

SENATE BILL No. 448

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning addiction counselors; relating to terminology
2 updates; Kansas department for aging and disability services treatment
3 programs; amending K.S.A. 59-29b54, 59-29b61 and 65-4016 and
4 K.S.A. 2015 Supp. 59-29b46, 59-3077, 65-4024a, 65-6608 and 65-
5 6610 and repealing the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2015 Supp. 59-29b46 is hereby amended to read as
9 follows: 59-29b46. When used in the care and treatment act for persons
10 with an alcohol or substance abuse problem:

11 (a) "Discharge" means the final and complete release from treatment,
12 by either the head of a treatment facility acting pursuant to K.S.A. 59-
13 29b50, and amendments thereto, or by an order of a court issued pursuant
14 to K.S.A. 59-29b73, and amendments thereto.

15 (b) "Head of a treatment facility" means the administrative director of
16 a treatment facility or such person's designee.

17 (c) "Law enforcement officer" ~~shall have the meaning ascribed to it~~
18 *means the same as defined in K.S.A. 22-2202, and amendments thereto.*

19 (d) *"Licensed addiction counselor" means a person who engages in*
20 *the practice of addiction counseling limited to substance use disorders and*
21 *who is licensed by the behavioral sciences regulatory board. Such person*
22 *shall engage in the practice of addiction counseling in a state-licensed or*
23 *certified alcohol and other drug treatment program or in completing a*
24 *Kansas domestic violence offender assessment for participants in a*
25 *certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-*
26 *7d01 through 75-7d13, and amendments thereto, unless otherwise exempt*
27 *from licensure under subsection (n).*

28 (e) *"Licensed clinical addiction counselor" means a person who*
29 *engages in the independent practice of addiction counseling and diagnosis*
30 *and treatment of substance use disorders specified in the edition of the*
31 *American psychiatric association's diagnostic and statistical manual of*
32 *mental disorders (DSM) designated by the board by rules and regulations*
33 *and is licensed by the behavioral sciences regulatory board.*

34 (d) (f) "Other facility for care or treatment" means any mental health
35 clinic, medical care facility, nursing home, the detox units at either
36 Osawatomie state hospital or Larned state hospital, any physician or any

1 other institution or individual authorized or licensed by law to give care or
2 treatment to any person.

3 ~~(e)~~ (g) "Patient" means a person who is a voluntary patient, a
4 proposed patient or an involuntary patient.

5 (1) "Voluntary patient" means a person who is receiving treatment at
6 a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

7 (2) "Proposed patient" means a person for whom a petition pursuant
8 to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

9 (3) "Involuntary patient" means a person who is receiving treatment
10 under order of a court or a person admitted and detained by a treatment
11 facility pursuant to an application filed pursuant to ~~subsection (b) or (c)~~ of
12 K.S.A. 59-29b54(b) or (c), and amendments thereto.

13 ~~(f)~~ (h) "Person with an alcohol or substance abuse problem" means a
14 person who:

15 (1) Lacks self-control as to the use of alcoholic beverages or any
16 substance as defined in subsection ~~(k)~~ (l); or

17 (2) uses alcoholic beverages or any substance as defined in
18 subsection ~~(k)~~ (l) to the extent that the person's health may be substantially
19 impaired or endangered without treatment.

20 ~~(g)~~ (i) (1) "Person with an alcohol or substance abuse problem subject
21 to involuntary commitment for care and treatment" means a person with an
22 alcohol or substance abuse problem, as defined in subsection ~~(f)~~ (h), who
23 also is incapacitated by alcohol or any substance and is likely to cause
24 harm to self or others.

25 (2) "Incapacitated by alcohol or any substance" means that the
26 person, as the result of the use of alcohol or any substance as defined in
27 subsection ~~(k)~~ (l), has impaired judgment resulting in the person:

28 (A) Being incapable of realizing and making a rational decision with
29 respect to the need for treatment; or

30 (B) lacking sufficient understanding or capability to make or
31 communicate responsible decisions concerning either the person's well-
32 being or estate.

33 (3) "Likely to cause harm to self or others" means that the person, by
34 reason of the person's use of alcohol or any substance:

35 (A) Is likely, in the reasonably foreseeable future, to cause substantial
36 physical injury or physical abuse to self or others or substantial damage to
37 another's property, as evidenced by behavior threatening, attempting or
38 causing such injury, abuse or damage; except that if the harm threatened,
39 attempted or caused is only harm to the property of another, the harm must
40 be of such a value and extent that the state's interest in protecting the
41 property from such harm outweighs the person's interest in personal
42 liberty; or

43 (B) is substantially unable, except for reason of indigency, to provide

1 for any of the person's basic needs, such as food, clothing, shelter, health
2 or safety, causing a substantial deterioration of the person's ability to
3 function on the person's own.

4 ~~(h)~~ (j) "Physician" means a person licensed to practice medicine and
5 surgery as provided for in the Kansas healing arts act or a person who is
6 employed by a state psychiatric hospital or by an agency of the United
7 States and who is authorized by law to practice medicine and surgery
8 within that hospital or agency.

9 ~~(i)~~ (k) "Psychologist" means a licensed psychologist, as defined by
10 K.S.A. 74-5302, and amendments thereto.

