

## CHAPTER 87

### CERTIFIED ADDICTION COUNSELOR I AND II

#### 8700 GENERAL PROVISIONS

8700.1 This chapter shall apply to applicants for and holders of a certification to practice as a certified addiction counselor I or II, positions established, respectively, by sections 851 and 852 of the Act (D.C. Official Code §§ 3-1208.51 and 3-1208.52).

8700.2 Chapters 40 (Health Occupations: General Rules) and 41 (Health Occupations: Administrative Procedures) of this title shall supplement this chapter.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11938 (December 17, 2010).

#### 8701 TERM OF REGISTRATION

8701.1 Subject to § 8701.2, a certification issued pursuant to this chapter shall expire at 12:00 midnight of December 31 of each even-numbered year.

8701.2 The Director may change the renewal system pursuant to § 4006.3 of Chapter 40 of this title and modify the date on which a certification shall expire.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11938 (December 17, 2010).

#### 8702 EDUCATIONAL REQUIREMENTS

8702.1 An applicant shall present proof to the Board that he or she has graduated with at least an Associate's degree in a health or human services field, including but not limited to registered nursing, aging studies, criminal justice, health education, or mental health, from an accredited institution whose program is accredited by an entity recognized by the U.S. Department of Education. The degree shall include the following coursework:

- (a) Understanding the dynamics of human behavior and family systems – three (3) hours;
- (b) Signs and symptoms of substance abuse – three (3) hours;
- (c) Recovery process, stages of change, relapse prevention, treatment approaches, group dynamics and other adjunctive treatment recovery

support groups, motivational interviewing, and models and theories of addiction three (3) hours;

- (d) Ethics, rules and regulations – three (3) hours;
- (e) Professional identity in the provision of substance abuse services – three (3) hours;
- (f) Crisis intervention – three (3) hours;
- (g) Cultural factors and competencies in addiction – three (3) hours;
- (h) Co-occurring disorders in interdisciplinary treatment – three (3) hours;
- (i) Diagnostic and screening criteria in addictions – three (3) hours; and
- (j) Psychopharmacology resources in the treatment of addictions – three (3) hours.

8702.2 In lieu of the requirements for § 8702.1, an applicant for certification by waiver as an addiction counselor I, shall have two (2) years of supervised experience obtained while registered as an addiction counselor with such registration having been obtained on or after July 8, 2007, and shall have passed a national examination deemed acceptable by the Board.

8702.3 Any coursework listed in § 8702.1 that has not been taken in a degreed program shall be taken in a program approved by the National Association of Alcohol and Drug Abuse Counselors (NAADAC) or shall be taken at a college or university accredited by an entity recognized by the U.S. Department of Education.

8702.4 As part of the certification process for an addiction counselor II, an applicant shall present proof to the Board that he or she has graduated with at least a Bachelor's degree in a health or human services field, including but not limited to registered nursing, aging studies, criminal justice, health education, or mental health, from an accredited institution whose program is accredited by an entity recognized by the U.S. Department of Education. The degree shall include the following coursework:

- (a) Understanding the dynamics of human behavior and family systems – three (3) hours;
- (b) Signs and symptoms of substance abuse – three (3) hours;
- (c) Recovery process, stages of change, relapse prevention, treatment approaches, group dynamics and other adjunctive treatment recovery

support groups, motivational interviewing, and models and theories of addiction – nine (9) hours;

- (d) Ethics, rules and regulations – three (3) hours;
- (e) Professional identity in the provision of substance abuse services – three (3) hours;
- (f) Crisis intervention – three (3) hours;
- (g) Substance abuse counseling treatment planning and research – three (3) hours;
- (h) Counseling skills for individual and group, motivational interviewing - three (3) hours;
- (i) Cultural factors and competencies in addiction – three (3) hours;
- (j) Co-occurring disorders in interdisciplinary treatment – three (3) hours;
- (k) Diagnostic and screening criteria in addictions – three (3) hours; and
- (l) Psychopharmacology resources in the treatment of addictions – three (3) hours.

