



Ohio Legislative Service Commission

Bill Analysis

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Sub. S.B. 287

129th General Assembly
(As Passed by the House)

- Sens.** LaRose and Cafaro, Seitz, Brown, Tavares, Bacon, Balderson, Beagle, Burke, Coley, Gentile, Hite, Hughes, Kearney, Lehner, Niehaus, Obhof, Oelslager, Patton, Peterson, Schiavoni, Skindell, Smith, Turner, Wagoner
- Reps.** Antonio, Carney, Celeste, Garland, Hackett, Ramos, Schuring, Sears, M. Slaby, Yuko, Anielski, Ashford, Beck, Blair, Blessing, Bubp, Buchy, Celebreeze, Combs, Driehaus, Fedor, Grossman, Hayes, Kozlowski, Letson, McClain, Milkovich, Murray, Newbold, O'Brien, Ruhl, Stinziano, Sykes, Wachtmann, Winburn, Young, Batchelder

BILL SUMMARY

I. CHEMICAL DEPENDENCY COUNSELING AND ALCOHOL AND OTHER DRUG PREVENTION SERVICES

- Provides for the Chemical Dependency Professionals Board to license independent chemical dependency counselor-clinical supervisors.
- Provides for the Board to certify prevention specialist assistants.
- Revises one of the sets of requirements to qualify for an independent chemical dependency counselor license and the scope of practice of independent chemical dependency counselors.
- Revises one of the sets of requirements to qualify for a chemical dependency counselor III license and the scope of practice of chemical dependency counselors III.
- Revises one of the sets of requirements to qualify for a chemical dependency counselor II license.
- Revises the scope of practice of chemical dependency counselor assistants and the law governing the renewal and restoration of their certificates.

- Revises one of the sets of requirements to qualify for a prevention specialist II certificate.
- Revises one of the sets of requirements to qualify for a prevention specialist I certificate.
- Establishes requirements for qualifying for a registered applicant certificate and provides for the certificate to expire two years after it is issued.
- Eliminates requirements regarding a registered applicant working toward obtaining a prevention specialist II or prevention specialist I certificate.
- Prohibits the Board from renewing or restoring a registered applicant certificate or issuing a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than a period of time to be specified in rules.
- Revises the list of professionals authorized to supervise a registered applicant.
- Permits the Board to administer examinations for individuals seeking to act as substance abuse professionals in a transportation workplace drug and alcohol testing program regulated by the U.S. Department of Transportation.
- Eliminates obsolete laws governing the transfer of duties regarding the certification of chemical dependency professionals from the Department of Alcohol and Drug Addiction Services to the Board.
- Eliminates obsolete laws regarding chemical dependency counselors I.
- Includes refusal to restore a license or certificate among the disciplinary actions the Board may take.
- Specifies that the law governing the practice of chemical dependency counseling and alcohol and other drug prevention services does not authorize an individual to engage in the practice of marriage and family therapy except to the extent of providing services authorized by that law.

II. MEDICAID

- Excludes wheelchair costs from the direct care costs that are part of a nursing facility's Medicaid-reimbursable costs.

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CONTENT AND OPERATION

I. CHEMICAL DEPENDENCY COUNSELING AND ALCOHOL AND OTHER DRUG PREVENTION SERVICES

OVERVIEW

The bill revises the law governing the practice of chemical dependency counseling and alcohol and other drug prevention services that are regulated by the Chemical Dependency Professionals Board. Continuing law defines "chemical dependency counseling" as rendering or offering to render to individuals, groups, or the public a counseling service involving the application of alcohol or other drug clinical counseling principles, methods, or procedures to assist individuals who are abusing or dependent on alcohol or other drugs. Alcohol and other drug prevention services are a planned process of strategies and activities designed to preclude the onset of the use of alcohol and other drugs, reduce problematic use of alcohol and other drugs, or both.

Current law authorizes the following to practice chemical dependency counseling pursuant to licenses issued by the Board: (1) independent chemical dependency counselors, (2) chemical dependency counselors III, and (3) chemical dependency counselors II. A chemical dependency counselor assistant certified by the Board may practice chemical dependency counseling while under supervision.

Current law authorizes prevention specialists II and prevention specialists I to practice alcohol and other drug prevention services pursuant to certificates issued by the Board. A registered applicant certified by the Board may practice alcohol and other drug prevention services while under supervision.

The segment of this analysis regarding chemical dependency counseling and alcohol and other drug prevention services is divided into the following parts: (1) new license and certificate categories, (2) existing license and certificate categories, (3) federal drug and alcohol testing program, (4) elimination of obsolete laws, and (5) miscellaneous.

