

---

---

# SENATE BILL No. 506

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-36-1.5-2; IC 25-1; IC 25-23.6.

**Synopsis:** Alcohol and drug abuse counselors. Provides that a practitioner violates the health professions standards by engaging in or soliciting sexual contact with a practitioner's patient. Changes the name of the social worker, marriage and family therapist, and mental health counselor board to include "alcohol and drug abuse counselor". Creates the alcohol and drug abuse counselor section of the social worker, marriage and family therapist, mental health counselor, and alcohol and drug abuse counselor board. Adds two licensed clinical alcohol and drug abuse counselors to the board. Sets qualifications for licensed clinical alcohol and drug abuse counselors. Provides that prohibitions on the unlicensed practice of alcohol and drug abuse counseling do not apply to physicians, nurses, psychologists, clergy members, volunteers for or employees of certain organizations, marriage and family therapists, social workers, mental health counselors, government employees, and students, interns, and trainees. Prohibits the use of certain titles. Makes the unlicensed practice of alcohol and drug abuse counseling a Class A misdemeanor. Prohibits licensed clinical alcohol and drug abuse counselors from practicing hypnosis and from counseling for the purpose of recovering a memory. Requires the health finance commission to study topics related to the licensure of alcohol and drug counselors. Makes conforming amendments.

**Effective:** Upon passage; July 1, 2000; January 1, 2001; July 1, 2002.

---

---

## Miller

---

---

January 10, 2000, read first time and referred to Committee on Health and Provider Services.

---

---



C  
O  
P  
Y

Second Regular Session 111th General Assembly (2000)

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 1999 General Assembly.

C  
O  
P  
Y

# SENATE BILL No. 506



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 16-36-1.5-2 IS AMENDED TO READ AS
- 2 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. As used in this
- 3 chapter, "mental health provider" means any of the following:
- 4 (1) A registered nurse or licensed practical nurse licensed under
- 5 IC 25-23.
- 6 (2) A clinical social worker licensed under IC 25-23.6-5.
- 7 (3) A marriage and family therapist licensed under IC 25-23.6-8.
- 8 (4) A psychologist licensed under IC 25-33.
- 9 (5) A school psychologist licensed by the Indiana state board of
- 10 education.
- 11 (6) **A clinical alcohol and drug abuse counselor licensed under**
- 12 **IC 25-23.6-12.**
- 13 (7) An individual who claims to be a mental health provider.
- 14 SECTION 2. IC 25-1-2-6, AS AMENDED BY P.L.24-1999,
- 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 16 JANUARY 1, 2001]: Sec. 6. (a) As used in this section, "license"
- 17 includes all occupational and professional licenses, registrations,



1 permits, and certificates issued under the Indiana Code, and "licensee"  
 2 includes all occupational and professional licensees, registrants,  
 3 permittees, and certificate holders regulated under the Indiana Code.

4 (b) This section applies to the following entities that regulate  
 5 occupations or professions under the Indiana Code:

- 6 (1) Indiana board of accountancy.
- 7 (2) Indiana grain buyers and warehouse licensing agency.
- 8 (3) Indiana auctioneer commission.
- 9 (4) Board of registration for architects.
- 10 (5) State board of barber examiners.
- 11 (6) State board of cosmetology examiners.
- 12 (7) Medical licensing board of Indiana.
- 13 (8) Secretary of state.
- 14 (9) State board of dentistry.
- 15 (10) State board of funeral and cemetery service.
- 16 (11) Worker's compensation board of Indiana.
- 17 (12) Indiana state board of health facility administrators.
- 18 (13) Committee of hearing aid dealer examiners.
- 19 (14) Indiana state board of nursing.
- 20 (15) Indiana optometry board.
- 21 (16) Indiana board of pharmacy.
- 22 (17) Indiana plumbing commission.
- 23 (18) Board of podiatric medicine.
- 24 (19) Private detectives licensing board.
- 25 (20) State board of registration for professional engineers.
- 26 (21) Board of environmental health specialists.
- 27 (22) State psychology board.
- 28 (23) Indiana real estate commission.
- 29 (24) Speech-language pathology and audiology board.
- 30 (25) Department of natural resources.
- 31 (26) State boxing commission.
- 32 (27) Board of chiropractic examiners.
- 33 (28) Mining board.
- 34 (29) Indiana board of veterinary medical examiners.
- 35 (30) State department of health.
- 36 (31) Indiana physical therapy committee.
- 37 (32) Respiratory care committee.
- 38 (33) Occupational therapy committee.
- 39 (34) Social worker, marriage and family therapist, **and** mental  
 40 health counselor, **and alcohol and drug abuse counselor** board.
- 41 (35) Real estate appraiser licensure and certification board.
- 42 (36) State board of registration for land surveyors.

C  
O  
P  
Y



1 (37) Physician assistant committee.

2 (38) Indiana dietitians certification board.

3 (39) Indiana hypnotist committee.

4 (40) Any other occupational or professional agency created after  
5 June 30, 1981.