8702.5 Any coursework listed in § 8702.3 that has not been taken in a degreed program shall be taken in a program approved by the NAADAC or shall be taken at a college or university accredited by an entity recognized by the U.S. Department of Education.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11938 (December 17, 2010).

## **8703 EXPERIENCE**

8703.1 An applicant for certification as an addiction counselor I shall have obtained at least five hundred (500) hours of supervised experience, with a minimum of forty (40) hours in each of the following areas:

- (a) Understanding the dynamics of human behavior and family systems;
- (b) Signs and symptoms of substance abuse;
- (c) Recovery process, stages of change, relapse prevention, treatment

approaches, group dynamics and other adjunctive treatment recovery support groups, motivational interviewing, and models and theories of addiction;

- (d) Ethics, rules and regulations;
- (e) Professional identity in the provision of substance abuse services;
- (f) Crisis intervention;
- (g) Substance abuse counseling treatment planning and research;
- (h) Counseling skills for individual and group, motivational interviewing;
- (i) Cultural factors and competencies in addiction;
- (j) Co-occurring disorders and interdisciplinary treatment;
- (k) Diagnostic and screening criteria in addictions; and
- (l) Psychopharmacology resources in the treatment of addictions.

8703.2

An applicant for certification as an addiction counselor II shall have obtained at least one hundred eighty (180) hours of supervised experience. Of the one hundred eighty (180) hours, at least one hundred twenty (120) of the hours shall consist of performing at least ten (10) hours in each of the following tasks with substance abuse clients:

- (a) Screening clients to determine eligibility and appropriateness for admissions into a particular program;
- (b) Intake of clients by performing the administrative and initial assessment tasks necessary for admission to a program;
- (c) Orientation for new clients to program's rules, goals, procedures, services, costs, and rights of the client;
- (d) Assessment of client's strengths, weaknesses, problems, and needs for the development of a treatment plan;
- (e) Treatment planning with the client to identify and rank problems to be addressed, establish goals, and agree on treatment processes;
- (f) Counseling the client, utilizing specialized skills in both individual and group approaches to achieve treatment goals and objectives;

- (g) Case management activities which bring services, agencies, people, and resources together in a planned framework of action to achieve established goals;
- (h) Crisis intervention responses to clients' needs during acute mental, emotional, or physical distress;
- (i) Education of clients by providing information about drug abuse and available services and resources;
- (j) Referral of clients in order to meet identified needs unable to be met by the counselor and assisting the client in effectively utilizing those resources;
- (k) Reporting and charting information about the client's assessment, treatment plan, progress, discharge summaries, and other client-related data; and
- (l) Consultation with other professionals to assure a comprehensive quality of care for the client.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11940 (December 17, 2010).

## **8704 NATIONAL EXAMINATION**

- 8704.1 In addition to the requirements of § 8702.1, an applicant for an addiction counselor I certification shall take and pass the National Association of Alcohol and Drug Abuse Counselors – National Certification Commission (NAADAC-NCC) Level I examination. The examination shall be taken after the applicant has satisfied all of the requirements of § 8702.1 and § 8702.2, if applicable.
- 8704.2 In addition to the requirements of § 8702.3, an applicant for an addiction counselor II certification shall take and pass the NAADAC-NCC Level II examination. The examination shall be taken after the applicant has satisfied all of the requirements of §§ 8702.3 and 8702.4, if applicable.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11942 (December 17, 2010).

## **8705 DISTRICT JURISPRUDENCE EXAMINATION**

- 8705.1 An individual who submits an initial application to qualify for certification under this chapter as an addiction counselor I or addiction counselor II, shall receive a passing score on an examination developed by the Board on laws, rules, and

ethical standards pertaining to the practice of addiction counseling (the District jurisprudence examination).

