



TERRY E. BRANSTAD
GOVERNOR

OFFICE OF THE GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

April 26, 2013

The Honorable Kraig Paulsen
Speaker of the House
State Capitol
Des Moines, Iowa 50319

Dear Speaker Paulsen:

House File 569, an Act relating to licensure of professionals practicing substance and addictive disorder counseling or providing substance and addictive disorder prevention services, making penalties applicable, and inducing transition, implementation and effective date provisions is hereby disapproved and transmitted to you in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa.

House File 569 is hereby disapproved on this date.

I am unable to approve House File 569 for the following reasons:

House File 569 mandates licensing for four new professions: substance and addictive disorder counselor (L.S.A.D.C.), master substance and addictive disorder counselor (L.M.S.A.D.C.), independent substance and addictive disorder counselor (L.I.S.A.D.C.) and substance and addictive disorder prevention professional (L.S.A.D.P.P.). This legislation also expands the size and cost of government by adding four new positions to the Board of Behavioral Science. The Board of Behavioral Science would need to increase fees on hardworking Iowans to pay for the increased expenses of the board and hire additional staff because the addition of four new required licenses doubles the size of active licenses.

Professionals who work in the area of substance abuse and addictive disorder counseling and prevention are essential. They provide valuable services to those with substance abuse and other addictions. Currently, these professionals can be certified by the Iowa Board of Certification to establish their credentials. The Iowa Board of Certification has been doing a good job of providing standards and certification. There is no need for an additional layer of government regulation and licensure. Furthermore, many of these certified professionals work in licensed facilities or under the supervision of others with licenses.

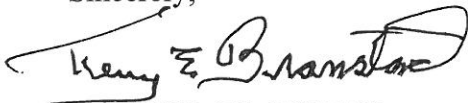
It is anticipated that the field of substance abuse and addictive disorder counseling and prevention will grow to meet treatment demand. It is in the best interests of Iowans to ensure that no artificial barriers to entry are created to keep people from the field. Often, counselors decide to enter the field after successfully winning the battle with their own addiction or abuse issues. We want to ensure that qualified people can continue to enter the profession. For example, each of the four licenses in this legislation requires a bachelors or master's degree before someone can work in this field. However, nearly one out of four people working in this field today in Iowa does not have such a degree, but possesses relevant experience equal to the requirements of the field. Although this legislation grandfatheres these people in for now, future Iowans would not have the same path or opportunity to enter this important field.

According to *License to Work*, a study by the Institute for Justice, in the 1950's only one in twenty individuals needed the government's permission to pursue their chosen profession. But today, the number is almost one in three.

Regulations and licenses should only be mandated when necessary to serve public health or safety. An occupational license is governmental permission to work in a particular field. In contrast, certification serves to provide a professional credentialing process for treatment and prevention providers. Licenses serve to increase costs on licensees, increase consumer costs and options, and reduce opportunities for new workers. One of my goals is to grow jobs by eliminating impediments to economic growth imposed by burdensome administrative rules and regulations. New policies that encourage a job-friendly environment can take Iowa a significant way forward in our effort to compete for new jobs, but much of that work can be undone by overregulation. Given that the certification process for substance abuse and addictive disorder counseling and prevention professionals is well-functioning and serves the interests of protecting health and public safety, there is no need to add an additional mandated layer of regulation and four new licenses.

For the above reasons, I respectfully disapprove of House File 569, in its entirety, in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry E. Branstad". The signature is written in a cursive style with a large, sweeping initial "T".

TERRY E. BRANSTAD

Governor



House File 569

AN ACT

RELATING TO LICENSURE OF PROFESSIONALS PRACTICING SUBSTANCE AND ADDICTIVE DISORDER COUNSELING OR PROVIDING SUBSTANCE AND ADDICTIVE DISORDER PREVENTION SERVICES, MAKING PENALTIES APPLICABLE, AND INCLUDING TRANSITION, IMPLEMENTATION, AND EFFECTIVE DATE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 147.1, subsections 3 and 6, Code 2013, are amended to read as follows:

3. *"Licensed" or "certified"*, when applied to a physician and surgeon, podiatric physician, osteopathic physician and surgeon, physician assistant, psychologist, chiropractor, nurse, dentist, dental hygienist, dental assistant, optometrist, speech pathologist, audiologist, pharmacist, physical therapist, physical therapist assistant, occupational therapist, occupational therapy assistant, orthotist, prosthetist, pedorthist, respiratory care practitioner, practitioner of cosmetology arts and sciences, practitioner of barbering, funeral director, dietitian, marital and family therapist, mental health counselor, social worker, substance and addictive disorder counselor, master substance and addictive disorder counselor, independent substance and addictive disorder counselor, substance and addictive disorder prevention professional, massage therapist, athletic

trainer, acupuncturist, nursing home administrator, hearing aid dispenser, or sign language interpreter or transliterator means a person licensed under this subtitle.