6 (c) Notwithstanding any other law, the entities included in  
7 subsection (b) shall send a notice of the upcoming expiration of a  
8 license to each licensee at least sixty (60) days prior to the expiration  
9 of the license. The notice must inform the licensee of the need to renew  
10 and the requirement of payment of the renewal fee. If this notice of  
11 expiration is not sent by the entity, the licensee is not subject to a  
12 sanction for failure to renew if, once notice is received from the entity,  
13 the license is renewed within forty-five (45) days of the receipt of the  
14 notice.

15 SECTION 3. IC 25-1-5-3, AS AMENDED BY P.L.24-1999,  
16 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
17 JANUARY 1, 2001]: Sec. 3. (a) There is established the health  
18 professions bureau. The bureau shall perform all administrative  
19 functions, duties, and responsibilities assigned by law or rule to the  
20 executive director, secretary, or other statutory administrator of the  
21 following:

22 (1) Board of chiropractic examiners (IC 25-10-1).

23 (2) State board of dentistry (IC 25-14-1).

24 (3) Indiana state board of health facility administrators  
25 (IC 25-19-1).

26 (4) Medical licensing board of Indiana (IC 25-22.5-2).

27 (5) Indiana state board of nursing (IC 25-23-1).

28 (6) Indiana optometry board (IC 25-24).

29 (7) Indiana board of pharmacy (IC 25-26).

30 (8) Board of podiatric medicine (IC 25-29-2-1).

31 (9) Board of environmental health specialists (IC 25-32).

32 (10) Speech-language pathology and audiology board  
33 (IC 25-35.6-2).

34 (11) State psychology board (IC 25-33).

35 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).

36 (13) Controlled substances advisory committee (IC 35-48-2-1).

37 (14) Committee of hearing aid dealer examiners (IC 25-20).

38 (15) Indiana physical therapy committee (IC 25-27).

39 (16) Respiratory care committee (IC 25-34.5).

40 (17) Occupational therapy committee (IC 25-23.5).

41 (18) Social worker, marriage and family therapist, ~~and~~ mental  
42 health counselor, **and alcohol and drug abuse counselor** board



C  
O  
P  
Y

- 1 (IC 25-23.6).
- 2 (19) Physician assistant committee (IC 25-27.5).
- 3 (20) Indiana athletic trainers board (IC 25-5.1-2-1).
- 4 (21) Indiana dietitians certification board (IC 25-14.5-2-1).
- 5 (22) Indiana hypnotist committee (IC 25-20.5-1-7).
- 6 (b) Nothing in this chapter may be construed to give the bureau
- 7 policy making authority, which authority remains with each board.
- 8 SECTION 4. IC 25-1-7-1, AS AMENDED BY P.L.24-1999,
- 9 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 10 JANUARY 1, 2001]: Sec. 1. As used in this chapter:
- 11 "Board" means the appropriate agency listed in the definition of
- 12 regulated occupation in this section.
- 13 "Director" refers to the director of the division of consumer
- 14 protection.
- 15 "Division" refers to the division of consumer protection, office of
- 16 the attorney general.
- 17 "Licensee" means a person who is:
- 18 (1) licensed, certified, or registered by a board listed in this
- 19 section; and
- 20 (2) the subject of a complaint filed with the division.
- 21 "Person" means an individual, a partnership, a limited liability
- 22 company, or a corporation.
- 23 "Regulated occupation" means an occupation in which a person is
- 24 licensed, certified, or registered by one (1) of the following:
- 25 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 26 (2) Board of registration for architects (IC 25-4-1-2).
- 27 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 28 (4) State board of barber examiners (IC 25-7-5-1).
- 29 (5) State boxing commission (IC 25-9-1).
- 30 (6) Board of chiropractic examiners (IC 25-10-1).
- 31 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 32 (8) State board of dentistry (IC 25-14-1).
- 33 (9) State board of funeral and cemetery service (IC 25-15-9).
- 34 (10) State board of registration for professional engineers
- 35 (IC 25-31-1-3).
- 36 (11) Indiana state board of health facility administrators
- 37 (IC 25-19-1).
- 38 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 39 (13) Indiana state board of nursing (IC 25-23-1).
- 40 (14) Indiana optometry board (IC 25-24).
- 41 (15) Indiana board of pharmacy (IC 25-26).
- 42 (16) Indiana plumbing commission (IC 25-28.5-1-3).



