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# SENATE BILL No. 470

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-36-1.5-2; IC 25-1; IC 25-3.8.

**Synopsis:** Alcohol and drug abuse counselor licensing. Provides that a practitioner violates the health professions standards by engaging in or soliciting sexual contact with the practitioner's patient. Establishes the alcohol and drug abuse counselor 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 under specified circumstances, students, interns, and trainees pursuing an accredited course of study to gain licensure as an alcohol and drug abuse counselor. Prohibits the use of certain titles by unlicensed individuals. 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. Makes conforming amendments.

**Effective:** July 1, 2001.

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### Miller

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January 22, 2001, read first time and referred to Committee on Rules and Legislative Procedure.

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First Regular Session 112th General Assembly (2001)

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 2000 General Assembly.

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# SENATE BILL No. 470



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 JULY 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) **After June 30, 2004, a clinical alcohol and drug abuse**  
12 **counselor licensed under IC 25-3.8.**  
13 (7) An individual who claims to be a mental health provider.  
14 SECTION 2. IC 25-1-2-2.1 IS AMENDED TO READ AS  
15 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.1. Rather than being  
16 issued annually, the following permits, licenses, certificates of  
17 registration, or evidences of authority granted by a state agency must



1 be issued for a period of two (2) years or for the period specified in the  
 2 article under which the permit, license, certificate of registration, or  
 3 evidence of authority is issued if the period specified in the article is  
 4 longer than two (2) years:

- 5 (1) Certified public accountants, public accountants, and account-  
 6 ing practitioners.
- 7 (2) Architects and landscape architects.
- 8 (3) Dry cleaners.
- 9 (4) Professional engineers.
- 10 (5) Land surveyors.
- 11 (6) Real estate brokers.
- 12 (7) Real estate agents.
- 13 (8) Security dealers' licenses issued by the securities  
 14 commissioner.
- 15 (9) Dental hygienists.
- 16 (10) Dentists.
- 17 (11) Veterinarians.
- 18 (12) Physicians.
- 19 (13) Chiropractors.
- 20 (14) Physical therapists.
- 21 (15) Optometrists.
- 22 (16) Pharmacists and assistants, drugstores or pharmacies.
- 23 (17) Motels and mobile home park licenses.
- 24 (18) Nurses.
- 25 (19) Podiatrists.
- 26 (20) Occupational therapists and occupational therapy assistants.
- 27 (21) Respiratory care practitioners.
- 28 (22) Social workers, marriage and family therapists, and mental  
 29 health counselors.
- 30 (23) Real estate appraiser licenses and certificates issued by the  
 31 real estate appraiser licensure and certification board.
- 32 (24) Wholesale legend drug distributors.
- 33 (25) Physician assistants.
- 34 (26) Dietitians.
- 35 (27) Hypnotists.
- 36 **(28) After June 30, 2004, clinical alcohol and drug abuse**  
 37 **counselors.**

38 SECTION 3. IC 25-1-2-6, AS AMENDED BY P.L.82-2000,  
 39 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 40 JULY 1, 2001]: Sec. 6. (a) As used in this section, "license" includes  
 41 all occupational and professional licenses, registrations, permits, and  
 42 certificates issued under the Indiana Code, and "licensee" includes all

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1 occupational and professional licensees, registrants, permittees, and  
 2 certificate holders regulated under the Indiana Code.

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

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

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1 (38) Indiana dietitians certification board.

2 (39) Indiana hypnotist committee.

3 (40) **After December 31, 2002, the alcohol and drug abuse**  
4 **counselor board.**

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

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

16 SECTION 4. IC 25-1-5-3, AS AMENDED BY P.L.24-1999,  
17 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
18 JULY 1, 2001]: Sec. 3. (a) There is established the health professions  
19 bureau. The bureau shall perform all administrative functions, duties,  
20 and responsibilities assigned by law or rule to the executive director,  
21 secretary, or other statutory administrator of the 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 board (IC 25-23.6).

