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122nd Session, 2017-2018

A249, R256, H4601

STATUS INFORMATION

General Bill

Sponsors: Reps. Fry, Bedingfield, Alexander, Dillard, Douglas, Erickson, Henderson, Hewitt, Huggins, Ridgeway, Spires, West, Norrell, Weeks, Rutherford and Atwater

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Companion/Similar bill(s): 962

Introduced in the House on January 10, 2018

Introduced in the Senate on March 27, 2018

Last Amended on March 21, 2018

Passed by the General Assembly on May 10, 2018

Governor's Action: May 18, 2018, Signed

Summary: Addiction counselors

HISTORY OF LEGISLATIVE ACTIONS

Date	Body	Action Description with journal page number
1/10/2018	House	Introduced and read first time (House Journal-page 56)
1/10/2018	House	Referred to Committee on Medical, Military, Public and Municipal Affairs (House Journal-page 56)
1/30/2018		Scrivener's error corrected
3/8/2018	House	Committee report: Favorable with amendment Medical, Military, Public and Municipal Affairs (House Journal-page 6)
3/12/2018		Scrivener's error corrected
3/20/2018	House	Amended (House Journal-page 25)
3/20/2018	House	Debate adjourned until Wed., 3-21-18 (House Journal-page 25)
3/21/2018	House	Amended (House Journal-page 15)
3/21/2018	House	Read second time (House Journal-page 15)
3/21/2018	House	Roll call Yeas-106 Nays-2 (House Journal-page 18)
3/22/2018	House	Read third time and sent to Senate (House Journal-page 8)
3/27/2018	Senate	Introduced and read first time (Senate Journal-page 7)
3/27/2018	Senate	Referred to Committee on Labor, Commerce and Industry (Senate Journal-page 7)
5/1/2018	Senate	Committee report: Favorable Labor, Commerce and Industry (Senate Journal-page 14)
5/9/2018	Senate	Read second time (Senate Journal-page 90)
5/9/2018	Senate	Roll call Ayes-42 Nays-0 (Senate Journal-page 90)
5/10/2018	Senate	Read third time and enrolled (Senate Journal-page 96)
5/14/2018		Ratified R 256
5/18/2018		Signed By Governor
5/30/2018		Effective date 05/18/18
5/31/2018		Act No. 249

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VERSIONS OF THIS BILL

[1/10/2018](#)

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(A249, R256, H4601)

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 40-75-225 SO AS TO PROVIDE CRITERIA FOR LICENSURE AS AN ADDICTION COUNSELOR; TO AMEND SECTION 40-75-5, RELATING TO CERTAIN PROVISIONS GENERALLY APPLICABLE TO BOARD REGULATION OF PROFESSIONS AND OCCUPATIONS, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-10, RELATING TO THE BOARD OF EXAMINERS FOR LICENSURE OF PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND PSYCHO-EDUCATIONAL SPECIALISTS, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-20, RELATING TO DEFINITIONS, SO AS TO MAKE REVISIONS; TO AMEND SECTION 40-75-30, RELATING TO THE REQUIREMENT OF LICENSURE BY THE BOARD TO PRACTICE CERTAIN PROFESSIONS, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-50, RELATING TO THE BOARD, SO AS TO REMOVE DUTIES CONCERNING THE ESTABLISHMENT AND FUNCTION OF STANDARDS COMMITTEES; TO AMEND SECTION 40-75-110, RELATING TO DISCIPLINARY PROCEEDINGS CONCERNING BOARD LICENSEES, SO AS TO INCLUDE ADDICTION COUNSELORS; TO AMEND SECTION 40-75-190, RELATING TO CONFIDENTIALITY OF CLIENT COMMUNICATIONS BY LICENSEES, SO AS TO INCLUDE ADDICTION COUNSELORS AND TO REVISE EXCEPTIONS; TO AMEND SECTION 40-75-220, RELATING TO REQUIREMENTS FOR PROFESSIONAL COUNSELOR LICENSURE AND FAMILY AND MARRIAGE THERAPIST LICENSURE, SO AS TO REVISE THOSE REQUIREMENTS AND PROVIDE ADDITIONAL REQUIREMENTS FOR ADDICTION COUNSELOR LICENSURE; TO AMEND SECTION 40-75-230, RELATING TO REQUIREMENTS FOR PROFESSIONAL COUNSELOR SUPERVISOR LICENSURE AND FAMILY AND MARRIAGE THERAPIST SUPERVISOR LICENSURE, SO AS TO MAKE THOSE REQUIREMENTS APPLICABLE TO ADDICTION COUNSELOR SUPERVISOR LICENSURE; TO AMEND SECTION 40-75-240, RELATING TO INTERN LICENSES, SO AS TO REPLACE THE TERM "INTERN" WITH "ASSOCIATE" AND TO INCLUDE ADDICTION COUNSELOR ASSOCIATES; TO AMEND