NEW LICENSE AND CERTIFICATE CATEGORIES

Independent chemical dependency counselor-clinical supervisor

The bill establishes a new category of individuals who may practice chemical dependency counseling pursuant to a license issued by the Chemical Dependency Professionals Board: independent chemical dependency counselor-clinical supervisors. In addition to practicing chemical dependency counseling, an individual licensed as an

independent chemical dependency counselor-clinical supervisor is authorized to do any of the following:

- (1) Diagnose and treat chemical dependency conditions;
- (2) Perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs;
- (3) Provide clinical supervision of chemical dependency counseling;
- (4) Refer individuals with nonchemical dependency conditions to appropriate sources of help.¹

License requirements

An individual seeking an independent chemical dependency counselor-clinical supervisor license must satisfy a number of requirements, including requirements specific to that license and general requirements applicable to all licenses and certificates the Board issues. There are two sets of requirements specific to the license. An individual seeking the license is required to meet only one of the two sets of requirements specific to the license. The following are the two alternative sets of specific requirements:

(1) The individual must hold, on the effective date of the bill, a valid independent chemical dependency counselor license.²

(2) The individual must meet all of the following requirements:

(a) The individual must hold from an accredited educational institution at least a master's degree in either a behavioral science or nursing that meets course requirements to be specified in rules. (The rules must provide for the course requirements to include, at a minimum, 40 semester hours in theories of counseling and psychotherapy, counseling procedures, group process and techniques, relationship therapy, research methods and statistics, fundamentals of assessment and diagnosis, psychopathology, human development, cultural competence in counseling, and ethics.)

(b) The individual must have not less than 6,000 hours of compensated work or supervised internship experience (including at least 2,000 hours of clinical supervisory experience as part of the work or internship) in any of the following and in which no

¹ R.C. 4758.54.

² R.C. 4758.39(B).

less than 2,200 hours are in chemical dependency counseling: (i) chemical dependency services, substance abuse services, or both, (ii) the practice of psychology, or (iii) the practice of professional counseling, social work, or marriage and family therapy.

(c) The individual must have a minimum of 180 hours of training in chemical dependency that meets requirements to be specified in rules. (The rules must provide for the training requirements to include theories of addiction, counseling procedures and strategies with addicted populations, group process and techniques working with addicted populations, assessment and diagnosis of addiction, relationship counseling with addicted populations, pharmacology, prevention strategies, treatment planning, and legal and ethical issues.)

(d) Unless the individual holds a valid license, registration, certificate, or credentials issued under another Ohio law that authorizes the individual to engage in a profession whose scope of practice includes the clinical supervision of chemical dependency counseling, chemical dependency counseling, and diagnosing and treating chemical dependency conditions, the individual must pass one or more examinations administered for the purpose of determining competence to practice as an independent chemical dependency counselor-clinical supervisor.³

The following are the general requirements applicable to all licenses and certificates the Board issues:

(1) The individual must be of good moral character as determined in accordance with rules.

(2) The individual must submit a properly completed application and all other documentation specified in rules and pay the license fee. (This does not apply, however, if the individual holds, on the bill's effective date, a valid independent chemical dependency counselor license.)

(3) The individual must meet any additional requirements specified in rules. (The additional requirements may include preceptorships.)⁴

License renewal and restoration

Unless revoked or suspended earlier, an independent chemical dependency counselor-clinical supervisor license expires two years after it is issued. To have the license renewed, an independent chemical dependency counselor-clinical supervisor

³ R.C. 4758.39(A) (primary) and 4758.22.

⁴ R.C. 4758.24 (primary), 4758.20(A)(4), and 4758.241.

must pay the renewal fee and complete not less than 40 hours of continuing education. To have an expired license restored, an independent chemical dependency counselor-clinical supervisor must apply for the restoration not later than two years after the license expires, pay a renewal fee, and complete a number of hours of continuing education to be specified in rules. However, the Board may waive the continuing education requirements for an individual seeking renewal or restoration of a license if the individual is unable to fulfill the requirements because of military service, illness, residence outside the United States, or any other reason the Board considers acceptable.⁵

Title protection

The bill prohibits persons from using the title "licensed independent chemical dependency counselor-clinical supervisor" or "LICDC-CS" without an independent chemical dependency counselor-clinical supervisor license. Violation of the prohibition is a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.⁶

Codes of ethical practice and professional conduct

Continuing law requires the Board to establish codes of ethical practice and professional conduct for the professions the Board regulates. The bill provides for the codes to apply to individuals who hold a valid independent chemical dependency counselor-clinical supervisor license.⁷

Disciplinary actions

Continuing law authorizes the Board to deny licenses and certificates and to take other disciplinary actions against individuals seeking to engage, or engaging, in the professions that the Board regulates. The bill provides that the following are additional reasons for which the Board may take disciplinary action:

(1) A conviction in this or any other state of a misdemeanor committed in the course of practice as an independent chemical dependency counselor-clinical supervisor;

⁵ R.C. 4758.26 and 4758.51.