11 ~~(j)~~ "State certified alcohol and drug abuse counselor" means a person
12 approved by the secretary for aging and disability services to perform
13 assessments using the American Society of Addiction Medicine criteria
14 and employed at a state funded and designated assessment center.

15 ~~(k)~~ (l) "Substance" means:

16 (1) The same as the term "controlled substance" as defined in K.S.A.
17 2015 Supp. 21-5701, and amendments thereto; or

18 (2) fluorocarbons, toluene or volatile hydrocarbon solvents.

19 ~~(h)~~ (m) "Treatment" means the broad range of emergency, outpatient,
20 intermediate and inpatient services and care, including diagnostic
21 evaluation, medical, psychiatric, psychological and social service care,
22 vocational rehabilitation and career counseling, which may be extended to
23 persons with an alcohol or substance abuse problem.

24 ~~(m)~~ (n) (1) "Treatment facility" means a treatment program, public or
25 private treatment facility, or any facility of the United States government
26 available to treat a person for an alcohol or other substance abuse problem,
27 but such term shall not include a licensed medical care facility, a licensed
28 adult care home, a facility licensed under K.S.A. 75-3307b, and
29 amendments thereto, a community-based alcohol and drug safety action
30 program certified under K.S.A. 8-1008, and amendments thereto, and
31 performing only those functions for which the program is certified to
32 perform under K.S.A. 8-1008, and amendments thereto, or a professional
33 licensed by the behavioral sciences regulatory board to diagnose and treat
34 mental disorders at the independent level or a physician, who may treat in
35 the usual course of the behavioral sciences regulatory board licensee's or
36 physician's professional practice individuals incapacitated by alcohol or
37 other substances, but who are not primarily engaged in the usual course of
38 the individual's professional practice in treating such individuals, or any
39 state institution, even if detoxification services may have been obtained at
40 such institution.

41 (2) "Private treatment facility" means a private agency providing
42 facilities for the care and treatment or lodging of persons with either an
43 alcohol or other substance abuse problem and meeting the standards

1 prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto,
2 and licensed under either K.S.A. 65-4014 or 65-4607, and amendments
3 thereto.

4 (3) "Public treatment facility" means a treatment facility owned and
5 operated by any political subdivision of the state of Kansas and licensed
6 under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an
7 appropriate place for the care and treatment or lodging of persons with an
8 alcohol or other substance abuse problem.

9 ~~(n)~~ (o) The terms defined in K.S.A. 59-3051, and amendments
10 thereto, shall have the meanings provided by that section.

11 Sec. 2. K.S.A. 59-29b54 is hereby amended to read as follows: 59-
12 29b54. (a) A treatment facility may admit and detain any person for
13 emergency observation and treatment upon an ex parte emergency custody
14 order issued by a district court pursuant to K.S.A. 59-29b58, and
15 amendments thereto.

16 (b) A treatment facility or the detox unit at Osawatomie state hospital
17 or at Larned state hospital may admit and detain any person presented for
18 emergency observation and treatment upon written application of a law
19 enforcement officer having custody of that person pursuant to K.S.A. 59-
20 29b53, and amendments thereto. The application shall state:

21 (1) The name and address of the person sought to be admitted, if
22 known;

23 (2) the name and address of the person's spouse or nearest relative, if
24 known;

25 (3) the officer's belief that the person is or may be a person with an
26 alcohol or substance abuse problem subject to involuntary commitment for
27 care and treatment and is likely to cause harm to self or others if not
28 immediately detained;

29 (4) the factual circumstances in support of that belief and the factual
30 circumstances under which the person was taken into custody including
31 any known pending criminal charges; and

32 (5) the fact that the law enforcement officer will file the petition
33 provided for in K.S.A. 59-29b57, and amendments thereto, by the close of
34 business of the first day thereafter that the district court is open for the
35 transaction of business, or that the officer has been informed by a parent,
36 legal guardian or other person, whose name shall be stated in the
37 application will file the petition provided for in K.S.A. 59-29b57, and
38 amendments thereto, within that time.

39 (c) A treatment facility may admit and detain any person presented
40 for emergency observation and treatment upon the written application of
41 any individual. The application shall state:

42 (1) The name and address of the person sought to be admitted, if
43 known;

1 (2) the name and address of the person's spouse or nearest relative, if
2 known;

3 (3) the applicant's belief that the person may be a person with an
4 alcohol or substance abuse problem subject to involuntary commitment
5 and is likely to cause harm to self or others if not immediately detained;

6 (4) the factual circumstances in support of that belief;

7 (5) any pending criminal charges, if known;

8 (6) the fact that the applicant will file the petition provided for in
9 K.S.A. 59-29b57, and amendments thereto, by the close of business of the
10 first day thereafter that the district court is open for the transaction of
11 business; and

12 (7) the application shall also be accompanied by a statement in
13 writing of a physician, psychologist or ~~state certified alcohol and drug~~
14 ~~abuse licensed addiction~~ counselor finding that the person is likely to be a
15 person with an alcohol or substance abuse problem subject to involuntary
16 commitment for care and treatment under this act.

17 (d) Any treatment facility or personnel thereof, who in good faith
18 renders treatment in accordance with law to any person admitted pursuant
19 to subsection (b) or (c), shall not be liable in a civil or criminal action
20 based upon a claim that the treatment was rendered without legal consent.

