a written examination as specified by the board in administrative*
5 *regulation;*
6 *(5) Have signed an agreement to abide by the standards of practice and code of ethics*
7 *approved by the board;*
8 *(6) Have completed at least six (6) hours of ethics training; three (3) hours of*
9 *domestic violence training; and two (2) hours training in the transmission,*
10 *control, treatment, and prevention of the human immunodeficiency virus, in*
11 *addition to the educational requirements in subsection (2) of this section;*
12 *(7) Have submitted two (2) letters of reference from certified alcohol and drug*
13 *counselors or licensed clinical alcohol and drug counselors;*
14 *(8) Live or work at least a majority of the time in Kentucky;*
15 *(9) Have complied with the requirements for the training program in suicide*
16 *assessment, treatment, and management in Section 18 of this Act and any*
17 *administrative regulations promulgated thereunder; and*
18 *(10) Have completed two thousand (2,000) hours of board-approved experience*
19 *working with persons having a substance use disorder, three hundred (300) hours*
20 *of which shall have been under the direct supervision of a licensed clinical*
21 *alcohol and drug counselor.*
22 ➔SECTION 8. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED
23 TO READ AS FOLLOWS:
24 *(1) An applicant for licensure as a licensed clinical alcohol and drug counselor*
25 *associate shall:*
26 *(a) Pay the board the initial fee for licensure;*
27 *(b) Complete the requirements under subsections (1) to (9) of Section 7 of this*

1 ***Act; and***

2 ***(c) Obtain a board-approved supervisor of record.***

3 ***(2) Upon completion of the hours of board-approved experience specified in***

4 ***subsection (10) of Section 7 of this Act, a licensed clinical alcohol and drug***

5 ***counselor associate may apply to the board for licensure as a licensed clinical***

6 ***alcohol and drug counselor.***

7 ➔SECTION 9. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED

8 TO READ AS FOLLOWS:

9 ***(1) The board shall promulgate administrative regulations in accordance with KRS***

10 ***Chapter 13A to define the process to register with the board as a supervisor of***

11 ***record, including required supervisory training.***

12 ***(2) A registered alcohol and drug peer support specialist shall only practice as an***

13 ***employee of a licensed facility or under the board-approved supervision of a***

14 ***certified alcohol and drug counselor or licensed clinical alcohol and drug***

15 ***counselor.***

16 ➔Section 10. KRS 309.084 is amended to read as follows:

17 (1) ~~[Upon application made prior to January 1, 1997, and payment of the initial~~

18 ~~certification fee, any person who is certified by the Kentucky Certification Board of~~

19 ~~Chemical Dependency Professionals prior to January 1, 1997, shall be deemed to be~~

20 ~~certified pursuant to KRS 309.080 to 309.089.~~

21 ~~(2) After July 15, 1996,~~]The board shall ***license,*** certify***, or register, as appropriate,***

22 any applicant who meets all of the requirements ***for licensure, certification, or***

23 ***registration*** set out in ***Sections 5, 6, and 7 of this Act and subsection (2) of this***

24 ***section***~~[KRS 309.083]~~, pays the fees established by the board, and is not

25 disqualified pursuant to KRS 309.086.

26 ***(2) (a) The board shall promulgate administrative regulations establishing a***

27 ***limited period of time, not less than ninety (90) days nor more than one (1)***

1 *year, during which licensure may be extended to persons not meeting all the*
2 *provisions of Section 7 of this Act if:*
3 *1. The person is a certified alcohol and drug counselor in Kentucky prior*
4 *to the effective date of this Act; and*
5 *2. The applicant has a master's degree or a doctoral degree in a*
6 *behavioral science with clinical application from a regionally*
7 *accredited college or university or a college or university accredited by*
8 *an agency recognized by the United States Department of Education.*
9 *(b) After the expiration of the time period established by the board in*
10 *administrative regulation under paragraph (a) of this subsection, the*
11 *applicant for licensure shall meet the qualifications established in Section 7*
12 *or Section 8 of this Act.*
13 *(c) Applicants granted licensure under paragraph (a) of this subsection shall be*
14 *granted authority to provide clinical supervision, as specified in regulations*
15 *promulgated in accordance with subsection (1) of Section 9 of this Act,*
16 *without delay to alcohol and drug counselors currently holding certification*
17 *or licensure and those seeking certification or licensure*
18 ~~[(3) Upon application and payment of the prescribed fees, any person who is and has~~
19 ~~been approved by the Kentucky Certification Board of Chemical Dependency~~
20 ~~Professionals as a trainee, prior to July 15, 1996, shall be certified without meeting~~
21 ~~the requirement of KRS 309.083(2) if he satisfies all the other requirements of that~~
22 ~~section, prior to December 31, 1997]~~.
23 ➔SECTION 11. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED
24 TO READ AS FOLLOWS:
25 *(1) The board may permit an out-of-state licensed clinical alcohol and drug*
26 *counselor, certified alcohol and drug counselor, or alcohol and drug peer support*
27 *specialist to obtain a license, certificate, or registration by reciprocity if:*