⁶ R.C. 4758.02 and 4758.99 (not in the bill).

⁷ R.C. 4758.23.

(2) Inability to practice as an independent chemical dependency counselor-clinical supervisor due to abuse of or dependency on alcohol or other drugs or another physical or mental condition.⁸

Board membership

Current law provides for four of the voting members of the Board to be individuals who hold valid independent chemical dependency counselor licenses. The bill provides that these members may hold valid independent chemical dependency counselor licenses or valid independent chemical dependency counselor-clinical supervisor licenses.⁹

Prevention specialist assistant

The bill establishes a new category of individuals who may practice alcohol and other drug prevention services pursuant to a certificate issued by the Chemical Dependency Professionals Board: prevention specialist assistants. A prevention specialist assistant must practice under the supervision of a prevention specialist II, prevention specialist I, independent chemical dependency counselor-clinical supervisor, independent chemical dependency counselor, chemical dependency counselor III, physician, psychologist, registered nurse, professional clinical counselor, professional counselor, independent social worker, social worker, independent marriage and family therapist, marriage and family therapist, school counselor, or a health education specialist certified by the National Commission for Health Education Credentialing.¹⁰

Certification requirements

In addition to having to meet the general requirements applicable to the licenses and certificates that the Board issues (i.e., being of good moral character, submitting a properly completed application and all other documentation required by rules, paying the fee, and meeting any other requirements specified in rules), an individual seeking a prevention specialist assistant certificate must meet all of the following requirements:

(1) The individual must be at least 18 years old.

(2) The individual must have at least a high school diploma or high school equivalence diploma.

⁸ R.C. 4758.30.

⁹ R.C. 4758.10.

¹⁰ R.C. 4758.61.

(3) The individual must have at least 100 hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services.

(4) The individual must have at least 45 hours of prevention-related education that meets requirements to be specified in rules.¹¹

Certificate renewal and restoration

Unless revoked or suspended earlier, a prevention specialist assistant certificate expires two years after it is issued. To have the certificate renewed, a prevention specialist assistant must pay the renewal fee and complete not less than 20 hours of continuing education. To have an expired certificate restored, a prevention specialist assistant must apply for the restoration not later than two years after the certificate expires, pay a renewal fee, and complete a number of hours of continuing education to be specified in rules. However, the Board may waive the continuing education requirements for an individual seeking renewal or restoration of a certificate if the individual is unable to fulfill the requirements because of military service, illness, residence outside the United States, or any other reason the Board considers acceptable.¹²

Title protection

The bill prohibits persons from using the title "certified prevention specialist assistant" or "CPSA" without a prevention specialist assistant certificate. Violation of the prohibition is a misdemeanor of the fourth degree on a first offense and a misdemeanor of the third degree on each subsequent offense.¹³

Codes of ethical practice and professional conduct

Continuing law requires the Board to establish codes of ethical practice and professional conduct for the professions the Board regulates. The bill provides for the codes to apply to individuals who hold a valid prevention specialist assistant certificate.¹⁴

¹¹ R.C. 4758.46.

¹² R.C. 4758.26 and 4758.51.

¹³ R.C. 4758.02 and 4758.99 (not in the bill).

¹⁴ R.C. 4758.23.

Disciplinary actions

Continuing law authorizes the Board to deny licenses and certificates and to take other disciplinary actions against individuals seeking to engage, or engaging, in the professions that the Board regulates. The bill provides that the following are additional reasons for which the Board may take disciplinary action:

(1) A conviction in this or any other state of a misdemeanor committed in the course of practice as a prevention specialist assistant;

(2) Inability to practice as prevention specialist assistant due to abuse of or dependency on alcohol or other drugs or another physical or mental condition.¹⁵

EXISTING LICENSE AND CERTIFICATE CATEGORIES

Independent chemical dependency counselor

Current law requires an individual who seeks an independent chemical dependency counselor license to meet one of two sets of requirements specific to the license. The bill revises one of the sets of requirements as well as the scope of practice of independent chemical dependency counselors. The following table shows the revisions.

