

H.B. 452*
134th General Assembly

Occupational Regulation Report

[Click here for H.B. 452's Bill Analysis / Fiscal Note](#)

Primary Sponsor: Rep. Manning

Impacted Profession: Chemical dependency counselors

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LSC is required by law to issue a report for each introduced bill that substantially changes or enacts an occupational regulation. The report must: (1) explain the bill's regulatory framework in the context of Ohio's statutory policy of using the least restrictive regulation necessary to protect consumers, (2) compare the regulatory schemes governing the same occupation in other states, and (3) examine the bill's potential impact on employment, consumer choice, market competition, and cost to government.¹

LEAST RESTRICTIVE REGULATION COMPARISON

Ohio's general regulatory policy

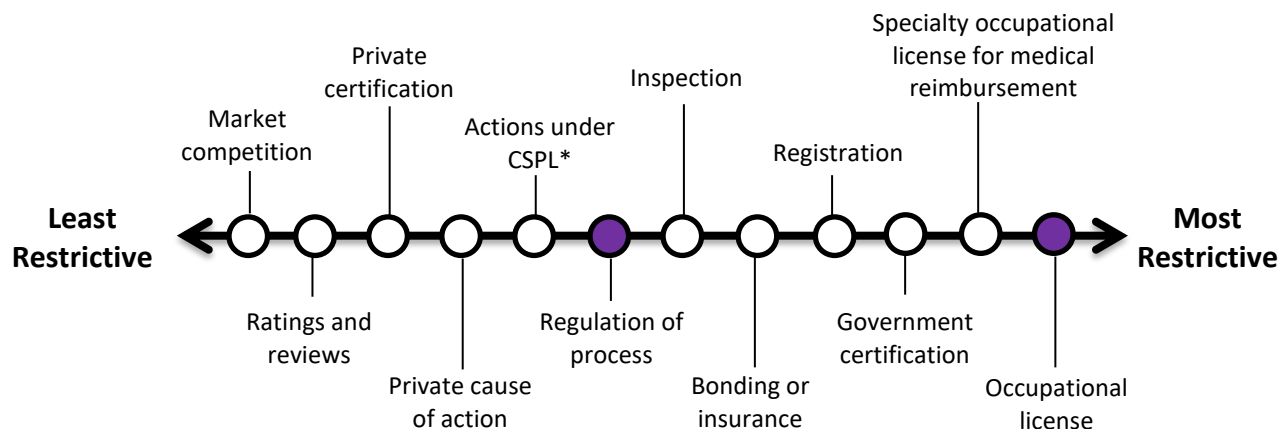
The general policy of the state is reliance on market competition and private remedies to protect the interests of consumers in commercial transactions involving the sale of goods or services. For circumstances in which the General Assembly determines that additional safeguards are necessary to protect consumers from "present, significant, and substantiated harms that threaten health, safety, or welfare," the state's expressed intent is to enact the "least restrictive regulation that will adequately protect consumers from such harms."²

The degree of "restrictiveness" of an occupational regulation is prescribed by statute. The following graphic identifies each type of occupational regulation expressly mentioned in the state's policy by least to most restrictive:

* This report addresses the "As Introduced" version of H.B. 452. It does not account for changes that may have been adopted after the bill's introduction.

¹ R.C. 103.26, not in the bill.

² R.C. 4798.01 and 4798.02, neither in the bill.



*CSPL – The Consumer Sales Practices Law

The bill modifies existing licensure requirements for chemical dependency counseling occupations. It permits applicants for a licensed chemical dependency counselor III (LCDC III) license to satisfy the education requirements with alternative qualifications. It adds two new age and education qualifications to the requirements for a chemical dependency counselor assistant certificate while modifying the process by which a chemical dependency counselor assistant transitions from a probationary certificate to a renewable one.

The bill permits the Ohio Chemical Dependency Professionals Board to assess fines in addition to taking other disciplinary actions permitted under continuing law.

The bill also regulates the process of providing chemical dependency counseling. Under the bill, a licensed chemical dependency counselor II (LCDC II) with a gambling endorsement may only treat gambling disorders if the LCDC II is supervised.