8705.2 In addition to applicants identified in § 8704.1, the following applicants shall take and pass the District examination prior to issuance of a license if the examination has not been previously been taken:

- (a) An applicant who is seeking renewal of a certification;
- (b) An applicant who is seeking re-activation of an inactive certification;
- (c) An applicant who is seeking reinstatement of a certification; and
- (d) An applicant who is seeking certification by waiver of educational requirements pursuant to §§ 8706.1 or 8706.2.

8705.3 The Board shall administer the District jurisprudence examination at least three (3) times a year.

8705.4 If an applicant fails the District jurisprudence examination three (3) times, the applicant shall not be eligible to take the examination again until he or she has taken a Board-approved refresher course.

8705.5 The District examination may consist of questions on the following:

- (a) The District of Columbia statutes and rules concerning the practice of addiction counseling; and
- (b) The Code of Ethics of the NAADAC.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11942 (December 17, 2010).

## **8706 WAIVER OF EDUCATIONAL REQUIREMENTS**

8706.1 The Board shall waive the educational requirements of § 8702.1 for an applicant for certification as an addiction counselor I who presents evidence satisfactory to the Board that the applicant is currently registered in the District of Columbia as an addiction counselor and has at least two (2) years of documented, continuous supervised experience on a full-time or substantially full-time (thirty-five (35) or more hours each week) basis in the field of addiction counseling immediately preceding July 7, 2009, provided that the application for waiver is submitted by July 7, 2011.

8706.2 The Board shall waive the educational requirements of § 8702.2 for an applicant for certification as an addiction counselor II who presents evidence satisfactory to the Board that the applicant is currently registered in the District of Columbia as

an addiction counselor and has at least five (5) years of documented, continuous supervised experience on a full-time or substantially full-time (thirty-five (35) or more hours each week) basis in the field of addiction counseling immediately preceding July 7, 2009, provided that the application for waiver is submitted by July 7, 2011.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11943 (December 17, 2010).

## **8707            APPLICANTS EDUCATED IN FOREIGN COUNTRIES**

8707.1            The Board shall waive the educational requirements of § 8702 for an applicant for certification to practice as an addiction counselor I or II to anyone who has completed an educational program in a college or university in a foreign country which is not accredited in accordance with § 8702, if the applicant demonstrates to the satisfaction of the Board that the applicant's education and training are substantially equivalent to the requirements of this chapter and the Act in ensuring that the applicant is qualified to practice as an addiction counselor I or II, by submitting documentation required by § 8707.2.

8707.2            An applicant under this section shall, in lieu of meeting the requirements of §§ 8702.1 or 8702.2, submit one of the following:

- (a)            Proof satisfactory to the Board that the applicant has received an Associate's degree or higher to qualify for certification as an addiction counselor I, or Bachelor's degree or higher to qualify for certification as an addiction counselor II, from a foreign institution which was accredited, at the time the degree was conferred, by the national government or an accrediting body recognized by the national government of the country in which the institution is located; or
- (b)            A certification from a private education evaluation service approved by the Board that the applicant's foreign education is substantially equivalent to the education provided in an accredited program.

8707.3            The Board may interview an applicant under this section to determine whether the applicant's education or training meets the requirements of the Act and this chapter.

8707.4            If a document required by this chapter is in a language other than English, an applicant shall arrange for its translation into English by a translation service acceptable to the Board and shall submit a translation signed by the translator attesting to its accuracy.