SECTION 40-75-250, RELATING TO THE ISSUANCE OF DISPLAY OF LICENSES ISSUED BY THE BOARD, SO AS TO INCLUDE ADDICTION COUNSELOR LICENSES AND ADDICTION COUNSELOR ASSOCIATE LICENSES; TO AMEND SECTION 40-75-260, RELATING TO RECIPROcity AGREEMENTS WITH OTHER STATES, SO AS TO INCLUDE ADDICTION COUNSELOR CREDENTIALS; TO AMEND SECTION 40-75-285, RELATING TO THE APPLICABILITY OF ARTICLE 1, CHAPTER 75, TITLE 40, SO AS TO INCLUDE ADDICTION COUNSELORS; AND TO AMEND SECTION 40-75-290, RELATING TO PERSONS NOT APPLICABLE TO ARTICLE 1, CHAPTER 75, TITLE 40, SO AS TO REMOVE PROVISIONS CONCERNING CERTAIN ADDICTION COUNSELORS; TO REDESIGNATE CHAPTER 75, TITLE 40 AS “PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, ADDICTION COUNSELORS, AND PSYCHO-EDUCATIONAL SPECIALISTS”, AND TO REDESIGNATE ARTICLE 1, CHAPTER 75, TITLE 40 AS “PROFESSIONAL COUNSELORS, MARRIAGE AND FAMILY THERAPISTS, AND ADDICTION COUNSELORS”; AND TO REPEAL SECTION 40-75-300 RELATING TO LICENSURE FOR DRUG AND ALCOHOL COUNSELORS.

Be it enacted by the General Assembly of the State of South Carolina:

Addiction counselor licensure

SECTION 1. Article 1, Chapter 75, Title 40 of the 1976 Code is amended by adding:

“Section 40-75-225. (A) An applicant for licensure as an addiction counselor before October 1, 2018 must:

(1)(a) complete a human services field program of study and field experiences from an accredited educational institution, culminating in a master’s degree, and hold a current certification as a Certified Addiction Counselor II (CACII) or Certified Clinical Supervisor (CCS) through the South Carolina Association of Alcohol and Drug Abuse Counselors, a current certification as a Masters Addiction Counselor (MAC) or National Certified Addiction Counselor II (NCACII) through the National Association of Alcohol and Drug Abuse Counselors, or a current certification as an Alcohol and Drug Counselor (ADC) or Advanced Alcohol and Drug Counselor (AADC) from the International Certification and Reciprocity Consortium; and

(b) demonstrate at least two years full-time or four thousand hours of experience within the last five years working primarily with the substance use-disordered population, which may be experience in direct service providing or in a supervisory/consulting environment;

(2)(a) be currently licensed in this State as a Professional Counselor, Professional Counselor Supervisor, or Marriage and Family Therapist; and

(b) demonstrate at least two years full-time or four thousand hours of experience within the last five years working primarily with the substance use-disordered population, which may be experience in direct service providing or in a supervisory/consulting environment; or

(3)(a) complete a human services field program of study and field experiences from an accredited educational institution, culminating in a bachelor's degree, hold a current certification as a Certified Addiction Counselor II (CACII) through the South Carolina Association of Alcohol and Drug Abuse Counselors, a current certification as a National Certified Addiction Counselor II (NCACII) through the National Association of Alcohol and Drug Abuse Counselors, or a current Certification as an Advanced Alcohol and Drug Counselor (AADC) from the International Certification and Reciprocity Consortium; and

(b) demonstrate at least five years full-time or ten thousand hours of experience within the last eight years working primarily with the substance use-disordered population, which may be experience in direct service providing or in a supervisory/consulting environment.