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- 1 (19) Physician assistant committee (IC 25-27.5).  
 2 (20) Indiana athletic trainers board (IC 25-5.1-2-1).  
 3 (21) Indiana dietitians certification board (IC 25-14.5-2-1).  
 4 (22) Indiana hypnotist committee (IC 25-20.5-1-7).  
 5 **(23) After December 31, 2002, the alcohol and drug abuse**  
 6 **counselor board (IC 25-3.8).**  
 7 (b) Nothing in this chapter may be construed to give the bureau  
 8 policy making authority, which authority remains with each board.  
 9 SECTION 5. IC 25-1-7-1, AS AMENDED BY P.L.82-2000,  
 10 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 11 JULY 1, 2001]: Sec. 1. As used in this chapter:  
 12 "Board" means the appropriate agency listed in the definition of  
 13 regulated occupation in this section.  
 14 "Director" refers to the director of the division of consumer  
 15 protection.  
 16 "Division" refers to the division of consumer protection, office of  
 17 the attorney general.  
 18 "Licensee" means a person who is:  
 19 (1) licensed, certified, or registered by a board listed in this  
 20 section; and  
 21 (2) the subject of a complaint filed with the division.  
 22 "Person" means an individual, a partnership, a limited liability  
 23 company, or a corporation.  
 24 "Regulated occupation" means an occupation in which a person is  
 25 licensed, certified, or registered by one (1) of the following:  
 26 (1) Indiana board of accountancy (IC 25-2.1-2-1).  
 27 (2) Board of registration for architects and landscape architects  
 28 (IC 25-4-1-2).  
 29 (3) Indiana auctioneer commission (IC 25-6.1-2-1).  
 30 (4) State board of barber examiners (IC 25-7-5-1).  
 31 (5) State boxing commission (IC 25-9-1).  
 32 (6) Board of chiropractic examiners (IC 25-10-1).  
 33 (7) State board of cosmetology examiners (IC 25-8-3-1).  
 34 (8) State board of dentistry (IC 25-14-1).  
 35 (9) State board of funeral and cemetery service (IC 25-15-9).  
 36 (10) State board of registration for professional engineers  
 37 (IC 25-31-1-3).  
 38 (11) Indiana state board of health facility administrators  
 39 (IC 25-19-1).  
 40 (12) Medical licensing board of Indiana (IC 25-22.5-2).  
 41 (13) Indiana state board of nursing (IC 25-23-1).  
 42 (14) Indiana optometry board (IC 25-24).

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- 1 (15) Indiana board of pharmacy (IC 25-26).  
 2 (16) Indiana plumbing commission (IC 25-28.5-1-3).  
 3 (17) Board of podiatric medicine (IC 25-29-2-1).  
 4 (18) Board of environmental health specialists (IC 25-32-1).  
 5 (19) State psychology board (IC 25-33).  
 6 (20) Speech-language pathology and audiology board  
 7 (IC 25-35.6-2).  
 8 (21) Indiana real estate commission (IC 25-34.1-2).  
 9 (22) Indiana board of veterinary medical examiners (IC 15-5-1.1).  
 10 (23) Department of natural resources for purposes of licensing  
 11 water well drillers under IC 25-39-3.  
 12 (24) Respiratory care committee (IC 25-34.5).  
 13 (25) Private detectives licensing board (IC 25-30-1-5.1).  
 14 (26) Occupational therapy committee (IC 25-23.5).  
 15 (27) Social worker, marriage and family therapist, and mental  
 16 health counselor board (IC 25-23.6).  
 17 (28) Real estate appraiser licensure and certification board  
 18 (IC 25-34.1-8).  
 19 (29) State board of registration for land surveyors  
 20 (IC 25-21.5-2-1).  
 21 (30) Physician assistant committee (IC 25-27.5).  
 22 (31) Indiana athletic trainers board (IC 25-5.1-2-1).  
 23 (32) Indiana dietitians certification board (IC 25-14.5-2-1).  
 24 (33) Indiana hypnotist committee (IC 25-20.5-1-7).  
 25 (34) Indiana physical therapy committee (IC 25-27).  
 26 (35) **After December 31, 2002, the alcohol and drug abuse**  
 27 **counselor board (IC 25-3.8).**  
 28 (36) Any other occupational or professional agency created after  
 29 June 30, 1981.  
 30 SECTION 6. IC 25-1-8-1, AS AMENDED BY P.L.82-2000,  
 31 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 32 JULY 1, 2001]: Sec. 1. As used in this chapter, "board" means any of  
 33 the following:  
 34 (1) Indiana board of accountancy (IC 25-2.1-2-1).  
 35 (2) Board of registration for architects and landscape architects  
 36 (IC 25-4-1-2).  
 37 (3) Indiana auctioneer commission (IC 25-6.1-2-1).  
 38 (4) State board of barber examiners (IC 25-7-5-1).  
 39 (5) State boxing commission (IC 25-9-1).  
 40 (6) Board of chiropractic examiners (IC 25-10-1).  
 41 (7) State board of cosmetology examiners (IC 25-8-3-1).  
 42 (8) State board of dentistry (IC 25-14-1).