6. "Profession" means medicine and surgery, podiatry, osteopathic medicine and surgery, practice as a physician assistant, psychology, chiropractic, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, pharmacy, physical therapy, physical therapist assisting, occupational therapy, occupational therapy assisting, respiratory care, cosmetology arts and sciences, barbering, mortuary science, marital and family therapy, mental health counseling, social work, substance and addictive disorder counseling, substance and addictive disorder prevention services, dietetics, massage therapy, athletic training, acupuncture, nursing home administration, hearing aid dispensing, sign language interpreting or transliterating, orthotics, prosthetics, or pedorthics.

Sec. 2. Section 147.2, subsection 1, Code 2013, is amended to read as follows:

1. A person shall not engage in the practice of medicine and surgery, podiatry, osteopathic medicine and surgery, psychology, chiropractic, physical therapy, physical therapist assisting, nursing, dentistry, dental hygiene, dental assisting, optometry, speech pathology, audiology, occupational therapy, occupational therapy assisting, orthotics, prosthetics, pedorthics, respiratory care, pharmacy, cosmetology arts and sciences, barbering, social work, dietetics, marital and family therapy or mental health counseling, substance and addictive disorder counseling or substance and addictive disorder prevention services, massage therapy, mortuary science, athletic training, acupuncture, nursing home administration, hearing aid dispensing, or sign language interpreting or transliterating, or shall not practice as a physician assistant, unless the person has obtained a license for that purpose from the board for the profession.

Sec. 3. Section 147.13, subsection 16, Code 2013, is amended to read as follows:

16. For marital and family therapy, ~~and~~ mental health counseling, substance and addictive disorder counseling, and substance and addictive disorder prevention services, the board of behavioral science.

Sec. 4. Section 147.14, subsection 1, paragraph m, Code 2013, is amended to read as follows:

m. For behavioral science, ~~three~~ two members licensed to practice marital and family therapy, ~~all~~ both of whom shall be practicing marital and family therapists; ~~three~~ two members licensed to practice mental health counseling, one of whom shall be employed in graduate teaching, training, or research in mental health counseling and ~~two~~ one of whom shall be a practicing mental health counselor; two members licensed to practice substance and addictive disorder counseling or substance and addictive disorder prevention services; and three members who are not licensed to practice marital and family therapy, ~~or~~ mental health counseling, substance and addictive disorder counseling, or substance and addictive disorder prevention services and who shall represent the general public.

Sec. 5. Section 147.74, Code 2013, is amended by adding the following new subsection:

NEW SUBSECTION. 23A. A substance and addictive disorder counselor licensed under chapter 154D may use the words "licensed substance and addictive disorder counselor" after the person's name or signify the same by the use of the letters "L.S.A.D.C." after the person's name. A master substance and addictive disorder counselor licensed under chapter 154D may use the words "licensed master substance and addictive disorder counselor" after the person's name or signify the same by the use of the letters "L.M.S.A.D.C." after the person's name. An independent substance and addictive disorder counselor licensed under chapter 154D may use the words "licensed independent substance and addictive disorder counselor" after the person's name or signify the same by the use of the letters "L.I.S.A.D.C." after the person's name. A substance and addictive disorder prevention professional licensed under chapter 154D may use the words "licensed substance and addictive disorder prevention professional" after the person's name or signify the same by the use of the letters "L.S.A.D.P.P." after the person's name.

Sec. 6. Section 154D.1, subsection 4, Code 2013, is amended to read as follows:

4. "*Licensee*" includes a licensed marital and family therapist, ~~and~~ a licensed mental health counselor, a licensed substance and addictive disorder counselor, a licensed master substance and addictive disorder counselor, a licensed independent substance and addictive disorder counselor, and a licensed substance and addictive disorder prevention

professional.

Sec. 7. Section 154D.1, Code 2013, is amended by adding the following new subsections:

NEW SUBSECTION. 1A. "*Licensed independent substance and addictive disorder counselor*" means a person licensed to practice substance and addictive disorder counseling as an independent substance and addictive disorder counselor pursuant to this chapter. A licensed independent substance and addictive disorder counselor is qualified to practice independently in private practice.