C  
O  
P  
Y

- 1 (17) Board of podiatric medicine (IC 25-29-2-1).
- 2 (18) Board of environmental health specialists (IC 25-32-1).
- 3 (19) State psychology board (IC 25-33).
- 4 (20) Speech-language pathology and audiology board
- 5 (IC 25-35.6-2).
- 6 (21) Indiana real estate commission (IC 25-34.1-2).
- 7 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 8 (23) Department of natural resources for purposes of licensing
- 9 water well drillers under IC 25-39-3.
- 10 (24) Respiratory care committee (IC 25-34.5).
- 11 (25) Private detectives licensing board (IC 25-30-1-5.1).
- 12 (26) Occupational therapy committee (IC 25-23.5).
- 13 (27) Social worker, marriage and family therapist, **and** mental
- 14 health counselor, **and alcohol and drug abuse counselor** board
- 15 (IC 25-23.6).
- 16 (28) Real estate appraiser licensure and certification board
- 17 (IC 25-34.1-8).
- 18 (29) State board of registration for land surveyors
- 19 (IC 25-21.5-2-1).
- 20 (30) Physician assistant committee (IC 25-27.5).
- 21 (31) Indiana athletic trainers board (IC 25-5.1-2-1).
- 22 (32) Indiana dietitians certification board (IC 25-14.5-2-1).
- 23 (33) Indiana hypnotist committee (IC 25-20.5-1-7).
- 24 (34) Indiana physical therapy committee (IC 25-27).
- 25 (35) Any other occupational or professional agency created after
- 26 June 30, 1981.

27 SECTION 5. IC 25-1-8-1, AS AMENDED BY P.L.24-1999,  
 28 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 29 JANUARY 1, 2001]: Sec. 1. As used in this chapter, "board" means  
 30 any of the following:

- 31 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 32 (2) Board of registration for architects (IC 25-4-1-2).
- 33 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 34 (4) State board of barber examiners (IC 25-7-5-1).
- 35 (5) State boxing commission (IC 25-9-1).
- 36 (6) Board of chiropractic examiners (IC 25-10-1).
- 37 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 38 (8) State board of dentistry (IC 25-14-1).
- 39 (9) State board of funeral and cemetery service (IC 25-15).
- 40 (10) State board of registration for professional engineers
- 41 (IC 25-31-1-3).
- 42 (11) Indiana state board of health facility administrators



C  
O  
P  
Y

- 1 (IC 25-19-1).  
 2 (12) Medical licensing board of Indiana (IC 25-22.5-2).  
 3 (13) Mining board (IC 22-10-1.5-2).  
 4 (14) Indiana state board of nursing (IC 25-23-1).  
 5 (15) Indiana optometry board (IC 25-24).  
 6 (16) Indiana board of pharmacy (IC 25-26).  
 7 (17) Indiana plumbing commission (IC 25-28.5-1-3).  
 8 (18) Board of environmental health specialists (IC 25-32-1).  
 9 (19) State psychology board (IC 25-33).  
 10 (20) Speech-language pathology and audiology board  
 11 (IC 25-35.6-2).  
 12 (21) Indiana real estate commission (IC 25-34.1-2-1).  
 13 (22) Indiana board of veterinary medical examiners  
 14 (IC 15-5-1.1-3).  
 15 (23) Department of insurance (IC 27-1).  
 16 (24) State police department (IC 10-1-1-1), for purposes of  
 17 certifying polygraph examiners under IC 25-30-2.  
 18 (25) Department of natural resources for purposes of licensing  
 19 water well drillers under IC 25-39-3.  
 20 (26) Private detectives licensing board (IC 25-30-1-5.1).  
 21 (27) Occupational therapy committee (IC 25-23.5-2-1).  
 22 (28) Social worker, marriage and family therapist, **and** mental  
 23 health counselor, **and alcohol and drug abuse counselor** board  
 24 (IC 25-23.6-2-1).  
 25 (29) Real estate appraiser licensure and certification board  
 26 (IC 25-34.1-8).  
 27 (30) State board of registration for land surveyors  
 28 (IC 25-21.5-2-1).  
 29 (31) Physician assistant committee (IC 25-27.5).  
 30 (32) Indiana athletic trainers board (IC 25-5.1-2-1).  
 31 (33) Board of podiatric medicine (IC 25-29-2-1).  
 32 (34) Indiana dietitians certification board (IC 25-14.5-2-1).  
 33 (35) Indiana physical therapy committee (IC 25-27).  
 34 (36) Any other occupational or professional agency created after  
 35 June 30, 1981.
- 36 SECTION 6. IC 25-1-9-1, AS AMENDED BY P.L.24-1999,  
 37 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JANUARY 1, 2001]: Sec. 1. As used in this chapter, "board" means  
 39 any of the following:  
 40 (1) Board of chiropractic examiners (IC 25-10-1).  
 41 (2) State board of dentistry (IC 25-14-1).  
 42 (3) Indiana state board of health facility administrators

C  
O  
P  
Y

- 1 (IC 25-19-1).
- 2 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 3 (5) Indiana state board of nursing (IC 25-23-1).
- 4 (6) Indiana optometry board (IC 25-24).
- 5 (7) Indiana board of pharmacy (IC 25-26).
- 6 (8) Board of podiatric medicine (IC 25-29-2-1).
- 7 (9) Board of environmental health specialists (IC 25-32).
- 8 (10) Speech-language pathology and audiology board
- 9 (IC 25-35.6-2).
- 10 (11) State psychology board (IC 25-33).
- 11 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 12 (13) Indiana physical therapy committee (IC 25-27-1).
- 13 (14) Respiratory care committee (IC 25-34.5).
- 14 (15) Occupational therapy committee (IC 25-23.5).
- 15 (16) Social worker, marriage and family therapist, ~~and~~ mental
- 16 health counselor, **and alcohol and drug abuse counselor** board
- 17 (IC 25-23.6).
- 18 (17) Physician assistant committee (IC 25-27.5).
- 19 (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- 20 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- 21 (20) Indiana hypnotist committee (IC 25-20.5-1-7).