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- 1 (9) State board of funeral and cemetery service (IC 25-15).
- 2 (10) State board of registration for professional engineers
- 3 (IC 25-31-1-3).
- 4 (11) Indiana state board of health facility administrators
- 5 (IC 25-19-1).
- 6 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 7 (13) Mining board (IC 22-10-1.5-2).
- 8 (14) Indiana state board of nursing (IC 25-23-1).
- 9 (15) Indiana optometry board (IC 25-24).
- 10 (16) Indiana board of pharmacy (IC 25-26).
- 11 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 12 (18) Board of environmental health specialists (IC 25-32-1).
- 13 (19) State psychology board (IC 25-33).
- 14 (20) Speech-language pathology and audiology board
- 15 (IC 25-35.6-2).
- 16 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 17 (22) Indiana board of veterinary medical examiners
- 18 (IC 15-5-1.1-3).
- 19 (23) Department of insurance (IC 27-1).
- 20 (24) State police department (IC 10-1-1-1), for purposes of
- 21 certifying polygraph examiners under IC 25-30-2.
- 22 (25) Department of natural resources for purposes of licensing
- 23 water well drillers under IC 25-39-3.
- 24 (26) Private detectives licensing board (IC 25-30-1-5.1).
- 25 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 26 (28) Social worker, marriage and family therapist, and mental
- 27 health counselor board (IC 25-23.6-2-1).
- 28 (29) Real estate appraiser licensure and certification board
- 29 (IC 25-34.1-8).
- 30 (30) State board of registration for land surveyors
- 31 (IC 25-21.5-2-1).
- 32 (31) Physician assistant committee (IC 25-27.5).
- 33 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 34 (33) Board of podiatric medicine (IC 25-29-2-1).
- 35 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 36 (35) Indiana physical therapy committee (IC 25-27).
- 37 (36) **After December 31, 2002, the alcohol and drug abuse**
- 38 **counselor board (IC 25-3.8).**
- 39 (37) Any other occupational or professional agency created after
- 40 June 30, 1981.

