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Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part LXXX. Substance Abuse Counselors

Chapter 1. General Provisions

§101. Scope

A. The rules of this Part are relative to and govern the issuing of practice credentials and certifications to addictive disorders counselors and prevention professionals by the Louisiana Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, and all related matters.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:646 (March 2005).

§103. Source and Authority

A. These rules are promulgated by the Louisiana Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority to provide for and implement its authority and responsibility pursuant to the Addictive Disorders Practice Act (the Act), R.S. 37:3386-3390.6, Acts 2004, No. 803, §3.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:646 (March 2005).

§105. Definitions

A. As used in these rules, the following terms shall have the meanings specified.

Act The Addictive Disorders Practice Act (the act), R.S.37:3386-3390.6, Acts 2004, No. 803, §3, sometimes referred to as "the Act".

Addictive Disorder Counselor Any person who, by means of his specific knowledge acquired through formal education and practical experience, is qualified to provide addictive disorder counseling services which utilize the basic core functions/knowledge, skills, and attitudes specific to addictive disorder counseling and is recognized as such by the ADRA as a Licensed, Certified, and/or Registered Addiction Counselor. The ADRA shall consider any person providing such services as purporting to be an addictive disorder counselor.

Addictive Disorder Regulatory Authority (ADRA) The office within the Louisiana Department of Health and Hospitals, Office for Addictive Disorders designated to provide for and implement the authority allowed or required by the Act.

Approved Clinical Training Program (ACTP) Any clinical setting involving addictive disorder treatment, addictive disorder counseling services or prevention intervention services which has applied for, received, and maintained approval by the ADRA. The ADRA shall provide for institutions to register as being ADRA approved for clinical training in addictive disorder treatment, counseling and prevention, as well as in any other certifications or creditable offered or recognized by the ADRA.

Approved Educational Program (AEP) Any course, workshop, seminar, conference or other educational program presented by an organization which has applied for, received, and maintained approval by the ADRA. The ADRA shall provide for organizations to register as being ADRA approved as an education provider in the field of addictive disorder counseling and prevention.

Approved Institution of Higher Education (AIHE) Any university or college accredited by a recognized regional accrediting body which has applied for, received, and maintained approval of the ADRA. The ADRA shall provide for institutions of higher education to register as being ADRA approved for higher education in addictive disorder counseling and prevention.

Core Functions The screening, intake, orientation, assessment, treatment planning, counseling, case management, crisis intervention, client education, referral, reports and record keeping activities associated with counseling and consultation with credentialed professionals.

Certified Clinical Supervisor (CCS) Any person holding the necessary credentials of licensed, certified or registered addiction counselor or other qualified mental health professional who has satisfied the requirements established by the ADRA to provide clinical supervision.

Clinical Supervision The interpersonal tutorial relationship between a clinical supervisor and a licensed, certified, registered, or counselor-in-training addiction professional or prevention professional or prevention specialist in training centered on the goals of skill development and professional growth through learning and utilization of best practices.

Counselor-In-Training (CIT) or Prevention Specialist-In-Training (PSIT) A status held by any person who has not yet met the qualifications to become credentialed in a particular field but who has made application in the manner prescribed in the act and these rules and is registered as such by the ADRA.

Direct Supervision Responsible, continuous, on-the-premises observation, by a certified clinical supervisor or qualified professional supervisor approved by the ADRA, whereby the supervisor is personally present in the servicing

facility and immediately available to the service area. Direct supervision may include treatment team or staffing meetings, observation in group, individual, family, education or other, private conversations (one to one) discussing cases, core functions, KSA's or reviews of charts or medical records. The professional providing direct supervision shall be ultimately responsible for the acts or omissions of the counselor in training or prevention specialist is training he is supervising. Where off-the-premises experience is arranged for the candidate being supervised, the supervision plan shall so indicate and shall designate an appropriate professional at the off premises site to act in a supervisory capacity.

IC and RC The International Certification and Reciprocity Consortium. Sometimes referred to as "ICRC".

Knowledge, Skills, and Attitudes (KSA) The knowledge, skills, and attitudes designated by the ADRA as being necessary in providing effective addiction counseling and prevention services.

Performance Domains For prevention specialists are:

- a. education and skill development;
- b. community organization;
- c. public and organization policy;
- d. planning and evaluation; and
- e. professional growth and responsibility.

Prevention Services At a minimum, can be understood to incorporate a process that utilizes multiple strategies designed not only to delay or prevent the onset of the use of alcohol, tobacco and other drugs, but also to delay or prevent the involvement in other high risk behaviors. Prevention principles and strategies foster the development of social, emotional and physical environments that facilitate healthy, drug-free lifestyles by focusing on individuals, peers, schools, families and communities. Prevention strategies target universal, selective and indicated populations.

Qualified Professional Supervisor (QPS) An addictive disorder counselor or prevention professional, recognized as such by the ADRA, and who has worked in a licensed or ADRA approved addictive disorder treatment or prevention program for a minimum of two years post certification; or a qualified mental health professional, or any other professional recognized as a trainer by the ADRA upon presentation of verification and documentation of expertise.

Substance Abuse The repeated pathological use of drugs, including alcohol, which causes physical, psychological, economic, legal, or social harm to the individual user or to others affected by the user's behavior.

B. All terms used in these rules which are defined by the act, R.S. 37:3386.1, shall have the same meanings in these rules as defined by the Act.

C. Masculine terms whosoever used in these rules shall also be deemed to include the feminine.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:646 (March 2005).

§107. Severability

A. If any provision of these rules, or the application or enforcement thereof, is held invalid, such invalidity shall not affect other provisions or applications of these rules which can be given effect without the invalid provisions or applications, and to this end the several provisions of these Rules are hereby declared severable.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:647 (March 2005).

Chapter 3. Practice

§301. Scope of Practice

A. The practice of addictive disorder counseling within the meaning and intent of these rules and regulations shall consist of the rendering of professional guidance to individuals suffering from addictive disorders to assist them in gaining an understanding of the nature of their disorder and developing and maintaining a responsible life style. The scope of practice shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the core functions and KSA's of addictive disorder counseling.

B. The practice of prevention within the meaning and intent of these rules and regulations shall consist of the rendering of prevention services. The scope of the practice shall include collaboration with qualified professionals and utilization of the performance domains of prevention to increase the awareness of high risk behaviors and the perception that high risk behaviors are, or potentially can be, harmful. In addition to any other positive outcomes that may be sought, the practice of prevention seeks to:

1. reduce the availability of alcohol, tobacco and other substances to youth; achieve long term reductions in underage drinking and the use of tobacco and other drugs;
2. reduce the underage access to and use of alcohol;
3. impact other prioritized substance use and related behaviors including increased or retained employment or return to and stay in school;
4. decrease criminal justice involvement;
5. increase stability in family and living conditions;
6. increase access to services (including treatment services);
7. increase social supports and increase social connectedness.

C. Nothing in these rules and regulations shall be construed to authorize an addictive disorder counselor, compulsive gambling counselor, or prevention specialist to practice medicine, social work, or psychology, or to provide

any counseling other than addictive disorders counseling or prevention services. An addictive disorder counselor, compulsive gambling counselor, or prevention specialist shall not order, administer, or interpret psychological tests or utilize psychometric procedures.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:647 (March 2005).

§303. Minimum Standards of Practice

A. The minimum standard of practice for Addiction Counselors and Prevention Professionals will be met if:

1. the individual has a valid and current credential issued or recognized by, and is in good standing with, the ADRA;

2. the individual adheres to the code of ethics as set forth in these rules; and

3. the individual practices within the scope of practice defined in the act and in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:648 (March 2005).

Chapter 5. ADRA Documents and Payment of Costs

§501. Fees (Reserved)

§503. ADRA Documents

A. Official Records

1. Office records of the ADRA shall be maintained at the office of the ADRA or other depository authorized by the ADRA.

2. All official records of the ADRA excluding materials containing information considered confidential, shall be open for inspection during regular office hours.

3. Any person desiring to examine official records shall be required to properly identify himself and sign statements listing the records questioned and examined. Records which are stored in historical files or which have been authorized for off-site storage may require the payment of costs for research and location.

4. Official records shall not be taken from the ADRA's office without the express authorization of the Director of the ADRA. Persons may obtain copies of records upon written request and by paying a fee prescribed by the Division of Administration.

B. Certificate

1. The ADRA shall prepare and provide to each credentialed professional a certificate which lists the individual's name, the credential issued, date of initial certification, and certification number.

2. Original certificates shall not be issued until the application has been evaluated and approved by official action of the ADRA. The ADRA may set the effective date and expiration date of the certificate at the time of approval.