(B) An applicant for licensure as an addiction counselor after October 1, 2018, must meet the standards provided in Section 40-75-220.”

Regulation of professions and occupations applicable to addiction counselors

SECTION 2. Section 40-75-5 of the 1976 Code is amended to read:

“Section 40-75-5. Unless otherwise provided for in this chapter, Article 1, Chapter 1, Title 40 applies to licensed professional counselors, marriage and family therapists, addiction counselors, and psycho-educational specialists regulated by the Department of Labor, Licensing and Regulation. If there is a conflict between this chapter and Article 1, Chapter 1, Title 40, the provisions of this chapter control.”

Governing board name and composition

SECTION 3. Section 40-75-10 of the 1976 Code is amended to read:

“Section 40-75-10. (A) There is created the Board of Examiners for the Licensure of Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists composed of eleven members appointed by the Governor. Of the eleven members, nine must be professional members, with representation from each congressional district in the State. Of the professional members, three must be licensed professional counselors, two must be licensed addiction counselors, three must be marriage and family therapists, and one must be a psycho-educational specialist. The remaining two members must be at large from the general public and must not be associated with, or financially interested in, the practice of professional counseling, marriage and family therapy, addiction counseling, or psycho-educational services.

(B) The membership must be representative of race, ethnicity, and gender. The eight professional members must have been actively engaged in the practice of their respective professions or in the education and training of professional counselors, marriage and family therapists, addiction counselors, or psycho-educational specialists for at least five years prior to appointment. Members may be licensed as a licensed professional counselor, marriage and family therapist, addiction counselor, or psycho-educational specialist. Members are eligible for reappointment. Vacancies must be filled in the same manner as the original appointment for the unexpired portion of the term. Each member shall receive per diem, subsistence, and mileage as allowed by law for members of state boards, commissions, and committees for each day actually engaged in the duties of the office, including a reasonable number of days, as determined by board regulation, for preparation and reviewing of applications and examinations in addition to time actually spent in conducting examinations.”

Definitions

SECTION 4. Section 40-75-20 of the 1976 Code is amended to read:

“Section 40-75-20. As used in this article:

(1) ‘Addiction counselor’ means a professional who practices individual, family, and group addiction counseling.

(2) ‘Alcohol and drug counseling services’ means those services offered for a fee as part of the treatment and rehabilitation of persons with a substance abuse disorder, at risk of developing a substance abuse disorder, or is negatively affected by someone with a substance abuse disorder. The purpose of alcohol and drug counseling services is to help

individuals, families, and groups to address and resolve problems caused by substance abuse.

(3) 'Approved supervisor' means a licensee who has met the requirements for approval as a professional counselor supervisor, marriage and family therapy supervisor, or addiction counselor supervisor as provided in regulation.

(4) 'Assessment' in the practice of counseling and therapy means selecting, administering, scoring, and interpreting evaluative or standardized instruments; assessing, diagnosing, and treating, using standard diagnostic nomenclature, a client's attitudes, abilities, achievements, interests, personal characteristics, disabilities, and mental, emotional, and behavioral problems that are typical of the developmental life cycle; and the use of methods and techniques for understanding human behavior in relation to, coping with, adapting to, or changing life situations. A counselor may assess more serious problems as categorized in standard diagnostic nomenclature but only if the counselor has been specifically trained to assess and treat that particular problem. If a client presents with a problem which is beyond the counselor's training and competence, the counselor must refer that problem to a licensed professional who has been specifically trained to diagnose and treat the presenting problem. In all cases, ethical guidelines as established by the board must be followed.

(5) 'Associate' means an individual who has met the requirements for licensure as a professional counselor associate, marriage and family therapy associate, or addiction counselor associate under the provisions of this article and has been issued a license by the board.

(6) 'Board' means the South Carolina Board of Licensed Professional Counselors, Marriage and Family Therapists, Addictions Counselors, and Psycho-Educational Specialists.