1 ***(a) The out-of-state licensee, certificate holder, or registrant possesses a valid***
2 ***license, certificate, or registration from another jurisdiction that grants the***
3 ***same privileges to persons licensed, certified, or registered by this state as***
4 ***Kentucky grants to persons licensed, certified, or registered by the other***
5 ***jurisdiction;***
6 ***(b) The requirements for licensure, certification, or registration are***
7 ***substantially similar to the requirements in KRS 309.080 to 309.089; and***
8 ***(c) The out-of-state licensee, certificate holder, or registrant seeking licensure,***
9 ***certification, or registration states that he or she has studied, is familiar***
10 ***with, and shall abide by KRS 309.080 to 309.089 and the administrative***
11 ***regulations promulgated thereunder.***
12 ***(2) If the requirements for licensure, certification, or registration under KRS***
13 ***309.080 to 309.089 are more restrictive than the standards of the other***
14 ***jurisdiction, then the out-of-state licensee, certificate holder, or registrant shall***
15 ***comply with the additional requirements in KRS 309.080 to 309.089 to obtain a***
16 ***reciprocal license, certificate, or registration.***
17 ➔Section 12. KRS 309.085 is amended to read as follows:
18 (1) A ***license,*** certificate***, or registration*** issued pursuant to KRS 309.084 shall be
19 renewed every three (3) years upon:
20 (a) Payment of the renewal fee as established pursuant to KRS 309.0813; and
21 (b) Completion of continuing education requirements, as established by the board
22 by promulgation of an administrative regulation, not to exceed sixty (60)
23 hours per renewal period.
24 (2) The board shall cancel any ***license,*** certificate***, or registration*** not renewed within
25 ninety (90) days after the renewal date; however, the board may reinstate the
26 ***license,*** certificate, ***or registration*** upon its holder paying the renewal fee and
27 satisfying the other reinstatement requirements as established by the board by

1 administrative regulation within one (1) year of the anniversary date of issue of
2 renewal.
3 ➔Section 13. KRS 309.086 is amended to read as follows:
4 (1) The board may revoke, suspend, place on probation, or restrict the ***license,***
5 certificate***, or registration*** of a ***licensee,*** certificate holder***, or registrant***; refuse to
6 issue or renew a ***license,*** certificate***, or registration***; and reprimand, admonish, or
7 fine a ***licensee,*** certificate holder***, or registrant*** for the following:
8 (a) Fraud or deceit in obtaining ***licensure,*** certification***, or registration***;
9 (b) Transferring the authority granted by the ***license,*** certificate***, or registration*** to
10 another person;
11 (c) Using unfair, false, misleading, or deceptive trade practices;
12 (d) Willfully or deliberately disregarding professional standards of practice or
13 violating the code of ethics;
14 (e) Aiding and abetting a person who obtains a ***license,*** certificate***, or registration***
15 fraudulently;
16 (f) Conspiring or combining with others to obtain a ***license,*** certificate***, or***
17 ***registration*** to be used by an ***unlicensed,*** uncertified***, or unregistered*** person
18 with the intent to evade the provisions of KRS 309.080 to 309.089 and
19 administrative regulations promulgated pursuant to those sections;
20 (g) Negligence or incompetence in complying with the applicable code of ethics
21 and standards of practice or failure to comply with continuing education
22 requirements;
23 (h) Violating KRS 309.080 to 309.089 and administrative regulations
24 promulgated pursuant to those sections; or
25 (i) Being convicted of ***any***~~[a]~~ felony or any other crime in which an element of
26 the crime is dishonesty or fraud, under the laws of any state or the United
27 States within the past three (3) years.