Topic	Current law	S.B. 287
Education ¹⁶	An individual must hold from an accredited educational institution at least a master's degree in behavioral sciences.	An individual must hold from an accredited educational institution at least a master's degree in a behavioral science <i>or nursing</i> .
	The course requirements for a degree in behavioral sciences must, at a minimum, include <i>60 quarter hours or the equivalent numbers of semester hours</i> .	The course requirements for a degree in a behavioral science or nursing must include, at a minimum, <i>40 semester hours</i> .
Experience ¹⁷	An individual must have not less than <i>4,000</i> hours of compensated work experience in (1) chemical dependency services, substance abuse services, or both, (2) the practice of psychology, or (3) the practice of professional counseling	An individual must have not less than <i>2,000</i> hours of compensated work <i>or supervised internship</i> experience in any of the fields specified in current law <i>or in the practice of marriage and family therapy</i> .

¹⁵ R.C. 4758.30.

¹⁶ R.C. 4758.40(A)(1) and 4758.20(A)(10).

¹⁷ R.C. 4758.40(A)(2).

Topic	Current law	S.B. 287
	<p>or social work.</p> <p>Not less than 800 of the 4,000 hours of compensated work experience must be in chemical dependency counseling.</p>	<p>Not less than 400 of the 2,000 hours of compensated work or supervised internship experience must be in chemical dependency counseling.</p>
Training ¹⁸	An individual must have a minimum of 270 hours of training in chemical dependency.	An individual must have a minimum of 180 hours of training in chemical dependency.
Examinations ¹⁹	An individual must pass one or more examinations administered for the purpose of determining competence to practice as an independent chemical dependency counselor.	The requirement to pass one or more examinations does not apply to an individual who holds a valid license, registration, certificate, or credentials that authorize the individual to provide chemical dependency counseling and diagnose and treat chemical dependency conditions.
Scope of practice ²⁰	In addition to practicing chemical dependency counseling, an independent chemical dependency counselor may (1) diagnose and treat chemical dependency conditions, (2) perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs, and (3) refer individuals with nonchemical dependency conditions to appropriate sources of help.	An independent chemical dependency counselor also may provide clinical supervision of chemical dependency counseling under the supervision of (1) an independent chemical dependency counselor-clinical supervisor, (2) a physician, (3) a psychologist, or (4) a registered nurse, professional clinical counselor, independent social worker, or independent marriage and family therapist if such supervision is consistent with the professional's scope of practice.

Chemical dependency counselor III

Current law requires an individual who seeks a chemical dependency counselor III license to meet one of three sets of requirements specific to the license. The bill revises one of the sets of requirements as well as the scope of practice of chemical dependency counselors III. The following table shows the revisions.

¹⁸ R.C. 4758.40(A)(3).

¹⁹ R.C. 4758.40(A)(4).

²⁰ R.C. 4758.55.

Topic	Current law	S.B. 287
Education ²¹	An individual must hold from an accredited educational institution a <i>bachelor's degree</i> in a <i>behavioral science</i> .	An individual must hold from an accredited educational institution <i>at least</i> a bachelor's degree in a behavioral science <i>or nursing</i> .
Experience ²²	An individual must have not less than <i>4,000</i> hours of compensated work experience in (1) chemical dependency services, substance abuse services, or both, (2) the practice of psychology, or (3) the practice of professional counseling or social work.	An individual must have not less than <i>2,000</i> hours of compensated work or supervised internship experience in any of the fields specified in current law <i>or in the practice of marriage and family therapy</i> .
	Not less than <i>800</i> of the 4,000 hours of compensated work experience must be in chemical dependency counseling.	Not less than <i>400</i> of the 2,000 hours of compensated work or supervised internship experience must be in chemical dependency counseling.
Training ²³	An individual must have a minimum of <i>270</i> hours of training in chemical dependency.	An individual must have a minimum of <i>180</i> hours of training in chemical dependency.
Examinations ²⁴	An individual must pass one or more examinations administered for the purpose of determining competence to practice as a chemical dependency counselor III.	The requirement to pass one or more examinations does not apply to an individual who holds a valid license, registration, certificate, or credentials that authorize the individual to provide chemical dependency counseling and diagnose and treat chemical dependency conditions.
Scope of practice ²⁵	In addition to practicing chemical dependency counseling, a chemical dependency counselor III may (1) diagnose chemical dependency conditions under the supervision of certain professionals, (2) treat chemical conditions, (3) perform treatment planning, assessment, crisis intervention, individual and	A chemical dependency counselor III also may provide clinical supervision of chemical dependency counseling under the supervision of certain professionals.

²¹ R.C. 4758.41(A)(1) (primary) and 4758.20(A)(13).

²² 4758.41(A)(2).

²³ R.C. 4758.41(A)(3).