(7) 'Client' means a person or patient, whether an individual or a member of a group, a group, an agency or an organization, who receives in an office setting any treatment or service that falls within the scope of practice of a Licensed Professional Counselor, Marriage and Family Therapist, Addiction Counselor, or Psycho-Educational Specialist.

(8) 'Consulting' means the application of scientific principles and procedures in counseling and human development to provide assistance in understanding and solving current or potential problems that the client may have in relation to a third party, individuals, groups, and organizations.

(9) 'Director' means the Director of the Department of Labor, Licensing and Regulation.

(10) 'Federally assisted program' means a program directly funded by the federal government, operated by the federal government, certified for

Medicaid reimbursement, receiving federal block grant funds through a state or local government, licensed by the federal government, or exempt from paying taxes under a provision of the federal Internal Revenue Code.

(11) 'License' means an authorization to practice counseling, marriage and family therapy, issued by the board pursuant to this article and includes an authorization to practice as a professional counselor associate, marriage and family therapy associate, or addiction counselor associate.

(12) 'Licensee' means an individual who has met the requirements for licensure under this article and has been issued a license to practice as a professional counselor or professional counselor associate, marriage and family therapist or marriage and family therapy associate, or addiction counselor associate.

(13) 'Licensed professional counselor' means an individual who practices professional counseling.

(14) 'Marriage and family therapy' means the assessment and treatment of mental and emotional disorders, whether cognitive, affective, or behavioral, within the context of marriage and family systems. Marriage and family therapy involves the application of psycho-therapeutic and family systems theories and techniques in the delivery of services to individuals, couples, and families for the purpose of treating diagnosed emotional, mental, behavioral, or addictive disorders.

(15) 'Person' means an individual, organization, or corporation, except that only individuals can be licensed under this article.

(16) 'Practice of marriage and family therapy' means the rendering of marriage and family therapy services to individuals, couples, and families, singly or in groups, whether these services are offered directly to the general public or through organizations, either public or private.

(17) 'Practice of professional counseling' means functioning as a psycho-therapist and may include, but is not limited to, providing individual therapy, family counseling, group therapy, marital counseling, play therapy, couples counseling, substance abuse counseling, vocational counseling, school counseling, rehabilitation counseling, intervention, human growth and development counseling, behavioral modification counseling, and hypnotherapy. The practice of professional counseling may include assessment, crisis intervention, guidance and counseling to facilitate normal growth and development, including educational and career development; utilization of functional assessment and counseling for persons requesting assistance in adjustment to a disability or handicapping condition; and consultation and research. The use of specific methods, techniques, or modalities

within the practice of licensed professional counseling is restricted to professional counselors appropriately trained in the use of these methods, techniques, or modalities.

(18) 'Practice of addiction counseling' means providing professional services that are delivered by a licensed addiction professional, designed to change substance use or addictive behavior, and 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. The term includes:

(a) gathering information through structured interview screens using routine protocols;

(b) reviewing assessment findings to assist in the development of a plan individualized for treatment services and to coordinate services;

(c) referring for further assessment, diagnosis, evaluation and mental health therapy;

(d) providing client and family education related to addictions;

(e) providing information on social networks and community systems for referrals and discharge planning;

(f) participating in multidisciplinary treatment team meetings or consulting with clinical addiction professionals;

(g) counseling, through individual and group counseling, as well as group and family education, to treat addiction and substance use disorders in a variety of settings; and

(h) maintaining the highest level of professionalism and ethical responsibility.

(19) 'Referral' means evaluating and identifying needs of a client to determine the advisability of referral to other specialists, informing the client of this determination, and communicating as requested or considered appropriate with these referral sources.

(20) 'Supervision' means the supervision of clinical services in accordance with standards established by the board under the supervision of an approved supervisor."

Unlawful practice

SECTION 5. Section 40-75-30 of the 1976 Code is amended to read:

"Section 40-75-30. (A) It is unlawful for a person to practice as a professional counselor, a marriage and family therapist, or an addiction counselor in this State without being licensed in accordance with this article. A professional counselor associate may practice only under the direct supervision of a licensed professional counselor supervisor. A marriage and family therapy associate may practice only under the direct

supervision of a licensed marriage and family therapist supervisor, as approved by the board. An addiction counselor associate only may work under a licensed addiction counselor supervisor or other approved board-licensed clinician as provided in regulation.