## **8708 CONTINUING EDUCATION REQUIREMENTS**

- 8708.1 This section shall apply to applicants for the renewal, reactivation, or reinstatement of a certification expiring on December 31, 2014, or later; except, that this section shall not apply to applicants for first time renewal of a certification.
- 8708.2 To qualify for the renewal of a certification, an applicant shall submit proof of having completed forty (40) hours of approved continuing education credit during the two-year (2) period preceding the date the certification expires, which shall include the following:
- (a) Six (6) hours in ethics;
  - (b) Three (3) hours in trauma counseling;
  - (c) Two (2) hours in LGBTQ cultural competency or specialized clinical training; and
  - (d) At least ten percent (10%) of the total in subjects determined by the Director to be the public health priorities of the District, which shall be duly updated and published every five (5) years or as deemed necessary by the Director.
- 8708.3 Repealed.
- 8708.4 Repealed.
- 8708.5 To qualify for the reactivation of a certification, a person in inactive status within the meaning of § 511 of the Act, D.C. Official Code § 3-1205.11, shall submit proof of having completed, within the year preceding the application, twenty (20) hours of approved continuing education credits for each year that the certification remains in inactive status. The total shall also include at least six (6) hours in ethics, three (3) hours in trauma counseling, and two (2) hours in LGBTQ cultural competency or specialized clinical training.
- 8708.6 A person seeking reinstatement of his or her certification shall submit proof of having completed twenty (20) hours of approved continuing education credits for each year after the expiration of the certification. The total shall include at least six (6) hours in ethics, three (3) hours in trauma counseling, and two (2) hours in LGBTQ cultural competency or specialized clinical training.
- 8708.7 A continuing education credit required by this section shall be valid only if it is part of a program or activity approved by the Board in accordance with § 8709.



- 8708.8 An applicant under this section shall prove completion of required continuing education credits by submitting with the application the following information with respect to each program:
- (a) The name and address of the sponsor of the program;
  - (b) The name of the program, its location, a description of the subject matter covered, and the names of the instructors;
  - (c) The dates on which the applicant attended the program;
  - (d) The hours of credit claimed; and
  - (e) Verification by the sponsor of completion, by signature or stamp.
- 8708.9 In addition to the requirements of § 8708.8, an applicant shall prove completion of continuing education course work, if taken at a college or university, by submitting with the transcript or certificate of completion, a signed statement from the instructor on college university stationery for each class attended.
- 8708.10 An applicant for renewal of a certification who fails to submit proof of having completed continuing education requirements by the date the registration expires may renew the certification up to sixty (60) days after expiration by submitting proof and paying the required additional late fee.
- 8708.11 Upon submitting proof and paying the late fee, the applicant shall be deemed to have possessed a valid certification during the period between the expiration of the certification and the submission of the required documentation and payment of the late fee.
- 8708.12 If an applicant for renewal of a certification fails to submit proof of completion of continuing education requirements or pay the late fee within sixty (60) days after the expiration of the applicant's certification, the certification shall be deemed to have lapsed on the date of expiration.
- 8708.13 The Board may, in its discretion, grant an extension of the sixty (60) day period to renew after expiration if the applicant's failure to submit proof of completion was for good cause.
- 8708.14 The Board may, in its discretion, audit the renewal applications to ensure that the continuing education requirement has been met. The applicant shall maintain a copy of the continuing education certificate(s) for at least four (4) years.

**8709 APPROVED CONTINUING EDUCATION PROGRAMS AND ACTIVITIES**

8709.1 A continuing education credit required by this chapter must be earned as part of a continuing education program or activity approved by the Board.

8709.2 The Board may, in its discretion, approve continuing education programs and activities that contribute to the professional development and competence in the addiction counseling field.

8709.3 The continuing education shall be directly related to or supportive of addiction counseling practice.

8709.4 The Board may accept the following types of continuing education programs:

- (a) An undergraduate or graduate course given at an accredited college or university;
- (b) A seminar or workshop;
- (c) An educational program given at a conference;
- (d) In-service training;
- (e) Training conducted and approved by the following professional bodies:
  - (1) National Board of Certified Counselors (NBCC);
  - (2) Association of Social Work Boards;
  - (3) National Association of Social Workers;
  - (4) American Psychology Association;
  - (5) NAADAC;
  - (6) American Counseling Association; or
  - (7) American Mental Health Counselors Association; and
  - (8) Training conducted at an accredited health care facility.

8709.5 To qualify for approval by the Board, any other continuing education training not mentioned in subsection 8709.4 shall:

- (a) Be current in its subject matter;
- (b) Be developed and taught by individuals with substantial background in the subject matter being taught;
- (c) Be in an area of study approved by the Board, as set forth in § 8710; and
- (d) Be submitted to the Board for review at least sixty (60) days prior to the date of the program and be approved by the Board.