1 (2) The board shall, upon the request of a ***licensed clinical alcohol and drug***
2 ***counselor,*** certified alcohol and drug counselor***, or registered alcohol and drug***
3 ***peer support specialist,*** or an applicant for ***licensure,*** certification***, or registration***[~~
4 ~~as an alcohol and drug counselor~~], hold a hearing pursuant to KRS Chapter 13B
5 before denying an application***;***[~~ for certification,~~] refusing to renew a ***license,***
6 certificate, ***or registration;*** suspending a ***license,*** certificate, ***or registration;*** or
7 imposing a fine. The affected party may appeal the board's decision in the Circuit
8 Court where the ***licensee,*** certificate holder***, or registrant*** resides. The action of the
9 board shall remain in effect pending any appeals unless the board rescinds or
10 modifies its order.
11 ➔Section 14. KRS 309.087 is amended to read as follows:
12 A person whose ***license,*** certificate***, or registration*** has been revoked may apply for
13 reinstatement, no earlier than one (1) year from the date of revocation, in accordance with
14 administrative regulations promulgated by the board.
15 ➔Section 15. KRS 309.089 is amended to read as follows:
16 In addition to the sanctions set out in KRS 309.086, the board may impose the following
17 sanctions on ***licensees,*** certificate holders***, or registrants*** who violate the provisions of
18 KRS 309.080 to 309.089 ***or***[~~and~~] administrative regulations promulgated pursuant to
19 those sections:
20 (1) Suspend a ***license,*** certificate***, or registration*** for a period of up to five (5) years;
21 and
22 (2) Impose a fine of up to one thousand dollars ($1,000).
23 ➔SECTION 16. A NEW SECTION OF KRS 309.080 TO 309.089 IS CREATED
24 TO READ AS FOLLOWS:
25 ***(1) All license, certificate, and registration fees, charges, and fines, and other***
26 ***moneys collected by the board under KRS 309.080 to 309.089 and the***
27 ***administrative regulations of the board, shall be deposited into the State Treasury***

1 ***and credited to a revolving fund to be used by the board in carrying out KRS***
2 ***309.080 to 309.089, and are hereby appropriated for those purposes.***
3 ***(2) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of***
4 ***the fiscal year shall not lapse but shall be carried forward into the succeeding***
5 ***fiscal year. Any interest earnings of the fund shall become part of the fund and***
6 ***shall not lapse.***
7 ➔Section 17. KRS 194A.540 is amended to read as follows:
8 The cabinet shall address child abuse, child neglect, domestic violence, rape, and sexual
9 assault in a manner that includes but is not limited to:
10 (1) Providing coordinative functions so that no services funded or provided by state
11 government agencies are duplicative to ensure the greatest efficiency in the use of
12 resources and funding, and to ensure that a consistent philosophy underlies all
13 efforts undertaken by the administration in initiatives related to child abuse, child
14 neglect, domestic violence, and rape or sexual assault;
15 (2) Providing training and consultation to programs provided or funded by the state
16 which provide services to victims of child abuse, child neglect, domestic violence,
17 rape or sexual assault, and other crimes;
18 (3) Working in conjunction with staff from the Justice and Public Safety Cabinet and
19 other staff within the Cabinet for Health and Family Services, and with input from
20 direct service providers throughout Kentucky, to develop standards of care for
21 victim and offender services provided or funded by the state;
22 (4) Designing and implementing research programs which attend to the quality of
23 victim-related services;
24 (5) Providing consultation on the development of budgets for the rape crisis, child
25 abuse, child neglect, and domestic violence programs funded by the state;
26 (6) Providing recommendations to the Governor and to the secretaries of the Justice and
27 Public Safety Cabinet and the Cabinet for Health and Family Services, related to the