²⁴ R.C. 4758.41(A)(4).

²⁵ R.C. 4758.56 and 4758.561.

Topic	Current law	S.B. 287
	group counseling, case management, and education services as they relate to abuse of and dependency on alcohol and other drugs, and (3) refer individuals with nonchemical dependency conditions to appropriate sources of help.	
	The following may supervise a chemical dependency counselor III diagnose chemical dependency conditions: (1) an independent chemical dependency counselor, (2) a physician, (3) a psychologist, and (4) a registered nurse, professional clinical counselor, or independent social worker if such supervision is consistent with the professional's scope of practice.	An independent chemical dependency counselor-clinical supervisor, rather than an independent chemical dependency counselor, may provide the supervision. The supervision also may be provided by an independent marriage and family therapist if providing the supervision is consistent with the therapist's scope of practice. The same professionals who may supervise a chemical dependency counselor III diagnose chemical dependency conditions also may supervise a chemical dependency counselor III provide clinical supervision of chemical dependency counseling.

Chemical dependency counselor II

Current law requires an individual who seeks a chemical dependency counselor II license to meet one of two sets of requirements specific to the license. The bill revises one of the sets of requirements. The following table shows the revisions.

Topic	Current law	S.B. 287
Education ²⁶	An individual must hold from an accredited educational institution an associate's degree in a <i>behavioral science</i> or a bachelor's degree in any field.	An individual must hold from an accredited educational institution an associate's degree in a behavioral science <i>or nursing</i> or a bachelor's degree in any field.
Experience ²⁷	An individual must have not less than a certain number of hours of compensated <i>or volunteer</i> work,	<i>Regardless of whether an individual holds an associate's degree or bachelor's degree, an individual</i>

²⁶ R.C. 4758.42(A)(1).

²⁷ R.C. 4758.42(A)(2).

Topic	Current law	S.B. 287
	<i>field placement, intern, or practicum</i> experience in (1) chemical dependency services, substance abuse services, or both or (2) the practice of psychology, professional counseling, or social work. <i>If an individual holds an associate's degree, the individual must have not less than 5,000 hours of such experience. If an individual holds a bachelor's degree, the individual must have not less than 6,000 hours of such experience.</i>	must have not less than 2,000 hours of compensated work or supervised internship (<i>rather than compensated or volunteer work, field placement, intern, or practicum</i>) experience in any of the fields specified in current law or in the practice of marriage and family therapy.
	<i>If an individual holds an associate's degree, not less than 1,000 hours of the experience must be in chemical dependency counseling. If an individual holds a bachelor's degree, not less than 1,200 hours of the experience must be in chemical dependency counseling.</i>	<i>Regardless of whether an individual holds an associate's degree or bachelor's degree, not less than 400 hours of the experience must be in chemical dependency counseling.</i>
Training ²⁸	An individual must have a minimum of 270 hours of training in chemical dependency.	An individual must have a minimum of 180 hours of training in chemical dependency.

Chemical dependency counselor assistant

The bill revises the scope of practice of chemical dependency counselor assistants as well as the law governing the renewal and restoration of initial chemical dependency counselor assistant certificates. The following table shows the revisions.

Topic	Current law	S.B. 287
Scope of practice ²⁹	While under the supervision of certain professionals, a chemical dependency counselor assistant may (1) practice chemical dependency counseling, (2) perform treatment planning, assessment, crisis intervention, individual and group counseling, case management, and education services as they relate to abuse of	The supervision also may be provided by (1) an independent chemical dependency counselor-clinical supervisor and (2) an independent marriage and family therapist if such supervision is consistent with the therapist's scope of practice.

²⁸ R.C. 4758.42(A)(3).

²⁹ R.C. 4758.59.