8709.6 The Board may issue and update a list of approved continuing education programs.

8709.7 An applicant shall have the burden of verifying whether a program is approved by the Board pursuant to this section prior to attending the program.

8709.8 The Board may approve continuing education credit for serving as a speaker on an addiction counseling matter at a conference, seminar, workshop, or in-service training. The Board may grant credit for both preparation and presentation time. The maximum amount of credit that may be granted for preparation time shall be twice the amount of the associated presentation time. The presentation must be completed during the period for which credit is claimed. If an applicant has previously received credit in connection with a particular presentation, the Board shall not grant credit for a subsequent presentation unless it involves either a different subject or substantial additional research.

8709.9 The Board may also approve continuing education credit for:

- (a) Publication of an article related to addiction counseling in a professional journal, publication of a book or a chapter in a book, or publication of a book review in a professional journal or bulletin;
- (b) New program development related to addiction counseling, which shall count for a maximum of eight (8) hours. New program development includes a new course, seminar, or workshop. New courses shall be graduate or undergraduate level college or university courses;
- (c) Dissertation on an addiction counseling topic, which shall count for a maximum of eighteen (18) hours. Dissertation credit may only be counted once; or
- (d) Leadership positions, which shall count for a maximum of ten (10) hours; provided, that to receive credit for the leadership position, the position shall last for a minimum of one (1) year after the date of the first

licensure. The following leadership positions are acceptable for continuing education:

- (1) Officer of state or national addiction counseling organization;
- (2) Editor or reviewer of an addiction counseling journal;
- (3) Member of a national ethics disciplinary review committee rendering licenses;
- (4) Active member of an addiction counseling committee producing a substantial written product;
- (5) Chair of a major addiction counseling conference or convention; or
- (6) Other leadership positions with justifiable professional learning experiences.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11946 (December 17, 2010).

## **8710 ACCEPTABLE CONTINUING EDUCATION COURSES**

8710.1 The Board may, in its discretion, accept continuing education credit that contributes to the continuing competency of the individual certified under this section, including, but not limited to the following:

- (a) Treatment of adolescents and youth;
- (b) Trauma and abuse;
- (c) Addiction or other compulsive behaviors such as:
  - (1) Eating;
  - (2) Gambling; or
  - (3) Sex;
- (d) Grief;
- (e) Assessment and screening;
- (f) Stress management;
- (g) Chemical dependency program administration or management; or

- (h) Research or other functional areas of chemical dependency treatment programs related to client care.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11948 (December 17, 2010).

## **8711 UNACCEPTABLE CONTINUING EDUCATION COURSES**

8711.1 A certificate holder may not receive duplicate credit for training that is repeated during a single renewal period.

8711.2 The following continuing education shall not be acceptable:

- (a) The same course taken more than once during a single renewal period;
- (b) Courses dealing with the participant's self-improvement, personal growth, changes in attitude, self-therapy or self-awareness, or therapy workshops dealing with the participant's personal issues or problems;
- (c) Chemical dependency education courses designed for lay people (public education);
- (d) Parenting classes or other programs designed for non-professional participants;
- (e) Liberal arts courses in music, education, art, or other courses unrelated to chemical dependency counseling;
- (f) Orientation programs, such as specific series of activities designed to familiarize employees with policies and procedures of an institution or agency; and
- (g) Courses in marketing, business, personal enrichment, time management, CPR classes, or computer-related workshops.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11949 (December 17, 2010).

## **8712 CONTINUING EDUCATION CREDITS**

8712.1 The Board may grant continuing education credit for whole hours only, with a minimum of fifty (50) minutes constituting one (1) credit hour.

8712.2 The Board may grant a maximum of five (5) hours of continuing education credits per year to an applicant for attending in-service education programs.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11949 (December 17, 2010).