(B) A person is guilty of practicing without a license if the person represents himself or herself to be a marriage and family therapist by the use of any title or description of services which incorporates the words 'licensed marital and family therapist', 'licensed marriage and family therapist', 'marital and family therapist', 'marriage and family therapist', or 'marriage and family counselor' to describe a function or service performed without being licensed by the board. However, members of other professions licensed in this State including, but not limited to, attorneys, physicians, psychologists, registered nurses, or social workers performing duties consistent with the laws of this State, their training, and any code of ethics of their profession are not considered to be practicing without a license if they do not represent themselves as being licensed pursuant to this article.

(C) A person is guilty of practicing without a license if the person represents himself or herself to be a professional counselor by the use of any title or description of services which incorporates the words 'licensed professional counselor', 'professional counselor', or 'licensed counselor' without being licensed by the board. However, members of other professions licensed in this State including, but not limited to, attorneys, physicians, psychologists, registered nurses, or social workers performing duties consistent with the laws of this State, their training, and any code of ethics of their professions are not considered to be practicing without a license if they do not represent themselves as being licensed pursuant to this article.

(D) A person is guilty of practicing without a license if the person represents himself to be an addiction counselor by the use of any title or description of services which incorporates the words 'licensed addiction counselor' or 'addiction counselor' without being licensed by the board. However, members of other professions licensed in this State including, but not limited to, attorneys, physicians, psychologists, registered nurses, or social workers performing duties consistent with the laws of this State, their training, and any code of ethics of their professions are not considered to be practicing without a license if they do not represent themselves as being licensed pursuant to this article.

(E) A licensed professional counselor, a licensed marital and family therapist, or a licensed addiction counselor may not use the title of 'psycho-therapist'."

Board powers and duties, standards committees eliminated

SECTION 6. Section 40-75-50 of the 1976 Code is amended to read:

“Section 40-75-50. In addition to the powers and duties enumerated in Section 40-1-50, the board shall, at the first board meeting in each calendar year elect from the professional membership a president, a vice president, and any other officer it considers necessary. Regular meetings must be held upon the call of the president or any two members of the board. A majority of the members of the board constitutes a quorum.”

Disciplinary actions

SECTION 7. Section 40-75-110 of the 1976 Code is amended to read:

“Section 40-75-110. (A) The board may revoke, suspend, publicly or privately reprimand, or restrict a licensee or otherwise discipline a licensee when it is established to the satisfaction of the board that a licensee has:

- (1) uttered a false or fraudulent statement or forged a statement or document or committed or practiced a fraudulent, deceitful, or dishonest act in connection with license requirements;
- (2) been convicted of a felony or other crime involving moral turpitude. Forfeiture of a bond or a plea of nolo contendere is the equivalent of a conviction;
- (3) violated a regulation, directive, or order of the board;
- (4) knowingly performed an act which substantially assists a person to practice counseling, marriage and family therapy, or addiction counseling illegally;
- (5) caused to be published or circulated directly or indirectly fraudulent, false, or misleading statements as to the skills or methods or practice of a license holder when malice is shown;
- (6) failed to provide and maintain reasonable sanitary facilities;
- (7) sustained physical or mental impairment or disability which renders practice dangerous to the public;
- (8) violated the code of ethics adopted by the board in regulations;
- (9) obtained fees or assisted in obtaining fees under deceptive, false, or fraudulent circumstances;
- (10) used an intentionally false or fraudulent statement in a document connected with the practice of professional counseling, marriage and family therapy, or addiction counseling;
- (11) been found by the board to lack the professional competence to practice;

(12) practiced during the time his license has lapsed or been suspended or revoked;

(13) practiced the profession or occupation while under the influence of alcohol or drugs or uses alcohol or drugs to such a degree as to render him unfit to practice his profession or occupation.