NEW SUBSECTION. 2A. "*Licensed master substance and addictive disorder counselor*" means a person licensed to practice substance and addictive disorder counseling as a master substance and addictive disorder counselor pursuant to this chapter. A licensed master substance and addictive disorder counselor may practice in a program licensed or excepted from licensure pursuant to chapter 125.

NEW SUBSECTION. 3A. "*Licensed substance and addictive disorder counselor*" means a person licensed to practice substance and addictive disorder counseling pursuant to this chapter. A licensed substance and addictive disorder counselor may practice in a program licensed or excepted from licensure pursuant to chapter 125, under the clinical oversight of a licensed master substance and addictive disorder counselor or a licensed independent substance and addictive disorder counselor.

NEW SUBSECTION. 3B. "*Licensed substance and addictive disorder prevention professional*" means a person licensed to provide substance and addictive disorder prevention services pursuant to this chapter.

NEW SUBSECTION. 6A. "*Substance and addictive disorder counseling*" means counseling of persons with substance and addictive disorders which consists of the application of general counseling theories and treatment methods adopted with the express purpose of treating alcohol, drug, and gambling problems.

NEW SUBSECTION. 6B. "*Substance and addictive disorder prevention services*" means services that implement strategies and activities that have been shown to increase protective factors, prevent high-risk behaviors, and effectively reduce rates of substance and addictive disorders.

Sec. 8. NEW SECTION. 154D.2A Licensure — substance and addictive disorder counseling and prevention services.

1. An applicant for a license to practice as a substance and addictive disorder counselor shall be granted a license by the board if the applicant satisfies all of the following requirements:

a. Possesses a bachelor's degree in substance and addictive disorders or a counseling-related area from an accredited educational institution or from a program approved by the board.

b. Possesses the required years of supervised clinical experience or its equivalent as approved by the board.

c. Passes an examination approved by the board.

2. An applicant for a license to practice as a master substance and addictive disorder counselor shall be granted a license by the board if the applicant satisfies all of the following requirements:

a. Possesses a master's degree in substance and addictive disorders or a counseling-related area from an accredited educational institution or from a program approved by the board.

b. Possesses the required years of supervised clinical experience or its equivalent as approved by the board.

c. Passes an examination approved by the board.

3. An applicant for a license to practice as an independent substance and addictive disorder counselor shall be granted a license by the board if the applicant satisfies all of the following requirements:

a. Possesses a master's degree in substance and addictive disorders or a counseling-related area from an accredited educational institution or from a program approved by the board.

b. Possesses the required years of supervised clinical experience or its equivalent as approved by the board.

c. Has at least one year of experience in the treatment of and service delivery for substance and addictive disorders.

d. Passes an examination approved by the board.

4. An applicant for a license to provide substance and addictive disorder prevention services shall be granted a license by the board if the applicant satisfies all of the following requirements:

a. Possesses a bachelor's degree in a substance and addictive disorders prevention-related area from an accredited educational institution or from a program approved by the board.

b. Possesses the required years of supervised clinical experience or its equivalent as approved by the board.

c. Passes an examination approved by the board.

Sec. 9. NEW SECTION. 154D.2B **Scope of work — substance and addictive disorder counseling.**

1. *a.* The scope of work for a person licensed as a substance and addictive disorder counselor includes all of the following and applies to co-occurring mental health problems that are within the limits of the person's training and experience:

(1) Evaluation, including formulation of a diagnosis of a substance and addictive disorder, with review by an independent substance and addictive disorder counselor, a master substance and addictive disorder counselor, or a mental health professional as defined in section 228.1; screening, brief intervention, and referral to treatment.

(2) Treatment planning.

(3) Referral.

(4) Service coordination and case management.

(5) Counseling and education with individuals, families, and groups.

(6) Substance and addictive disorder services including client, family, and community education.

(7) Documentation.

(8) Professional and ethical responsibilities.

(9) Supervision of licensed substance and addictive disorder prevention professionals.

b. A person licensed as a substance and addictive disorder counselor may practice at a facility, in a primary care setting, or under the clinical supervision of an independent substance and addictive disorder counselor, a master substance and addictive disorder counselor, or a mental health professional as defined in section 228.1.

2. *a.* The scope of work for a person licensed as a master substance and addictive disorder counselor includes all of the following and applies to co-occurring mental health problems that are within the limits of the person's training and experience:

(1) Evaluation, including the diagnosis of substance and addictive disorders, screening, and assessment.

(2) Treatment planning.

(3) Referral.

(4) Service coordination and case management.

(5) Counseling and education with individuals, families, and groups.

(6) Substance and addictive disorder services including client, family, and community education.

(7) Documentation.

(8) Professional and ethical responsibilities.