## **8713 CERTIFICATION BY ENDORSEMENT**

- 8713.1 The Board shall issue a certification by endorsement to an addiction counselor who has a valid, unrestricted certification in good standing from another jurisdiction of the United States.
- 8713.2 An applicant for certification by endorsement as an addiction counselor shall submit the following with a completed application:
- (a) Official, certified proof of certification as an addiction counselor in good standing from another jurisdiction of the United States;
  - (b) Proof that the applicant has taken and passed the NAADAC or other state-approved examination; and
  - (c) A passing score on the District jurisprudence examination.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11950 (December 17, 2010).

## **8713 CERTIFICATION BY ENDORSEMENT**

- 8713.1 The Board shall issue a certification by endorsement to an addiction counselor who has a valid, unrestricted certification in good standing from another jurisdiction of the United States.
- 8713.2 An applicant for certification by endorsement as an addiction counselor shall submit the following with a completed application:
- (a) Official, certified proof of certification as an addiction counselor in good standing from another jurisdiction of the United States;
  - (b) Proof that the applicant has taken and passed the NAADAC or other state-approved examination; and
  - (c) A passing score on the District jurisprudence examination.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11950 (December 17, 2010).

## **8714 PRACTICE OF ADDICTION COUNSELING BY GRADUATES**

- 8714.1 A graduate with an Associate's or Bachelor's degree who is obtaining experience pursuant to § 8703, or during the pendency of an initial application for a

certification under this chapter, may practice addiction counseling without a certification, if such practice:

(a) Occurs under the general supervision of a supervisor pursuant to § 8715.2; and

(b) Is otherwise in compliance with this section.

8714.2 A person who has been denied a certification or disciplined in the District of Columbia or another jurisdiction of the United States may not practice pursuant to this section unless authorized by the Board, in writing, to do so.

8714.2 A supervisor shall, within two (2) weeks after beginning his or her supervision of a graduate, inform the Board in writing, on a supervised practice form, of the following:

(a) The supervisor's name and address;

(b) The graduate's name;

(c) The expected period of supervision; and

(d) The nature and location of the practice of the graduate.

8714.4 A supervisee shall, within two (2) weeks after beginning to practice pursuant to this section, inform the Board, in writing, on a supervised practice form, of the following:

## **8715 SUPERVISION OF A CERTIFIED ADDICTION COUNSELOR I OR II**

8715.1 An addiction counselor I or II shall practice only under the direct supervision of a person meeting the standards of this section. If the agency has multiple locations and there is no supervisor available for each site, the supervision may be by communication device provided that the supervisor shall meet with the addiction counselor(s) for one (1) hour per week.

8715.2 A supervisor of an addiction counselor I or II pursuant to § 8714 shall supervise only in those areas within the supervisor's competence, based on the supervisor's education, training, and experience.

8715.3 To qualify as a supervisor, an individual shall:

(a) Be an advanced practice addiction counselor; or

- (b) Be a licensed professional counselor, licensed clinical psychologist, licensed clinical social worker, licensed marriage and family therapist, licensed medical doctor, or registered nurse; and
- (c) Hold one of the following:
  - (1) A national certification in substance abuse counseling through the NAADAC- NCC or the NBCC;
  - (2) A current certified addiction counselor II certification in substance abuse counseling; or
  - (3) Documentation of a minimum of one (1) year of experience in substance abuse counseling and at least one hundred (100) hours of didactic training in covered areas outlined in § 8703.1.

8715.4 A supervisor who does not meet the requirements of § 8715.3(c)(1), (2), or (3) shall come into compliance by December 31, 2011.

8715.5 A supervisor shall ensure that an addiction counselor I or II is practicing within the scope of the certified addiction counselor’s competencies, as demonstrated by the addiction counselor’s documented training and experience in a particular area of practice.

8715.6 A supervisor shall maintain appropriate documentation of the nature and extent of the supervision provided, including the dates, duration, and focus of the supervisory sessions.

