
THIRD READING

Bill No: AB 2473
Author: Nazarian (D), et al.
Amended: 8/16/22 in Senate
Vote: 21

SENATE HEALTH COMMITTEE: 10-0, 6/29/22
AYES: Pan, Melendez, Eggman, Grove, Hurtado, Leyva, Limón, Roth, Rubio,
Wiener
NO VOTE RECORDED: Gonzalez

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 74-0, 5/23/22 - See last page for vote

SUBJECT: Substance use disorder: counselors

SOURCE: Los Angeles County Board of Supervisors

DIGEST: This bill requires the Department of Health Care Services to determine required core competencies for specified registered and certified substance use disorder counselors. This bill requires specified counselors to have six months from the time of registration to complete the core competency requirements and to provide proof of completion, as specified.

Senate Floor Amendments of 8/16/22 add chaptering out language for AB 1860 (Ward, 2022).

ANALYSIS:

Existing law:

- 1) Grants the Department of Health Care Services (DHCS) sole authority in state government to determine the qualifications, including the appropriate skills, education, training, and experience, of personnel working within alcoholism or

drug abuse recovery and treatment programs under DHCS's purview, as specified, and to approve certifying organizations (COs) that register and certify counselors. [HSC §11833]

- 2) Requires DHCS to require that an individual providing counseling services, except for certain licensed professionals, who is working within a specified program be registered with or certified by a DHCS-approved CO. [HSC §11833]
- 3) Prohibits DHCS from approving a CO that does not, prior to registering or certifying an individual, contact other DHCS-approved COs to determine whether the individual has ever had their registration or certification revoked. Requires a CO to deny the request for registration and to send the counselor a written notice of denial if a counselor's registration or certification has been previously revoked. [HSC §11833]

This bill:

- 1) Requires DHCS to determine requires core competencies for registered and certified substance use disorder (SUD) counselors. Requires DHCS to consult with affected stakeholders in developing the requirements.
- 2) Requires core competency requirements to include all of the following elements:
 - a) Knowledge of the current Diagnostic and Statistical Manual of Mental Disorders;
 - b) Knowledge of the American Society of Addiction Medicine (ASAM) criteria and continuum of ASAM levels of care, or other similar criteria and standards as approved by DHCS;
 - c) Cultural competence, including for people with disabilities, and its implication for treatment;
 - d) Case management;
 - e) Utilization of electronic health records systems;
 - f) Knowledge of medications for addiction treatment;
 - g) Clinical documentation;
 - h) Knowledge of cooccurring substance use and mental health conditions;
 - i) Confidentiality;
 - j) Knowledge of relevant law and ethics;
 - k) Understanding and practicing professional boundaries; and,
 - l) Delivery of services in the behavioral health delivery system.

- 3) Requires core competency requirements to align with national certification domains and competency exams. Requires hours completed for the core competency requirements to count toward the education requirements for SUD certification. Prohibits hour requirements for registered counselors from being lower than the hour requirements approved by DHCS for certified peer support specialists (PSS).
- 4) Requires counselors to have six months from the time of registration to complete the core competency requirements and to provide their respective CO proof of completion of the required hours within that timeframe.
- 5) Prohibits DHCS from implementing the core competency requirements, and from specifying and implementing the hour requirements, before July 1, 2025.
- 6) Exempts counselors “in good standing,” as defined, that registered with a DHCS-approved CO prior to July 1, 2025, from meeting the hour requirements in this bill. Exempts counselors in good standing that are registered with a DHCS-approved CO and who have a master’s degree in psychology, social work, marriage and family therapy, or counseling from meeting the core competency requirements in this bill. Defines “in good standing” as those registrants with an active CO registration status.

Comments

- 1) *Author’s statement.* According to the author, SUD counselors have an incredibly challenging job, particularly given the opioid epidemic and the COVID-19 pandemic. More people now than ever are falling victim to substance abuse and the SUD counselor’s already difficult job has become even more challenging. The current statewide minimum standard for providing SUD treatment services within the specialized SUD field as a counselor is only nine hours with a limited curriculum. Still, once registered, the counselor is expected to provide the full scope of Medi-Cal-reimbursable SUD treatment services, such as intakes, individual and group counseling, and support during and after treatment. This minimum standard is inadequate to effectively prepare individuals to enter a public behavioral health system and work with a diverse, high-need population, frequently with complex behavioral health conditions and life experiences.
- 2) *SUD counselor certification.* To meet current counselor requirements, individuals must be registered with or certified by a DHCS-approved CO, of which there are currently three. Counselor certification is based upon the Addiction Counseling Competencies: The Knowledge, Skills, and Attitudes of

Professional Practice, published by the federal Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment. In order for a CO to issue certification, individuals must meet requirements established in regulations, which include completion of at least 155 hours of formal classroom education, as defined; have documented completion of at least 160 hours of supervised alcohol or other drug program counseling and 2,080 or more hours of work experience; and received a score of at least 70% on an approved exam. Certification is valid for two years and a counselor is required to complete 40 hours of continuing education every two years for renewal. Regulations allow for individuals who are registered with a CO to provide counseling services while working toward completion of certification requirements. Regulations also exempt licensed professionals (such as physicians licensed by the Medical Board of California, psychologists licensed by the Board of Psychology, those licensed by or registered as an intern with the California Board of Behavioral Sciences or the California Board of Psychology) from certification for providing SUD counseling services at facilities and programs under DHCS's purview.