Necessity of regulations

The bill's sponsor, Representative Gayle Manning, testified that the bill has two purposes. The first is to remove obsolete provisions in the law such as outdated terminology and references to a license that no longer exist. The second is to codify practices that the Ohio Chemical Dependency Professionals Board already maintains through the Ohio Administrative Code. Representative Manning testified that the bill reduces the burden of regulations on both the Board and licensed professionals. To the extent that the bill is more rather than less restrictive of chemical dependency licenses, the sponsor's testimony suggests that the proposed regulations reflect the Board's current practice and administrative rules. The sponsor did not comment as to why the bill expands the Board's disciplinary authority.³

³ See the [Gayle Manning Proponent Testimony \(PDF\)](#), which is available on the General Assembly's website: legislature.ohio.gov by searching for H.B. 452.

Restrictiveness of regulations

Licensing requirements

Licensure is the most restrictive of all regulatory options identified within the state's continuum of regulations. Accordingly, the state's policy prescribes a narrow range of situations in which required licensure is appropriate; specifically, when all of the following circumstances are present: (1) the occupation involves providing a service regulated by both state and federal law, (2) the licensing framework allows individuals licensed in other states and territories to practice in Ohio, and (3) the licensing requirement is based on uniform national laws, practices, and examinations that have been adopted by at least 50 U.S. states and territories.⁴

Chemical dependency licenses have existed since 2002 and similar certifications and credentials were available before that time for Medicare and Medicaid reimbursement purposes.⁵ The profession is regulated by federal law and by most (if not all) other states.⁶ Ohio is one of 48 U.S. states and territories that are members of the International Certification and Reciprocity Consortium (IC&RC), which establishes uniform standards and examinations for prevention, substance use treatment, and recovery professionals.⁷ The Ohio Chemical Dependency Professionals Board utilizes IC&RC professional examinations and allows for the transfer of equivalent credentials from other IC&RC member states and territories.⁸ The bill modifies the chemical dependency counseling licensing in three ways.

First, the bill modifies one of the pathways to obtaining an LCDC III license by revising the education requirements. Under the bill, if an applicant completes coursework satisfactory to the Board, the applicant satisfies the requirements for an LCDC III license under the education pathway with either a Bachelor's degree in any field as long as the applicant completes a specified course of study in substance use disorders and a specialized substance use disorder internship or practicum, as added by the bill, or the Bachelor's degree in behavioral science or nursing required by continuing law.⁹ In addition, the bill eliminates statutorily prescribed course requirements for behavioral science or nursing degrees under current law and replaces them with Board-adopted course requirements.¹⁰ Both changes likely make it easier for an individual to obtain an LCDC III license.

⁴ R.C. 4798.02, not in the bill.

⁵ H.B. 496 of the 124th General Assembly.

⁶ See 42 United States Code (U.S.C.) 290dd-2, requiring confidentiality of records related to substance abuse education, training, rehabilitation, or treatment.

⁷ See [About IC&RC](http://internationalcredentialing.org), which is available on the International Certification & Reciprocity Consortium website: internationalcredentialing.org.

⁸ See [Reciprocity](http://ocdp.ohio.gov), which is available on the Ohio Chemical Dependency Professionals Board's website: ocdp.ohio.gov.

⁹ R.C. 4758.41(A).

¹⁰ R.C. 4758.20(A).

Second, the bill adds two new requirements to obtain a chemical dependency counselor assistant certificate: obtaining a high school education and being 18 years old.¹¹ Both of these are new, more restrictive requirements.

Third, the bill streamlines the renewable certification process for an individual who allows an initial chemical dependency counselor assistant certificate to expire. The bill removes the requirement for an individual who has completed training in a timely manner to reinstate the individual's initial certificate before obtaining a renewable certificate.¹²

The bill also expands the Board's disciplinary authority by allowing the Board to fine chemical dependency counseling license, certificate, or endorsement holders, up to \$500 per incident, for reasons the Board may otherwise discipline a holder under continuing law. Under current law, the Board may do any of the following:

- Refuse to issue a license, certificate, or endorsement;
- Refuse to renew or restore a license, certificate, or endorsement;
- Suspend, revoke, or otherwise restrict a license, certificate, or endorsement;
- Reprimand an individual holding a license, certificate, or endorsement.¹³

Regulation of process

The state's policy does not provide specific guidance as to when a regulation of process is the best means of protecting the health, safety, and welfare of consumers. However, the policy as a whole suggests that regulations of process are the most preferred method of regulation when market competition, ratings and reviews, private certifications, private causes of action, and actions under the state's Consumer Sales Practices Law (CSPL) do not provide sufficient protection.