8715.7 Pursuant to § 8714.2, a supervisor shall provide documentation of his or her education, training, and experience, as requested upon demand by an individual authorized by the Board.

8715.8 A supervisor shall not engage in supervision of an addiction counselor who is a close friend or relative.

8715.9 A supervisor shall take full responsibility for all services provided by an addiction counselor under the supervisor’s supervision.

8715.10 An addiction counselor I or II shall inform the supervisor of all complaints, formal or informal, about the services provided by the addiction counselor.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11951 (December 17, 2010).

## **8716 STANDARDS OF CONDUCT**

8716.1 A person who is certified in the District of Columbia solely as an addiction counselor I or II and is either not licensed to practice medicine, psychology, or



professional counseling pursuant to D.C. Official § 3-1205.01, or not licensed as an advanced practice registered nurse pursuant to D.C. Official Code § 3-1206.01, or not licensed as an independent clinical social worker pursuant to D.C. Official Code § 3-1208.04, shall not perform psychotherapy or engage in the diagnosis or treatment of other mental health disorders.

8716.2 A certified addiction counselor I or II shall adhere to standards set forth in the Code of Ethics as published from time to time by the NAADAC.

8716.3 A certified addiction counselor I or II shall maintain confidentiality about a matter in which the client has utilized the services of the addiction counselor in a professional capacity. This section shall not apply to:

- (a) A case conference with other mental health professionals employed at the treatment facility, or to other participating providers, when and to the extent necessary to facilitate the delivery of professional services to the client;
- (b) A case in which the client authorized in writing the addiction counselor I or II to reveal a communication;
- (c) A case where an immediate threat of serious physical harm to an identifiable victim is communicated to the addiction counselor I or II by a client or where there is a bona fide emergency;
- (d) Evidence in criminal cases where the accused is charged with causing the death of, or inflicting injuries upon, a human being, and the disclosure is required in the interest of public justice;
- (e) Information released pursuant to an order by a court of competent jurisdiction;
- (f) Evidence relating to the mental competency or sanity of a child alleged to be delinquent, neglected, or in need of supervision in any proceeding before the Family Division of the District of Columbia Superior Court or the Department of Youth Rehabilitation Services;
- (g) Evidence in criminal or civil cases where a person is alleged to have defrauded the District of Columbia or federal government in relation to receiving or providing services under the District of Columbia medical assistance program authorized by Title 19 of the Social Security Act, approved July 30, 1965 (79 Stat. 343; 42 U.S.C. § 1396, *et seq.*); and
- (h) Proceedings conducted by the Board or the Office of Administrative Hearings, where the disclosure of confidential communications is

necessary to defend against charges that the addiction counselor I or II has violated provisions of this chapter or the Act.

- 8716.4 A certified addiction counselor I or II shall make personal reference as an “addiction counselor under the supervision of (name and license number of supervisor)” in all written and oral communications relating to the provision of addiction counseling services.
- 8716.5 A certified addiction counselor I or II may not engage in, or give the appearance of, practicing independently of the supervisor.
- 8716.6 A certified addiction counselor I or II shall not discriminate against clients or professionals based on race, religion, age, gender, disability, national ancestry, sexual orientation, economic condition, or any other protected categories listed by federal or state law.
- 8716.7 A certified addiction counselor I or II shall be knowledgeable about the existence of any disability which a client has and shall make available physical, sensory, and cognitive accommodations that allow the client with the disability to receive services.
- 8716.8 A certified addiction counselor I or II who is aware of unethical conduct or unprofessional modes of practice by another registered addiction counselor I or II shall report such inappropriate behavior to the Board.
- 8716.9 A certified addiction counselor I or II shall not offer services or use techniques outside of his or her competency.
- 8716.10 A certified addiction counselor I or II shall seek appropriate treatment if he or she is impaired in any manner that negatively impacts his or her ability to perform counseling duties and shall not provide or offer to provide services until he or she has been deemed fit to practice by the treating health professional.
- 8716.11 A certified addiction counselor I or II shall comply with all federal and District of Columbia laws governing the practice of addiction counseling.
- 8716.12 A certified addiction counselor I or II shall not claim, either directly or by implication, professional qualifications or affiliations that he or she does not possess.
- 8716.13 The promotion of the protection of the public health, safety, and welfare and the best interest of the client shall be the primary guides of a certified addiction counselor I or II in determining his or her conduct.