(9) Supervision of licensed substance and addictive disorder counselors and licensed substance and addictive disorder prevention professionals.

b. A person licensed as a master substance and addictive disorder counselor may practice at a facility, in a primary care setting, or under the clinical supervision of an independent substance and addictive disorder counselor or a mental health professional as defined in section 228.1.

3. *a.* The scope of work for a person licensed as an independent substance and addictive disorder counselor includes all of the following and applies to co-occurring mental health problems that are within the limits of the person's training and experience:

(1) Clinical evaluation, including the diagnosis of substance and addictive disorders, screening, and assessment.

(2) Treatment planning.

(3) Referral.

(4) Service coordination and case management.

(5) Counseling, therapy, and education with individuals, families, and groups.

(6) Substance and addictive disorder services including client, family, and community education.

(7) Documentation.

(8) Professional and ethical responsibilities.

(9) Supervision of licensed substance and addictive disorder counselors, licensed master substance and addictive disorder counselors, licensed substance and addictive disorder prevention professionals, and mental health professionals as defined in section 228.1.

b. A person licensed as an independent substance and addictive disorder counselor may practice at a facility, in a primary care setting, or as an independent private practitioner.

Sec. 10. Section 154D.3, subsection 1, paragraph b, Code 2013, is amended to read as follows:

b. (1) Standards for professional conduct of persons licensed under this chapter.

(2) Standards for professional conduct for persons practicing substance and addictive disorder counseling or providing substance and addictive disorder prevention services shall address the following: informed consent, supervision, privacy and confidentiality, record keeping, access to records, billing and fees, conflicts of interest, physical contact, termination of service, misrepresentation, disclosure, impairment, research, and other areas as determined by the board.

Sec. 11. Section 154D.3, subsection 1, Code 2013, is amended by adding the following new paragraphs:

NEW PARAGRAPH. f. Requirements for a notification provided by a licensed substance and addictive disorder counselor, licensed master substance and addictive disorder counselor, licensed independent substance and addictive disorder counselor, or a licensed substance and addictive disorder prevention professional to the board regarding professional disciplinary action taken against the person in any state. Professional disciplinary action in any state may be grounds for termination of a license to practice substance and addictive disorder counseling or provide substance and addictive disorder prevention services under this chapter.

NEW PARAGRAPH. g. Requirements for listing professional degrees related to substance and addictive disorder counseling or substance and addictive disorder prevention services.

NEW PARAGRAPH. h. Requirements for the accepted standards of professional competence for a license to practice substance and addictive disorder counseling or substance and addictive disorder prevention services.

NEW PARAGRAPH. i. Requirements for allowing reciprocity for persons licensed in other jurisdictions to become licensed to practice as substance and addictive disorder counselors or substance and addictive disorder prevention professionals if the qualifications for licensure in the other jurisdiction are equivalent.

NEW PARAGRAPH. j. Standards for the scope of practice for substance and addictive disorder prevention professionals, which shall not include the diagnosis or treatment of substance or addictive disorders.

NEW PARAGRAPH. k. Standards for substance and addictive disorder prevention professionals' ethical and sexual conduct in regard to persons who receive substance and addictive disorder prevention services.

Sec. 12. Section 154D.4, subsection 1, Code 2013, is amended to read as follows:

1. This chapter and chapter 147 do not prevent qualified members of other professions, including but not limited to nurses, psychologists, social workers, physicians, physician assistants, attorneys at law, or members of the clergy, from providing or advertising that they provide services of a marital and family therapy, ~~or~~ mental health counseling, substance and addictive disorder counseling, or substance and addictive disorder prevention services nature consistent with the accepted standards of their respective professions, but these persons shall not use a title or description denoting that they are licensed marital and family therapists, ~~or~~ licensed mental health counselors, licensed substance and addictive disorder counselors, licensed master substance and addictive disorder counselors, licensed independent substance and addictive disorder counselors, or licensed substance and addictive disorder prevention professionals.

Sec. 13. Section 154D.4, subsection 2, paragraphs a and b, Code 2013, are amended to read as follows:

a. Students whose activities are conducted within a course of professional education in marital and family therapy, ~~or~~ mental health counseling, substance and addictive disorder counseling, or substance and addictive disorder prevention services.

b. A person who practices marital and family therapy, ~~or~~ mental health counseling, substance and addictive disorder counseling, or substance and addictive disorder prevention services under the supervision of a person licensed under this chapter as part of a clinical experience as described in section 154D.2, subsection 2, or section 154D.2A.

Sec. 14. Section 154D.5, Code 2013, is amended to read as follows:

154D.5 Sexual conduct with client.

