

**DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS**

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**Department of Alcohol and Drug Programs  
Frequently Asked Questions and Answers to  
SB 707 (DeSaulnier)  
(As Amended June 23, 2009)**

- 1) **Question:** "The existing Counselor Certification requirements have only been in effect for a couple of years. Why is this legislation necessary?"

**Answer:** The existing requirements are quite limited and do not adequately address the need for clear, consistent standardization, goals for workforce development and career opportunities, and the lack of adequate client protections. Additionally, there is currently no uniform code of conduct for certified counselors. Under SB 707, ADP will have the authority to establish standardized criteria for education, testing, training, supervision and experience for entry-level through licensed counselors. A tiered system will encourage workforce development and provide opportunity for counselors to seek further alcohol and other drug (AOD) related education for career advancement. A single, unified code of conduct will also be established. SB 707 will also amend the current law to include the requirement of criminal background checks for all registered, certified, or licensed counselors and authorize ADP to create a database to enter and maintain counselor information throughout the registration, certification and licensure process.

- 2) **Question:** "Is there current data that indicates who, how many, and when persons will apply for certification and licensing? Will the legislation produce a bottleneck of applications for ADP to review?"

**Answer:** Currently, there are approximately 21,000 counselors in California's counselor certification system. The bill has been amended to grandparent counselors who were certified prior to the implementation date of this bill. Counselors may submit applications for certification or licensure under the grandparenting provisions during the period of January 1, 2012 to December 31, 2014. ADP is requesting the resources to process applications for certification and licensure.

- 3) **Question:** "Wouldn't the Department of Consumer Affairs Board of Behavioral Sciences be the appropriate administrator for the proposed licensing and certification program since they already handle behavioral health professionals?"

**Answer:** ADP is responsible for licensure and certification of facilities providing alcohol and other drug (AOD) treatment in California. ADP is also responsible for overseeing the qualifications of those individuals working in the licensed and certified facilities; therefore ADP is the appropriate department to oversee the certification and licensure of AOD counselors.

- 4) **Question:** My facility is small, what if I can not afford full time counseling staff or clinical supervisors for part time counselors?"

**Answer:** Individuals recognized by the department as registrants can gain their hours of work experience as volunteers or working part time in a licensed or certified program. Clinical supervisors do not have to be full time and can supervise at more than one location, making it possible to share clinical supervisors between small programs.



- 5) Question:** “Is it true that this bill will allow a state bureaucracy to dictate everything about becoming a certified counselor?”

**Answer:** SB 707, in response to demand for consistency and safety in the certification of alcohol and other drug (AOD) counselors, provides for a single state agency to register, certify and license AOD counselors. Individuals will choose where they get their education and supervised experience. In addition, SB 707 creates an AOD license, providing greater opportunity for career options. This bill provides more options for people choosing a career in AOD treatment. In addition the bill has been amended to require the department to establish an advisory committee to make recommendations to the department concerning curriculum, criminal background checks, unprofessional conduct and other matters as the department may refer to the committee.

## GRANDPARENTING

- 6) Question:** “I have already begun my education and training under the current requirements. Will I have to meet the new requirements for certification?”

**Answer:** People who have received certification from one of the certifying organizations by December 31, 2011 will be grandparented and certified at the appropriate level of certification under the new legislation.

- 7) Question:** “The bill is vague about grandparenting. Will existing counselors be grandparented?”

**Answer:** Yes, we have amended the bill to grandparent counselors who were certified prior to the implementation date of this bill.

- 8) Question:** “This bill has several tiers of counselors. At what level will I be grandparented in?”

**Answer:** The bill has been amended to describe the requirements for grandparenting into each of the tiered levels. An individual may choose to seek any level by providing documentation of education or experience as specified in the bill.

- 9) Question:** “Is it true that the bill creates three tiers of counselors and all but one of them requires a college degree? Will you have to have a four-year college degree to be a supervisor?”

**Answer:** There is no degree requirement to be grandparented at any level of certification under this bill. The newly created alcohol and other drug (AOD) counselor license will require a master’s degree. College degrees will be recognized towards certification if they are specific to AOD or another human service area like social work. AOD specific education, without a degree, will continue to meet the requirement for certification. A college education related to AOD counseling provides both the specific knowledge required for certification along with a broad perspective gained from a liberal arts degree.

- 10) Question:** “If you are already certified by CAS, Breining, CAADAC or another group, is it true that you will be automatically admitted to the lowest certified tier? Is it true that the new requirement of 350 hours of education will double the education costs for new counselors?”

**Answer:** Currently, the state only recognizes one level of certification. This certification alone will qualify all certified counselors to be grandparented as certified counselors in the new system. Counselors may choose to apply their experience and education to obtain newly created, higher-level certification or licensure.

Most of the existing certifying organizations already come close to, or exceed, the 350 hour classroom education requirement. This bill does not legislate tuition. Establishing a minimum educational requirement of 350 hours should not “double” the cost.

## **SUPERVISION**

**11) Question:** “Clinical supervisors will be required to have a bachelor’s degree. I am currently a certified counselor, but do not have a degree. Can I still be a clinical supervisor?”

**Answer:** The bill has been amended to provide an individual with three separate paths for currently certified counselors to be grandparent into the clinical supervisor level of certification: An advanced certification; a Bachelor’s degree; or 10,000 hours of work experience in clinical supervision would qualify an individual to apply for certification as a clinical supervisor under the provisions of the bill.