Topic	Current law	S.B. 287
	<p>or dependency on alcohol and other drugs, and (3) refer individuals with nonchemical dependency conditions to appropriate sources of help. The following may provide the supervision: (1) an independent chemical dependency counselor, (2) a chemical dependency counselor III, (3) a physician, (4) a psychologist, and (5) a registered nurse, professional clinical counselor, or independent social worker if such supervision is consistent with the professional's scope of practice.</p>	
Renewal of an initial certificate ³⁰	<p>A chemical dependency counselor assistance certificate, <i>regardless of whether it is an initial or subsequent certificate</i>, expires <i>two years</i> after it is issued.</p> <p>An individual holding a chemical dependency counselor assistant certificate, <i>regardless of whether it is an initial or subsequent certificate</i>, must complete <i>during the period that the certificate is in effect not less than 40 hours of continuing education</i> as a condition of renewal, unless the Chemical Dependency Professionals Board waives the requirement.</p>	<p>An <i>initial</i> chemical dependency counselor assistant certificate expires <i>thirteen months</i> after it is issued. When a subsequent certificate expires is not revised.</p> <p>An individual holding an <i>initial</i> chemical dependency counselor assistant certificate must complete <i>during the first twelve months that it is in effect at least 30 additional hours of training in chemical dependency counseling</i> as a condition of renewal, unless the Board waives the requirement. The requirements for renewing a subsequent certificate are not revised.</p>
Restoration of an initial certificate ³¹	<p>As a condition of restoring an <i>initial or subsequent</i> chemical dependency counselor assistant certificate that has expired, a chemical dependency counselor assistant must complete <i>a number of hours of continuing education specified in rules</i>, unless the Board waives the requirement.</p>	<p>As a condition of restoring an <i>initial</i> chemical dependency counselor assistant certificate that has expired, a chemical dependency counselor assistant must complete <i>at least 30 additional hours of training in chemical dependency counseling</i>, unless the Board waives the requirement. The requirements for restoring a subsequent certificate are not revised.</p>

³⁰ R.C. 4758.26 (primary), 4758.20(A)(20), 4758.51, and 4758.52.

³¹ R.C. 4758.26 (primary), 4758.20(A)(20), 4758.51, and 4758.52.

Prevention specialist II

Current law requires an individual who seeks a prevention specialist II certificate to meet one of two sets of requirements specific to the certificate. The bill revises one of the sets of requirements. The following table shows the revisions.

Topic	Current law	S.B. 287
Education ³²	An individual must either have (1) a bachelor's degree in a behavioral science and at least 6,000 hours of compensated work experience in alcohol and other drug prevention services or (2) a master's or doctoral degree in a behavioral science and at least 4,000 hours of compensated work experience in alcohol and other drug prevention services.	An individual must hold from an accredited educational institution at least a bachelor's degree in a field of study to be specified in rules.
	An individual must have at least 270 hours of prevention-related education.	An individual must have at least 100 hours of prevention-related education.
	No provision.	An individual must have at least the number, to be specified in rules, of hours of administrative or supervisory education.
Experience ³³	An individual must have compensated work experience in which not less than 50% of the individual's time was devoted to <i>planning, coordinating, or delivering alcohol and other drug prevention services.</i>	An individual must have at least 6,000 hours of compensated work experience <i>in alcohol and other drug prevention services, including at least 4,000 hours of administering or supervising the services.</i>
Registered applicant requirement ³⁴	An individual must take the examination administered to obtain a prevention specialist II certificate while holding a registered applicant certificate. (See " Registered applicant " below.)	No provision.

³² R.C. 4758.44(A)(2), (3), and (4) (primary) and 4758.20(A)(15) and (17).

³³ R.C. 4758.44(A)(1).

³⁴ R.C. 4758.44(A)(4) and 4758.53 (repealed).

Topic	Current law	S.B. 287
Examination ³⁵	An individual must pass <i>the examination</i> administered to determine competence to practice as a prevention specialist II.	An individual must pass <i>one or more examinations</i> administered to determine competence to practice as a prevention specialist II.

Prevention specialist I

Current law requires an individual who seeks a prevention specialist I certificate to meet one of two sets of requirements specific to the certificate. The bill revises one of the sets of requirements. The following table shows the revisions.

Topic	Current law	S.B. 287
Education ³⁶	No provision.	An individual must hold from an accredited educational institution at least an associate's degree in a field of study to be specified in rules.
	An individual must have at least 180 hours of prevention-related education.	An individual must have at least 100 hours of prevention-related education.
Experience ³⁷	An individual must have the following number of hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention services: (1) at least 4,000 if the individual has an associate's degree in a behavioral science, (2) at least 2,000 if the individual has a bachelor's, master's, or doctoral degree in a behavioral science, or (3) at least 6,000 if (1) or (2) does not apply.	An individual must have at least 2,000 hours of compensated or volunteer work, field placement, intern, or practicum experience in alcohol and other drug prevention service, <i>regardless of the individual's educational achievement.</i>
	An individual must have compensated or volunteer work, field placement, intern, or practicum experience in which not less than 20% of the individual's time was devoted to planning or delivering alcohol and other drug prevention	At least 400 of the 2,000 hours of the experience in alcohol and other drug prevention services must include planning or delivering the services.

³⁵ R.C. 4758.44(A)(5).

³⁶ R.C. 4758.45(A)(2) and (3) (primary) and 4758.20(A)(15).

³⁷ R.C. 4758.45(A)(1) and (2).