22 SECTION 7. IC 25-1-9-4, AS AMENDED BY P.L.22-1999,  
 23 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 24 JANUARY 1, 2001]: Sec. 4. (a) A practitioner shall conduct the  
 25 practitioner's practice in accordance with the standards established by  
 26 the board regulating the profession in question and is subject to the  
 27 exercise of the disciplinary sanctions under section 9 of this chapter if,  
 28 after a hearing, the board finds **that a practitioner has done any of**  
 29 **the following:**

- 30 (1) ~~a~~ **The** practitioner has:
  - 31 (A) engaged in or knowingly cooperated in fraud or material
  - 32 deception in order to obtain a license to practice;
  - 33 (B) engaged in fraud or material deception in the course of
  - 34 professional services or activities; or
  - 35 (C) advertised services in a false or misleading manner.
- 36 (2) ~~a practitioner has~~ Been convicted of a crime that has a direct
- 37 bearing on the practitioner's ability to continue to practice
- 38 competently.
- 39 (3) ~~a practitioner has~~ Knowingly violated any state statute or rule,
- 40 or federal statute or regulation, regulating the profession in
- 41 question;
- 42 (4) ~~a practitioner has~~ Continued to practice although the



C  
O  
P  
Y

1 practitioner has become unfit to practice due to:

2 (A) professional incompetence that:

3 (i) may include the undertaking of professional activities  
4 that the practitioner is not qualified by training or experience  
5 to undertake; and

6 (ii) does not include activities performed under  
7 IC 16-21-2-9;

8 (B) failure to keep abreast of current professional theory or  
9 practice;

10 (C) physical or mental disability; or

11 (D) addiction to, abuse of, or severe dependency upon alcohol  
12 or other drugs that endanger the public by impairing a  
13 practitioner's ability to practice safely.

14 (5) ~~a practitioner has~~ Engaged in a course of lewd or immoral  
15 conduct in connection with the delivery of services to the public.

16 (6) ~~a practitioner has~~ Allowed the practitioner's name or a license  
17 issued under this chapter to be used in connection with an  
18 individual who renders services beyond the scope of that  
19 individual's training, experience, or competence.

20 (7) ~~a practitioner has~~ Had disciplinary action taken against the  
21 practitioner or the practitioner's license to practice in any other  
22 state or jurisdiction on grounds similar to those under this chapter.

23 (8) ~~a practitioner has~~ Diverted:

24 (A) a legend drug (as defined in IC 16-18-2-199); or

25 (B) any other drug or device issued under a drug order (as  
26 defined in IC 16-42-19-3);

27 for another person;

28 (9) ~~a practitioner,~~ Except as otherwise provided by law, has  
29 knowingly prescribed, sold, or administered any drug classified  
30 as a narcotic, addicting, or dangerous drug to a habitue or addict.

31 ~~or~~

32 (10) ~~a practitioner has~~ Failed to comply with an order imposing  
33 a sanction under section 9 of this chapter.

34 **(11) Engaged in sexual contact with a patient under the**  
35 **practitioner's care, or used the practitioner-patient**  
36 **relationship to solicit sexual contact with a patient under the**  
37 **practitioner's care.**

38 (b) A certified copy of the record of disciplinary action is conclusive  
39 evidence of the other jurisdiction's disciplinary action under subsection  
40 (a)(7).

41 SECTION 8. IC 25-23.6-1-1.2 IS ADDED TO THE INDIANA  
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



C  
O  
P  
Y

1 [EFFECTIVE JANUARY 1, 2001]: **Sec. 1.2. "Alcohol and drug**  
 2 **abuse counseling services"** means evaluating, treating, or giving  
 3 **advice to either of the following on a fee-for-services, prepaid, or**  
 4 **other compensatory basis:**

5 (1) **An individual with an alcohol or drug abuse problem.**

6 (2) **An individual who seeks:**

7 (A) **instruction on behavior modification; or**

8 (B) **advice concerning problems of daily living;**

9 **as a result of the individual's alcohol abuse, drug abuse, or**  
 10 **both.**

11 SECTION 9. IC 25-23.6-1-1.3 IS ADDED TO THE INDIANA  
 12 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 13 [EFFECTIVE JANUARY 1, 2001]: **Sec. 1.3. "Alcohol and drug**  
 14 **abuse counselor"** means an individual engaged in the practice of  
 15 **alcohol and drug abuse counseling.**

16 SECTION 10. IC 25-23.6-1-2 IS AMENDED TO READ AS  
 17 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: **Sec. 2. "Board"** refers  
 18 to the social worker, marriage and family therapist, ~~and~~ mental health  
 19 counselor, and **alcohol and drug abuse counselor** board.

