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H.B. 5
134th General Assembly

Bill Analysis

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Version: As Passed by the House

Primary Sponsor: Rep. Manning

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CORRECTED VERSION*

SUMMARY

- Revises the requirements to qualify for a chemical dependency counselor II license issued by the Ohio Chemical Dependency Professionals Board.
- Eliminates the current law authority of enumerated chemical dependency licensees to supervise the practice of prevention services by individuals who hold prevention specialist assistant certificates and registered applicant certificates.

DETAILED ANALYSIS

Chemical dependency professionals

Background

Established in 2002, the Ohio Chemical Dependency Professionals Board regulates the practice of chemical dependency counseling, including by licensing chemical dependency professionals such as counselor assistants, counselors, and independent counselors.¹ At present, the holder of a chemical dependency counselor II license issued by the Board may engage in all of the following activities:

- Practice chemical dependency counseling;
- Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to alcohol and drug abuse or dependency;

* This version removes an erroneous reference on page 2 to H.B. 365 of the 133rd General Assembly and analyzes Section 6 of the bill.

¹ R.C. Chapter 4758.

- Refer individuals with nonchemical dependency conditions to appropriate sources of help.²

Note that current law prohibits such a license holder from practicing as an individual practitioner.³

The bill maintains the chemical dependency counselor II license and its scope of practice, but revises the requirements for qualifying for a license, including by authorizing alternative criteria for obtaining a license.⁴

Counselor II license requirements

Under existing law, to qualify for a chemical dependency counselor II license, an individual must either (1) hold, on December 23, 2002, a certificate or credentials accepted by the former Department of Alcohol and Drug Addiction Services as authority to practice as a certified chemical dependency counselor II⁵ or (2) meet all of the following criteria:

- Hold an associate's degree in a behavioral science or nursing or a bachelor's degree in any field;
- Have 180 hours of approved chemical dependency specific education, of which 50% must have been obtained in the last five years;
- Have completed 2,000 hours of compensated work or supervised internship experience in chemical dependency or substance abuse services or the practice of psychology, professional counseling, social work, or marriage and family therapy, not less than 400 of which are in chemical dependency counseling;
- Have a minimum of 220 hours of training in chemical dependency; and
- Have passed the International Certification and Reciprocity Consortium Alcohol and Drug Counselor Examination.⁶

² R.C. 4758.57(A), not in the bill.

³ R.C. 4758.57(B), not in the bill.

⁴ R.C. 4758.42.

⁵ R.C. 4758.42(B). See also H.B. 496 of the 124th General Assembly, available at http://archives.legislature.state.oh.us/BillText124/124_HB_496_ENR.pdf. Before H.B. 496, the Ohio Department of Alcohol and Drug Addiction Services was required to establish and administer a process for the certification or credentialing of chemical dependency professionals for the purpose of qualifying their services for reimbursement under Medicare or Medicaid.

⁶ R.C. 4758.42(A) and Ohio Administrative Code (O.A.C.) 4758-5-03.

License requirements under the bill

The bill establishes two additional sets of criteria by which an individual may qualify for a chemical dependency counselor II license. The second criteria set, however, remains an option for license applicants only until three years after the bill's effective date.⁷

First criteria set

Under the first new set, an individual must satisfy all of the following to qualify for a counselor II license:

- Hold an associate's degree or bachelor's degree in a behavioral science or nursing, each with a specialization in chemical dependency counseling;
- Have a minimum of 180 hours of education in chemical dependency that meets requirements specified in Board rules;
- While holding a valid chemical dependency counselor assistant certificate, have successfully completed, over the course of no more than two semesters, at least 240 hours of practicum experience in chemical dependency that meets requirements specified in Board rules, including at least two hours of supervised practicum experience and providing intensive outpatient treatment or higher level of care, unless a different level of care is specified in Board rules;
- Have at least 1,000 hours of compensated work experience as a chemical dependency counselor assistant;
- Provide to the Board a written recommendation from an individual who supervised the individual's practice as a chemical dependency counselor assistant; and
- Have passed one or more examinations administered for the purpose of determining competence to practice as a chemical dependency counselor II.⁸

The bill requires the Department of Mental Health and Addiction Services to consult with the Board to (1) study levels of care that must be offered by a program providing practicum experience that is required under the third bullet point above and (2) develop recommendations regarding whether levels of care not specifically authorized should be authorized through rule. The study and recommendations must be completed within six months of the bill's effective date.⁹

Second criteria set

Under the second new set, an individual must meet the following in order to qualify for a chemical dependency counselor II license:

⁷ R.C. 4758.42.

⁸ R.C. 4758.42(C).

⁹ Section 6.

- Since at least December 31, 2008, have continuously held a valid chemical dependency counselor assistant certificate and practiced chemical dependency counseling while under supervision;
- Provide to the Board a written recommendation from an individual who supervised the individual's practice as a chemical dependency counselor assistant;
- Have earned the minimum number of hours in chemical dependency training specified in Board rules; and
- Have passed one or more examinations administered for the purpose of determining competence to practice as a chemical dependency counselor II.¹⁰

Rulemaking

The bill requires the Chemical Dependency Professionals Board to adopt rules specifying the education and practicum experience requirements for the first new criteria set.¹¹ It also requires the Board to adopt rules establishing chemical dependency training requirements for the second new criteria set.¹² The rules are to be adopted in accordance with the Administrative Procedure Act.¹³

Supervision of prevention specialist assistants and registered applicants

Under current law, prevention services are a comprehensive, multi-system set of individual and environmental approaches that maximizes physical health, promotes safety, and precludes the onset of behavioral health disorders.¹⁴ The bill eliminates the current law authority of the following chemical dependency professionals to supervise the practice of prevention services by individuals who hold prevention specialist assistant certificates and registered applicant certificates:

- Independent chemical dependency counselor-clinical supervisors;
- Independent chemical dependency counselors;
- Chemical dependency counselors III.¹⁵

Current Board rules do not permit individuals holding a prevention specialist assistant or registered applicant certificate to engage in prevention activities unless under the supervision of a certified prevention consultant or certified prevention specialist; a physician; a

¹⁰ R.C. 4758.42(D).

¹¹ R.C. 4758.20(A)(16) and (A)(17).

¹² R.C. 4758.20(A)(12).

¹³ R.C. 4758.20(B) and R.C. Chapter 119, not in the bill.

¹⁴ R.C. 4758.01(F), not in the bill.

¹⁵ R.C. 4758.61 and 4758.20(A)(30)(c).

psychologist; a registered nurse, certified nurse practitioner, or clinical nurse; an independent social worker or a social worker; a certified health education specialist, or, in the case of a prevention specialist assistant, a licensed school counselor.¹⁶ The bill conforms the Revised Code to Board rules.

HISTORY

| Action | Date |
|---------------------|----------|
| Introduced | 02-03-21 |
| Reported, H. Health | 02-23-21 |
| Passed House (93-2) | 02-25-21 |

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¹⁶ O.A.C. 4758-6-07 and 4758-6-08, not in the bill.