41 SECTION 7. IC 25-1-9-1, AS AMENDED BY P.L.24-1999,  
 42 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE





1 JULY 1, 2001]: Sec. 1. As used in this chapter, "board" means any of  
 2 the following:

- 3 (1) Board of chiropractic examiners (IC 25-10-1).
- 4 (2) State board of dentistry (IC 25-14-1).
- 5 (3) Indiana state board of health facility administrators  
 6 (IC 25-19-1).
- 7 (4) Medical licensing board of Indiana (IC 25-22.5-2).
- 8 (5) Indiana state board of nursing (IC 25-23-1).
- 9 (6) Indiana optometry board (IC 25-24).
- 10 (7) Indiana board of pharmacy (IC 25-26).
- 11 (8) Board of podiatric medicine (IC 25-29-2-1).
- 12 (9) Board of environmental health specialists (IC 25-32).
- 13 (10) Speech-language pathology and audiology board  
 14 (IC 25-35.6-2).
- 15 (11) State psychology board (IC 25-33).
- 16 (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- 17 (13) Indiana physical therapy committee (IC 25-27-1).
- 18 (14) Respiratory care committee (IC 25-34.5).
- 19 (15) Occupational therapy committee (IC 25-23.5).
- 20 (16) Social worker, marriage and family therapist, and mental  
 21 health counselor board (IC 25-23.6).
- 22 (17) Physician assistant committee (IC 25-27.5).
- 23 (18) Indiana athletic trainers board (IC 25-5.1-2-1).
- 24 (19) Indiana dietitians certification board (IC 25-14.5-2-1).
- 25 (20) Indiana hypnotist committee (IC 25-20.5-1-7).
- 26 **(21) After December 31, 2002, the alcohol and drug abuse**  
 27 **counselor board (IC 25-3.8).**

28 SECTION 8. IC 25-1-9-4, AS AMENDED BY P.L.22-1999,  
 29 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2001]: Sec. 4. (a) A practitioner shall conduct the  
 31 practitioner's practice in accordance with the standards established by  
 32 the board regulating the profession in question and is subject to the  
 33 exercise of the disciplinary sanctions under section 9 of this chapter if,  
 34 after a hearing, the board finds **any of the following:**

- 35 (1) **a That the** practitioner has:
  - 36 (A) engaged in or knowingly cooperated in fraud or material  
 37 deception in order to obtain a license to practice;
  - 38 (B) engaged in fraud or material deception in the course of  
 39 professional services or activities; or
  - 40 (C) advertised services in a false or misleading manner.
- 41 (2) **a That the** practitioner has been convicted of a crime that has  
 42 a direct bearing on the practitioner's ability to continue to practice

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- 1 competently.
- 2 (3) **That the** practitioner has knowingly violated any state
- 3 statute or rule, or federal statute or regulation, regulating the
- 4 profession in question.
- 5 (4) **That the** practitioner has continued to practice although the
- 6 practitioner has become unfit to practice due to:
- 7 (A) professional incompetence that:
- 8 (i) may include the undertaking of professional activities
- 9 that the practitioner is not qualified by training or experience
- 10 to undertake; and
- 11 (ii) does not include activities performed under
- 12 IC 16-21-2-9;
- 13 (B) failure to keep abreast of current professional theory or
- 14 practice;
- 15 (C) physical or mental disability; or
- 16 (D) addiction to, abuse of, or severe dependency upon alcohol
- 17 or other drugs that endanger the public by impairing a
- 18 practitioner's ability to practice safely.
- 19 (5) **That the** practitioner has engaged in a course of lewd or
- 20 immoral conduct in connection with the delivery of services to the
- 21 public.
- 22 (6) **That the** practitioner has allowed the practitioner's name or
- 23 a license issued under this chapter to be used in connection with
- 24 an individual who renders services beyond the scope of that
- 25 individual's training, experience, or competence.
- 26 (7) **That the** practitioner has had disciplinary action taken
- 27 against the practitioner or the practitioner's license to practice in
- 28 any other state or jurisdiction on grounds similar to those under
- 29 this chapter.
- 30 (8) **That the** practitioner has diverted:
- 31 (A) a legend drug (as defined in IC 16-18-2-199); or
- 32 (B) any other drug or device issued under a drug order (as
- 33 defined in IC 16-42-19-3) for another person.
- 34 (9) **That the** practitioner, except as otherwise provided by law,
- 35 has knowingly prescribed, sold, or administered any drug
- 36 classified as a narcotic, **an** addicting, or **a** dangerous drug to a
- 37 habitue or **an** addict. ~~or~~
- 38 (10) **That the** practitioner has failed to comply with an order
- 39 imposing a sanction under section 9 of this chapter.
- 40 **(11) That the practitioner:**
- 41 **(A) has engaged in sexual contact; or**
- 42 **(B) used the practitioner-patient relationship to solicit**