20 SECTION 11. IC 25-23.6-1-3.5 IS ADDED TO THE INDIANA  
 21 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 22 [EFFECTIVE JANUARY 1, 2001]: **Sec. 3.5. (a) "Core functions of**  
 23 **alcohol and drug abuse counseling"** refers to the following  
 24 **functions performed by alcohol and drug abuse counselors in**  
 25 **rendering services to abusers of alcohol and drugs:**

26 (1) **Screening.**

27 (2) **Intake.**

28 (3) **Orientation.**

29 (4) **Assessment.**

30 (5) **Treatment planning.**

31 (6) **Counseling.**

32 (7) **Case management.**

33 (8) **Crisis intervention.**

34 (9) **Client education.**

35 (10) **Referral.**

36 (11) **Report and record keeping.**

37 (12) **Consultation with other professionals.**

38 (b) **The terms set forth in subsection (a) have the following**  
 39 **meanings:**

40 (1) **"Screening"** means the process by which a client is  
 41 **determined appropriate and eligible for admission to a**  
 42 **particular treatment program.**

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**(2) "Intake" means the administrative and initial assessment procedures involved in a client's admission to a treatment program.**

**(3) "Orientation" means providing the following information to a client:**

**(A) The general nature and goals of the treatment program.**

**(B) Rules governing client conduct and infractions that can lead to disciplinary action or discharge from the treatment program.**

**(C) In a nonresidential treatment program, the hours during which services are available.**

**(D) Treatment costs that the client must bear, if any.**

**(E) The client's rights.**

**(4) "Assessment" means the procedure by which a counselor or treatment program, during the development of a treatment plan, identifies and evaluates a client's strengths, weaknesses, problems, and needs.**

**(5) "Treatment planning" means the process by which a counselor and a client:**

**(A) identify and rank problems needing resolution;**

**(B) establish and agree upon immediate and long term goals; and**

**(C) decide upon a treatment process and the resources to be used.**

**(6) "Counseling" means evaluating, treating, or giving advice to a client:**

**(A) with an alcohol or drug abuse problem; or**

**(B) who seeks:**

**(i) instruction on behavior modification; or**

**(ii) advice concerning problems of daily living;**

**as a result of the client's alcohol abuse or drug abuse, or both.**

**(7) "Case management" means activities that bring services, agencies, resources, or people together within a planned framework of action toward the achievement of established goals. The term includes liaison activities and collateral contacts.**

**(8) "Crisis intervention" means services that respond to the needs of a client who is abusing alcohol or drugs, or both, when the client is under acute emotional distress or physical distress, or both.**

C  
O  
P  
Y



1 (9) "Client education" means providing information to  
2 individual clients and groups of clients concerning:

3 (A) the abuse of alcohol or drugs, or both; and

4 (B) the services and resources available to assist the clients.

5 (10) "Referral" means:

6 (A) identifying the needs of a client that cannot be met by  
7 a counselor or an agency; and

8 (B) assisting the client in using the available support  
9 systems and community resources.

10 (11) "Report and record keeping" means:

11 (A) charting the results of a client's assessment and  
12 treatment plan; and

13 (B) writing reports, progress notes, discharge summaries,  
14 and other client related data.

15 (12) "Consultation with other professionals" means relating  
16 with in-house staff or outside professionals to assure  
17 comprehensive, quality care for a client.

18 SECTION 12. IC 25-23.6-1-3.8 IS AMENDED TO READ AS  
19 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 3.8. Except as  
20 provided in IC 25-23.6-7-5, as used in this chapter, "counselor" refers  
21 to a social worker, clinical social worker, **clinical alcohol and drug**  
22 **abuse counselor**, marriage and family therapist, or a mental health  
23 counselor who is licensed under this article.

24 SECTION 13. IC 25-23.6-1-4.4 IS ADDED TO THE INDIANA  
25 CODE AS A NEW SECTION TO READ AS FOLLOWS  
26 [EFFECTIVE JANUARY 1, 2001]: Sec. 4.4. "**Licensed clinical**  
27 **alcohol and drug abuse counselor**" means an individual engaged in  
28 the unlimited practice of alcohol and drug abuse counseling.

29 SECTION 14. IC 25-23.6-1-5.7 IS ADDED TO THE INDIANA  
30 CODE AS A NEW SECTION TO READ AS FOLLOWS  
31 [EFFECTIVE JANUARY 1, 2001]: Sec. 5.7. (a) "**Practice of alcohol**  
32 **and drug abuse counseling**" means professional services that are  
33 designed to assist an abuser of alcohol or drugs, or both, in gaining  
34 an understanding of the nature of the abuser's disorder and in  
35 leading a responsible lifestyle free from alcohol and drug abuse.