The bill regulates process for an LCDC II with a gambling endorsement by requiring the licensee to provide gambling disorder treatment under supervision. Current law does not require supervision.¹⁴

Additionally, the bill limits an LCDC II's scope of practice by prohibiting an LCDC II from providing clinical supervision and diagnosis. Current law does not explicitly prohibit an LCDC II from providing these services; however, supervision and diagnosis are not listed within the scope of practice.¹⁵ Furthermore, current law explicitly requires an LCDC III, who has a broader scope of practice than an LCDC II, to practice under supervision whenever the LCDC III diagnoses

¹¹ R.C. 4758.43.

¹² R.C. 4758.26, 4758.27, and 4758.52.

¹³ R.C. 4758.30 and Ohio Administrative Code (O.A.C.) 4758-10-01.

¹⁴ O.A.C. 4758-6-11.

¹⁵ R.C. 4758.57 and O.A.C. 4758-6-03.

conditions or engages in clinical supervision.¹⁶ Thus, the bill likely makes an existing, implicit limitation on the LCDC II's scope of practice explicit.

IMPACT STATEMENT

Opportunities for employment

Allowing individuals holding a chemical dependency counselor II license and a gambling disorder endorsement to provide family counseling will create a new area of employment opportunities for those individuals who wish to provide that service. However, the bill also requires these individuals to be supervised. If there are not enough individuals to provide supervision, it will create a limit on the number of additional opportunities for employment, and the effects that they would have.

Consumer choice

Since most of the provisions in the bill either will increase or have the potential to increase the number of individuals practicing as a licensed chemical dependency professional, with only one provision that might reduce the number, the bill is likely to increase consumer choice and market competition overall. Since the price of services is dependent on the supply of individuals providing the service compared to the number of individuals demanding the service, if there is an increase in consumer choice and market competition, it may lower the price for services provided by licensed chemical dependency professionals, depending on the extent of the market pressure caused by the bill.

The provision allowing an individual holding a chemical dependency counselor II license and a gambling disorder endorsement to provide family counseling would create a market for these services.

Adding an option to meet the educational requirements to be eligible for a chemical dependency counselor III license may increase the number of individuals meeting the requirements for licensure, and some of these individuals enter the field.

Requiring the Board to adopt rules for a process whereby the Board may issue its endorsement of degree training programs and prevention credentialing programs offered by accredited educational institutions will not directly increase the number of individuals seeking licensure. However, if the endorsements of the Board lead to an increase in awareness of the profession, then it could lead to additional individuals seeking to enter the field.

Depending on whether the Board has previously discriminated against any individuals based on sex, sexual orientation, gender identity, or ancestry, the provision adding these to the list of classifications the Board is prohibited from discriminating against may result in an increase in individuals successfully receiving licensure.

The only provision that might reduce the number of individuals in the field is the added requirement that an individual must be at least 18 years of age and have a high school diploma

¹⁶ R.C. 4758.56 and O.A.C. 4758-6-04.

or certificate of high school equivalence. This may limit the number of individuals who are eligible for the certificate.

Cost to government

For the costs of the bill to government, please see the [LBO fiscal note](#).

SUMMARY OF PROPOSED REGULATIONS

In addition to the changes discussed under “**Restrictiveness of regulations**” above, the bill makes the following changes to the Chemical Dependency Professionals law.

Chemical dependency counselor assistant certificates

The bill streamlines renewable certification for a chemical dependency counselor assistant who obtains an initial certificate. An initial certificate is a 13-month probationary certificate held while an assistant completes 30 hours of required training. Under current law, if the initial certificate expires, the individual must first reinstate the initial certificate and then apply for a renewable chemical dependency counselor assistant certificate, even if the individual completed the training. Under the bill, if an individual completes the required training within a year after obtaining an initial certificate, the individual can obtain a renewable chemical dependency assistant certificate immediately even if the initial certificate has expired.¹⁷

Board powers

Power to issue endorsements for degree training programs

The bill removes a list of specific course requirements for a degree in behavioral science or nursing, as well as minimum course hours, and allows the Board to establish rules governing course requirements, which may or may not include these courses.¹⁸

Modifications to course requirements for degrees

The bill requires the Board to adopt rules to establish a process to issue endorsements for degree training programs.¹⁹

The bill also makes changes to terminology used in the Chemical Dependency Professionals Law, modifies Board membership, and prohibits the Board from discriminating based on sex, sexual orientation, gender identity, national origin, or ancestry. For additional information on these changes, see the [LSC Bill Analysis](#).