21 Sec. 3. K.S.A. 59-29b61 is hereby amended to read as follows: 59-
22 29b61. (a) The order for an evaluation required by ~~subsection (a)(5) of~~
23 K.S.A. 59-29b60(a)(5), and amendments thereto, shall be served in the
24 manner provided for in ~~a subsections (c) and (d) of K.S.A. 59-29b63(c)~~
25 ~~and (d)~~, and amendments thereto. It shall order the proposed patient to
26 submit to an evaluation to be conducted by a physician, psychologist or
27 ~~state certified alcohol and drug abuse licensed addiction~~ counselor and to
28 undergo such other medical examinations or evaluations as may be
29 designated by the court in the order, except that any proposed patient who
30 is not subject to a temporary custody order issued pursuant to K.S.A. 59-
31 29b59, and amendments thereto, and who requests a hearing pursuant to
32 K.S.A. 59-29b62, and amendments thereto, need not submit to such
33 evaluations or examinations until that hearing has been held and the court
34 finds that there is probable cause to believe that the proposed patient is a
35 person with an alcohol or substance abuse problem subject to involuntary
36 commitment for care and treatment under this act. The evaluation may be
37 conducted at a treatment facility, the home of the proposed patient or any
38 other suitable place that the court determines is not likely to have a
39 harmful effect on the welfare of the proposed patient.

40 (b) At the time designated by the court in the order, but in no event
41 later than three days prior to the date of the trial provided for in K.S.A. 59-
42 29b65, and amendments thereto, the examiner shall submit to the court a
43 report, in writing, of the evaluation which report also shall be made

1 available to counsel for the parties at least three days prior to the trial. The
2 report also shall be made available to the proposed patient and to
3 whomever the patient directs, unless for good cause recited in the order,
4 the court orders otherwise. Such report shall state that the examiner has
5 made an examination of the proposed patient and shall state the opinion of
6 the examiner on the issue of whether or not the proposed patient is a
7 person with an alcohol or substance abuse problem subject to involuntary
8 commitment for care and treatment under this act and the examiner's
9 opinion as to the least restrictive treatment alternative which will protect
10 the proposed patient and others and allow for the improvement of the
11 proposed patient if treatment is ordered.

12 Sec. 4. K.S.A. 2015 Supp. 59-3077 is hereby amended to read as
13 follows: 59-3077. (a) At any time after the filing of the petition provided
14 for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments
15 thereto, any person may file in addition to that original petition, or as a
16 part thereof, or at any time after the appointment of a temporary guardian
17 as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian
18 as provided for in K.S.A. 59-3067, and amendments thereto, the temporary
19 guardian or guardian may file, a verified petition requesting that the court
20 grant authority to the temporary guardian or guardian to admit the
21 proposed ward or ward to a treatment facility, as defined in subsection (h),
22 and to consent to the care and treatment of the proposed ward or ward
23 therein. The petition shall include:

24 (1) The petitioner's name and address, and if the petitioner is the
25 proposed ward's or ward's court appointed temporary guardian or guardian,
26 that fact;

27 (2) the proposed ward's or ward's name, age, date of birth, address of
28 permanent residence, and present address or whereabouts, if different from
29 the proposed ward's or ward's permanent residence;

30 (3) the name and address of the proposed ward's or ward's court
31 appointed temporary guardian or guardian, if different from the petitioner;

32 (4) the factual basis upon which the petitioner alleges the need for the
33 proposed ward or ward to be admitted to and treated at a treatment facility,
34 or for the proposed ward or ward to continue to be treated at the treatment
35 facility to which the proposed ward or ward has already been admitted, or
36 for the guardian to have continuing authority to admit the ward for care
37 and treatment at a treatment facility pursuant to ~~subsection (b)(3) of~~
38 ~~K.S.A. 59-2949;(b)(3) or subsection (b)(3) of~~ K.S.A. 59-29b49(b)(3), and
39 amendments thereto;

40 (5) the names and addresses of witnesses by whom the truth of this
41 petition may be proved; and

42 (6) a request that the court find that the proposed ward or ward is in
43 need of being admitted to and treated at a treatment facility, and that the

1 court grant to the temporary guardian or guardian the authority to admit
2 the proposed ward or ward to a treatment facility and to consent to the care
3 and treatment of the proposed ward or ward therein.

4 (b) The petition may be accompanied by a report of an examination
5 and evaluation of the proposed ward or ward conducted by an
6 appropriately qualified professional, which shows that the criteria set out
7 in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e), subsection (f) of~~
8 K.S.A. 59-29b46(h) or K.S.A. 76-12b03, and amendments thereto, are
9 met.

10 (c) Upon the filing of such a petition, the court shall issue the
11 following:

12 (1) An order fixing the date, time and place of a hearing on the
13 petition. Such hearing, in the court's discretion, may be conducted in a
14 courtroom, a treatment facility or at some other suitable place. The time
15 fixed in the order shall in no event be earlier than seven days or later than
16 21 days after the date of the filing of the petition. The court may
17 consolidate this hearing with the trial upon the original petition filed
18 pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and
19 amendments thereto, or with the trial provided for in the care and
20 treatment act for mentally ill persons or the care and treatment act for
21 persons with an alcohol or substance abuse problem, if the petition also
22 incorporates the allegations required by, and is filed in compliance with,
23 the provisions of either of those acts.