3. Replacement certificates, including credentials re-designated pursuant to the authority of R.S. 37:3388.3, shall be issued when the required request has been received and the cost of issuing the replacement certificate paid. Replacement certificates, other than those issued pursuant to R.S. 37:3388.3, shall contain the same information as the original certificate. Credentials re-designated pursuant to R.S. 37:3388.3, may be issued with or without a request from the holder of the credential.

4. Official certificates shall be signed by the director and be affixed with the official seal of the State of Louisiana.

5. Currency of the certificate shall be documented by a wallet card issued by the ADRA with the date of certification or renewal and the date of expiration.

C. Roster and Mailing Lists

1. Each year the ADRA shall make available a roster of all ADRA persons holding a credential issued or recognized by the ADRA. The ADRA may also make any such roster available on any web-site maintained by the ADRA.

2. The roster shall include the name, professional address, professional telephone number and credential(s) of each individual, and such other information as the individual may permit. It is the counselor's or specialist's responsibility to keep the ADRA informed of changes of address or other information.

3. The ADRA shall make copies of the roster available to counselors, specialists, interested agencies, and the general public upon request and upon payment of the cost incurred by the ADRA for providing the copy.

4. Rosters and mailing lists are the property of the ADRA and shall not be distributed nor used by any party other than that which initially obtained a copy.

D. Notice and Receipt

1. Any and all communications, including but not limited to notices, are official when signed by the Director of the ADRA, or other authorized person, and mailed to the address of record. It is the responsibility of the individual to insure that the mailing address maintained by the ADRA is current and to advise the ADRA immediately of any change in the individual's mailing address.

2. The receipt of applications, forms, notices, and other communications by the ADRA shall be determined by the postmark date or the date actually received in the office of the ADRA, whichever is earlier.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:648 (March 2005).

§505. Advice and Consultation

A. The ADRA shall seek the advice of the Louisiana Commission on Addictive Disorders. The ADRA shall also consult with the commission on matters pertaining to requirements and standards for issuing and recognizing credentials.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:648 (March 2005).

Chapter 7. Credentials for License/Certification/Registration

§701. Licensed Addiction Counselor (LAC)

A. The ADRA shall recognize as a LAC each candidate who make application on the forms required by the ADRA and who:

1. possesses a master's degree from an accredited institution of higher education. The degree shall be in human service or a behavioral science discipline or such other discipline(s) as the department may deem appropriate. The applicant shall provide the ADRA with an official (certified) copy of any an all academic transcripts. Any person seeking to be recognized as an LAC who possesses a master's degree in a discipline other than human services or behavioral science may apply to the ADRA for a waiver. In considering the application for wavier the ADRA shall consult with representatives of a national credentialing organization for purposes of insuring compliance with national standards and/or institutions of higher education for advice and guidance and/or the Louisiana Commission on Addictive Disorders and may grant or deny the wavier. The ADRA may grant the waiver on such terms and conditions as are deemed appropriate and in the best interest of the public;

2. is at least 21 years of age (date the application is received);

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of their criminal history;

7. signs the ADRA form of professional and ethical accountability and responsibility;

8. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education has successfully completed a minimum of 270 clock hours of education with a minimum of 180 hours specific to substance abuse and up to 90 hours in related courses or areas of study. Education is defined as formal, structured instruction in the form of work shops, seminars, institutes, in-services, college/university credit courses and distance education. Of the substance abuse specific hours required by this provision, at least 6 hours must be in professional ethics. The professional ethics hours may not be obtained through "in service" training;

b. supervised practical training has successfully completed a minimum 300 performance hours in the KSA's/12 core functions (with a minimum of 10 hours in each core function or KSA equivalent). The candidate shall document and verify the performance hours on a form required by the ADRA. Training is defined as a formal systematic process that focuses on skill development and integration of knowledge. The training must take place in a setting where addictive disorder counseling is provided. The training may occur as part of eligible work experience (see Subparagraph c below) and may be completed under more than one supervisor or agency. All training hours must be documented and verified;

c. experience documents and verifies evidence of having successfully completed 2,000 hours (one year) of supervised work experience providing addictive disorder counseling services. Supervised work experience must be paid or voluntary experience as a counselor who provides direct counseling services to individuals diagnosed as having one or more addictive disorders, at least one of which is alcohol or substance abuse related. Supervised work experience must be in the KSA's and 12 core functions with substance abuse clients. Unsupervised work experience will not be considered. The supervision required herein must be provided by a certified clinical supervisor with a minimum of one contact hour per week. In the event a certified clinical supervisor is unavailable, the individual may apply to the ADRA for a waiver;

9. demonstrates professional competency in addictive disorder counseling by satisfying written and oral examination requirements established by the ADRA and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

10. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

11. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be a able to demonstrate professional competency in addictive disorder counseling;

12. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

13. the scope of practice, for the LAC, shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the core functions and KSA's of addictive disorder counseling. The LAC shall have an independent scope of practice.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:649 (March 2005).

§703. Certified Addiction Counselor (CAC)

A. The ADRA shall recognize as a CAC each candidate who:

1. possesses a bachelor's degree from an accredited institution of higher education. The degree shall be in human service or a behavioral science discipline or such other discipline(s) as the department may deem appropriate. The applicant shall provide the ADRA with an official (certified) copy of any and all academic transcripts. Any person seeking to be recognized as a CAC who possesses a bachelor's degree in a discipline other than human services or behavioral science may apply to the ADRA for a waiver. In considering the application for waiver, the ADRA may consult with representatives of national credentialing organizations and/or institutions of higher education for advice and guidance and may grant or deny the waiver. The ADRA may grant the waiver on such terms and conditions as are deemed appropriate and in the best interest of the public;

2. is at least 21 years of age (from the date the application is received);

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of his criminal history;

7. sign the ADRA form of professional and ethical accountability and responsibility;

8. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education has successfully completed a minimum of 270 clock hours of education with a minimum of 180 hours specific to substance abuse and up to 90 hours in related courses or areas of study. Education is defined as formal, structured instruction in the form of work shops, seminars, institutes, in-services, college/university credit

courses and distance education. Of the substance abuse specific hours required by this provision, at least 6 hours must be in professional ethics. The professional ethics hours may not be obtained through "in service" training;

b. supervised practical training has successfully completed a minimum 300 performance hours in the KSA's/12 core functions (with a minimum of 20 hours in each core function or KSA equivalent). The candidate shall document and verify the performance hours on a form required by the ADRA. Training is defined as a formal systematic process that focuses on skill development and integration of knowledge. The training must take place in a setting where addictive disorder counseling is provided. The training may occur as part of eligible work experience (see Subparagraph c below) and may be completed under more than one supervisor or agency. All training hours must be documented and verified;

c. experience documents and verifies evidence of having successfully completed 4,000 hours (two years) of supervised work experience providing addictive disorder counseling services. Supervised work experience must be paid or voluntary experience as a counselor who provides direct counseling services to individuals diagnosed as having one or more addictive disorders, at least one of which is alcohol or substance abuse related. Supervised work experience must be in the KSA's and 12 core functions with substance abuse clients. Unsupervised work experience will not be considered. The supervision required herein must be provided by a certified clinical supervisor with a minimum of one contact hour per week. In the event a certified clinical supervisor is unavailable, the individual may apply to the ADRA for a waiver;

9. demonstrates professional competency in addictive disorder counseling by satisfying written and oral examination requirements established by the ADRA and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

10. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

11. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

12. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

13. the scope of practice for the CAC, shall include making appropriate referrals to qualified professionals, providing counseling to members when appropriate, and utilizing the 12 core functions and KSA's of addictive disorder counseling. Unless allowed an independent scope of practice under the Practice Act, and recognized by the

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ADRA, the CAC shall maintain a consulting relationship with an LAC. The ADRA shall provide a letter to CAC's authorized to practice independently, recognizing their exemption from the requirement of consulting with an LAC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:649 (March 2005).