¹⁷ R.C. 4758.26, 4758.27, and 4758.52.

¹⁸ R.C. 4758.20(A)(11).

¹⁹ R.C. 4758.20(A)(33).



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COMPARISON TO OTHER STATES

Like Ohio, Indiana and Kentucky require state licensing or certification for addiction counselors.²⁰ Michigan, Pennsylvania, and West Virginia regulate the practice of professional counseling, but if an individual does not purport to have a professional license, the individual generally may practice counseling as a part of other professions and certification is voluntary.²¹ None of the surveyed states appear to have a license or certification analogous to a gambling endorsement.

The table below lists all addiction counseling licenses similar in scope to Ohio's chemical dependency counselor assistant certification and LCDC II and III licenses. In general, all the surveyed states except for Michigan require at least a high school diploma to obtain an addiction counseling certification (as the bill requires of a chemical dependency counselor assistant), though several do not have an age requirement. States with advanced addiction counseling licenses or certifications analogous to the LCDC III license tend to require a Master's degree in a related field. Like Ohio, no state permits an addiction counselor to diagnose conditions or supervise counseling without supervision, though Michigan permits a counselor with a Master's degree to make diagnostic recommendations. Finally, Indiana and Kentucky permit their licensing boards to issue fines related to addiction counseling, but the other states do not.

²⁰ Ind. Code 25-23.6-10.1-1 and Ky. Rev. Stat. 309.0805 (although Kentucky appears only to prohibit use of the certified counselor title without a license).

²¹ Mich. Comp. Laws 333.18115, 63 Pa. Cons. Stat. 1903, 1904, and 1920, and W. Va. Code 30-31-1 and 30-31-11.

Regulation of Addiction Counselors				
State	Scope of Practice	Education Hours	Compensated Work/Supervised Internship	Disciplinary Power of Board
Indiana Licensed Addiction Counselor	Providing services that are designed to change substance use or addictive behavior, and that involve specialized knowledge and skill related to addictions and addictive behaviors, including understanding addiction, knowledge of the treatment process, application to practice, and professional readiness (not psychotherapy or diagnosis) (<i>Ind. Code 25-23.6-1-5.7 and 839 Ind. Admin. Code 1-5.5-8</i>)	Bachelor's degree or higher in addiction counseling or in a related area (<i>Ind. Code 25-23.6-10.5-1</i>) 40 semester hours or 60 quarter hours of coursework including addictions theory, psychoactive drugs, and other statutory and Board-approved content (<i>Ind. Code 25-23.6-10.5-5</i>)	At least two years of addiction counseling experience including at least 150 hours under supervision. 350 hours in either a practicum or internship completed as part of meeting the educational requirements (<i>Ind. Code 25-23.6-10.5-5 and 25-23.6-10.5-7</i>)	The Behavioral Health and Human Services Licensing Board may revoke or suspend a license, censure, issue a reprimand, place a hold on probation, and assess a fine of up to \$1,000 (<i>Ind. Code 25-1-9-9</i>)

Regulation of Addiction Counselors				
State	Scope of Practice	Education Hours	Compensated Work/Supervised Internship	Disciplinary Power of Board
Kentucky Certified Alcohol and Drug Counselor Associate I & II	Alcohol and drug treatment planning, referral, and counseling, but an Associate I must be supervised two hours two times a month during the eight months of experience the Associate I undergoes to obtain an Associate II certification (<i>Ky. Rev. Stat. 309.0841</i>)	Be at least 18 years old with a high school diploma or equivalent. Have 40 hours of Board-approved classroom curriculum, plus 30 additional hours of classroom experience within 12 months after obtaining an initial Associate I certificate (<i>Ky. Rev. Stat. 309.0841</i>) Associate II certification requires 70 additional hours of instruction (<i>Ky. Rev. Stat. 309.0842</i>)	None for the Associate I certification. Associate II certification requires eight months of experience, including 400 hours of documented, supervised work experience, 80 of which must involve counseling (<i>Ky. Rev. Stat. 309.0842</i>)	The Board of Alcohol and Drug Counselors may suspend or revoke a license, reprimand, place on probation, and assess a fine of up to \$1,000 (<i>Ky. Rev. Stat. 309.086 and 309.089</i>)
Certified Alcohol and Drug Counselor	Alcohol and drug counseling, excluding diagnosis or treatment of a mental health condition or administering psychological tests (<i>Ky. Rev. Stat. 309.080</i>)	Be at least 18 years old. Hold a Bachelor's degree (or certification as a Certified Alcohol and Drug Counselor Associate II) and the minimum education hours required by IC&RC (<i>Ky. Rev. Stat. 309.083 and 201 Ky. Admin. Reg. 35:025</i>)	Complete the minimum work experience and supervision requirements prescribed by IC&RC (<i>Ky. Rev. Stat. 309.083 and 201 Ky. Admin. Reg. 35:025</i>)	Same as above