1 improvement and expansion of victim services provided or funded by those
2 agencies;
3 (7) Undertaking new and progressive initiatives to improve and enhance the delivery of
4 services to victims of child abuse, child neglect, domestic violence, and rape or
5 sexual assault;
6 (8) Establishing that the commissioner of the Department for Community Based
7 Services may, at the request of the Governor or any secretary, serve as a designee on
8 boards, commissions, task forces, or other committees addressing child abuse,
9 domestic violence, and rape or sexual assault;
10 (9) Establishing that the secretary for health and family services shall, in consultation
11 with the applicable licensure boards, develop elder abuse, neglect, and exploitation-
12 related and domestic violence-related training courses that are appropriate for the
13 following professions:
14 (a) Mental health professionals licensed or certified under KRS Chapters 309,
15 319, and 335;
16 (b) Alcohol and drug counselors ***licensed or*** certified ***under KRS Chapter 309,***
17 ***and alcohol and drug peer support specialists registered*** under KRS Chapter
18 309;
19 (c) Physicians who practice primary care, as defined in KRS 164.925, or who
20 meet the definition of a psychiatrist under KRS 202A.011, and who are
21 licensed under KRS Chapter 311;
22 (d) Nurses licensed under KRS Chapter 314;
23 (e) Paramedics certified under KRS Chapter 311;
24 (f) Emergency medical technicians certified under KRS Chapter 211; and
25 (g) Coroners as defined in KRS 72.405 and medical examiners as defined in KRS
26 72.240;
27 (10) Establishing that the courses identified in subsection (9) of this section shall include

1 the dynamics of domestic violence and elder abuse, neglect, and exploitation;
2 effects of domestic violence and elder abuse, neglect, and exploitation on adult and
3 child victims; legal remedies for protection; lethality and risk issues; model
4 protocols for addressing domestic violence and elder abuse, neglect, and
5 exploitation; available community resources and victim services; and reporting
6 requirements. The training shall be developed in consultation with legal, victim
7 services, victim advocacy, and mental health professionals with an expertise in
8 domestic violence and elder abuse, neglect, and exploitation; and
9 (11) Establishing that any health-care or mental health professional identified in
10 subsection (9) of this section shall successfully complete a three (3) hour training
11 course that meets the requirements of subsection (10) of this section. Health care or
12 mental health professionals identified in subsection (9) of this section who are
13 granted licensure or certification after July 15, 1996, shall successfully complete the
14 training within three (3) years of the date of initial licensure or certification.
15 ➔Section 18. KRS 210.366 is amended to read as follows:
16 (1) As used in this section:
17 (a) "Board" means the Kentucky Board of Social Work, Kentucky Board of
18 Licensure of Marriage and Family Therapists, Kentucky Board of Licensed
19 Professional Counselors, Kentucky Board of Licensure for Pastoral
20 Counselors, Kentucky Board ~~[of Certification]~~of Alcohol and Drug
21 Counselors, Kentucky Board of Examiners of Psychology, and Kentucky
22 Board of Licensure for Occupational Therapy; and
23 (b) "Training program in suicide assessment, treatment, and management" means
24 an empirically supported training program approved by the boards that
25 contains suicide assessment including screening and referral, suicide
26 treatment, and suicide management. A board may approve a training program
27 that excludes one (1) of the elements if the element is inappropriate for the

1 profession in question or inappropriate for the level of licensure or
2 credentialing of that profession based on the profession's scope of practice. A
3 training program that includes only screening and referral elements shall be at
4 least three (3) hours in length. All other training programs approved under this
5 section shall be at least six (6) hours in length.
6 (2) Beginning January 1, 2015, each of the following professionals certified or licensed
7 under KRS Title XXVI shall, at least once every six (6) years, complete a training
8 program in suicide assessment, treatment, and management that is approved, in
9 administrative regulations, by the respective boards:
10 (a) A social worker, marriage and family therapist, professional counselor, or
11 pastoral counselor certified or licensed under KRS Chapter 335;
12 (b) An alcohol and drug counselor ***licensed or*** certified under KRS Chapter 309***,***
13 ***and an alcohol and drug peer support specialist registered under KRS***
14 ***Chapter 309***;
15 (c) A psychologist licensed or certified under KRS Chapter 319; and
16 (d) An occupational therapist licensed under KRS Chapter 319A.
17 (3) (a) Except as provided in paragraph (b) of this subsection, a professional listed in
18 subsection (2) of this section must complete the first training required by this
19 section by July 2016.
20 (b) A professional listed in subsection (2) of this section applying for initial
21 licensure***, registration,*** or certification on or after June 25, 2013, may delay
22 completion of the first training required by this section for six (6) years after
23 initial licensure***, registration,*** or certification if he or she can demonstrate
24 successful completion of a six (6) hour academic training program in suicide
25 assessment, treatment, and management that:
26 1. Was completed no more than six (6) years prior to the application for
27 initial licensure***, registration,*** or certification; and