§705. Registered Addiction Counselor (RAC)

A. The ADRA shall recognize as a RAC each candidate who:

1. is at least 21 years of age (from the date the application is received);

2. is a legal resident of the United States;

3. is not in violation of any ethical standards subscribed to by the ADRA;

4. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

5. has not been convicted of, pleaded guilty to, or entered a plea of nolo contendere to, a felony. The ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of his criminal history;

6. signs the ADRA form of professional and ethical accountability and responsibility;

7. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education. Has successfully completed a minimum of 270 clock hours of education with a minimum of 180 hours specific to substance abuse and up to 90 hours in related courses or areas of study. Education is defined as formal, structured instruction in the form of work shops, seminars, institutes, in-services, college/university credit courses and distance education. Of the substance specific hours required by this provision, at least 6 hours must be in professional ethics. The professional ethics hours may not be obtained through "in service" training;

b. supervised practical training. Has successfully completed a minimum 300 performance hours in the KSA's/12 core functions (with a minimum of 10 hours in each core function). Training is defined as a formal systematic process that focuses on skill development and integration of knowledge. The training must take place in a setting where addictive disorder counseling is provided. The training may occur as part of eligible work experience (see Subparagraph c below) and may be competed under more than one supervisor or agency. All training hours must be documented and verified;

c. experience. Documents and verifies evidence of having successfully completed 6,000 hours (3 years) of supervised work experience providing addictive disorder counseling services. Supervised work experience must be

paid or voluntary experience as a counselor who provides direct counseling services to individuals diagnosed as having one or more addictive disorders, at least one of which is alcohol or substance abuse related. Supervised work experience must be in the KSA's and 12 core functions with substance abuse clients. Unsupervised work experience will not be considered. The supervision required herein must be provided by a certified clinical supervisor with a minimum of one contact hour per week. In the event a certified clinical supervisor is unavailable, the individual may apply to the ADRA for a waiver. An Associate Degree from an accredited institution of higher education in a human services or behavioral science discipline or such other discipline (s) as the department may deem appropriate, may be substituted for 1,000 hours of the 6,000 hours of experience required herein;

8. demonstrates professional competency in addictive disorder counseling by satisfying written and oral examination requirements and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

9. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

10. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

11. provides three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

12. the scope of practice for the RAC, shall include making appropriate referrals to qualified professionals, providing counseling to family members when appropriate, and utilizing the 12 core functions and KSA's of addictive disorder counseling. The RAC is not permitted an independent scope of practice. The RAC shall maintain a consulting relationship with an LAC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:650 (March 2005).

§707. Counselor in Training (CIT)

A. The ADRA shall recognize as a CIT each candidate who:

1. documents that they are actively pursuing a career tract to be a licensed, certified, or registered addiction counselor;

2. is at least 18 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received, unless the individual has applied for and been granted a waiver by the ADRA;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of his criminal history;

7. signs the ADRA form of professional and ethical accountability and responsibility;

8. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

9. it is the candidate's responsibility to assure himself that his clinical experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in addictive disorder counseling;

10. the CIT status is granted for a 12 month period. During the 12 month period the CIT shall comply with the ADRA guidelines for CIT status and, if required, sign an agreement acknowledging and consenting to the provisions of the guidelines;

11. CIT shall be allowed to maintain the CIT status for an aggregate period not to exceed 72 months;

12. provide three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

13. the ADRA shall develop CIT Supervision guidelines and shall post the guidelines on the web site maintained by the ADRA. The guidelines shall be considered the minimum standards applicable to all CIT's and CIT supervisors. It shall be the obligation of all CIT's and CIT supervisors to regularly consult the website and review the guidelines to insure familiarity and compliance with the minimum standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. . 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:651 (March 2005).

§709. Addiction Treatment Assistant (ATA)

A. The ADRA shall recognize as an ATA each candidate who:

1. is at least 16 years of age;
2. is a legal resident of the United States;
3. is not in violation of any ethical standards subscribed to by the ADRA;

4. is not now, and has not been, a substance abuser or compulsive gambler for a period of six months from the date the application is received;

5. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The ADRA may waive this requirement for good cause upon request of the applicant. The applicant shall provide the ADRA with a certified copy of his criminal history;

6. documents the completion of 6 hours of ADRA approved professional ethics training(s) for ATA's and signs the ADRA form of professional and ethical accountability and responsibility;

7. documents the completion of an approved training on confidentiality and documents the completion of an ADRA approved training in First Aid and CPR;

8. provides three letters of recommendation attesting to the individual's fitness to be an addictive disorder counselor;

9. scope of practice of an ATA shall be to serve in a supportive role within the therapeutic environment under the direct supervision of a licensed, certified, and/or registered addiction counselor.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:651 (March 2005).

§711. Certified Clinical Supervisor (CCS)

A. The ADRA shall recognize as a CCS each candidate who:

1. possesses a valid and current credential as a Licensed, Certified, or Registered Addiction Counselor and/or Qualified Mental Health Professional;

2. is at least 21 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA and does not have any pending disciplinary proceedings;

5. is not a defendant in any pending felony criminal proceedings;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The ADRA may waive this requirement for good cause upon request of the applicant;

7. the applicant shall provide the ADRA with a certified copy of his criminal history;

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. documents having satisfied the ADRA requirements for certification in Clinical Supervision. The requirements shall be posted on the website maintained by the ADRA;

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10. provides three letters of recommendation;

11. scope of practice:

a. the LAC or QMHP can provide clinical supervision for LAC, CAC, RAC, CIT, or ATA;

b. the CAC can provide clinical supervision for: CAC, RAC, CIT, or ATA;

c. the RAC can provide clinical supervision for: RAC, CIT, ATA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:652 (March 2005).

§713. Certified Compulsive Gambling Counselor (CCGC)

A. The ADRA shall recognize as a CCGC each candidate who:

1. possesses a valid and current credential as a Licensed, Certified, or Registered Addiction Counselor and/or Qualified Mental Health Professional;

2. is at least 21 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA and does not have any pending disciplinary actions;

5. is not a defendant in any pending felony criminal proceedings;

6. has not been convicted of, pleaded guilty to, or entered a plea of nolo contendere to, a felony;

7. the applicant shall provide the ADRA with a certified copy of his criminal history;

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. provides evidence of having satisfied the following requirements:

a. has successfully completed a minimum of 60 clock hours of education approved by the ADRA specific to addiction, at least six of which must be in professional ethics;

b. a minimum of 30 clock hours of education approved by the ADRA specific to gambling addiction;

c. demonstrates professional competency in compulsive gambling counseling by passing a written examination prescribed by the ADRA;

10. provides three letters of recommendation;

11. the Scope of Practice for the CCGC shall be consistent with and shall not exceed the scope of practice allowed for the practice credential of the holder.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:652 (March 2005).

§715. Certified Prevention Specialist (CPS)

A. The ADRA shall recognize as a CPS each candidate who:

1. provides evidence of having satisfied the following requirements in education, supervised practical training and experience:

a. education possesses at least, a bachelor's degree from an accredited institution of higher education or possesses a high school diploma or its equivalent. The degree shall be in human services or a behavioral science discipline. Any person seeking to be recognized as a CPS who possesses at least a bachelor's degree in a discipline other than human services or behavioral science may apply to the ADRA for a waiver. In considering the application for waiver the ADRA shall consult with representatives of a national credentialing organization for purposes of insuring compliance with national standards and/or institutions of higher education for advice and guidance and/or the Louisiana Commission on Addictive Disorders and may grant or deny the waiver. The ADRA may grant the waiver on such terms and conditions as are deemed appropriate and in the best interest of the public. The applicant must also document 100 education hours with a minimum of 50 hours specific to addictive disorder training. An applicant with at least a master's degree in a human services or behavioral science discipline must document 50 education hours with a minimum of 25 hours specific to addictive disorder training. At least 6 of these hours must be in professional ethics;

b. supervised practical training must provide documentation and verification of 120 hour practicum in the five performance domains (minimum of 10 in each). The five domains are:

i. planning and evaluation;

ii. education and skill development;

iii. community organization;

iv. public and organizational policy; and

v. professional growth and responsibility;

c. experience completes all experience requirements prescribed by the ADRA, including the following:

i. for an applicant with, at a minimum, an approved bachelor's degree, verification of 2,000 hours (one year) of full-time ADRA approved supervised experience engaged in the providing of prevention services; or

ii. for an applicant with a high school diploma, five years of ADRA approved experience consistent with the requirements discussed hereinabove;

2. documents successful completion of 30 hours of a National Prevention Training program approved by the ADRA. The 30 hours required herein may also be counted in and applied to the 100 hours of education required hereinabove;

3. is at least 21 years of age;

4. is a legal resident of the United States;

5. is not in violation of any ethical standards subscribed to by the ADRA;

6. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

7. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of his criminal history;

8. signs the ADRA form of professional and ethical accountability and responsibility;

9. demonstrates professional competency in prevention by satisfying written examination requirements established by the ADRA and providing documentation of such. The ADRA shall indicate the examination requirements that govern each testing cycle;

10. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in prevention;

11. it is the candidate's responsibility to assure himself that his experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in prevention;

12. provide three letters of recommendation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:652 (March 2005).

§717. Registered Preventionist (RP)

A. The ADRA shall recognize as a RP each candidate who:

1. possesses a high school diploma or its equivalent;

2. documents successful completion of 30 hours of a National Prevention Training program approved by the ADRA;

3. is at least 21 years of age;

4. is a legal resident of the United States;

5. is not in violation of any ethical standards subscribed to by the ADRA;

6. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

7. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of his criminal history. Signs the ADRA form of professional and ethical accountability and responsibility; and

8. provide 21 letters of recommendation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:653 (March 2005).