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**sexual contact;  
with a patient under the practitioner's care.**

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

SECTION 9. IC 25-3.8 IS ADDED TO THE INDIANA CODE AS A NEW ARTICLE TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

**ARTICLE 3.8. ALCOHOL AND DRUG ABUSE COUNSELORS**

**Chapter 1. Application of Article**

**Sec. 1. This article applies to an individual who practices alcohol and drug abuse counseling after June 30, 2004.**

**Sec. 2. This article 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 providing counseling as part of the employee's job duties.**
- (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 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.**

**Chapter 2. Definitions**

**Sec. 1. The definitions in this chapter apply throughout this**

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1 article.

2 **Sec. 2. (a) "Alcohol and drug abuse counseling" means**  
 3 **professional services that assist an abuser of alcohol or drugs in**  
 4 **gaining an understanding of the nature of the abuser's disorder**  
 5 **and in leading a lifestyle free from alcohol and drug abuse.**

6 **(b) The term includes planning, administering, and performing**  
 7 **research for community alcohol and drug abuse services delivery**  
 8 **systems. The term also includes the following:**

9 **(1) Using the core functions of alcohol and drug abuse**  
 10 **counseling.**

11 **(2) Providing alcohol and drug abuse counseling to family**  
 12 **members to help them gain an understanding of the nature of**  
 13 **alcohol and drug abuse.**

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

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

18 **Sec. 3. "Alcohol and drug abuse counseling services" means**  
 19 **evaluating or treating either of the following on a fee-for-services,**  
 20 **prepaid, or other compensatory basis:**

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

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

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

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

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

27 **Sec. 4. "Alcohol and drug abuse counselor" means an individual**  
 28 **engaged in the practice of alcohol and drug abuse counseling.**

29 **Sec. 5. "Board" refers to the alcohol and drug abuse counselor**  
 30 **board established by IC 25-3.8-3-1.**

31 **Sec. 6. (a) "Core functions of alcohol and drug abuse**  
 32 **counseling" refers to the following functions performed by alcohol**  
 33 **and drug abuse counselors in providing services to abusers of**  
 34 **alcohol and drugs:**

35 **(1) Screening.**

36 **(2) Intake.**

37 **(3) Orientation.**

38 **(4) Assessment.**

39 **(5) Treatment planning.**

40 **(6) Counseling.**

41 **(7) Case management.**

42 **(8) Crisis intervention.**

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1 (9) Client education.

2 (10) Referral.

3 (11) Report and record keeping.

4 (12) Consultation with other professionals.

5 (b) The terms set forth in subsection (a) have the following  
6 meanings:

7 (1) "Screening" means the process by which a client is  
8 determined appropriate and eligible for admission to a  
9 particular treatment program.

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

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

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

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

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

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

23 (E) The client's rights.

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

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

30 (A) identify and rank problems needing resolution;

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

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

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

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

38 (B) who seeks:

39 (i) instruction on behavior modification; or

40 (ii) advice concerning problems of daily living;

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

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(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.

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

- (A) the abuse of alcohol or drugs, or both; and
- (B) the services and resources available to assist the clients.

(10) "Referral" means:

- (A) identifying the needs of a client that cannot be met by a counselor or an agency; and
- (B) assisting the client in using the available support systems and community resources.

(11) "Report and record keeping" means:

- (A) charting the results of a client's assessment and treatment plan; and
- (B) writing reports, progress notes, discharge summaries, and other client related data.

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

Sec. 7. "Counselor" means a clinical alcohol and drug abuse counselor.

Sec. 8. "Licensed clinical alcohol and drug abuse counselor" means an individual engaged in the unlimited practice of alcohol and drug abuse counseling.

Sec. 9. "Psychotherapy" means the assessing and treating of mental and emotional disorders by any of the various means of communication between an alcohol and drug abuse counselor and a client.

**Chapter 3. Alcohol and Drug Abuse Counselor Board**

Sec. 1. The alcohol and drug abuse counselor board is established on January 1, 2003.