24 (2) An order requiring that the proposed ward or ward appear at the
25 time and place of the hearing on the petition unless the court makes a
26 finding prior to the hearing that the presence of the proposed ward or ward
27 will be injurious to the person's health or welfare, or that the proposed
28 ward's or ward's impairment is such that the person could not meaningfully
29 participate in the proceedings, or that the proposed ward or ward has filed
30 with the court a written waiver of such ward's right to appear in person. In
31 any such case, the court shall enter in the record of the proceedings the
32 facts upon which the court has found that the presence of the proposed
33 ward or ward at the hearing should be excused. Notwithstanding the
34 foregoing provisions of this subsection, if the proposed ward or ward files
35 with the court at least one day prior to the date of the hearing a written
36 notice stating the person's desire to be present at the hearing, the court
37 shall order that the person must be present at the hearing.

38 (3) An order appointing an attorney to represent the proposed ward or
39 ward. The court shall give preference, in the appointment of this attorney,
40 to any attorney who has represented the proposed ward or ward in other
41 matters, if the court has knowledge of that prior representation. The
42 proposed ward, or the ward with the consent of the ward's conservator, if
43 one has been appointed, shall have the right to engage an attorney of the

1 proposed ward's or ward's choice and, in such case, the attorney appointed
2 by the court shall be relieved of all duties by the court. Any appointment
3 made by the court shall terminate upon a final determination of the petition
4 and any appeal therefrom, unless the court continues the appointment by
5 further order.

6 (4) An order fixing the date, time and a place that is in the best
7 interest of the proposed ward or ward, at which the proposed ward or ward
8 shall have the opportunity to consult with such ward's attorney. This
9 consultation shall be scheduled to occur prior to the time at which the
10 examination and evaluation ordered pursuant to subsection (d)(1), if
11 ordered, is scheduled to occur.

12 (5) A notice similar to that provided for in K.S.A. 59-3066, and
13 amendments thereto.

14 (d) Upon the filing of such a petition, the court may issue the
15 following:

16 (1) An order for a psychological or other examination and evaluation
17 of the proposed ward or ward, as may be specified by the court. The court
18 may order the proposed ward or ward to submit to such an examination
19 and evaluation to be conducted through a general hospital, psychiatric
20 hospital, community mental health center, community developmental
21 disability organization, or by a private physician, psychiatrist, psychologist
22 or other person appointed by the court who is qualified to examine and
23 evaluate the proposed ward or ward. The costs of this examination and
24 evaluation shall be assessed as provided for in K.S.A. 59-3094, and
25 amendments thereto.

26 (2) If the petition is accompanied by a report of an examination and
27 evaluation of the proposed ward or ward as provided for in subsection (b),
28 an order granting temporary authority to the temporary guardian or
29 guardian to admit the proposed ward or ward to a treatment facility and to
30 consent to the care and treatment of the proposed ward or ward therein.
31 Any such order shall expire immediately after the hearing upon the
32 petition, or as the court may otherwise specify, or upon the discharge of
33 the proposed ward or ward by the head of the treatment facility, if the
34 proposed ward or ward is discharged prior to the time at which the order
35 would otherwise expire.

36 (3) For good cause shown, an order of continuance of the hearing.

37 (4) For good cause shown, an order of advancement of the hearing.

38 (5) For good cause shown, an order changing the place of the hearing.

39 (e) The hearing on the petition shall be held at the time and place
40 specified in the court's order issued pursuant to subsection (c), unless an
41 order of advancement, continuance, or a change of place of the hearing has
42 been issued pursuant to subsection (d). The petitioner and the proposed
43 ward or ward shall each be afforded an opportunity to appear at the

1 hearing, to testify and to present and cross-examine witnesses. If the
2 hearing has been consolidated with a trial being held pursuant to either the
3 care and treatment act for mentally ill persons or the care and treatment act
4 for persons with an alcohol or substance abuse problem, persons not
5 necessary for the conduct of the proceedings may be excluded as provided
6 for in those acts. The hearing shall be conducted in as informal a manner
7 as may be consistent with orderly procedure. The court shall have the
8 authority to receive all relevant and material evidence which may be
9 offered, including the testimony or written report, findings or
10 recommendations of any professional or other person who has examined
11 or evaluated the proposed ward or ward pursuant to any order issued by
12 the court pursuant to subsection (d). Such evidence shall not be privileged
13 for the purpose of this hearing.

14 (f) Upon completion of the hearing, if the court finds by clear and
15 convincing evidence that the criteria set out in K.S.A. 39-1803, ~~subsection~~
16 ~~(e) of K.S.A. 59-2946(e), subsection (f) of K.S.A. 59-29b46(h) or K.S.A.~~
17 76-12b03, and amendments thereto, are met, and after a careful
18 consideration of reasonable alternatives to admission of the proposed ward
19 or ward to a treatment facility, the court may enter an order granting such
20 authority to the temporary guardian or guardian as is appropriate,
21 including continuing authority to the guardian to readmit the ward to an
22 appropriate treatment facility as may later become necessary. Any such
23 grant of continuing authority shall expire two years after the date of final
24 discharge of the ward from such a treatment facility if the ward has not had
25 to be readmitted to a treatment facility during that two-year period of time.
26 Thereafter, any such grant of continuing authority may be renewed only
27 after the filing of another petition seeking authority in compliance with the
28 provision of this section.