- 3) *PSS*. SB 803 (Beall, Chapter 150, Statutes of 2020) required DHCS (by July 1, 2022 and subject to any necessary federal waivers or approvals) to establish statewide PSS requirements for counties or their representatives to use in developing certification programs. SB 803 also authorized a county, or an agency that represents a county, to develop a PSS certification program and certification fee schedule, both of which are subject to DHCS approval. PSS are individuals who self-identify as having lived experience with the process of recovery from mental illness, SUD, or both, and who understand and model the process of recovery and healing while offering moral support and encouragement to people who need it. Moral support and encouragement have proven to result in greater compliance with treatment services, better health function, lower usage of emergency departments, fewer medications and prescriptions, and a higher sense of purpose and connectedness on the part of the consumer. PSS are neither certified or registered SUD counselors nor licensed professionals exempt from SUD counseling requirements.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: No

SUPPORT: (Verified 8/17/22)

Los Angeles County Board of Supervisors (source)
Alcohol Justice
Alcoholism Center for Women

Asian American Drug Abuse Program
Behavioral Health Services, Inc.
California Association of Alcohol and Drug Program Executives
California Council of Community Behavioral Health Agencies
California Institute for Behavioral Health Solutions
County Behavioral Health Directors Association
CRI-Help, Inc.
HealthRIGHT 360
Helpline Youth Counseling, Inc.
House of Hope Foundation, Inc.
JWCH Institute, Inc.
Los Angeles Centers for Alcohol and Drug Abuse
Los Angeles County
Nevada County Behavioral Health Department
New Hope Drug and Alcohol Treatment Program, Inc.
Phoenix Houses of California, Inc.
Tarzana Treatment Centers
The Wall Las Memorias

OPPOSITION: (Verified 8/17/22)

Associated Rehabilitation Program for Women
California Association of Drinking Driver Treatment Programs
California Association of DUI Treatment Programs
California Consortium of Addiction Programs and Professionals
Casa Palmera
Community Social Model Advocates, Inc.
Covenant Hills Treatment Center
Fred Brown Recovery Services
La Ventana
Little House Recovery Home
Opus Health, LLC
San Diego Freedom Ranch

ARGUMENTS IN SUPPORT: The Los Angeles County Board of Supervisors, sponsor of this bill, and other supporters argue that the current statewide minimum standard for providing SUD treatment services within the specialized SUD field as a counselor is inadequate to effectively prepare an individual to enter a public behavioral health system and work with a diverse, high-need population frequently with complex behavioral health conditions and life experiences. Originally intended to be a temporary measure when the state was negotiating the

requirements around becoming a registered SUD counselor, the current standard is insufficient and outdated. SUDs are complex, life-threatening chronic health conditions that require appropriately trained professionals who have specialized knowledge of addiction and other critical skills necessary for today's health care field. Supporters further state that since implementing the DMC-ODS in 2017, the public SUD treatment landscape has fundamentally shifted, and SUD counselors are expected to provide high caliber, medically necessary treatment services. The COVID-19 pandemic and its many impacts have contributed to increases in SUD and overdose cases across the country. The Centers for Disease Control and Prevention (CDC) reported that over 100,000 people died from drug overdoses nationally between May 2020 and April 2021, a 29% increase from the previous year. California experienced a 44% increase in overdose deaths in April 2021 compared to April 2020. Similarly, Los Angeles County has seen staggering increases in overdose deaths since March 2020. Raising the minimum training standards for those joining the SUD workforce during this critical time is crucial to effectively address the growing burden of our drug overdose crisis. Establishing higher minimum training requirements, especially for registered SUD counselors, would support the specialty SUD treatment system, the California Advancing and Innovating Medi-Cal initiative, and the Medi-Cal program overall with an enhanced, qualified, and well-trained workforce. The County Behavioral Health Directors Association states that county behavioral health agencies rely on SUD counselors to provide critical SUD services to low-income Californians and make up approximately 70% of the county SUD workforce. The California Association of Alcohol and Drug Program Executives states that the grandfathering provisions for the existing workforce and six-month window to acquire the education and training creates a measured workforce bill that will increase the competencies of the workforce while not negatively impacting the overall supply of the SUD workforce.

ARGUMENTS IN OPPOSITION: The Associated Rehabilitation Program for Women (ARPW) states that this bill would have a dramatic effect on the program's ability to retain counseling staff at the program, as many positions remain vacant for up to 12 months and adding limitations on staff would affect their ability to provide services to those with SUDs. ARPW also states that this bill removes DHCS's ability to determine counselor qualification by allowing COs to grant individuals hardship extensions during the process of becoming certified.

ASSEMBLY FLOOR: 74-0, 5/23/22

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Bigelow, Bloom, Boerner Horvath, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Mike Fong, Fong,

Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO VOTE RECORDED: Berman, Mia Bonta, O'Donnell, Blanca Rubio

Prepared by: Reyes Diaz / HEALTH / (916) 651-4111
8/17/22 15:46:31

**** **END** ****