Sec. 2. (a) The board consists of five (5) members appointed by the governor as follows:

- (1) Two (2) members who are licensed clinical alcohol and drug abuse counselors with at least five (5) years experience

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1 as clinical alcohol and drug abuse counselors.  
 2 (2) Two (2) members who represent the general public and  
 3 who have never been credentialed under this article.  
 4 (3) One (1) physician licensed under IC 25-22.5 who has  
 5 training in psychiatric medicine.  
 6 (b) Each member of the board shall serve a term of three (3)  
 7 years and until the member's successor is appointed and qualified.  
 8 (c) Not more than three (3) members of the board may be from  
 9 the same political party.  
 10 (d) The members of the board must be residents of Indiana.  
 11 (e) The governor may remove a board member at any time for  
 12 incompetency, neglect of duty, or unprofessional conduct.  
 13 (f) A vacancy in the membership of the board shall be filled by  
 14 appointment by the governor for the unexpired term.  
 15 Sec. 3. (a) The board shall meet at least one (1) time each  
 16 calendar year, upon the call of the chairperson or the written  
 17 request of a majority of the members of the board.  
 18 (b) The chairperson shall establish the time and place for each  
 19 meeting.  
 20 (c) Three (3) members of the board, two (2) of whom must be  
 21 licensed clinical alcohol and drug abuse counselors, constitute a  
 22 quorum.  
 23 (d) Except as provided by this article, at least three (3) votes are  
 24 necessary for the board to take official action.  
 25 Sec. 4. Each member of the board who is not a state employee  
 26 is entitled to the minimum salary per diem provided by  
 27 IC 4-10-11-2.1(b). Each member of the board is entitled to  
 28 reimbursement for travel expenses and other expenses actually  
 29 incurred in connection with the member's duties, as provided in the  
 30 state travel policies and procedures established by the Indiana  
 31 department of administration and approved by the budget agency.  
 32 Sec. 5. (a) The board shall elect a chairperson from among the  
 33 members of the board for a one (1) year term.  
 34 (b) An individual may not be elected as chairperson for more  
 35 than two (2) consecutive one (1) year terms.  
 36 (c) The chairperson shall preside at all meetings at which the  
 37 chairperson is present.  
 38 (d) If the chairperson is absent from a meeting of the board  
 39 when a quorum exists, the members who are present may elect a  
 40 presiding officer who shall serve as acting chairperson until the  
 41 conclusion of the meeting or until the arrival of the chairperson.  
 42 Sec. 6. The board shall:

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- 1 (1) enforce and administer this article;
- 2 (2) adopt rules under IC 4-22-2 that are reasonably necessary
- 3 or appropriate for the administration and enforcement of this
- 4 article;
- 5 (3) establish standards for the competent practice of alcohol
- 6 and drug abuse counseling, including privileges, penalties, and
- 7 standards of competent practice within the field of alcohol
- 8 and drug abuse counseling for individuals who are licensed as
- 9 clinical alcohol and drug abuse counselors;
- 10 (4) prescribe the requirements for and the form of licenses
- 11 issued or renewed under this article;
- 12 (5) issue, deny, suspend, and revoke licenses in accordance
- 13 with this article and IC 25-1-9;
- 14 (6) in accordance with IC 25-1-7, investigate and prosecute
- 15 complaints involving licensed clinical alcohol and drug abuse
- 16 counselors or individuals the board has reason to believe
- 17 should be licensed, including complaints concerning the
- 18 failure to comply with this article or rules adopted under this
- 19 article;
- 20 (7) establish continuing education requirements for licensed
- 21 clinical alcohol and drug abuse counselors;
- 22 (8) establish standards for the retention of patient records and
- 23 reports by a counselor;
- 24 (9) approve continuing education providers, programs,
- 25 courses, fees, and proof of course completion;
- 26 (10) establish fees in accordance with IC 25-1-8;
- 27 (11) consider the qualification of individuals who apply for a
- 28 license or renewal of a license under this article; and
- 29 (12) conduct proceedings under IC 25-1-9.