29 (g) Nothing herein shall be construed so as to prohibit the head of a
30 treatment facility from admitting a proposed ward or ward to that facility
31 as a voluntary patient if the head of the treatment facility is satisfied that
32 the proposed ward or ward at that time has the capacity to understand such
33 ward's illness and need for treatment, and to consent to such ward's
34 admission and treatment. Upon any such admission, the head of the
35 treatment facility shall give notice to the temporary guardian or guardian
36 as soon as possible of the ward's admission, and shall provide to the
37 temporary guardian or guardian copies of any consents the proposed ward
38 or ward has given. Thereafter, the temporary guardian or guardian shall
39 timely either seek to obtain proper authority pursuant to this section to
40 admit the proposed ward or ward to a treatment facility and to consent to
41 further care and treatment, or shall otherwise assume responsibility for the
42 care of the proposed ward or ward, consistent with the authority of the
43 temporary guardian or guardian, and may arrange for the discharge from

1 the facility of the proposed ward or ward, unless the head of the treatment
2 facility shall file a petition requesting the involuntary commitment of the
3 proposed ward or ward to that or some other facility.

4 (h) As used herein, "treatment facility" means the Kansas
5 neurological institute, Larned state hospital, Osawatomie state hospital,
6 Parsons state hospital and training center, the rainbow mental health
7 facility, any intermediate care facility for people with intellectual
8 disability, any psychiatric hospital licensed pursuant to K.S.A. 75-3307b,
9 and amendments thereto, and any other facility for mentally ill persons or
10 people with intellectual or developmental disabilities licensed pursuant to
11 K.S.A. 75-3307b, and amendments thereto, if the proposed ward or ward
12 is to be admitted as an inpatient or resident of that facility.

13 Sec. 5. K.S.A. 65-4016 is hereby amended to read as follows: 65-
14 4016. The secretary shall adopt rules and regulations with respect to
15 treatment facilities to be licensed and designed to further the
16 accomplishment of the purposes of this law in promoting a safe and
17 adequate treatment program for individuals in treatment facilities in the
18 interest of public health, safety and welfare ~~including, but not limited to,~~
19 ~~minimum qualifications for employees of licensed or certified programs~~
20 ~~which are less than the qualifications required for a registered alcohol and~~
21 ~~other drug abuse counselor.~~ Boards of trustees or directors of institutions
22 licensed under this act shall have the right to select the professional staff
23 members of such institutions and to select and employ interns, nurses and
24 other personnel.

25 Sec. 6. K.S.A. 2015 Supp. 65-4024a is hereby amended to read as
26 follows: 65-4024a. As used in this act:

27 (a) "Act" means the alcohol or other drug addiction treatment act.

28 (b) "Alcohol or other drug addiction" means a pattern of substance
29 use, leading to significant impairment or distress, manifested by three or
30 more of the following occurring at any time in the same 12-month period:

31 (1) Tolerance, defined as: (A) A need for markedly increased amounts
32 of the substance to achieve intoxication or desired effect; or (B) a
33 markedly diminished effect with continued use of the same amount of
34 substance;

35 (2) withdrawal, as manifested by either of the following: (A) The
36 characteristic withdrawal syndrome for the substance; or (B) the same or a
37 closely related substance is taken to relieve or avoid withdrawal
38 symptoms;

39 (3) the substance is often taken in larger amounts or over a longer
40 period than was intended;

41 (4) there is a persistent desire or unsuccessful efforts to cut down or
42 control substance use;

43 (5) a great deal of time is spent in activities necessary to obtain the

1 substance, use the substance or recover from its effects;

2 (6) important social, occupational or recreational activities are given
3 up or reduced because of substance use;

4 (7) the substance use is continued despite knowledge of having a
5 persistent or recurrent physical or psychological problem that is likely to
6 have been caused or exacerbated by the substance.

7 (c) "Care or treatment" means such necessary services as are in the
8 best interests of the physical and mental health of the patient.

9 (d) "Committee" means the Kansas citizens committee on alcohol and
10 other drug abuse.

11 ~~(e) "Counselor" means an individual whose education, experience~~
12 ~~and training has been evaluated and approved by the Kansas department~~
13 ~~for aging and disability services to provide the scope of practice afforded~~
14 ~~to an alcohol and drug credentialed counselor or counselor assistant~~
15 ~~working in a licensed, certified alcohol and drug treatment program.~~

16 (f) "Department" means the Kansas department for aging and
17 disability services.

