

**AN ACT AMENDING SECTIONS 32-3253, 32-3272, 32-3274 AND 32-3321.
APPROVED BY THE GOVERNOR APRIL 29, 2008.
EFFECTIVE DATE OF APRIL 29, 2008.**

32-3253. Powers and duties

A. The board shall:

1. Adopt rules consistent with and necessary or proper to carry out the purposes of this chapter.
2. Administer and enforce this chapter, rules adopted pursuant to this chapter and orders of the board.
3. Issue a license by examination, reciprocity or temporary recognition to, and renew the license of, each person who is qualified to be licensed pursuant to this chapter. The board must issue or deny a license within one hundred eighty days after the applicant submits a completed application.
4. Establish a licensure fee schedule annually, by a formal vote at a regular board meeting.
5. Collect fees and spend monies.
6. Keep a record of all persons licensed pursuant to this chapter, actions taken on all applications for licensure, actions involving renewal, suspension, revocation or denial of a license or probation of licensees and the receipt and disbursement of monies.
7. Adopt an official seal for attestation of licensure and other official papers and documents.
8. Employ temporary or permanent personnel as it deems necessary.
9. Conduct investigations and determine on its own motion if a licensee or an applicant has engaged in unprofessional conduct, is incompetent or is mentally or physically unable to engage in the practice of behavioral health.
10. Conduct disciplinary actions pursuant to this chapter and board rules.
11. Establish and enforce standards or criteria of programs or other mechanisms to ensure the continuing competence of licensees.
12. Establish and enforce compliance with professional standards and rules of conduct for licensees.
13. Engage in a full exchange of information with the licensing and disciplinary boards and professional associations for behavioral health professionals in this state and other jurisdictions.
14. Subject to section 35-149, accept, expend and account for gifts, grants, devises and other contributions, money or property from any public or private source, including the federal government. Monies received under this paragraph shall be deposited, pursuant to sections 35-146 and 35-147, in special funds for the purpose specified, which are exempt from section 35-190 relating to lapsing of appropriations.

B. The board may join professional organizations and associations organized exclusively to promote the improvement of the standards of the practice of behavioral health, protect the health and welfare of the public or assist and facilitate the work of the board.

C. The board may establish a confidential program for the monitoring of licensees who are chemically dependent and who enroll in a rehabilitation program that meets the criteria prescribed by the board. The board may take further action if a licensee refuses to enter into a stipulated agreement or fails to comply with the terms of a stipulated agreement. In order to protect the public health and safety, the confidentiality requirements of this subsection do not apply if a licensee does not comply with the stipulated agreement.

32-3272. Fees

A. For issuance of a license pursuant to this chapter, the board shall establish and charge reasonable fees not to exceed five hundred dollars.

B. For renewal of a license pursuant to this chapter, the board shall establish and charge reasonable fees of:

1. Until June 30, 2011, not to exceed three hundred fifty dollars.

2. Beginning July 1, 2011, not to exceed five hundred dollars. The board shall not increase fees pursuant to this paragraph more than twenty-five dollars each year.

C. The board shall establish fees to produce monies that approximate the cost of maintaining the board and the credentialing committees.

32-3274. Reciprocity

A. The board may issue a reciprocal license to a person in that person's particular behavioral health profession if the person is licensed or certified by another state regulatory agency at an equivalent or higher practice level as determined by the board, pays the fee prescribed by the board and meets all of the following requirements:

1. The person is currently licensed or certified in behavioral health by another state regulatory agency and the license or certification is current and in good standing.

2. The person has been licensed or certified in the discipline applied for and at the same practice level as determined by the board for a minimum of five years.

3. The person was engaged in the practice of behavioral health in the state issuing the license or certification used by the person to qualify for a reciprocal license pursuant to this section for a minimum of six thousand hours during the five years before applying for reciprocal licensure.

4. There were minimum education, work experience and clinical supervision requirements in effect at the time the person was licensed or certified by the other state regulatory agency and the licensing or certifying state agency verifies that the person met those requirements in order to be licensed or certified in the other state.

5. The person passed an examination required for the license sought pursuant to article 5, 6, 7 or 8 of this chapter.

6. The person meets the basic requirements for licensure prescribed by section 32-3275.

7. The person meets any other requirements prescribed by the board.

B. A person issued a license pursuant to this section shall practice behavioral health only under the direct supervision of a licensee.

C. A person issued a reciprocal license pursuant to this section may apply for a regular license if the person meets all of the following requirements:

1. The person has completed a minimum of one thousand six hundred hours of supervised work experience in the practice of behavioral health in this state within at least twelve months after issuance of the reciprocal license.

2. During the supervised work experience period required in paragraph 1 of this subsection, the person receives at least fifty hours of qualifying clinical supervision as determined by the board.

3. The person demonstrates competency to practice behavioral health as determined by the board.

D. The board by rule may prescribe a procedure to issue licenses pursuant to this section.

32-3321. Licensed substance abuse technician; licensed associate substance abuse counselor; licensed independent substance abuse counselor; licensure; qualifications; supervision

A. A person who wishes to be licensed by the board to engage in the practice of substance abuse counseling as a licensed substance abuse technician shall present evidence satisfactory to the board that the person has:

1. Received one of the following:

(a) An associate of applied science degree in chemical dependency with an emphasis on counseling, as determined by the substance abuse credentialing committee, from a regionally accredited college or university.

(b) Beginning January 1, 2009, a bachelor's degree in a behavioral science with an emphasis on counseling, as determined by the substance abuse credentialing committee, from a regionally accredited college or university.

2. Passed an examination approved by the substance abuse credentialing committee.

B. A licensed substance abuse technician shall only practice under direct supervision as prescribed by the board.

C. The board may waive the education requirement for an applicant requesting licensure as a substance abuse technician if the applicant provides services pursuant to contracts or grants with the federal government under the authority of Public Law 93-638 (25 United States Code sections 450 through 450(n)) or Public Law 94-437 (25 United States Code sections 1601 through 1683). A person who becomes licensed as a substance abuse technician pursuant to this subsection shall only provide substance abuse services to those persons who are eligible for services pursuant to Public Law 93-638 (25 United States Code sections 450 through 450(n)) or Public Law 94-437 (25 United States Code section 1601 through 1683).

D. A person who wishes to be licensed by the board to engage in the practice of substance abuse counseling as a licensed associate substance abuse counselor shall present evidence satisfactory to the board that the person has:

1. Received one of the following:

(a) A bachelor's degree in a behavioral science with an emphasis on counseling, as determined by the substance abuse credentialing committee, from a regionally accredited college or university and present evidence satisfactory to that credentialing committee that the applicant has received at least two years of work experience in substance abuse counseling under supervision approved by the substance abuse credentialing committee.

(b) A master's degree or a higher degree in a behavioral science with an emphasis on counseling, as determined by the substance abuse credentialing committee, from a regionally accredited college or university.

2. Passed an examination approved by the substance abuse credentialing committee.

E. A licensed associate substance abuse counselor shall only practice under direct supervision as prescribed by the board.

F. A person who wishes to be licensed by the board to engage in the practice of substance abuse counseling as a licensed independent substance abuse counselor shall:

1. Have received a master's degree or higher degree in a behavioral science with an emphasis on counseling, as determined by the substance abuse credentialing committee, from a regionally accredited college or university.

2. Present evidence satisfactory to the substance abuse credentialing committee that the applicant has received at least two years of work experience in substance abuse counseling under supervision approved by that committee.

3. Pass an examination approved by the substance abuse credentialing committee.