30 **Chapter 4. Licensing Requirements**

31 **Sec. 1. Except as provided in IC 25-3.8-1-2, an individual may**  
32 **not practice alcohol and drug abuse counseling after June 30, 2004,**  
33 **without first obtaining a license from the board.**

34 **Sec. 2. Except as provided in section 3 of this chapter, to qualify**  
35 **for a clinical alcohol and drug abuse counselor license, an**  
36 **individual:**

- 37 (1) must complete an application for licensure in accordance
- 38 with rules adopted by the board;
- 39 (2) must pay the fee established by the board;
- 40 (3) may not have been convicted of a crime that has a direct
- 41 bearing on the individual's ability to practice competently as
- 42 determined by the board;

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1 (4) may not have had disciplinary action taken against the  
 2 individual or the individual's license by the board or by a  
 3 licensing agency of another state or jurisdiction on grounds  
 4 that the individual was unable to safely practice alcohol and  
 5 drug abuse counseling, if the grounds for discipline are still  
 6 valid as determined by the board; and

7 (5) must show to the satisfaction of the board that the  
 8 individual has done the following:

9 (A) Received at least a master's degree in alcohol and drug  
 10 abuse counseling, marriage and family therapy, pastoral  
 11 counseling, social work, applied human development,  
 12 psychology, or nursing from:

13 (i) an accredited institution of higher learning with  
 14 degree programs acceptable to the board; or

15 (ii) an educational institution not located in the United  
 16 States that has a program of study that meets the  
 17 standards of the board.

18 (B) Completed course work during the individual's  
 19 educational training at the master's level that includes  
 20 instruction in at least the following content areas:

21 (i) Theoretical foundations of alcohol and drug abuse  
 22 counseling.

23 (ii) Major models of alcohol and drug abuse.

24 (iii) Drug pharmacology.

25 (iv) Individual development.

26 (v) Family development and family relationships.

27 (vi) Clinical problems.

28 (vii) Collaboration with other disciplines.

29 (viii) Sexuality.

30 (ix) Gender and sexual orientation.

31 (x) Ethnicity, race, socioeconomic status, and culture  
 32 issues.

33 (xi) Counseling techniques.

34 (xii) Behavioral research.

35 (xiii) Abnormal psychology or psychopathology.

36 (C) Passed nationally standardized written and oral  
 37 examinations in alcohol and drug abuse counseling  
 38 approved by the board.

39 (D) Submitted documentation of three (3) years or six  
 40 thousand (6,000) hours of supervised alcohol and drug  
 41 abuse counseling experience in the five (5) years  
 42 immediately before the date of the application, including

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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:

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

Sec. 3. 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.

**Chapter 5. Disclosure Requirements**

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

- (1) Whether the counselor has a degree in counseling or a related field.
- (2) The type of degree the counselor has and the institution of higher education that issued the degree.

**Chapter 6. Renewal of License**

Sec. 1. (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 25-3.8-3-6.

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

3 Sec. 2. (a) The board may reinstate an expired license not later  
4 than three (3) years after the license's expiration date if the  
5 individual holding the expired license:

- 6 (1) pays a penalty fee for late renewal;
- 7 (2) pays the renewal fee under section 1(b) of this chapter;
- 8 and
- 9 (3) completes the continuing education requirements
- 10 established by the board under IC 25-3.8 3-6.