1 2. Is listed on the best practices registry of the American Foundation for
2 Suicide Prevention and the Suicide Prevention Resource Center.
3 (4) The hours spent completing a training program in suicide assessment, treatment,
4 and management under this section count toward meeting any applicable continuing
5 education requirements for each profession.
6 (5) A board may, by administrative regulation, specify minimum training and
7 experience that is sufficient to exempt a professional from the training requirements
8 in subsection (2) of this section.
9 (6) (a) The cabinet shall develop a model list of training programs in suicide
10 assessment, treatment, and management.
11 (b) When developing the model list, the cabinet shall:
12 1. Consider suicide assessment, treatment, and management training
13 programs of at least six (6) hours in length listed on the best practices
14 registry of the American Foundation for Suicide Prevention and the
15 Suicide Prevention Resource Center; and
16 2. Consult with the boards, public and private institutions of higher
17 education, experts in suicide assessment, treatment, and management,
18 and affected professional associations.
19 (c) The cabinet shall report the model list of training programs to the Interim
20 Joint Committee on Health and Welfare no later than December 15, 2014.
21 (7) Nothing in this section may be interpreted to expand or limit the scope of practice
22 of any profession regulated under KRS Title XXVI.
23 (8) The cabinet and the boards affected by this section shall adopt any administrative
24 regulations necessary to implement this section.
25 ➔Section 19. KRS 222.005 is amended to read as follows:
26 As used in this chapter, unless the context otherwise requires:
27 (1) "Administrator" means the person or the designee of the person, in charge of the

1 operation of an alcohol and other drug abuse prevention, intervention, or treatment
2 program;
3 (2) "Agency" means a legal entity operating hospital-based or nonhospital-based
4 alcohol and other drug abuse prevention, intervention, or treatment programs;
5 (3) "Alcohol and other drug abuse" means a dysfunctional use of alcohol or other drugs
6 or both, characterized by one (1) or more of the following patterns of use:
7 (a) The continued use despite knowledge of having a persistent or recurrent
8 social, legal, occupational, psychological, or physical problem that is caused
9 or exacerbated by use of alcohol or other drugs or both;
10 (b) Use in situations which are potentially physically hazardous;
11 (c) Loss of control over the use of alcohol or other drugs or both; and
12 (d) Use of alcohol or other drugs or both is accompanied by symptoms of
13 physiological dependence, including pronounced withdrawal syndrome and
14 tolerance of body tissues to alcohol or other drugs or both;
15 (4) "Cabinet" means the Cabinet for Health and Family Services;
16 (5) "Director" means the director of the Division of Behavioral Health of the
17 Department for Behavioral Health, Developmental and Intellectual Disabilities;
18 (6) "Hospital" means an establishment with organized medical staff and permanent
19 facilities with inpatient beds which provide medical services, including physician
20 services and continuous nursing services for the diagnosis and treatment of patients
21 who have a variety of medical conditions, both surgical and nonsurgical;
22 (7) "Intoxication" means being under the influence of alcohol or other drugs, or both,
23 which significantly impairs a person's ability to function;
24 (8) "Juvenile" means any person who is under the age of eighteen (18);
25 (9) "Narcotic treatment program" means a substance abuse program using approved
26 controlled substances and offering a range of treatment procedures and services for
27 the rehabilitation of persons dependent on opium, morphine, heroin, or any

1 derivative or synthetic drug of that group;
2 (10) "Other drugs" means controlled substances as defined in KRS Chapter 218A and
3 volatile substances as defined in KRS 217.900;
4 (11) "Patient" means any person admitted to a hospital or a licensed alcohol and other
5 drug abuse treatment program;
6 (12) "Program" means a set of services rendered directly to the public that is organized
7 around a common goal of either preventing, intervening, or treating alcohol and
8 other drug abuse problems;
9 (13) "Secretary" means the secretary of the Cabinet for Health and Family Services;
10 (14) "Treatment" means services and programs for the care and rehabilitation of
11 intoxicated persons and persons suffering from alcohol and other drug abuse.
12 "Treatment" includes those services provided by the cabinet in KRS 222.211 and, in
13 KRS 222.430 to 222.437, it specifically includes the services described in KRS
14 222.211(1)(c) and (d); and
15 (15) "Qualified health professional" has the same meaning as qualified mental health
16 professional in KRS 202A.011, except that it also includes an alcohol and drug
17 counselor ***licensed or*** certified under KRS Chapter 309.

Speaker-House of Representatives

President of Senate

Attest: Chief Clerk of House of Representatives

Approved Governor

Date 3/20/15