(B) In addition to other remedies and actions incorporated in this chapter, the license of a licensee adjudged mentally incompetent by a court of competent jurisdiction must be suspended automatically by the board until the licensee is adjudged competent by a court of competent jurisdiction.”

Confidentiality of communications

SECTION 8. Section 40-75-190 of the 1976 Code is amended to read:

“Section 40-75-190. (A) No person licensed under this chapter, and no person’s employees or associates, shall disclose any information which he or she may have acquired during the course of treatment, except as required or permitted by applicable state law, federal law, or both, including, but not limited to, compliance with Sections 19-11-95, 43-35-25, 44-29-70, and 63-7-310.

(B) All communications between clients and their licensed professional counselor, marriage and family therapist, or addiction counselor are considered privileged as provided in Section 19-11-95, protecting confidences between patients of mental illness or emotional condition and licensees under this chapter, and as provided in Section 19-11-100, providing limited protection for persons engaged in the gathering of information for journalistic or literary purposes. Additionally, a licensed professional counselor, a licensed marital and family therapist, or addiction counselor must maintain privileged communications and patient confidentiality as required of psycho-therapists. All records of treatments maintained by a licensed professional counselor, marriage and family therapist, or an addiction counselor are confidential and must not be disclosed except under the circumstances provided for in this subsection.

(C) A person licensed under this chapter must comply with all applicable state and federal confidentiality laws related to alcohol or drug treatment records.”

Licensure process, qualifications

SECTION 9. Section 40-75-220 of the 1976 Code is amended to read:

“Section 40-75-220. To be licensed by the board as a professional counselor, marriage and family therapist, or addiction counselor, an individual must:

(1) pay the appropriate fees and pass an examination approved by the board;

(2) complete forms prescribed by the board; and

(3) complete the following educational requirements:

(a) for licensed professional counselor or marriage and family therapist, successfully complete a minimum of a master’s degree or higher degree program and have been awarded a graduate degree as provided in regulation, provided all course work, including any additional core coursework, must be taken at a college or university accredited by a national educational accrediting body, or one that follows similar educational standards and by the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, or a post-degree program accredited by the Commission on Accreditation for Marriage and Family Therapy Education, or a regionally accredited institution of higher learning subsequent to receiving the graduate degree; or

(b) for licensed addiction counselor, successfully complete a minimum of a master’s degree or higher degree program and have been awarded a graduate degree as provided in regulation, provided all course work, including any additional core coursework, must be taken at a college or university accredited by a national educational accrediting body, or one that follows similar standards and the Commission on the Colleges of the Southern Association of Colleges and Schools, one of its transferring regional associations, the Association of Theological Schools in the United States and Canada, the National Addiction Studies Accreditation Commission, other board-approved educational institution, or a regionally accredited institution of higher learning.”

Supervisor qualifications

SECTION 10. Section 40-75-230 of the 1976 Code is amended to read:

“Section 40-75-230. To be licensed as a professional counselor supervisor, marriage and family therapist supervisor, or addiction counselor, an individual must:

(1) be licensed in South Carolina in the discipline for which the supervisor license is sought;

(2) have been in the practice of counseling, marriage and family therapy, or addiction counseling for at least five years; and

(3) have met the additional requirements prescribed by the board in regulation.”

License issuance

SECTION 11. Section 40-75-240 of the 1976 Code is amended to read:

“Section 40-75-240. A professional counselor associate license, marriage and family therapy associate license, or addiction counselor associate license must be issued to an applicant who has satisfied the educational requirements, as specified by the board in regulation, for licensure but who has not yet completed the supervision or experience requirements and has passed the examination required for licensure. An associate who has not completed the requirements for licensure within two years may apply to the board for an extension.”

License, evidence of rights and privileges

SECTION 12. Section 40-75-250(A) of the 1976 Code is amended to read:

“(A) If an applicant satisfies all licensure requirements as provided for in this article, the board may issue a license to the applicant. A license is a personal right and not transferable, and the issuance of a license is evidence that the person is entitled to all rights and privileges of a licensed professional counselor, marriage and family therapist, an addiction counselor, or of an associate, while the license remains current and unrestricted. However, the license is the property of the State and upon suspension or revocation immediately must be returned to the board.”