Regulation of Addiction Counselors				
State	Scope of Practice	Education Hours	Compensated Work/Supervised Internship	Disciplinary Power of Board
Michigan Certified Alcohol and Drug Counselor ²²	Substance abuse treatment including counseling, modification of substance use disorder related behavior, and prevention techniques for individuals with substance use disorder ²³	No degree specified 300 education hours, 180 must be specific to substance use disorders	6,000 hours of counseling experience working with substance use disorder clients at a Michigan-licensed program. An Associate or Bachelor's degree in social science or a human service field counts as 1,000 or 2,000 hours respectively. 300 hours of direct supervision performing substance use disorder counseling; a Bachelor's degree in a related field counts as 100 hours	The Michigan Certification Board for Addiction Professionals (MCBAP) has a voluntary certification program, although state-funded health contracts may require certification. The Board may reprimand practitioners or suspend or revoke certifications ²⁴

²² [CADC – Certified Alcohol and Drug Counselor, Overview of Requirements](#), which may be accessed by conducting a keyword “overview of requirements” search on the Michigan Certification Board for Addiction Professionals website: <https://mcbap.com/>.

²³ [ADC Domains \(PDF\)](#), which may be accessed by conducting a keyword “ADC Domains” search on the Michigan Certification Board for Addiction Professionals website: <https://mcbap.com/>.

²⁴ [Ethics](#), which may be accessed by conducting a keyword “ethics” search on the Michigan Certification Board for Addiction Professionals website: <https://mcbap.com/>.

Regulation of Addiction Counselors				
State	Scope of Practice	Education Hours	Compensated Work/Supervised Internship	Disciplinary Power of Board
Certified Advanced Alcohol and Drug Counselor (CAADC) ²⁵	Scope is the same as for a CADC, but with more diagnostic assessment of and treatment planning for patients ²⁶	Master's degree or an equivalent or higher degree in psychology, social work, counseling, psychiatric nursing, addiction science, or marriage and family therapy, with a clinical application. 186 education hours, 180 must be specific to substance use disorders and six must be face-to-face, MCBAP-approved education in behavioral health professional practice ethics	2,000 hours of full- or part-time clinical counseling experience post-Master's degree working with substance use disorder clients at an approved facility 100 hours of direct supervision in substance use disorder services, post-Master's degree specific to IC&RC domains	

²⁵ [CAADC – Certified Advanced Alcohol and Drug Counselor](https://mcbap.com/), which may be accessed by conducting a keyword “Advanced Alcohol and Drug Counselor” search on the Michigan Certification Board for Addiction Professionals website: <https://mcbap.com/>.

²⁶ [ADC Domains \(PDF\)](https://mcbap.com/), which may be accessed by conducting a keyword “ADC Domains” search on the Michigan Certification Board for Addiction Professionals website: <https://mcbap.com/>.

Regulation of Addiction Counselors				
State	Scope of Practice	Education Hours	Compensated Work/Supervised Internship	Disciplinary Power of Board
Pennsylvania Associate Addiction Counselor (AAC) or Certified Associate Addiction Counselor (CAAC) ²⁷	Develop treatment plans and provide counseling assistance to individuals with substance use disorders, but not as a primary provider ²⁸	AAC: High school diploma or equivalent or higher and 100 hours of relevant education or training, including six hours in substance use disorder ethics CAAC: High school diploma or equivalent or higher and 300 hours of relevant education or training, of which 100 hours must be specific to substance use disorders and six hours in substance use disorder ethics	AAC: One year of full-time or 2,000 hours of part-time work experience as a drug and alcohol counselor with 100 hours of on-the-job clinical supervision of qualifying work experience CAAC: Three years of full-time or 6,000 hours of part-time work experience as a drug and alcohol counselor with 300 hours of on-the-job clinical supervision of qualifying work experience and a minimum of ten hours of clinical supervision	Because all certifications are voluntary, the Pennsylvania Certification Board may issue written cautions or suspend or revoke a certification ²⁹
Certified Alcohol and Drug Counselor (CADC) ³⁰	Provide primary, direct, and clinical counseling of substance use disorders	Bachelor's degree	Two years of full-time employment in addiction counseling or 4,000 hours of	

²⁷ [AAC Application \(PDF\)](#) and [CAAC Application \(PDF\)](#), both of which may be accessed by clicking on the “Certifications” link on the Pennsylvania Certification Board website: <https://www.pacertboard.org/>.