Topic	Current law	S.B. 287
	services.	
Registered applicant requirement ³⁸	An individual must take the examination administered to obtain a prevention specialist I certificate while holding a registered applicant certificate. (See " Registered applicant " below.)	No provision.
Examination ³⁹	An individual must pass <i>the examination</i> administered to determine competence to practice as a prevention specialist I.	An individual must pass <i>one or more examinations</i> administered to determine competence to practice as a prevention specialist I.

Registered applicant

An individual seeking a registered applicant certificate must meet the general requirements applicable to the licenses and certificates that the Chemical Dependency Professionals Board issues (i.e., being of good moral character, submitting a properly completed application and all other documentation required by rules, paying the fee, and meeting any other requirements specified in rules). However, current law does not establish requirements specific to a registered applicant certificate. The bill establishes such requirements. An individual seeking a registered applicant certificate must (1) be at least 18 years old, (2) have at least a high school diploma or equivalent diploma, and (3) submit to the Board a professional development plan that is acceptable to the Board.⁴⁰ And, the Board must adopt rules establishing additional requirements to obtain a registered applicant certificate. The additional requirements may include preceptorships.⁴¹

Under current law, a registered applicant, not later than four years after the applicant's certificate is issued, must submit to the Board documentation showing that the applicant has completed the requirements to take an examination to obtain a prevention specialist II or prevention specialist I certificate. The registered applicant must take the examination not later than one year after the Board notifies the applicant that the applicant meets the examination requirements. If the registered applicant fails the examination, the applicant must (1) retake the examination at least two times per year until the applicant passes the examination and (2) renew the applicant's certificate

³⁸ R.C. 4758.45(A)(4) and 4758.53 (repealed).

³⁹ R.C. 4758.45(A)(4).

⁴⁰ R.C. 4758.47.

⁴¹ R.C. 4758.20(A)(4)(c).

and complete 40 hours of prevention-related education not later than two years after the date of the first examination. The Board must revoke the registered applicant's certificate on failure to comply with any of these requirements and the applicant may not apply for a new certificate earlier than a period of time specified in rules. The bill repeals these requirements.⁴²

Although a registered applicant is no longer expressly required to work toward obtaining a prevention specialist II or prevention specialist I certificate, the bill provides for a registered applicant certificate to expire two years after it is issued and the Board is prohibited from renewing or restoring the certificate.⁴³ The Board may not issue a new registered applicant certificate to an individual whose previous registered applicant certificate has been expired for less than a period of time to be specified in rules.⁴⁴

Current law authorizes a registered applicant to provide alcohol and other drug prevention services under the supervision of a prevention specialist II, prevention specialist I, independent chemical dependency counselor, chemical dependency counselor III, chemical dependency counselor II, physician, psychologist, registered nurse, professional clinical counselor, professional counselor, independent social worker, social worker, school counselor, or a health education specialist certified by the National Commission for Health Education Credentialing. The bill eliminates the authority of a chemical dependency counselor II to supervise a registered applicant. Independent chemical dependency counselor-clinical supervisors, independent marriage and family therapists, and marriage and family therapists are added to the list of professionals who may provide the supervision.⁴⁵

FEDERAL DRUG AND ALCOHOL TESTING PROGRAM

Examinations to participate in federal drug and alcohol testing program

The bill authorizes the Chemical Dependency Professionals Board to administer examinations for individuals seeking to act as substance abuse professionals in a transportation workplace drug and alcohol testing program regulated by the U.S. Department of Transportation.⁴⁶ A substance abuse professional is a person who

⁴² R.C. 4758.53 (repealed and primary) and 4758.20(A)(18) and (19).

⁴³ R.C. 4758.21(A)(3), 4758.26(A), and 4758.27.

⁴⁴ R.C. 4758.24(B)(2) (primary) and 4758.20(A)(4)(d).

⁴⁵ R.C. 4758.61.

⁴⁶ 49 Code of Federal Regulations Part 40.

evaluates employees who have violated a U.S. Department of Transportation drug and alcohol regulation and makes recommendations concerning education, treatment, follow-up testing, and aftercare.⁴⁷ If the Board elects to administer the examinations, the Board is required to use examinations that comprehensively cover all the elements of substance abuse professional qualification training required by the U.S. Department of Transportation and are prepared by a nationally recognized professional or training organization that represents the interests of those involved in chemical dependency counseling services. The Board also is to adopt rules governing its administration of the examinations if the Board elects to administer the examinations.⁴⁸

ELIMINATION OF OBSOLETE LAWS

Department of Alcohol and Drug Addiction Services' certification duties

The Chemical Dependency Professionals Board was created in 2002 by Am. Sub. H.B. 496 of the 124th General Assembly. Before H.B. 496, the Ohio Department of Alcohol and Drug Addiction Services (ODADAS) was required to establish and administer a process for the certification or credentialing of chemical dependency professionals for the purpose of qualifying their services for reimbursement under Medicare or Medicaid. H.B. 496 required ODADAS to cease its certifying and credentialing process the earlier of (1) the date on which the Chemical Dependency Professionals Board assumed ODADAS' certification duties or (2) December 23, 2004. The Board and ODADAS were required to enter into an agreement specifying the date for the Board to assume ODADAS' certification duties.