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

15 **Chapter 7. Prohibited Practices; Penalties**

16 **Sec. 1. An individual may not:**

- 17 (1) profess to be a licensed clinical alcohol and drug abuse
- 18 counselor;
- 19 (2) use the title:
  - 20 (A) "licensed clinical alcohol and drug abuse counselor";
  - 21 (B) "licensed alcohol and drug abuse counselor"; or
  - 22 (C) "clinical alcohol and drug abuse counselor";
- 23 (3) use any title containing the words "licensed clinical alcohol
- 24 and drug abuse counselor" or "licensed alcohol and drug
- 25 abuse counselor";
- 26 (4) use any other words, letters, abbreviations, or insignia
- 27 indicating or implying that the individual is a licensed clinical
- 28 alcohol and drug abuse counselor; or
- 29 (5) practice as a licensed clinical alcohol and drug abuse
- 30 counselor;

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

33 **Sec. 2. A licensed clinical alcohol and drug abuse counselor may**  
34 **provide factual testimony but may not provide expert testimony.**

35 **Sec. 3. A licensed clinical alcohol and drug abuse counselor may**  
36 **not practice:**

- 37 (1) counseling for the purpose of recovering a memory; or
- 38 (2) hypnosis, unless the counselor is certified under
- 39 IC 25-20.5.

40 **Sec. 4. (a) A licensed clinical alcohol and drug abuse counselor**  
41 **may not offer to provide or provide services that are beyond the**  
42 **scope of practice for licensed clinical alcohol and drug abuse**

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1 counselors, as established by the board under IC 25-3.8-3-6.

2 (b) A licensed clinical alcohol and drug abuse counselor who  
3 engages in the practice of alcohol and drug abuse counseling shall  
4 provide a referral for or otherwise assist a client to obtain  
5 professional help for all relevant aspects of the client's problem  
6 that fall outside the boundaries of the licensed clinical alcohol and  
7 drug abuse counselor's own competence.

8 Sec. 5. An individual who knowingly or intentionally violates  
9 this chapter commits a Class A misdemeanor.

10 SECTION 10. [EFFECTIVE JULY 1, 2001] (a) As used in this  
11 SECTION, "board" refers to the alcohol and drug abuse counselor  
12 board established by IC 25-3.8-3-1, as added by this act.

13 (b) The governor shall make the initial appointments to the  
14 board not later than January 1, 2003.

15 (c) The initial terms of office for the five (5) individuals  
16 appointed to the board by the governor are as follows:

17 (1) One (1) clinical alcohol and drug abuse counselor member  
18 for a term expiring June 30, 2004.

19 (2) One (1) clinical alcohol and drug abuse counselor member  
20 for a term expiring June 30, 2005.

21 (3) One (1) general public member for a term expiring June  
22 30, 2004.

23 (4) One (1) general public member for a term expiring June  
24 30, 2005.

25 (5) One (1) physician member for a term expiring June 30,  
26 2005.

27 (d) The initial terms begin January 1, 2003.

28 (e) Notwithstanding IC 25-3.8-3-2, as added by this act, the  
29 initial clinical alcohol and drug abuse counselor members  
30 appointed by the governor are not required to be licensed under  
31 IC 25-3.8-4.

32 (f) Not later than December 31, 2003, the board shall adopt  
33 rules under IC 4-22-2 to carry out this act.

34 (g) This SECTION expires July 1, 2005.

35 SECTION 11. [EFFECTIVE JULY 1, 2001] (a) As used in this  
36 SECTION, "board" refers to the alcohol and drug abuse counselor  
37 board established by IC 25-3.8-3-1, as added by this act.

38 (b) Notwithstanding IC 25-3.8-4, as added by this act, the board  
39 may license an individual as a clinical alcohol and drug abuse  
40 counselor if the individual demonstrates competency in the field of  
41 alcohol and drug abuse counseling as determined by the board and  
42 has achieved all of the following:

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- 1           **(1) Completed at least three (3) years of experience in alcohol**
- 2           **and drug abuse counseling.**
- 3           **(2) Completed a practicum approved by the alcohol and drug**
- 4           **abuse counselor section of the board of at least three hundred**
- 5           **(300) hours of alcohol and drug abuse counseling.**
- 6           **(3) Passed:**
- 7               **(A) the case presentation examination; or**
- 8               **(B) a nationally standardized written and oral**
- 9               **examination;**
- 10           **in alcohol and drug abuse counseling approved by the board.**
- 11           **(c) This SECTION expires July 1, 2005.**

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