²⁸ [Certifications](#), which may be accessed on the Pennsylvania Certification Board website: <https://www.pacertboard.org/>.

²⁹ [Code of Ethical Conduct \(PDF\)](#), which may be accessed on the Pennsylvania Certification Board website: <https://www.pacertboard.org/>.

Regulation of Addiction Counselors				
State	Scope of Practice	Education Hours	Compensated Work/Supervised Internship	Disciplinary Power of Board
	or co-occurring disorders, prepare treatment plans, document client progress, and supervise counseling under clinical supervision ³¹	300 hours of education relevant to substance use disorders, 100 must be specific to substance use disorders and six to substance use disorder ethics	part-time employment for those with a Bachelor's degree in a relevant field. Three years of full-time employment or 6,000 hours of part-time employment for those with a Bachelor's degree in a nonrelevant field. For all applicants, 200 hours of supervision	
Certified Advanced Alcohol and Drug Counselor (CAADC) ³²	More prestige but no difference in scope of practice from CADC ³³	Master's degree in a relevant field and 180 hours of relevant education or training including six hours in substance use disorder ethics	One year of full-time or 2,000 hours of part-time work experience providing counseling to individuals with substance use disorder, including 100 on-the-job hours of supervision	

³⁰ [CADC Application \(PDF\)](https://www.pacertboard.org/), which may be accessed by clicking on the "Certifications" link on the Pennsylvania Certification Board website: <https://www.pacertboard.org/>.

³¹ [Certifications](https://www.pacertboard.org/), which may be accessed on the Pennsylvania Certification Board website: <https://www.pacertboard.org/>.

³² [CAADC Application \(PDF\)](https://www.pacertboard.org/), which may be accessed by clicking on the "Certifications" link on the Pennsylvania Certification Board website: <https://www.pacertboard.org/>.

³³ [Certifications](https://www.pacertboard.org/), which may be accessed on the Pennsylvania Certification Board website: <https://www.pacertboard.org/>.

Regulation of Addiction Counselors				
State	Scope of Practice	Education Hours	Compensated Work/Supervised Internship	Disciplinary Power of Board
West Virginia Alcohol and Drug Counselor Certification ³⁴	Functions under minimal supervision to no supervision and provides counseling and substance abuse counseling as well as other treatment services	High school diploma or equivalent or higher. 300 contact hours of training, with 70 specific to addiction. Of the 70, six must be in the area of ethics. One three-hour college semester course equals 45 contact hours	Six years of qualifying experience. An accredited degree can count for three of the six years. Required number of hours of practical experience supervised by a certified alcohol and drug counselor varies by education level: a high school diploma or equivalent requires 300 hours, an Associate degree in a related field requires 250 hours, a Bachelor's degree in a related field requires 200 hours, and a Master's degree or higher in a related field requires 100 hours	Because all certifications are voluntary, the West Virginia Certification Board for Addiction and Prevention Professionals may issue written cautions, suspensions, and revocations ³⁵

³⁴ [Certification Applications and Manuals](#), which may be accessed by clicking the Certification Applications & Manuals link on the West Virginia Certification Board for Addiction and Prevention (WVCBAPP) website: wvcapp.org.

³⁵ [AADC Manual \(PDF\)](#), which may be accessed on the Certification Applications & Materials page of the WVCBAPP website: wvcapp.org.

Regulation of Addiction Counselors				
State	Scope of Practice	Education Hours	Compensated Work/Supervised Internship	Disciplinary Power of Board
Advanced Alcohol and Drug Counselor ³⁶	No difference in scope of practice from above	Master's degree in behavioral science field with a clinical application 300 hours of education with 180 being addiction specific and six hours of addiction specific ethics	6,000 hours or three years of direct experience, of which one must be earned after Master's degree. 200 hours of supervised ADC experience	

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³⁶ [AADC Manual \(PDF\)](#), which may be accessed on the Certification Applications & Materials page of the WVCBAPP website: wvcapp.org.