§719. Prevention Specialist in Training (PSIT)

A. The ADRA shall recognize as a PSIT each candidate who:

1. documents that he is actively pursuing a career tract to be a CPS or RPS;

2. is at least 18 years of age;

3. is a legal resident of the United States;

4. is not in violation of any ethical standards subscribed to by the ADRA;

5. is not now, and has not been, a substance abuser or compulsive gambler for a period of two years from the date the application is received;

6. has not been convicted of, pleaded guilty, or entered a plea of nolo contendere to a felony. The applicant shall provide the ADRA with a certified copy of his criminal history. Signs the ADRA form of professional and ethical accountability and responsibility;

7. it is the candidate's responsibility to assure himself that his educational preparation has provided comprehensive coverage of the subjects and topics necessary to allow him to develop a sufficient knowledge base and to adequately prepare him to be able to demonstrate professional competency in prevention;

8. it is the candidate's responsibility to assure himself that his experience has provided comprehensive training sufficient to adequately prepare him to be able to demonstrate professional competency in prevention;

9. the PSIT status is granted for a 12 month period. During the 12 month period the PSIT shall comply with the ADRA guidelines for PSIT Supervision;

10. PSIT shall be allowed to maintain the PSIT status for an aggregate period not to exceed 72 months;

11. provide three letters of recommendation;

12. the ADRA shall develop PSIT Supervision guidelines and shall post the guidelines on the website maintained by the ADRA. The guidelines shall be considered the minimum standards applicable to all PSIT's and PSIT supervisors. It shall be the obligation of all PSIT's and PSIT supervisors to regularly consult the website and review the guidelines to insure familiarity and compliance with the minimum standards.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:653 (March 2005).

§721. Certification as a Counselor by Reciprocity from Other States

A. The ADRA may issue a certificate, without examination in this state, to any person who meets the following requirements:

1. if the applicant is applying from an ICRC jurisdiction, the applicant should following the ICRC reciprocity process;
2. if the applicant is not applying from an ICRC jurisdiction, the applicant must submit an application and satisfy the following:
 - a. possess a valid certificate to practice as an addiction or prevention counselor or professional or para-professional in any other state of the United States;
 - b. document and verify that the certificate from the other state is based upon an examination and other requirements substantially equivalent to the requirements for practice in Louisiana.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:654 (March 2005).

§723. Application and Examination

A. Request for Application

1. Persons desiring information regarding a practice credential (LAC, CAC, RAC, CPS, and/or RP), specialty certification (e.g., CCS, and/or CCGC), or status (CIT, and/or PSIT) shall be sent an information brochure and a request for application form. The ADRA may, in lieu of mailing information, make such information available on line at any web site maintained by the ADRA.

2. An application package shall be made available to any interested persons. The ADRA may, in lieu of mailing, make the package available on line at any web site maintained by the ADRA.

3. Any applicant for a practice credential or specialty certification who fails the written examination and, who, prior to the next scheduled written examination completes an ADRA approved test preparation training, shall have the application period extended to include either the next consecutive testing cycle or such subsequent testing cycle as the applicant shall designate in writing.

B. Required Application Materials

1. The application package shall contain forms for the applicant to provide information and documentation of meeting the requirements for a practice credential, specialty certification and/or status.

2. Each application package shall require such information as the ADRA deems necessary and appropriate.

3. An application will not be reviewed for test eligibility until the submitted application package is completed, i.e., all of the required information and forms, including a case study in the event an oral examination is required, are received by the ADRA.

4. Candidates will not be certified as eligible to take the written and oral examinations until the completed application package has been reviewed and approved by the ADRA.

5. By submitting the application package, candidates are deemed to have made a request to the ADRA to take the appropriate examination(s).

6. The ADRA shall determine the scope of the examination(s) to provide the opportunity for the candidate to demonstrate competency in the field for which he seeks certification, or shall designate the examination(s) which satisfy the ADRA requirements. The ADRA shall designate the test or tests which satisfy examination requirements and shall identify those tests on a testing cycle events schedule published and maintained by the ADRA. After three written examination failures, the ADRA may, in addition to the test preparation training, impose on the applicant such conditions as may be deemed appropriate to enhance the individual's training and/or clinical experience and/or to supplement preparation for the examination.

7. The ADRA shall notify each candidate of the examination results only after the examination results have been certified.

8. The application of a candidate who fails to appear for an examination date selected or agreed to by the candidate for reasons other than documented illness or other causes beyond the candidate's control becomes void. The candidate must re-apply and may be required to reimburse the ADRA for the cost of the examination, in accordance with the policy of the ADRA. By submitting an application packet, a candidate shall be deemed to have consented to this policy.

9. Satisfaction of the examination requirements by the applicant, does not guarantee the issuance of a credential or certification. Applicants who pass all required examinations shall be deemed eligible for, and undergo, final evaluation by the ADRA prior to the issuing of a credential or certification and the applicants shall be so notified.

10. The ADRA shall rule on any questions concerning examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:654 (March 2005).

§725. Renewal

A. Every practice credential and/or specialty certification, including the ATA and RP, issued under these rules and regulations shall be renewed every two years. The status of CIT/ PSIT is issued for one year.

B. It shall be the responsibility of the individual to timely renew all practice credentials and certifications.

C. The ADRA shall renew a credential or certification only upon receipt of an application for renewal and proof of the required continuing professional education hours. If satisfied of the accuracy of the application for renewal, the ADRA shall issue a new wallet card with the date of renewal and the new expiration date.

D. Applications for renewal which do not satisfy the requirements will be deficient. The individual will be notified and allowed to correct the deficiency. It is the individual's responsibility to correct the deficiency prior to the expiration date of his certification.

E. The ADRA shall rule on any questions regarding applications for renewal of certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:654 (March 2005).

§727. Continuing Professional Education

A. Renewal

1. Within the two years prior to application for renewal, all LAC, CAC, RAC, and CPS must complete at least 48 clock hours of education directly applicable to addictive disorder counseling or prevention, whichever is applicable, at least 6 of which must be in professional ethics. The ADRA shall publish guidelines for the continuing education requirements applicable to the paraprofessional ATA and the RP.

2. Within the two years prior to application for renewal, and in addition to any other education hours required herein, the CCGC must have completed at least 16 clock hours of education directly applicable to compulsive gambling counseling. The CCS must have completed at least 8 clock hours directly applicable to clinical supervision. The RP must have completed at least 6 clock hours of education directly applicable to prevention. In addition, the CCGC, RP and CCS must have a minimum of 6 hours of ethics training approved by the ADRA for the particular specialty certification or credential to be renewed.

3. Within the one year prior to application for renewal, the CIT and PSIT must document and verify compliance with the CIT and PSIT guidelines published by the ADRA.

B. Sources

1. Continuing education must be in the form of workshops, seminars, courses, or other organized educational programs conducted by providers approved by the ADRA. Semester credit hours may be converted to clock hours at the rate of 15 clock hours per one semester hour.

2. In-service training conducted by and for a counselor's own agency does not constitute continuing education. Education conducted by a counselor's own agency which has prior ADRA approval shall be accepted.

3. Delivery of an ADRA approved educational program is an education equivalent if the trainer documents that the material was presented for the first time or from recently acquired updated sources.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:655 (March 2005).

§729. Inactive Certificate; Late Renewal; Reactivation

A. Inactive Certificate. A credential or certificate becomes inactive immediately upon passing the expiration date.

B. Late Renewal. Applications for renewal of a credential or certification or any part thereof received after the expiration date are considered late.

C. Reactivation Grace Period. A 90 day grace period shall be granted to reactivate a credential or certification without any lapse in continuity, provided a satisfactory application for renewal is received within 90 days of the expiration date.

D. Notification of Licensure or Certification. Individuals will be notified within 30 days upon the approval of their application for reactivation of a credential or certification.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:655 (March 2005).

§731. Lapsed Credential/Certification; Reinstatement; Surrender

A. A credential or certification is considered lapsed on the ninety-first day following the expiration date. Lapsed credentials or certificates shall be surrendered to the ADRA upon demand. A lapsed practice credential (e.g., LAC, CAC, RAC, LCSW, MD) terminates immediately the current and valid status of any specialty certification (e.g., CCS, CCGC) unless and until reinstatement of the practice credential is granted by the ADRA, or appropriate regulatory body.

B. A lapsed practice credential issued by a regulatory body other than the ADRA, shall be governed by the law pertinent to that credential and the rules for reinstatement promulgated by that body. A lapsed practice credential or certification issued by the ADRA, may be reinstated within one year of the expiration date, provided:

1. a satisfactory application for renewal is submitted within a year of the date of the expiration, together with an explanation of the lapse and a written request for reinstatement;

2. for the LAC, CAC, RAC, and CPS, the individual must document and verify having successfully completed the 48 clock hours of education which would have been required for timely renewal, together with an additional 12 hours of education if the application is received within six months of the expiration date or an additional 24 hours of education is the application is received more than six months after the expiration date;

3. for the CCGC, CCS and RP the individual must document and verify having successfully completed the clock hours of education which would have been required for timely renewal together with additional clock hours of education in the appropriate specific; area(s) as follows:

- a. CCGC 3 hours;
- b. CCS 4 hours;
- c. RP 3 hours;

4. there is no lapsed CIT or PSIT status or reinstatement period;

5. if reinstatement is granted, new issue and expiration dates are set by the ADRA and the individual's file is annotated to show the lapsed period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:655 (March 2005).