**12) Question:** “With the new requirements, will there be enough clinical supervisors to meet the demand?”

**Answer:** In an effort to meet the demand for adequate numbers of clinical supervisors, while ensuring the necessary skills, knowledge, and abilities, the bill has been amended to allow an individual one of three separate pathways to become certified as a clinical supervisor.

## **CRIMINAL BACKGROUND CHECKS**

**13) Question:** “Is there any correlation between crimes committed and the quality of counseling or safety of clients?”

**Question:** “I already served time for my crime. Why do you need a criminal background check on me now in order for me to do the job I want to do?”

**Question:** “Many people in recovery have a criminal past. If you require background checks, you will exclude the very people who built this field.”

**Answer:** ADP has an obligation to minimize risk and protect vulnerable people seeking treatment in the state system of licensed and certified programs. In order to balance the important contributions made by people who may have a criminal record with the duty to ensure public health and safety, the language has been amended to identify the criminal history that would put clients at the highest risk for harm. They include: serious violent crimes, sexual offenses and multiple convictions committed over a short period. The bill has been amended to also provide a “wash-out” period, after which, certain criminal history will not automatically exclude an applicant. Individuals required to register as a sex offender pursuant to Section 290 of the Penal Code will not be able to work in this field.

**14) Question:** “How much will the criminal background check cost?”

**Answer:** “Rolling fees” (fingerprinting) vary from location to location and this fee only covers the operator’s cost for rolling the fingerprint images. Additional processing fees are required for the state Department of Justice and Federal Bureau of Investigations (FBI) level criminal history record checks. Other fees may also be required (i.e., license fees). The fee payable to ADP to process the criminal background check will be \$30.00.

**15) Question:** “What crimes would prevent me from working in this field?”

**Answer:** Individuals required to register as a sex offender pursuant to Section 290 of the Penal Code will not be able to work in this field.

## FEES

**16) Question:** “Is it true that to pay for taking over certification, the state will impose "fees" that add \$800 to the cost of becoming certified and force individuals to submit their fingerprints for a state and federal (FBI) criminal background check.

**Answer:** This is simply false. SB 707 does provide for fees to support the registration, certification and licensure of alcohol and other drug (AOD) counselors. The true costs are:

- Grandparented counselors applying for certification/licensure:

\$155 certification/licensure issuance fee to the state  
+ \$ 30 criminal records review fee to the state  
\$185 Total fees to the state

- Individuals not certified prior to January 1, 2012:

\$ 75 registration fee to the state  
\$155 certification/licensure issuance fee to the state  
+ \$ 30 criminal records review fee to the state  
\$260 Total fees to the state

- Biennial certification/licensure renewal  
\$155 fee every two years to the state

It is important to ensure the health and safety of people seeking AOD treatment. SB 707 does require criminal background checks. The state has a duty to minimize risk and protect vulnerable people seeking treatment. Only sexual crimes will prevent someone from being a counselor. Certain serious violent crimes and repeated criminal convictions will have a “wash-out” period during which an individual can complete their education, but cannot counsel clients or obtain certification. Following completion of the wash-out period, if there are no new offenses, individuals will be eligible for certification.

**17) Question:** “Is it true that the Department of Alcohol and Drug Programs (ADP) says they know this new system will be expensive and that they intend to eliminate beds and programs to pay for it?”

**Answer:** ADP provides funding for tens of thousands of people each year. There is nothing in this bill that changes funding for alcohol and other drug (AOD) treatment in California.

## EDUCATION/EXAM

**18) Question:** “Is there data showing that California’s standards are so low that other states do not recognize certified counselors certified in California (reciprocity)?”

**Answer:** ADP has received responses from twenty-nine states regarding reciprocity with California. Of the twenty-nine respondents: six states have no reciprocity with California; fourteen states have reciprocity only if the certified counselor has passed the IC&RC exam; and seven states have conditional review. Only two states have direct reciprocity with California.

**19) Question:** “Is it true that this bill will order you to get your education wherever the state sees fit, taking away your choice of education providers?”

**Answer:** SB 707 does not specify where a counselor receives his or her education. It is important that people know the schools they attend have met an independent standard for curriculum content. The bill does require that education providers be accredited. ADP is working to expand alcohol and other drug (AOD) education to more community colleges and universities throughout the state. This legislation provides increased educational choices.

**20) Question:** “We, and other certifying organizations, spent a lot of time and money developing our tests. The bill only recognizes one particular test for certification.”

**Answer:** The bill does not recognize any specific test. The bill has been amended to recognize a test for each level of certification or licensure that meets a set of criteria including:

- National recognition,
- Validation that it covers the required curriculum and
- Administration at a frequency and under conditions providing reasonable access and security.

## PROFESSIONALISM

**21) Question:** “Is it true that the purpose of this bill is to ‘professionalize’ counselors? Doesn’t the state appreciate the high quality treatment and ethics alcohol and other drug (AOD) counselors put on display thousands of times every day?”

**Answer:** ADP respects AOD counselors and the quality treatment services they provide on a daily basis throughout California. SB 707 recognizes counselors already in the field by grandparenting them into the new system. The Bill also establishes a licensure level creating a new career opportunity for independent practice.

In the current system, there is no single code of conduct, nor universal ethical standards for AOD counselors. This bill establishes a single code of conduct for all counselors, with sanctions for those who harm clients or put them at risk.