

January 29, 1998

HOUSE BILL No. 1310

DIGEST OF HB 1310 (Updated January 28, 1998 1:57 pm - DI 77)

Citations Affected: IC 25-1; IC 25-23.6.

Synopsis: Provides that an individual who is certified by an organization that is affiliated with the National Association of Alcoholism and Drug Abuse Counselors or the International Certification and Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc. as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor and who is eligible to act as a drug abuse counselor, an alcoholism counselor, or a drug abuse and alcoholism counselor in a program approved by the division of mental health is subject to the same standards of practice and investigation procedures that govern a licensed mental health counselor. Prohibits a certified counselor from counseling to recover a memory of child abuse or another similar condition or from practicing hypnotism unless the counselor is licensed to practice those techniques. Makes a violation of these provisions a Class A infraction. Establishes the drug abuse and alcoholism advisory committee.

Effective: July 1, 1998.

Goeglein, C. Brown

January 13, 1998, read first time and referred to Committee on Public Health.
January 28, 1998, amended, reported — Do Pass.

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January 29, 1998

Second Regular Session 110th General Assembly (1998)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1997 General Assembly.

HOUSE BILL No. 1310

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 25-1-7-1, AS AMENDED BY P.L.147-1997,
2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 1998]: Sec. 1. As used in this chapter:
4 "Board" means the appropriate agency listed in the definition of
5 regulated occupation in this section.
6 "Director" refers to the director of the division of consumer
7 protection.
8 "Division" refers to the division of consumer protection, office of
9 the attorney general.
10 "Licensee" means a person who is:
11 (1) licensed, certified, or registered by a board listed in this
12 section **or certified under IC 25-23.6-12**; and
13 (2) the subject of a complaint filed with the division.
14 "Person" means an individual, a partnership, a limited liability
15 company, or a corporation.
16 "Regulated occupation" means an occupation in which a person is
17 licensed, certified, or registered by one (1) of the following:

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- 1 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 2 (2) Board of registration for architects (IC 25-4-1-2).
- 3 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 4 (4) State board of barber examiners (IC 25-7-5-1).
- 5 (5) State boxing commission (IC 25-9-1).
- 6 (6) Board of chiropractic examiners (IC 25-10-1).
- 7 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 8 (8) State board of dental examiners (IC 25-14-1).
- 9 (9) State board of funeral and cemetery service (IC 25-15-9).
- 10 (10) State board of registration for professional engineers
- 11 (IC 25-31-1-3).
- 12 (11) Indiana state board of health facility administrators
- 13 (IC 25-19-1).
- 14 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 15 (13) Indiana state board of nursing (IC 25-23-1).
- 16 (14) Indiana optometry board (IC 25-24).
- 17 (15) Indiana board of pharmacy (IC 25-26).
- 18 (16) Indiana plumbing commission (IC 25-28.5-1-3).
- 19 (17) Board of podiatric medicine (IC 25-29-2-1).
- 20 (18) Board of environmental health specialists (IC 25-32-1).
- 21 (19) State psychology board (IC 25-33).
- 22 (20) Speech-language pathology and audiology board
- 23 (IC 25-35.6-2).
- 24 (21) Indiana real estate commission (IC 25-34.1-2).
- 25 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 26 (23) Department of natural resources for purposes of licensing
- 27 water well drillers under IC 25-39-3.
- 28 (24) Respiratory care committee (IC 25-34.5).
- 29 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 30 (26) Occupational therapy committee (IC 25-23.5).
- 31 (27) Social worker, marriage and family therapist, and mental
- 32 health counselor board (IC 25-23.6).
- 33 (28) Real estate appraiser licensure and certification board
- 34 (IC 25-34.1-8).
- 35 (29) State board of registration for land surveyors
- 36 (IC 25-21.5-2-1).
- 37 (30) Physician assistant committee (IC 25-27.5).
- 38 (31) Indiana athletic trainers certification board (IC 25-5.1-2-1).
- 39 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 40 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 41 (34) Any other occupational or professional agency created after
- 42 June 30, 1981.



1 SECTION 2. IC 25-23.6-12 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 1999]:

4 **Chapter 12. Certification by Organization Affiliated with a**
5 **National Association**

6 **Sec. 1. (a) An individual who is:**

7 (1) certified by an organization that is affiliated with the
8 National Association of Alcoholism and Drug Abuse
9 Counselors or the International Certification and Reciprocity
10 Consortium - Alcohol and Other Drug Abuse, Inc., as a drug
11 abuse counselor, an alcoholism counselor, or a drug abuse and
12 alcoholism counselor; and

13 (2) eligible to act as a drug abuse counselor, an alcoholism
14 counselor, or a drug abuse and alcoholism counselor in a
15 program approved by the division of mental health;

16 is subject to the same standards of practice and investigation
17 procedures that govern a mental health counselor licensed under
18 this article.

19 (b) The board shall investigate and prosecute a complaint
20 against an individual described in subsection (a) in the same
21 manner as a licensed mental health counselor.

22 (c) If the board determines after a hearing that an individual
23 described in subsection (a) should be disciplined, the board shall
24 submit its findings and recommendations within thirty (30) days to
25 the organization affiliated with the National Association of
26 Alcoholism and Drug Abuse Counselors or the International
27 Certification and Reciprocity Consortium - Alcohol and Other
28 Drug Abuse, Inc. that certified the individual.

29 **Sec. 2. (a) Each organization that is affiliated with the National**
30 **Association of Alcoholism and Drug Abuse Counselors or the**
31 **International Certification and Reciprocity Consortium - Alcohol**
32 **and Other Drug Abuse, Inc. as a drug abuse counselor, an**
33 **alcoholism counselor, or a drug abuse and alcoholism counselor**
34 **must provide the bureau with a list of names and addresses of**
35 **individuals who are certified by the organization and who reside in**
36 **the state.**

37 (b) The bureau shall maintain a registry containing the names
38 and addresses of individuals reported under subsection (a) and
39 individuals licensed under this article.

40 **Sec. 3. An individual who is certified by an organization that is**
41 **affiliated with the National Association of Alcoholism and Drug**
42 **Abuse Counselors or the International Certification and**



1 **Reciprocity Consortium - Alcohol and Other Drug Abuse, Inc. as**
2 **a drug abuse counselor, an alcoholism counselor, or a drug abuse**
3 **and alcoholism counselor may not practice the following:**
4 **(1) Except for an individual who is licensed in a profession**
5 **that permits counseling to recover a memory of child abuse,**
6 **counseling to recover a memory of child abuse or another**
7 **similar condition.**
8 **(2) Except for an individual certified under IC 25-20.5,**
9 **hypnotism (as defined in IC 25-20.5-1-4).**
10 **Sec. 4. (a) The drug abuse and alcoholism advisory committee**
11 **is established.**
12 **(b) The committee consists of three (3) drug abuse and**
13 **alcoholism counselors described in section 1(a) of this chapter who**
14 **are appointed and serve at the will of the director of the bureau.**
15 **Not more than two (2) of the committee members may be from the**
16 **same political party.**
17 **(c) The committee shall:**
18 **(1) assist the board in developing rules for the administration**
19 **of this chapter; and**
20 **(2) perform duties assigned by the board.**
21 **Sec. 5. A person who violates this chapter commits a Class A**
22 **infraction.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1310, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to House Bill 1310 as introduced.)

C. BROWN, Chair

Committee Vote: yeas 12, nays 0.

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