Chapter 9. Disciplinary Procedures

§901. Causes for Administrative Action

A. The ADRA after due notice and hearing as set forth herein and the Administrative Procedure Act, R.S. 49:950 et seq., may deny, revoke or suspend any credential or certification issued or applied for, or otherwise discipline a certificate holder, counselor or prevention specialist in training, or applicant on a finding that the person has violated the Addictive Disorders Practice Act, any of the rules and regulations promulgated by the ADRA, the Code of Ethics, any supervision guidelines, any policy published by the ADRA or prior final decisions and/or consent orders involving the certificate holder, counselor or prevention specialist in training, or applicant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005).

§903. Disciplinary Process and Procedures

A. The purpose of the following rules and regulations is to supplement and effectuate the applicable provisions of the Administrative Procedure Act, R.S. 29:950 et seq. regarding the disciplinary process and procedures incident thereto. These rules and regulations are not intended to amend or repeal the provisions of the Administrative Procedure Act and to the extent any of these rules and regulations are in conflict therewith, the provisions of the Louisiana Administrative Procedure Act shall govern.

B. A disciplinary proceeding, including the formal hearing, is less formal than a judicial proceeding. It is not subject to strict rules and technicalities, but must be conducted in accordance with considerations of fair play and constitutional requirements of due process.

C. The purpose of a disciplinary proceeding is to determine contested issues of law and fact; whether the person committed certain acts or omissions and, if so, whether those acts or omissions violate the Addictive Disorders Practice Act, the rules and regulations of the ADRA, the Code of Ethics, or prior Final Decisions and/or Consent Orders involving the certificate holder, counselor or prevention specialist in training, or applicant and to determine the appropriate disciplinary action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005).

§905. Initiation of Complaints

A. Complaints may be initiated by any person or by the ADRA on its own initiative.

B. All complaints shall be addressed confidential and shall be sent to the ADRA office. The Director of the ADRA, with benefit of counsel, shall decide to investigate the charges or deny the charges. If the charges are denied, a letter of denial is prepared and forwarded to the complainant and the person accused of wrongdoing. If the Director of the ADRA decides to investigate, the person shall be notified that allegations have been made that he may have committed a breach of statute, rule and regulation, the Code of Ethics, and/or prior final decisions or consent orders and that he must respond in writing to the ADRA within a specified time period. The response is to be made to the ADRA office address. The complaint letter of alleged violations shall not be given initially to the person. However, sufficiently specific allegations shall be conveyed to the person for his response. Once the person has answered the complaint, and other pertinent information, if available, is reviewed, a determination by the Director of the ADRA, with benefit of counsel, will be made as to whether or not a disciplinary proceeding is required.

C. Pursuant to its authority to regulate the industry, the ADRA through its Director, may issue subpoenas to secure evidence of alleged violations of the Addictive Disorders Practice Act, any of the rules and regulations promulgated by the ADRA, the Code of Ethics, or prior final decisions and/or consent orders involving the certificate holder, counselor or prevention specialist in training, or applicant.

D. "Counsel" referenced in this Chapter shall mean the General Counsel of the Department of Health and Hospitals, or his or her designee, who will be assisting in the investigation and prosecution of an administrative action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005).

§907. Informal Disposition of Complaints

A. Complaints may be settled informally by the ADRA and the person accused of a violation without the necessity of a formal hearing.

B. The following types of informal dispositions may be utilized.

1. Disposition by Correspondence

a. For complaints deemed technical in nature and which are considered less serious (complaints for which the allegations, if taken as true, do not indicate circumstances which pose a risk or threat of harm to a client), the Director of the ADRA may write to the person explaining the nature of the complaint received. If the person's subsequent response provides a satisfactory explanation, the matter may be closed.

b. If a satisfactory explanation is not forthcoming, the matter shall be pursued through an informal conference or formal hearing.

2. Informal Conference

a. The Director of the ADRA may hold a conference with the person in lieu of, or in addition to, correspondence for those complaints deemed technical in nature and which are considered less serious. If the situation is satisfactorily explained in conference, the matter may be closed.

b. The person shall be given adequate notice of the conference, of the issues to be discussed and of the fact that information brought out at the conference may later be used in a formal hearing. The informal conference shall be conducted by the Director of the ADRA or his or her designee. In setting the time and location of the conference, the Director of the ADRA shall make reasonable efforts to accommodate the schedule of the person against whom the complaint has been made and any inconvenience that may be caused to the clinic or facility in which the person may practice.

3. A settlement agreement between the person making the complaint and the person accused of a violation does not preclude disciplinary action by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:656 (March 2005).

§909. Formal Hearing

A. The ADRA has the authority, granted by R.S. 37:3371 et seq., to bring administrative proceedings against persons to whom it has issued a credential or certification, any counselor or prevention specialist in training status, or any applicant. The person has the right to appear and be heard, either in person or by counsel; the right of notice; a statement of what accusations have been made; the right to present evidence and to cross-examine; and the right to have witnesses subpoenaed.

B. If the person does not appear, either in person or through counsel, after proper notice has been given, the person may be considered to have waived these rights and the ADRA may proceed with the hearing without the presence of the person.

C. Once the ADRA has received a complaint alleging that a person has acted in violation of the Addictive Disorders Practice Act, the rules and regulations of the ADRA, or the Code of Ethics, communications from the complaining party shall not be revealed to any person, other than counsel for the ADRA, until and unless a formal complaint is filed. This rule shall not apply to any document properly subject to, and the object of, a lawful subpoena by a court.

D. The process of administrative action shall include certain steps and may include other steps, as follows.

1. Investigation

a. The complaint is investigated by the Director of the ADRA and counsel for the ADRA to determine if there is sufficient evidence to warrant disciplinary proceedings.

b. A decision to initiate a formal complaint or charge is made if one or more of the following conditions exist:

i. the complaint is sufficiently serious;

ii. the person fails to respond to the ADRA's correspondence concerning the complaint;

iii. the person's response to the ADRA's letter or investigation demand fails to provide a satisfactory explanation and/or fails to convince the Director that no action is necessary; or

iv. an informal conference is convened, but fails to resolve all of the issues.

2. A sworn complaint is filed by the Director of the ADRA, charging the violation of one or more of the provisions of the Addictive Disorders Practice Act, the rules and regulations promulgated thereto, the Code of Ethics, or prior final decisions and/or consent orders involving the person.

3. A time and place for a hearing is fixed by the Director of the ADRA.

4. Notification of Hearing

a. At least 30 days prior to the date set for the hearing, a copy of the charges and a notice of the time and place of the hearing are sent to the last known address of the person accused. It is the person's obligation to keep the ADRA informed of his whereabouts. A copy of the notice sent to the person, attached to a sworn affidavit signed by the Director attesting to the date of the mailing, shall constitute proof of notice.

b. The content of the charges limits the scope of the hearing and the evidence which may be introduced. The charges may be amended at any time, except that they may not be amended within 10 days prior to the date set for the hearing. Any amendment to the charges made within 10 days of the date set for the hearing shall require the ADRA to continue the matter and set a new date for the hearing. The person against whom the charges have been made, may waive the requirement that the hearing be continued. Such a waiver must be in writing and must be signed by the person, as well as by counsel, if the person is represented by an attorney.

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c. If the ADRA is unable to describe the matters involved in detail at the time the sworn complaint is filed, this complaint may be limited to a general statement of the issues involved. Thereafter, the ADRA shall supply a more definite and detailed statement to the person. This detailed statement shall be supplied at least 10 days prior to the date of the hearing.

5. Except for good cause shown, motions requesting a continuance of a hearing shall be in writing and shall be filed at least five days prior to the date set for the hearing. The motion shall state the reason for the request. The director, or his or her designee, shall grant or deny the request, in writing, within 24 hours. If the request is denied, written reasons for the denial shall be included.

6. Subpoenas

a. The director, or an authorized agent of the ADRA, issues subpoenas for the ADRA for disciplinary proceedings, and when requested to do so, may issue subpoenas for the other party. All legal actions will be filed from the Louisiana Nineteenth Judicial District Court. Subpoenas include:

i. a subpoena requiring a person to appear and give testimony; and

ii. a subpoena duces tecum, which requires that a person produce books, records, correspondence, or other materials over which he has custody.

b. A motion to limit or quash a subpoena may be filed with the ADRA, but not less than 72 hours prior to the hearing.