36 (b) The term includes planning, administering, and performing  
37 research for community alcohol and drug abuse services delivery  
38 systems. The term also includes the following:

39 (1) Using the core functions of alcohol and drug abuse  
40 counseling.

41 (2) Providing alcohol and drug abuse counseling to family  
42 members to help them gain an understanding of the nature of

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**alcohol and drug abuse.**

**(3) Making referrals to other qualified professionals when appropriate.**

**(c) The term does not include the performance of psychotherapy or the rendering of diagnoses (as defined in IC 25-22.5-1-1.1(c)).**

SECTION 15. IC 25-23.6-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 9. "Psychotherapy" means the assessing and treating of mental and emotional disorders by any of the various means of communication between the social worker practitioner **or the alcohol and drug abuse counselor** and the client.

SECTION 16. IC 25-23.6-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 1. The social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** board is established.

SECTION 17. IC 25-23.6-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 2. (a) The board consists of ~~nine (9)~~ **eleven (11)** members appointed by the governor for terms of three (3) years. The board must include the following:

- (1) Two (2) marriage and family therapists who:
  - (A) have at least a master's degree in marriage and family therapy or a related field from an institution of higher learning;
  - (B) are licensed under this chapter; and
  - (C) have five (5) years of experience in marriage and family therapy.
- (2) One (1) social worker who:
  - (A) has at least a master's degree in social work from an institution of higher education accredited by the Council on Social Work Education;
  - (B) is licensed under this article; and
  - (C) has at least five (5) years of experience as a social worker.
- (3) One (1) social services director of a hospital with a social work degree who has at least three (3) years of experience in a hospital setting.
- (4) Two (2) mental health counselors who:
  - (A) have at least a master's degree in mental health counseling;
  - (B) are licensed under this article; and
  - (C) have at least five (5) years experience as a mental health counselor.
- (5) Two (2) consumers who have never been credentialed under this article.

C  
O  
P  
Y



1 (6) One (1) physician licensed under IC 25-22.5 who has training  
2 in psychiatric medicine.

3 (7) **Two (2) clinical alcohol and drug abuse counselors who:**  
4 **(A) are licensed under this article; and**  
5 **(B) have at least five (5) years experience as clinical alcohol**  
6 **and drug abuse counselors.**

7 (b) Not more than ~~five (5)~~ **six (6)** members of the board may be  
8 from the same political party.

9 SECTION 18. IC 25-23.6-2-8 IS AMENDED TO READ AS  
10 FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 8. (a) The board  
11 shall adopt rules under IC 4-22-2 establishing standards for the  
12 following:

13 (1) The competent practice of marriage and family therapy, social  
14 work, clinical social work, ~~and~~ mental health counseling, **and**  
15 **alcohol and drug abuse counseling.**

16 (2) The renewal of licenses issued under this article.

17 (3) Standards for the administration of this article.

18 (4) Continuing education requirements for an individual seeking  
19 renewal of licensure as a social worker, clinical social worker, ~~or~~  
20 marriage and family therapist, **clinical alcohol and drug abuse**  
21 **counselor, or alcohol and drug abuse counselor.**

22 (5) The retention of patient records and reports by a counselor.

23 (6) The approval of continuing education providers, programs,  
24 courses, fees, and proof of course completion.

25 (b) The board shall establish fees under IC 25-1-8-2.

26 (c) The board shall do the following:

27 (1) Consider the qualifications of individuals who apply for a  
28 license under this article.

29 (2) Provide for examinations required under this article.

30 (3) Renew licenses under this article.

31 (4) Conduct proceedings under IC 25-1-9.

32 SECTION 19. IC 25-23.6-2-10.6 IS ADDED TO THE INDIANA  
33 CODE AS A **NEW SECTION** TO READ AS FOLLOWS  
34 [EFFECTIVE JANUARY 1, 2001]: **Sec. 10.6. (a) The alcohol and**  
35 **drug abuse counselor section of the board is established. The**  
36 **section consists of the following:**

37 (1) **Two (2) licensed clinical alcohol and drug abuse counselor**  
38 **members of the board.**

39 (2) **Two (2) consumer members of the board.**

40 (3) **One (1) physician member of the board.**

41 (b) **Three (3) members of the alcohol and drug abuse counselor**  
42 **section, two (2) of whom must be licensed clinical alcohol and drug**

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

**abuse counselors, constitute a quorum.**

SECTION 20. IC 25-23.6-2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2001]: Sec. 11. The social worker, marriage and family therapist, ~~and~~ mental health counselor, **and alcohol and drug abuse counselor** sections of the board shall do the following:

- (1) Approve continuing education courses authorized under this article.
- (2) Propose rules to the board concerning the practice of the profession regulated by each section.
- (3) Other duties as directed by the board.