The license of a marital and family therapist, ~~or~~ a mental health counselor, a substance and addictive disorder counselor, a master substance and addictive disorder counselor, or an independent substance and addictive disorder counselor shall be revoked if the board finds that the licensee engaged in sexual activity with a client as determined by board rule. The revocation shall be in addition to any other penalties provided by law.

Sec. 15. NEW SECTION. 154D.8 Temporary license — substance

and addictive disorder counseling — substance and addictive disorder prevention services — fees.

A person who has fulfilled all of the applicable requirements for licensure under section 154D.2A except for completion of the supervised clinical experience requirement as determined by the board, may apply to the board for a temporary license. A temporary license shall be designated as such and shall authorize the licensee to practice substance and addictive disorder counseling or to provide substance and addictive disorder prevention services under the supervision of a qualified supervisor as determined by the board. The license shall be valid for three years and may be renewed at the discretion of the board. The fee for a temporary license shall be set by the board to cover the administrative cost of issuing the license and, if renewed, a renewal fee as set by the board shall be required.

Sec. 16. Section 232.69, subsection 1, paragraph b, subparagraph (6), Code 2013, is amended to read as follows:

(6) ~~Am~~ A person licensed to practice substance and addictive disorder counseling or prevention services or an employee or operator of a substance abuse program or facility licensed under chapter 125.

Sec. 17. Section 235B.3, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *i.* A person licensed to practice substance and addictive disorder counseling or prevention services.

Sec. 18. TRANSITION PROVISIONS.

1. Notwithstanding sections 147.14 and 147.16, the governor may initially appoint to the board of behavioral science pursuant to section 147.14, subsection 1, paragraph "m", as amended by this Act, subject to confirmation by the senate, in lieu of the members licensed to practice substance and addictive disorder counseling and substance and addictive disorder prevention services, members with experience and expertise that is substantially equivalent to the professional requirements for a license to practice substance and addictive disorder counseling or substance and addictive disorder prevention services.

2. a. A substance and addictive disorder counselor practicing substance and addictive disorder counseling or a substance and addictive disorder prevention professional providing substance and addictive disorder prevention services on or before January 1, 2015, may continue practicing substance

and addictive disorder counseling or providing substance and addictive disorder prevention services, as applicable, while completing licensure as required under this Act.

b. A person practicing substance and addictive disorder counseling or providing substance and addictive disorder prevention services on or before January 1, 2015, that possesses credentials acceptable to the board of behavioral science but does not meet the requirements for licensure in section 154D.2A, as enacted in this Act, shall be eligible for licensure as a substance and addictive disorder counselor or substance and addictive disorder prevention professional as determined by the board. Those persons receiving licenses pursuant to this paragraph shall remain eligible for renewal of the license notwithstanding the requirements of section 154D.2A, as enacted in this Act, unless the board otherwise determines the person is not eligible for renewal of the license.

c. The board of behavioral science shall adopt rules to provide a transition process that allows the substance and addictive disorder counselors and substance and addictive disorder prevention professionals described in this subsection to complete the requirements for licensure and obtain a license or to obtain a license notwithstanding section 154D.2A as enacted in this Act based on the person's credentials, no later than June 30, 2016.

Sec. 19. IMPLEMENTATION.

1. The sections of this Act relating to requirements for licensure of substance and addictive disorder counselors, master substance and addictive disorder counselors, independent substance and addictive disorder counselors, and substance and addictive disorder prevention professionals, including sections 154D.2A, 154D.2B, and 154D.8, as enacted in this Act; and sections 147.1, 147.2, 147.13, 147.74, 154D.1, 154D.3, 154D.4, and 154D.5, as amended in this Act, shall be implemented so the requirements are applicable beginning no later than January 1, 2015.

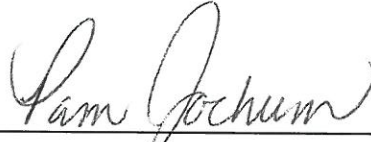
2. The implementation of licensure for substance and addictive disorder counselors, master substance and addictive disorder counselors, independent substance and addictive disorder counselors, and substance and addictive disorder prevention professionals is subject to the approval of a one-time state appropriation to cover the initial administrative costs.

Sec. 20. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.



KRAIG PAULSEN

Speaker of the House



PAM JOCHUM

President of the Senate

I hereby certify that this bill originated in the House and is known as House File 569, Eighty-fifth General Assembly.



CARMINE BOAL

Chief Clerk of the House

~~Disapproved~~
Approved

April 26, 2013



TERRY E. BRANSTAD

Governor