The law governing the transfer of ODADAS' certification duties to the Board is now obsolete. The bill repeals the obsolete law.⁴⁹

Chemical dependency counselor I license

Am. Sub. H.B. 496 of the 124th General Assembly prohibited the Chemical Dependency Professionals Board from issuing an initial chemical dependency counselor I certificate but permitted the Board to renew, until December 23, 2008, such a certificate that on December 23, 2002, was accepted as authority to practice as a chemical dependency counselor I. This means that the Board has never been permitted to issue an initial chemical dependency counselor I certificate and has not been permitted to

⁴⁷ 49 C.F.R. 40.3.

⁴⁸ R.C. 4758.221 (primary), 4758.01, and 4758.20(A)(2).

⁴⁹ R.C. 3793.07 (repealed), 4757.41, 4758.02(A), 4758.04 (repealed), 4758.40(B), 4758.41(B) and (C), 4758.42(B), 4758.43(B), 4758.44(B), and 4758.45(B).

renew such a certificate since before December 23, 2008. Persons have been prohibited from engaging in or representing to the public that person engages in chemical dependency counseling as a chemical dependency counselor I since December 23, 2008.

Many provisions of law regarding chemical dependency counselors I are obsolete. The bill eliminates the obsolete laws but maintains the prohibition against the Board issuing, renewing, or restoring a certificate to practice as a chemical dependency counselor I and the prohibition against a person engaging in chemical dependency counseling as a chemical dependency counselor I.⁵⁰

MISCELLANEOUS

Restoration of expired license

Current law permits the Chemical Dependency Professionals Board to refuse to renew, suspend, revoke, or otherwise restrict a license or certificate holder for various reasons, including violation of the law governing the practice of chemical dependency counseling and alcohol and other drug prevention services, knowingly making a false statement on an application for an initial, renewed, restored, or reinstated license or certificate, and conviction of any crime that is a felony in this state. The bill permits the Board also to refuse to restore a license or certificate for the various reasons.⁵¹

Practice of marriage and family therapy

The bill specifies that the law governing the practice of chemical dependency counseling and alcohol and other drug prevention services does not authorize an individual to engage in the practice of marriage and family therapy except to the extent of providing services authorized by that law.⁵²

II. MEDICAID

Wheelchairs removed from nursing facilities' Medicaid costs

The bill removes wheelchairs from nursing facilities' direct care costs.⁵³ Direct care costs are a group of costs, along with other costs such as capital and ancillary and

⁵⁰ R.C. 3793.07 (repealed), 4758.02, 4758.20(A)(4), 4758.21(A)(3), 4758.23(A)(1), 4758.24(B), 4758.27, 4758.30(A)(5) and (6), and 4758.58 (repealed).

⁵¹ R.C. 4758.30.

⁵² R.C. 4758.70.

⁵³ R.C. 5111.20.

support costs, for which nursing facilities are reimbursed by Medicaid when the costs are incurred in providing services to residents who are Medicaid recipients.

Wheelchairs were added to nursing facilities' Medicaid-reimbursable costs beginning with fiscal year 2010. Originally, wheelchairs were included in nursing facilities' ancillary and support costs. Am. Sub. H.B. 487 of the 129th General Assembly transferred wheelchairs to nursing facilities' direct care costs. The practice of including wheelchairs, and certain other services, in nursing facilities' Medicaid-reimbursable costs is often called bundling.

By removing wheelchairs from nursing facilities' Medicaid-reimbursable costs, a provider who provides a wheelchair service to a Medicaid recipient residing in a nursing facility would bill the Office of Medical Assistance directly rather than the nursing facility.

HISTORY

ACTION	DATE
Introduced	01-31-12
Reported, S. Health, Human Services & Aging	04-03-12
Passed Senate (33-0)	04-18-12
Reported, H. Health & Aging	11-29-12
Passed House (83-0)	11-29-12
Senate refused to concur in House amendments (1-32)	12-05-12
House requested conference committee	12-11-12
Senate acceded to request for conference committee	12-11-12

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