SECTION 21. IC 25-23.6-12 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

**Chapter 12. Alcohol and Drug Abuse Counselor Licensure**

**Sec. 1. The board shall, with the advice of the alcohol and drug abuse counselor section, establish standards for the practice of alcohol and drug abuse counseling, including privileges, penalties, and standards of competent practice within the field of alcohol and drug abuse counseling for individuals who are licensed as clinical alcohol and drug abuse counselors.**

**Sec. 2. Except as provided in section 6 of this chapter, to qualify for a clinical alcohol and drug abuse counselor license under this article, an individual must satisfy the following requirements:**

- (1) Complete an application for licensure in accordance with rules adopted by the board.
- (2) Pay the fees established by the board.
- (3) Not have been convicted of a crime that has a direct bearing on the individual's ability to practice competently as determined by the board.
- (4) Not have had disciplinary action taken against the individual or the individual's license by the board or by a licensing agency of another state or jurisdiction on grounds that the individual was unable to safely practice alcohol and drug abuse counseling, when the grounds for discipline are still valid as determined by the board.
- (5) Show to the satisfaction of the board that the individual has achieved the following:
  - (A) Received at least a master's degree in alcohol and drug abuse counseling, marriage and family therapy, pastoral counseling, social work, applied human development, psychology, or nursing from:

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- (i) an accredited institution of higher learning with degree programs acceptable to the board; or
  - (ii) an educational institution not located in the United States that has a program of study that meets the standards of the board.
- (B) Completed course work during the individual's educational training at the master's level that includes instruction in at least the following content areas:
- (i) Theoretical foundations of alcohol and drug abuse counseling.
  - (ii) Major models of alcohol and drug abuse.
  - (iii) Drug pharmacology.
  - (iv) Individual development.
  - (v) Family development and family relationships.
  - (vi) Clinical problems.
  - (vii) Collaboration with other disciplines.
  - (viii) Sexuality.
  - (ix) Gender and sexual orientation.
  - (x) Ethnicity, race, socioeconomic status, and culture issues.
  - (xi) Counseling techniques.
  - (xii) Behavioral research.
  - (xiii) Abnormal psychology or psychopathology.
- (C) Passed nationally standardized written and oral examinations in alcohol and drug abuse counseling approved by the board.
- (D) Submitted documentation of three (3) years (six thousand (6,000) hours) of supervised alcohol and drug abuse counseling experience in the five (5) years before the date of the application, including at least one (1) year in the area of alcohol abuse counseling or its equivalent and at least one (1) year in the area of drug abuse counseling or its equivalent.
- (E) Submitted documentation of the completion of at least three hundred (300) hours of a supervised practicum in alcohol and drug abuse counseling approved by the board using the core functions of alcohol and drug abuse counseling.
- (F) Submitted documentation of the completion of at least two hundred seventy (270) hours of formal training, including at least ninety (90) hours in each of the following areas:

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

- (i) Alcohol abuse.
- (ii) Drug abuse.
- (iii) Counseling.

**Sec. 3. (a) An individual may not:**

- (1) profess to be a licensed clinical alcohol and drug abuse counselor;
- (2) use the title:
  - (A) "licensed clinical alcohol and drug abuse counselor";
  - (B) "licensed alcohol and drug abuse counselor"; or
  - (C) "clinical alcohol and drug abuse counselor";
- (3) use any title containing the words "licensed clinical alcohol and drug abuse counselor" or "licensed alcohol and drug abuse counselor";
- (4) use any other words, letters, abbreviations, or insignia indicating or implying that the individual is a licensed clinical alcohol and drug abuse counselor; or
- (5) practice as a licensed clinical alcohol and drug abuse counselor;

unless the individual is licensed under this article as a clinical alcohol and drug abuse counselor.

(b) This chapter may not be construed to limit the alcohol and drug abuse counseling services performed by an individual who does not use a title specified in this chapter and who is one (1) of the following:

- (1) A physician licensed under IC 25-22.5.
- (2) A nurse licensed under IC 25-23.
- (3) A psychologist licensed under IC 25-33.
- (4) A rabbi, priest, Christian Science practitioner, minister, or other member of the clergy.
- (5) An employee of or a volunteer for an organization performing charitable, religious, or educational functions or providing pastoral counseling or other assistance.
- (6) A:
  - (A) marriage and family therapist;
  - (B) social worker; or
  - (C) mental health counselor;
 who is licensed under this article.
- (7) A government employee.
- (8) A student, an intern, or a trainee pursuing a course of study to gain licensure under this article in an accredited institution of higher education or a training institution approved by the board, or a graduate accumulating

C  
O  
P  
Y



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42

experience required for licensure, if the services:

(A) are performed under qualified supervision; and

(B) constitute a part of the individual's supervised course of study or other level of supervision.

(c) A licensed clinical alcohol and drug abuse counselor may provide factual testimony but may not provide expert testimony.

(d) An individual who knowingly or intentionally violates this section commits a Class A misdemeanor.

Sec. 4. (a) A license issued by the board is valid for the remainder of the renewal period in effect on the date the license was issued.

(b) An individual may renew a license by:

(1) paying the renewal fee on or before the license's expiration date; and

(2) completing the continuing education requirements established by the board under IC 25-23.6-2-8.