7. Appeal

a. The hearing is held, at which time the ADRA's primary role is to hear evidence and argument, and to reach a decision.

b. The ADRA is represented by its counsel who presents evidence that disciplinary action should be taken against the person. The person may present evidence personally or through an attorney, and witnesses may testify on behalf of the person.

c. Evidence includes the following:

i. oral testimony given by witnesses at the hearing, except that, for good cause, testimony may be taken by deposition (cost of the deposition is borne by the requesting party);

ii. documentary evidence, i.e., written or printed materials including public, business, institutional records, books and reports;

iii. visual, physical and illustrative evidence;

iv. admissions, which are written or oral statements of a party made either before or during the hearing;

v. facts officially noted into the record, usually readily determined facts making proof of such unnecessary; and/or

vi. other items or things allowed into evidence by the Louisiana Evidence Code or applicable statutory law or jurisprudence.

d. All testimony is given under oath. If the witness objects to swearing, the word "affirm" may be substituted.

8. The Director of the ADRA, or his or her designee, presides and the customary order of proceedings at the hearing is as follows.

a. The ADRA's representative makes an opening statement of what he intends to prove, and what action, he wants the ADRA to take.

b. The person, or his attorney, makes an opening statement, explaining why he believes that the charges against him are not legally founded.

c. The ADRA's representative presents the case against the person.

d. The person, or his attorney, cross-examines.

e. The person presents evidence.

f. The ADRA's representative cross-examines.

g. The ADRA's representative rebuts the person's evidence.

h. Both parties make closing statements.

9. The ADRA's representative makes the initial closing statement and the final statement. Motions may be made before, during, or after a hearing. All motions shall be made at an appropriate time according to the nature of the request. Motions made before or after the hearing shall be in writing. Those made during the course of the hearing may be made orally since they become part of the record of the proceeding.

10. Recording

a. The record of the hearing shall be considered the property of the ADRA and shall include:

i. all documents and/or other materials accepted as evidence at the hearing; required by the statutes or rules;

ii. all papers filed and served in the proceeding;

iii. statements of matters officially noticed;

iv. notices of the hearing;

v. affidavits of service or receipts for mailing or processor other evidence of service;

vi. stipulations, settlement agreements or consent orders, if any;

vii. records of matters agreed upon at a prehearing conference;

- viii. reports filed by the hearing officer, if one is used;
- ix. orders of the ADRA and its final decision;
- x. actions taken subsequent to the decision, including requests for reconsideration and rehearing;
- xi. a transcript of the proceedings, if one has been made, or an audio or stenographic record.

b. The record of the proceeding shall be retained until the time for any appeal has expired, or until the appeal has been concluded. The record is not transcribed unless a party to the proceeding so requests. The requesting party pays for the cost of the transcript.

11. Hearing

a. The decision of the ADRA shall be reached according to the following process:

- i. determine the facts at issue on the basis of the evidence submitted at the hearing;
- ii. determine whether the facts in the case support the charges brought against the person; and
- iii. determine whether charges brought are in violation of the Addictive Disorders Practice Act or regulations of the ADRA, and/or the Code of Ethics;
- iv. in addition to any sanction imposed by the ADRA against the person, the ADRA may assess all costs incurred in connection with the proceeding including, but not limited to, investigation, court reporting, costs associated with ADRA representation by an attorney and court costs.

b. Sanctions and/or costs imposed upon the person who is a party to the proceeding are based upon findings of fact and conclusions of law determined as a result of the hearing, and will be issued by the ADRA in accordance with applicable statutory authority. The party is notified by mail of the final decision of the ADRA.

12. Every order of the ADRA shall take effect immediately on its being rendered unless the ADRA in such order fixes a stay of execution of a sanction for a period of time against an applicant or holder of a certificate. Such order, without a stay of execution, shall continue in effect until expiration of any specified time period or termination by a court of competent jurisdiction. The ADRA shall notify all persons of any action taken against him and may make public its orders and judgment in such manner and form as allowed by law.

13. Rehearing

a. The ADRA may reconsider a matter which it has decided. This may involve rehearing the case, or it may involve reconsidering the case on the basis of the record. Such reconsideration may occur when a party who is dissatisfied with a decision of the ADRA files a motion requesting that the decision be reconsidered by the ADRA.

b. The ADRA shall reconsider a matter when ordered to do so by a higher administrative authority or when the case is remanded for reconsideration or rehearing by a court to which the ADRA's decision has been appealed.

c. A motion by a party for reconsideration or rehearing must be in proper form and filed within 10 days after notification of the ADRA's decision. The motion shall set forth the grounds for the rehearing, which include one or more of the following:

- i. the ADRA's decision is clearly contrary to the law and evidence;
- ii. there is newly discovered evidence by the party since the hearing which is important to the issues and which the party could not have discovered with due diligence before or during the hearing;
- iii. there is a showing that issues not previously considered ought to be examined in order to dispose of the case properly; or
- iv. it would be in the public interest to further consider the issues and the evidence.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:657 (March 2005).

§911. Consent Order

A. An agreement may be entered into between the ADRA and the person against whom the complaint has been filed. Once reduced to writing, the agreement is referred to as a "Consent Order" and becomes a part of the record in the matter. The consent order is not effective until reduced to writing and signed by the person, the Director of the ADRA or his or her designee and all counsel of record. A proposed consent order may be rejected by the ADRA in which event a formal hearing will occur. The consent order, if accepted by the ADRA, is issued by the ADRA to carry out the parties' agreement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§913. Withdrawal of a Complaint

A. A complainant may withdraw a complaint at any time. The ADRA, however, may continue the investigation if it is determined that the issues are of such importance as to warrant further review.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§915. Refusal to Respond or Cooperate with the ADRA

A. The acceptance of a credential or certification issued by the ADRA obligates the holder thereof to respond to any request for information, or otherwise cooperate with any investigation conducted by the ADRA.

B. Any person refusing to reply to an ADRA inquiry or otherwise cooperate with the ADRA, is subject to disciplinary action. The ADRA shall record the circumstances of the person's failure to cooperate and shall inform the person that the lack of cooperation may result in ADRA action could included the denial, revocation or suspension of his credential, certification, or status or in the denial of any application pending with or before the ADRA or any other appropriate disciplinary sanction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§917. Judicial Review of Adjudication

A. Any person whose credential, certification, status, or application, has been denied, revoked or suspended or who has been otherwise disciplined by the ADRA shall have the right to have the proceedings of the ADRA reviewed by the state district court with the Nineteenth Judicial District Court, provided that such petition for judicial review is made within 30 days after the notice of the decision of the ADRA. If judicial review is granted, the ADRA's decision is enforceable in the interim unless the court orders a stay.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§919. Appeal

A. A person aggrieved by any final judgment rendered by the state district court may obtain a review of said final judgment by appeal to the appropriate circuit court of appeal. Pursuant to the applicable section of the Administrative Procedure Act, R.S. 49:950 et seq., this appeal shall be taken as in any other civil case.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

§921. Emergency Action

A. If the Director of the ADRA finds that public health, safety and welfare requires emergency action and incorporates a finding to that effect in an order, a summary suspension of a certificate or registration, or counselor or prevention specialist in training status, may be ordered pending proceedings for disciplinary action. Such proceedings shall be promptly instituted and a formal hearing held, after due notice, within 10 calendar days of the

issuance of the order or summary suspension. The formal hearing referenced herein shall be conducted pursuant to the procedure established in §909 regarding formal hearings, less and except any procedures or time limits inconsistent with the emergency action. Thereafter, the person aggrieved by a decision of the ADRA may seek judicial review and appeal pursuant to §§917 and 919.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

Chapter 11. Declaratory Statements

§1101. Procedure

A. The ADRA may issue a declaratory statement in response to a request for clarification of the effect of the provisions contained in the Addictive Disorders Practice Act, R.S. 37:3371 et seq., the rules and regulations promulgated by the ADRA and/or the Code of Ethics.

B. A request for declaratory statement is made in the form of a petition to the ADRA. The petition should include at least:

1. the name and address of the petitioner;
2. specific reference to the statute, rule and regulation, or the Code of Ethics;
3. a concise statement of the manner in which the petitioner is aggrieved by the statute, rules and regulations, or provision of the Code of Ethics, or by its potential application to him and about which he is uncertain of its effect.

C. The petition shall be considered by the ADRA within a reasonable period of time taking into consideration the nature of the matter and the circumstances involved. The director may refer the question to counsel for the ADRA.

D. The declaratory statement of the ADRA in response to the petition shall be in writing and mailed to the petitioner at the last address furnished to the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:659 (March 2005).