18 ~~(g) (f) "Designated state funded assessment center" or "assessment~~
19 ~~center" means a treatment facility designated by the secretary.~~

20 ~~(h) (g) "Discharge" shall have the meaning ascribed to it means the~~
21 ~~same as defined in K.S.A. 59-29b46, and amendments thereto.~~

22 ~~(i) (h) "Government unit" means any county, municipality or other~~
23 ~~political subdivision of the state; or any department, division, board or~~
24 ~~other agency of any of the foregoing.~~

25 ~~(j) (i) "Head of the treatment facility" shall have the meaning ascribed~~
26 ~~to it means the same as defined in K.S.A. 59-29b46, and amendments~~
27 ~~thereto.~~

28 ~~(k) (j) "Incapacitated by alcohol" shall have the meaning ascribed to~~
29 ~~it means the same as defined in K.S.A. 59-29b46, and amendments~~
30 ~~thereto.~~

31 ~~(l) (k) "Intoxicated individual" means an individual who is under the~~
32 ~~influence of alcohol or drugs or both.~~

33 ~~(m) (l) "Law enforcement officer" shall have the meaning ascribed to~~
34 ~~it means the same as defined in K.S.A. 59-29b46, and amendments~~
35 ~~thereto.~~

36 (m) "Licensed addiction counselor" means a person who engages in
37 the practice of addiction counseling limited to substance use disorders and
38 who is licensed by the behavioral sciences regulatory board. Such person
39 shall engage in the practice of addiction counseling in a state-licensed or
40 certified alcohol and other drug treatment program or in completing a
41 Kansas domestic violence offender assessment for participants in a
42 certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75-
43 7d01 through 75-7d13, and amendments thereto, unless otherwise exempt

1 *from licensure under K.S.A. 59-29b46(n), and amendments thereto.*

2 (n) *"Licensed clinical addiction counselor" means a person who*
 3 *engages in the independent practice of addiction counseling and diagnosis*
 4 *and treatment of substance use disorders specified in the edition of the*
 5 *American psychiatric association's diagnostic and statistical manual of*
 6 *mental disorders (DSM) designated by the board by rules and regulations*
 7 *and is licensed by the behavioral sciences regulatory board.*

8 (o) ~~"Patient" shall have the meaning ascribed to it~~ *means the same as*
 9 *defined in K.S.A. 59-29b46, and amendments thereto.*

10 ~~(p) "Private treatment facility" shall have the meaning ascribed to~~
 11 ~~it~~ *means the same as defined in K.S.A. 59-29b46, and amendments*
 12 *thereto.*

13 ~~(q) "Public treatment facility" shall have the meaning ascribed to~~
 14 ~~it~~ *means the same as defined in K.S.A. 59-29b46, and amendments*
 15 *thereto.*

16 ~~(r) "Treatment" shall have the meaning ascribed to it~~ *means the*
 17 *same as defined in K.S.A. 59-29b46, and amendments thereto.*

18 ~~(s) "Treatment facility" shall have the meaning ascribed to it~~
 19 *means the same as defined in K.S.A. 59-29b46, and amendments thereto.*

20 ~~(t) "Secretary" shall have the meaning ascribed to it~~ *means the secretary for aging and disability*
 21 *services.*

22 Sec. 7. K.S.A. 2015 Supp. 65-6608 is hereby amended to read as
 23 follows: 65-6608. As used in the addictions counselor licensure act:

24 (a) "Board" means the behavioral sciences regulatory board created
 25 under K.S.A. 74-7501, and amendments thereto.

26 (b) "Addiction counseling" means the utilization of special skills to
 27 assist persons with addictions, and to assist such persons' families and
 28 friends to achieve resolution of addiction through the exploration of the
 29 disease and its ramifications, the examination of attitudes and feelings, the
 30 consideration of alternative solutions and decision making, as these relate
 31 specifically to addiction. Evaluation and assessment, treatment including
 32 treatment plan development, crisis intervention, referral, record keeping
 33 and clinical consultation specifically related to addiction are within the
 34 scope of addiction counseling. Additionally, at the clinical level of
 35 licensure, addiction counseling includes independent practice and the
 36 diagnosis and treatment of substance use disorders.

37 (c) "Licensed addiction counselor" means a person who engages in
 38 the practice of addiction counseling limited to substance use disorders and
 39 who is licensed under this act. Such person shall engage in the practice of
 40 addiction counseling in a state-licensed or certified alcohol and other drug
 41 treatment program or in completing a Kansas domestic violence offender
 42 assessment for participants in a certified batterer intervention program
 43 pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments

1 thereto, unless otherwise exempt ~~for~~ *from* licensure under ~~subsection (m)~~
2 ~~of~~ K.S.A. 59-29b46(n), and amendments thereto.

3 (d) "Licensed clinical addiction counselor" means a person who
4 engages in the independent practice of addiction counseling and diagnosis
5 and treatment of substance use disorders specified in the edition of the
6 American psychiatric association's diagnostic and statistical manual of
7 mental disorders (DSM) designated by the board by rules and regulations
8 and is licensed under this act.

9 Sec. 8. K.S.A. 2015 Supp. 65-6610 is hereby amended to read as
10 follows: 65-6610. (a) An applicant for licensure as an addiction counselor
11 shall furnish evidence that the applicant:

12 (1) Has attained the age of 21; and

13 (2) (A) has completed at least a baccalaureate degree from an
14 addiction counseling program that is part of a college or university
15 approved by the board; or

16 (B) has completed at least a baccalaureate degree from a college or
17 university approved by the board in a related field that includes a
18 minimum number of semester hours of coursework on substance use
19 disorders as approved by the board; or

20 (C) has completed at least a baccalaureate degree from a college or
21 university approved by the board in a related field with additional
22 coursework in addiction counseling from a college or university approved
23 by the board, and such degree program and the additional coursework
24 includes a minimum number of semester hours of coursework on
25 substance use disorders as approved by the board; or

26 (D) is currently licensed in Kansas as a licensed baccalaureate social
27 worker and has completed a minimum number of semester hours of
28 coursework on substance use disorders as approved by the board; or

29 (E) is currently licensed in Kansas as a licensed master social worker,
30 licensed professional counselor, licensed marriage and family therapist or
31 licensed masters level psychologist; and

32 (3) has passed an examination approved by the board; and

33 (4) has satisfied the board that the applicant is a person who merits
34 the public trust; and

35 (5) each applicant has paid the application fee established by the
36 board under K.S.A. 2015 Supp. 65-6618, and amendments thereto.