Reciprocal agreements

SECTION 13. Section 40-75-260 of the 1976 Code is amended to read:

“Section 40-75-260. (A) The board may enter into a reciprocal agreement with a state that credentials professional counselors, marriage and family therapists, or addiction counselors if the board finds that the state has substantially the same or higher licensure requirements.

(B)(1) The board may license an individual who is currently credentialed or meets the requirements of a licensed professional counselor, licensed marriage and family therapist, or addiction counselor in another jurisdiction of the United States if the individual has met the standards defined in regulation.

(2) The board shall delineate in regulation procedures for verifying an applicant's credentials from another jurisdiction.

(3) The board may not license an applicant who is under investigation in this or another jurisdiction for an act that would constitute a violation of this chapter until the investigation is complete. When deciding a case, the board shall determine what, if any, rules or discipline apply.

(C) The board may grant a license to practice professional counseling, marriage and family therapy, or addiction counseling to an applicant who has completed an educational program in a college or university in a foreign country if the applicant:

(1) meets all requirements of this article; and

(2) demonstrates to the satisfaction of the board that the applicant's experience, command of the English language, and completed academic program meet the standards of a relevant academic program of an accredited educational institution within the United States. If the requirements of this item are met, the applicant must be considered to have received the education from an accredited educational institution as required by this article."

Exemptions, conforming change

SECTION 14. Section 40-75-285 of the 1976 Code is amended to read:

"Section 40-75-285. This article is for the regulation of the practice of licensed professional counselors, marriage and family therapists, and addiction counselors only and does not prevent human resource professionals, business consultants, and other persons from providing advice and counseling in their organizations or affiliated groups or to their companies and employees of their companies or from engaging in activities performed in the course of their employment."

Exemptions, conforming change

SECTION 15. Section 40-75-290 of the 1976 Code is amended to read:

“Section 40-75-290. This article does not apply to:

(1) salaried employees performing duties for which they were trained and hired solely within a federal, state, county, or local:

- (a) governmental agency;
- (b) licensed mental health or alcohol or drug abuse facility;
- (c) accredited academic institutions;
- (d) licensed, formally accredited nonprofit agencies; or
- (e) research institutions.

(2) persons pursuing a course of study in a regionally accredited educational or training facility as a formal part of a process to obtain a license associated with this article, if the services constitute a part of a supervised course of study;

(3) nonresidents, appropriately licensed or credentialed in their home state, who offer services within this State, if these services are performed for no more than five days a month, and no more than thirty days in any calendar year;

(4) volunteers accountable to a sponsoring agency;

(5) qualified members of other professionals licensed in this State including, but not limited to, attorneys, physicians, psychologists, registered nurses, or social workers performing duties consistent with the laws of this State, their training, and any code of ethics of their profession if they do not represent themselves as being licensed pursuant to this article;

(6) a minister, priest, rabbi, or clergy person of any religious denomination or sect, when the activities are within the scope of performance of his or her regular or specialized ministerial duties, and no fee is received by him or her; or when these activities are performed, with or without compensation, by a person under the auspices or sponsorship of an established church, denomination, or sect and when the person rendering services remains accountable to the established authority and does not hold himself or herself out to the public as possessing a license issued pursuant to this article; or

(7) members of peer groups or self-help groups when engaging in or offering self-help assistance as part of peer support groups or self-help organizations including, but not limited to, Alcoholics Anonymous (AA) or Narcotics Anonymous (NA), AA or NA sponsorship, or other uncompensated alcohol or other drug abuse or dependent services.”

Chapter redesignated, article redesignated

SECTION 16.A. Chapter 75, Title 40 of the 1976 Code is redesignated “Professional Counselors, Marriage and Family Therapists, Addiction Counselors, and Psycho-Educational Specialists”.

B. Article 1, Chapter 75, Title 40 of the 1976 Code is redesignated “Professional Counselors, Marriage and Family Therapists, and Addiction Counselors”.

Repeal

SECTION 17. Section 40-75-300 of the 1976 Code is repealed.

Time effective

SECTION 18. This act takes effect upon approval of the Governor.

Ratified the 14th day of May, 2018.

Approved the 18th day of May, 2018.