(c) If an individual fails to meet the requirements of subsection (b), the individual's license becomes invalid.

Sec. 5. (a) The board may reinstate an expired license up to three (3) years after the license's expiration date if the individual holding the expired license:

(1) pays a penalty fee for late renewal;

(2) pays the renewal fee under section 4(b) of this chapter; and

(3) completes the continuing education requirement.

(b) If more than three (3) years have elapsed since the date on which an individual's license expired, the individual holding the license may renew the license by satisfying the requirements for renewal established by the board.

Sec. 6. An individual may, upon paying a fee established by the board, be granted a license if the individual submits satisfactory evidence to the board that the individual:

(1) has been authorized to practice alcohol and drug abuse counseling in another state or country; and

(2) has met qualifications substantially equivalent to those specified in this chapter for the license sought by the individual.

Sec. 7. A licensed clinical alcohol and drug abuse counselor may not practice:

(1) counseling for the purpose of recovering a memory; or

(2) hypnosis, unless the counselor is certified under IC 25-20.5.

C  
O  
P  
Y



1           **Sec. 8. Before providing alcohol and drug abuse counseling**  
2 **services, a licensed clinical alcohol and drug abuse counselor must**  
3 **disclose to the individual to whom alcohol and drug abuse**  
4 **counseling services are provided the counselor's educational**  
5 **background, including the following information:**

6           **(1) Whether the counselor has a degree in counseling or a**  
7 **related field.**

8           **(2) The type of degree the counselor has and the institution of**  
9 **higher education that issued the degree.**

10           **Sec. 9. (a) A licensed clinical alcohol and drug abuse counselor**  
11 **may not offer to render or actually render services that are beyond**  
12 **the scope of practice for licensed clinical alcohol and drug abuse**  
13 **counselors, as established by the board under section 1 of this**  
14 **chapter.**

15           **(b) A licensed clinical alcohol and drug abuse counselor who**  
16 **engages in the practice of alcohol and drug abuse counseling shall**  
17 **refer or otherwise assist a client in obtaining professional help for**  
18 **all relevant aspects of the client's problem that fall outside the**  
19 **boundaries of the licensed clinical alcohol and drug abuse**  
20 **counselor's own competence.**

21           **SECTION 22. [EFFECTIVE JULY 1, 2000] (a) As used in this**  
22 **SECTION, "board" means the social worker, marriage and family**  
23 **therapist, mental health counselor, and alcohol and drug abuse**  
24 **counselor board established by IC 25-23.6-2-1, as amended by this**  
25 **act.**

26           **(b) Notwithstanding IC 25-23.6-2-2, as amended by this act, the**  
27 **governor shall appoint the initial clinical alcohol and drug abuse**  
28 **counselor members of the board before September 1, 2000, for**  
29 **terms expiring as follows:**

30           **(1) One (1) clinical alcohol and drug abuse counselor member**  
31 **for a term expiring June 30, 2002.**

32           **(2) One (1) clinical alcohol and drug abuse counselor member**  
33 **for a term expiring June 30, 2003.**

34           **(c) Notwithstanding IC 25-23.6-2-2, as amended by this act, the**  
35 **initial clinical alcohol and drug abuse counselor members**  
36 **appointed by the governor need not be licensed under IC 25-23.6.**

37           **(d) Notwithstanding IC 25-23.6-2-10.6, as added by this act, the**  
38 **initial clinical alcohol and drug abuse counselor members**  
39 **appointed to the board by the governor need not be licensed under**  
40 **IC 25-23.6 to serve as the licensed clinical alcohol and drug abuse**  
41 **counselor members of the alcohol and drug abuse counselor section**  
42 **of the board.**

C  
O  
P  
Y



1           **(e) This SECTION expires July 1, 2003.**  
2           SECTION 23. [EFFECTIVE UPON PASSAGE] (a) **As used in this**  
3           **SECTION, "commission" refers to the health finance commission**  
4           **established by IC 2-5-23-3.**  
5           **(b) The commission shall do the following:**  
6                 **(1) Study issues related to the licensure of clinical alcohol and**  
7                 **drug abuse counselors in Indiana.**  
8                 **(2) Study the establishment of a licensure program for**  
9                 **bachelor's level alcohol and drug abuse counselors to engage**  
10                **in the limited practice of alcohol and drug abuse counseling**  
11                **under the direct supervision of licensed clinical alcohol and**  
12                **drug abuse counselors.**  
13                **(3) Make recommendations on legislative or administrative**  
14                **actions, if any, that the commission considers necessary to**  
15                **address the commission's findings.**  
16           **(c) The commission shall prepare a final report of its findings**  
17           **and recommendations. A majority of the members of the**  
18           **commission must approve and sign the report.**  
19           **(d) The commission shall submit the report required under**  
20           **subsection (c) to the legislative council before November 1, 2000.**  
21           **(e) This SECTION expires December 31, 2000.**  
22           SECTION 24. **An emergency is declared for this act.**

C  
O  
P  
Y