37 (b) Applications for licensure as a clinical addiction counselor shall
38 be made to the board on a form and in the manner prescribed by the board.
39 Each applicant shall furnish evidence satisfactory to the board that the
40 applicant:

41 (1) Has attained the age of 21; and

42 (2) (A) (i) has completed at least a master's degree from an addiction
43 counseling program that is part of a college or university approved by the

1 board; and

2 (ii) has completed not less than two years of postgraduate supervised
3 professional experience in accordance with a clinical supervision plan
4 approved by the board of not less than 4,000 hours of supervised
5 professional experience including at least 1,500 hours of direct client
6 contact conducting substance abuse assessments and treatment with
7 individuals, couples, families or groups and not less than 150 hours of
8 clinical supervision, including not less than 50 hours of person-to-person
9 individual supervision, integrating diagnosis and treatment of substance
10 use disorders with use of the diagnostic and statistical manual of mental
11 disorders of the American psychiatric association; or has completed not
12 less than two years of postgraduate supervised professional experience in
13 accordance with a clinical supervision plan approved by the board of not
14 less than 2,000 hours of supervised professional experience including at
15 least 750 hours of direct client contact conducting substance abuse
16 assessments and treatment with individuals, couples, families or groups
17 and not less than 75 hours of clinical supervision, including not less than
18 25 hours of person-to-person individual supervision, integrating diagnosis
19 and treatment of substance use disorders with use of the diagnostic and
20 statistical manual of mental disorders of the American psychiatric
21 association, and such person has a doctoral degree in addiction counseling
22 or a related field as approved by the board; or

23 (B) (i) has completed a master's degree from a college or university
24 approved by the board in a related field that includes a minimum number
25 of semester hours of coursework supporting the diagnosis and treatment of
26 substance use disorders as approved by the board; and

27 (ii) has completed not less than two years of postgraduate supervised
28 professional experience in accordance with a clinical supervision plan
29 approved by the board of not less than 4,000 hours of supervised
30 professional experience including at least 1,500 hours of direct client
31 contact conducting substance abuse assessments and treatment with
32 individuals, couples, families or groups and not less than 150 hours of
33 clinical supervision, including not less than 50 hours of person-to-person
34 individual supervision, integrating diagnosis and treatment of substance
35 use disorders with use of the diagnostic and statistical manual of mental
36 disorders of the American psychiatric association; or has completed not
37 less than two years of postgraduate supervised professional experience in
38 accordance with a clinical supervision plan approved by the board of not
39 less than 2,000 hours of supervised professional experience including at
40 least 750 hours of direct client contact conducting substance abuse
41 assessments and treatment with individuals, couples, families or groups
42 and not less than 75 hours of clinical supervision, including not less than
43 25 hours of person-to-person individual supervision, integrating diagnosis

1 and treatment of substance use disorders with use of the diagnostic and
2 statistical manual of mental disorders of the American psychiatric
3 association, and such person has a doctoral degree in addiction counseling
4 or a related field as approved by the board; or

5 (C) (i) has completed a master's degree from a college or university
6 approved by the board in a related field with additional coursework in
7 addiction counseling from a college or university approved by the board
8 and such degree program and additional coursework includes a minimum
9 number of semester hours of coursework supporting the diagnosis and
10 treatment of substance use disorders as approved by the board; and

11 (ii) has completed not less than two years of postgraduate supervised
12 professional experience in accordance with a clinical supervision plan
13 approved by the board of not less than 4,000 hours of supervised
14 professional experience including at least 1,500 hours of direct client
15 contact conducting substance abuse assessments and treatment with
16 individuals, couples, families or groups and not less than 150 hours of
17 clinical supervision, including not less than 50 hours of person-to-person
18 individual supervision, integrating diagnosis and treatment of substance
19 use disorders with use of the diagnostic and statistical manual of mental
20 disorders of the American psychiatric association; or has completed not
21 less than two years of postgraduate supervised professional experience in
22 accordance with a clinical supervision plan approved by the board of not
23 less than 2,000 hours of supervised professional experience including at
24 least 750 hours of direct client contact conducting substance abuse
25 assessments and treatment with individuals, couples, families or groups
26 and not less than 75 hours of clinical supervision, including not less than
27 25 hours of person-to-person individual supervision, integrating diagnosis
28 and treatment of substance use disorders with use of the diagnostic and
29 statistical manual of mental disorders of the American psychiatric
30 association, and such person has a doctoral degree in addiction counseling
31 or a related field as approved by the board; or

32 (D) (i) has completed a master's degree in a related field from a
33 college or university approved by the board and is licensed by the board as
34 a licensed addiction counselor; and