Chapter 13. Impaired Professionals Program

§1301. Program

A. The ADRA shall develop policies and procedures for the operation of an impaired professional program which shall include provision for the identification and rehabilitation of practice credential and certificate holders, counselors in training and prevention specialists in training, or any individual over whom the ADRA has authority pursuant to the provisions of the Louisiana Addictive Disorders Act whose quality of service is impaired or

thought to be impaired due to mental or physical conditions. The policies and procedures shall be posted on the website maintained by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

Chapter 15. Code of Ethics

§1501. Professional Representation

A. A person holding a practice credential, specialty certification or status shall not:

1. misrepresent any professional qualifications or associations;
2. misrepresent any agency or organization by presenting it as having attributes which it does not possess;
3. make claims about the efficacy of any service that go beyond those which the counselor or specialist would be willing to subject to professional scrutiny through publishing the results and claims in a professional journal;
4. encourage or, within the counselor's or specialist's power, allow a client to hold exaggerated ideas about the efficacy of services provided by the counselor or specialist.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

§1503. Relationships with Clients

A. A person holding a practice credential, specialty certification or status:

1. shall make known to a prospective client the important aspects of the professional relationship including fees and arrangements for payment which might affect the client's decision to enter into the relationship;
2. shall inform the client of the purposes, goals, techniques, rules of procedure, and limitations that may affect the relationship at or before the time that the professional services are rendered;
3. shall provide counseling services only in the context of a professional relationship and not by means of newspaper or magazine articles, radio or television programs, mail or means of a similar nature;
4. shall neither accept nor pay a commission or rebate or any other form of remuneration for the referral of clients for professional services;
5. shall not use relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind;
6. shall not, under normal circumstances, be involved in the counseling of family members, intimate friends, close associates, or others whose welfare might be jeopardized by such a dual relationship;

7. shall not, under normal circumstances, offer professional services to a person concurrently receiving counseling or prevention assistance from another professional except with knowledge of the other professional;

8. shall take reasonable personal action to inform responsible authorities and appropriate individuals in cases where a client's condition indicates a clear and imminent danger to the client or others;

9. shall take reasonable precautions to protect individuals from physical and/or emotional trauma resulting from interaction within the group;

10. shall not engage in activities that seek to meet the counselor's or specialists personal needs at the expense of a client;

11. shall not engage in sexual intimacies with any client;

12. shall terminate a professional relationship when it is reasonably clear that the client is not benefiting from it.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

§1505. Relationships with the ADRA

A. A person holding a practice credential, specialty certification or status issued by the ADRA shall have the responsibility of reporting alleged misrepresentations or violations of ADRA rules to the ADRA.

B. Any applicant for, or person holding, a practice credential, specialty certification or status under the authority of the Addictive Disorders Practice Act shall keep his/her ADRA file updated by notifying the ADRA of changes of address, telephone number and employment.

C. The ADRA may require any applicant or candidate for practice credential, specialty certification or status, or renewal of same, whose file contains negative references to come before the ADRA for an interview before the practice credential, specialty certification or status process may proceed.

D. The ADRA shall consider the failure of a person to respond to a request for information or other correspondence as unprofessional conduct and grounds for instituting disciplinary proceedings.

E. A person holding a practice credential, specialty certification or status must participate in continuing professional education programs as required and set forth in these rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

§1507. Advertising and Announcements

A. Information used by a person holding a practice credential, specialty certification or status in any advertisement or announcement of services shall not contain information which is false, inaccurate, misleading, partial, out of context, or deceptive.

B. The ADRA imposes no restrictions on advertising by a person holding a practice credential, specialty certification or status with regard to the use of any medium, the person's appearance or the use of his personal voice, the size or duration of an advertisement, or the use of a trade name.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:660 (March 2005).

§1511. Confidentiality

A. No person holding practice credential, specialty certification or status may disclose any information he may have acquired from persons consulting him in his professional capacity that was necessary to enable him to render services to those persons except:

1. with the written consent of the client, or in the case of death or disability, with the written consent of his personal representative, other person authorized to sue, or the beneficiary of any insurance policy on his life, health, or physical condition; or

2. when the person is a minor under the age of 18 and the information acquired by the addictive disorder counselor, compulsive gambling counselor, prevention specialist, counselor in training or prevention specialist in training indicates that the child was the victim or subject of a crime, then the addictive disorder counselor, compulsive gambling counselor, prevention specialist, counselor in training or prevention specialist in training may be required to testify fully in relation thereto upon any examination, trial, or other proceeding in which the commission of such crime is a subject of inquiry; or

3. when a communication reveals the contemplation of a crime or harmful act; or

4. when the person waives the privilege by bringing charges before the ADRA against the addictive disorder counselor, compulsive gambling counselor, prevention specialist, counselor in training or prevention specialist in training.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

Chapter 17. Registration and ADRA Approved Programs

§1701. Counselor in Training (CIT) or Prevention Specialist in Training (PSIT)

A. A person who is in the process of obtaining the education, training, and experience required to meet the requirement for obtaining practice credential may register with the ADRA as a counselor in training or prevention specialist in training, also known as CIT and PSIT respectively. The person must be 18 years of age and possess a high school diploma or equivalent to be eligible to apply for registration. Upon issuance of the registration as a CIT or PSIT, the person shall actively pursue certification as a counselor or prevention specialist respectively at all times.

B. The designation of CIT and PSIT shall be granted for a period beginning with approval of the request for CIT or PSIT status and extending to the nearest renewal date one year after approval, provided that both the CIT/PSIT and the supervisor sign a statement agreeing to follow the guidelines and protocols for CIT/PSIT conduct and supervision posted on the website maintained by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

§1703. Certified Clinical Supervisor or Qualified Professional Supervisor

A. The ADRA shall establish and recognize minimum guidelines for a CCS program and shall post these policies and procedures on the website maintained by the ADRA.

B. A person who meets the requirements of a CCS, as defined by the Addictive Disorders Practice Act, may register with the ADRA as a Certified Clinical Supervisor. No one may hold himself out as a Clinical Supervisor or provide Clinical Supervision unless recognized as a CCS by the ADRA.

C. Any person holding the certification for Clinical Supervision shall agree to adhere to the guidelines for Clinical Supervision developed by the ADRA and posted on the website maintained by the ADRA.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

§1705. Approved Training Institution

A. In order to qualify for and maintain the ADRA approval, training institutions must adhere to the supervision guidelines established by the ADRA. The ADRA may inspect and review such institutions at anytime during normal hours of operation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

§1707. Approved Educational Provider

A. The ADRA shall develop policies and procedures for the operation of an approved educational provider program.

B. Organizations who desire to provide continuing professional education in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention, or any area deemed appropriate by the ADRA may register with the ADRA as an approved educational provider, also known as AEP. Each educational offering is a form of learning experience and shall be known as a course for the purposes of this rule whether it was offered for academic credit, as a workshop, seminar, conference, or in any other acceptable format. In-service training conducted by and for an individual's own agency is not an acceptable educational offering format. An individual, partnership, corporation, association, organized health care system, educational institution, governmental agency, or any other autonomous entity shall qualify as an organization for the purposes of this rule.

C. The designation of approved educational provider is granted to the nearest renewal date one year after the request for AEP status is approved, provided:

1. a satisfactory application form is received;
2. one person, who is qualified by virtue of education, training, and experience, as determined by the ADRA, is identified as the supervisor of all educational programs to be offered;
3. the organization provides a statement, signed by an authorized officer of the organization, to document the organization's desire to provide continuing professional education in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention and acknowledgment of responsibility for such activities. This statement must contain acknowledgment that the organization is independent of the ADRA, that it will hold the ADRA harmless, and that it will comply with the requirements of the ADRA;
4. the organization agrees to provide a certificate of completion for each person satisfactorily completing each course which shall contain:
 - a. the name and trainee or certification number of the person completing the course;
 - b. the name and AEP number of the provider;
 - c. the title of the course, course number, name of the instructor(s), and date(s) of the course;
 - d. the number of clock hours of credit earned;
 - e. the signature of the organization's educational program supervisor or the instructor, or both;

5. the organization agrees to file a course report with the ADRA within 30 days of completion for each course which shall contain:

- a. the AEP number and course number of the provider;
- b. the trainee or certification number and the clock hours earned for each person completing the course, or, the name and hours for persons not registered with or certified by this ADRA;
- c. a sample of the certificate of completion;
- d. a copy of the flier or brochure used to advertise the course to the public;

6. the organization agrees to provide ADRA approved credit only for courses which meet the educational standards of the ADRA and which are taught by instructors who are qualified by virtue of education, training, and experience; the organization agrees to document this by maintaining a file for each course in its office which contains:

- a. the course description containing the educational objectives; course outline; instructional modalities; and relevance of the material, including relationship to the 12 core functions or KSA and/or performance domains, theoretical content related to scientific knowledge of practicing in the field of addictive disorder counseling, compulsive gambling counseling, or prevention; application of scientific knowledge in the field of addictive disorder counseling, compulsive gambling counseling or prevention direct and/or indirect patient/client care, and which renewal education area or areas are addressed;
- b. the qualifications of instructors containing description of the education, training, and experience which prepared them to teach the course;

7. the organization provides a summary statement of its continuous quality improvement program and agrees to maintain full records of that program. This program shall include but not be limited to student evaluations of each course;

8. the organization agrees to notify the ADRA and each person who completed a course in a timely fashion if it is determined that a course did not comply with the standards of the ADRA for addictive disorder counselor, compulsive gambling counselor or prevention education. The organization shall also present its written policy on refunds and cancellation;

9. the organization agrees to an annual audit review of its education program, course files, and continuous quality improvement program by a professional approved by the ADRA, and an audit or review of its records at any time by the ADRA.