35 (ii) has completed not less than two years of postgraduate supervised
36 professional experience in accordance with a clinical supervision plan
37 approved by the board of not less than 4,000 hours of supervised
38 professional experience including at least 1,500 hours of direct client
39 contact conducting substance abuse assessments and treatment with
40 individuals, couples, families or groups and not less than 150 hours of
41 clinical supervision, including not less than 50 hours of person-to-person
42 individual supervision, integrating diagnosis and treatment of substance
43 use disorders with use of the diagnostic and statistical manual of mental

1 disorders of the American psychiatric association; or has completed not
2 less than two years of postgraduate supervised professional experience in
3 accordance with a clinical supervision plan approved by the board of not
4 less than 2,000 hours of supervised professional experience including at
5 least 750 hours of direct client contact conducting substance abuse
6 assessments and treatment with individuals, couples, families or groups
7 and not less than 75 hours of clinical supervision, including not less than
8 25 hours of person-to-person individual supervision, integrating diagnosis
9 and treatment of substance use disorders with use of the diagnostic and
10 statistical manual of mental disorders of the American psychiatric
11 association, and such person has a doctoral degree in addiction counseling
12 or a related field as approved by the board; or

13 (E) is currently licensed in Kansas as a licensed psychologist,
14 licensed specialist clinical social worker, licensed clinical professional
15 counselor, licensed clinical psychotherapist or licensed clinical marriage
16 and family therapist and provides to the board an attestation from a
17 professional licensed to diagnose and treat mental disorders, or substance
18 use disorders, or both, in independent practice or licensed to practice
19 medicine and surgery stating that the applicant is competent to diagnose
20 and treat substance use disorders; and

21 (3) has passed an examination approved by the board; and

22 (4) has satisfied the board that the applicant is a person who merits
23 the public trust; and

24 (5) has paid the application fee fixed under K.S.A. 2015 Supp. 65-
25 6618, and amendments thereto.

26 (c) A person who was registered by the behavioral sciences
27 regulatory board as an alcohol and other drug counselor or credentialed by
28 the Kansas department for aging and disability services as an alcohol and
29 drug credentialed counselor or credentialed by the Kansas association of
30 addiction professionals as an alcohol and other drug abuse counselor in
31 Kansas at any time prior to the effective date of this act, who was
32 registered in Kansas as an alcohol and other drug counselor, an alcohol and
33 drug credentialed counselor or a credentialed alcohol and other drug abuse
34 counselor within three years prior to the effective date of this act and
35 whose last registration or credential in Kansas prior to the effective date of
36 this act was not suspended or revoked, upon application to the board,
37 payment of fees and completion of applicable continuing education
38 requirements, shall be licensed as a licensed addiction counselor by
39 providing demonstration acceptable to the board of competence to perform
40 the duties of an addiction counselor.

41 (d) Any person who was registered by the behavioral sciences
42 regulatory board as an alcohol and other drug counselor or credentialed by
43 the department of social and rehabilitation services as an alcohol and drug

1 credentialed counselor or credentialed by the Kansas association of
2 addiction professionals as an alcohol and other drug abuse counselor in
3 Kansas at any time prior to the effective date of this act, and who is also
4 licensed to practice independently as a mental health practitioner or person
5 licensed to practice medicine and surgery, and who was registered or
6 credentialed in Kansas as an alcohol and other drug counselor within three
7 years prior to the effective date of this act and whose last registration or
8 credential in Kansas prior to the effective date of this act was not
9 suspended or revoked, upon application to the board, payment of fees and
10 completion of applicable continuing education requirements, shall be
11 licensed as a licensed clinical addiction counselor and may engage in the
12 independent practice of addiction counseling and is authorized to diagnose
13 and treat substance use disorders specified in the edition of the diagnostic
14 and statistical manual of mental disorders of the American psychiatric
15 association designated by the board by rules and regulations.

16 (e) Any person who was credentialed by the department of social and
17 rehabilitation services as an alcohol and drug counselor and has been
18 actively engaged in the practice, supervision or administration of addiction
19 counseling in Kansas for not less than four years and holds a master's
20 degree in a related field from a college or university approved by the board
21 and whose last registration or credential in Kansas prior to the effective
22 date of this act was not suspended or revoked, upon application to the
23 board, payment of fees and completion of applicable continuing education
24 requirements, shall be licensed as a clinical addiction counselor and may
25 engage in the independent practice of addiction counseling and is
26 authorized to diagnose and treat substance use disorders specified in the
27 edition of the diagnostic and statistical manual of mental disorders of the
28 American psychiatric association designated by the board by rules and
29 regulations.

30 (f) A licensed addiction counselor shall engage in the practice of
31 addiction counseling only in a state licensed or certified alcohol and other
32 drug treatment program, unless otherwise exempt from licensure under
33 ~~subsection (m)~~ of K.S.A. 59-29b46(n), and amendments thereto.

34 Sec. 9. K.S.A. 59-29b54, 59-29b61 and 65-4016 and K.S.A. 2015
35 Supp. 59-29b46, 59-3077, 65-4024a, 65-6608 and 65-6610 are hereby
36 repealed.

37 Sec. 10. This act shall take effect and be in force from and after its
38 publication in the statute book.