D. Registration as an approved education provider shall be renewed annually, provided:

1. a satisfactory renewal form is received prior to the expiration date of the current registration;

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2. the annual audit report of the organization's education program, course files, and continuous quality improvement program signed by an ADRA approved professional is filed;

3. there have been no unresolved complaints against the organization.

E. An approved education provider shall be authorized to:

1. announce to the public and advertise that its educational offerings meet the standards of the ADRA;

2. issue certificates of completion which acknowledge ADRA approval of the course.

F. An organization may be granted approval as a single course provider provided:

1. a satisfactory application form is received prior to offering the course;

2. the organization documents the course description including the educational objectives, course outline, instructional modalities, relationship of the material to the 12 core functions or KSA performance domains, and which renewal education area or areas are addressed;

3. the organization documents the qualifications of the instructors including description of the education, training, and experience which prepared them to teach the course;

4. the organization agrees to provide a certificate of completion containing the same information required of an AEP;

5. the organization agrees to file a course report in the same fashion as an AEP and to include student evaluations of that course.

G. An organization desiring single course provider status may:

1. announce to the public and advertise that the course meets the standards of the ADRA only if approval has been granted. Prior to approval, the organization may state that ADRA approval is pending only if application has been made. Otherwise, the organization is prohibited from making any statement regarding ADRA approval of its course;

2. offer to provide a certificate of completion only after ADRA approval has been granted and all required information is included on the certificate.

H. A person who wishes educational credit from a source which has not been approved by the ADRA shall document that the provider of such education meets standards which are equivalent to those of this ADRA. Equivalence may be demonstrated by:

1. the provider holding approval as a substance abuse, compulsive gambling or prevention education provider from the certifying authority in the state where the course was offered;

2. the provider holding approval as a substance abuse, compulsive gambling or prevention education provider from a certifying authority with which the ADRA as a current agreement of reciprocity;

3. providing documentation of:

a. the course description including the educational objectives, course outline, instructional modalities, relationship of the material to the 12 core functions or KSA performance domains, and which renewal education area or areas are addressed;

b. the qualifications of instructors including description of the education, training, and experience which prepared them to teach the course.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:661 (March 2005).

§1709. Approved Institution of Higher Education

A. The ADRA shall develop policies and procedures for the operation of an approved institution of higher education program.

B. Institutions which grant formal college credit for courses in addictive disorder counseling, compulsive gambling counseling or prevention, or in any other area deemed pertinent by the ADRA, have sufficient qualified faculty, and can offer a supervised clinical practicum or internship may register with the ADRA as an approved institution of higher education, also known as AIHE.

C. The designation of approved institution of higher education is granted to the nearest renewal date one year after the request for AIHE status is approved, provided:

1. a satisfactory application form is submitted;

2. the institution is an organized college or university accredited by a recognized regional accrediting body;

3. the institution provides a statement, signed by an authorized officer of the institution, to document the institution's desire to provide education in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention or other pertinent areas and the document acknowledges the responsibility for such activities. This statement must contain acknowledgment that the institution is independent of the ADRA, that it will hold the ADRA harmless, and that it will comply with the requirements of the ADRA;

4. the institution provides a statement documenting the appropriateness of its curriculum, the qualifications of the faculty to teach such courses, and the policy on practicum and internship courses. This statement must document that education, training, experience, and supervision when appropriate in all 12 core functions or KSA performance domains will be provided;

5. the institution provides a summary statement of its continuous quality improvement program and agrees to maintain full records of that program;

6. the institution agrees to provide for ongoing consultation from a CCS or other qualified professional approved by the ADRA who will provide ongoing consultation relative to the quality and content of its addictive disorder counseling, compulsive gambling counseling or prevention curriculum;

7. the institution agrees to an annual audit review of its education program in the continuum of care in the areas of addiction treatment and/or intervention and/or prevention curriculum and continuous quality improvement program by a professional approved by the ADRA and an audit or review of its records at any time by the ADRA.

D. Registration as an approved institution of higher education shall be renewed annually, provided:

1. a satisfactory renewal form is received prior to the expiration date of the current registration;

2. the annual audit report of the institution's continuum of care in the areas of addiction treatment and/or intervention and/or prevention and continuous quality improvement program, signed by an individual approved by the ADRA for this purpose, is filed with the ADRA;

3. there have been no unresolved complaints against the institution.

E. An approved institution of higher education shall be authorized to:

1. announce to the public and advertise the availability of its addictive disorder counseling, compulsive gambling counseling or prevention curriculum;

2. offer practicum or internship courses in addictive disorder counseling, compulsive gambling counseling or prevention for credit;

3. reasonably assure its students that their education will meet ADRA standards.

F. Persons submitting application for certification which list education from institutions which are not registered as an AIHE shall document that the educational institution where the education was obtained meets standards equivalent to those of this ADRA. Equivalence may be demonstrated by:

1. the institution holding approval as a higher education provider of addictive disorder counseling, compulsive gambling counseling or prevention education from the certifying authority in the state where the institution is located;

2. the institution holding approval as a higher education provider of addictive disorder counseling, compulsive gambling counseling, or prevention education from a certifying authority with which the ADRA has a current agreement of reciprocity;

3. providing documentation of:

a. the institution being an organized college or university accredited by a recognized regional accrediting body;

b. the appropriateness of the curriculum;

c. the qualifications of the faculty to teach such courses;

d. the policy on practicum and internship courses;

e. that education, training, experience, and supervision when appropriate in all 12 core functions or KSA performance domains were provided.

G. Persons submitting application for certification which claim more than 18 semester hour equivalents must provide documentation demonstrating that a minimum of 12 semester hours of credit were not reasonably available from an AIHE. The ADRA in its discretion may grant additional semester hour equivalents for cases of documented hardship at the rate of 15 clock hours of AEP education per one semester hour of AIHE credit provided a written request for waiver is submitted.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:663 (March 2005).

Chapter 19. Miscellaneous

§1901. Injunction

A. The ADRA may cause an injunction to be issued in any court of competent jurisdiction enjoining any person from violating the provision of these rules and regulations.

B. If the court finds that the person is violating, or is threatening to violate this Chapter, it shall enter an injunction restraining him from such unlawful acts.

C. The successful maintenance of an action based on any one of the remedies set forth in this Rule shall in no way prejudice the prosecution of an action based on any other of the remedies.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:664 (March 2005).

§1903. Persons and Practices Not Affected

A. Nothing in these rules and regulations shall be construed as preventing or restricting the practice, services, or activities of any person licensed or certified in this state by any other law from engaging in the profession or occupation for which he is licensed or certified.

B. Nothing in these rules and regulations shall be construed as prohibiting other licensed professionals, including members of the clergy and Christian Science practitioners, from the delivery of medical, psychotherapeutic, counseling, social work, psychological, or educational services to substance abusers, compulsive gamblers and their families.

C. Nothing in these rules and regulations shall be construed as prohibiting the activities of any person who is registered as a counselor in training or prevention specialist in training by the ADRA, and who is employed or supervised by a qualified professional supervisor, while carrying out specific tasks under professional supervision. The supervisee shall not represent himself to the public as a addictive disorder counselor, compulsive gambling counselor, or prevention specialist.

D. Nothing in these rules and regulations shall be construed as prohibiting the activities of any student in an accredited educational institution while carrying out

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activities that are part of the prescribed course of study, provided such activities are supervised by a qualified professional supervisor. Such student shall hold himself out to the public only by clearly indicating his student status and the profession in which he is being trained.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:664 (March 2005).

§1905. Prohibited Activities

A. No person shall hold himself out as holding, or knowingly allow others to conclude or believe that he holds, a credential, certification or status issued or recognized by the ADRA, unless he has qualified for such under the provisions of the Addictive Disorders Practice Act and been granted the credential, certification or status pursuant to the ADRA's rules.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3388.4.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Addictive Disorders, Addictive Disorder Regulatory Authority, LR 31:664 (March 2005).

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
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