- 8716.14 A certified addiction counselor I or II shall disclose his or her standards of conduct and responsibilities to all clients.
- 8716.15 A certified addiction counselor I or II shall terminate a counseling relationship when it is reasonably clear that the client is not benefiting from the relationship and shall take appropriate measures to ensure that that the client is referred to alternative care.
- 8716.16 A certified addiction counselor I or II shall hold the welfare of the client paramount when making any decisions or recommendations concerning referral, treatment procedures, or termination of treatment.
- 8716.17 A certified addiction counselor I or II shall not use or encourage a client's participation in a demonstration, research, or other non-treatment activity when such participation would have potential harmful consequences for the client or when the client is not fully informed.
- 8716.18 A certified addiction counselor I or II shall provide services in an environment that ensures the privacy and safety of the client at all times and ensure the appropriateness of service delivery.
- 8716.19 If an addiction counselor I or II engages in an activity that may affect the privacy of his or her client, such as the recording of the clinical interview or the use of material for training or observation by another party, the counselor shall provide to the client information in writing regarding the client's rights regarding confidentiality, as part of informing the client about the counseling activity. The counselor shall request the client to sign an acknowledgment attesting to the fact that such information has been provided.
- 8716.20 A certified addiction counselor I or II shall adhere to all federal and District of Columbia laws regarding confidentiality and the counselor's responsibility to report clinical information in specific circumstances to the appropriate authorities.
- 8716.21 A certified addiction counselor I or II shall use clinical and other material in teaching or writing only when there is no identifying information used about the clients involved.
- 8716.22 A certified addiction counselor I or II shall not engage in the following dual relationships:
- (a) Counseling a family member, friend, or close associate;

- (b) Exploit a relationship with a current or former client for personal gain, including a social or business relationship;
- (c) Engage in any type of sexual activity with a current or former client;
- (d) Accept as a client anyone with whom they have engaged in sexual activity; or
- (e) Negatively exploit relationships with coworkers, employees, student research participants, or volunteers.

- 8716.23 A certified addiction counselor I or II shall refrain from offering or providing professional services to a client in counseling with another professional, except with the knowledge of the other professional or after the termination of the client's relationship with the other professional.
- 8716.24 A certified addiction counselor I or II shall cooperate with duly constituted professional ethics committees or licensing boards and promptly supply necessary information unless prohibited by confidentiality laws or regulations or recognized codes of conduct.
- 8716.25 A certified addiction counselor I or II shall inform each of his or her clients of all financial policies regarding the counseling. The fact that such information has been provided shall be documented in the client's chart.
- 8716.26 A certified addiction counselor I or II shall not send or receive a commission or rebate or any other form of remuneration for referral of a client for professional services.
- 8716.27 A certified addiction counselor I or II shall not accept a private fee for professional work with a person who is entitled to such services without charge through an institution or agency unless the client is informed of such services and still requests private services.
- 8716.28 A certified addiction counselor I or II shall not practice addiction counseling while using controlled substances, alcohol, or any other chemical agents which impair the ability to practice.
- 8716.29 A certified addiction counselor I or II shall urge chemically impaired colleagues to seek treatment, if possible.
- 8716.30 A certified addiction counselor I or II with first-hand knowledge that a colleague is practicing addiction counseling when impaired by controlled substances, alcohol, or other chemical agents shall report such knowledge to the Board.

- 8716.31 A certified addiction counselor I or II shall not offer or provide to a client a controlled substance, alcohol, or any other chemical agent.
- 8716.32 A certified addiction counselor I or II who has a mental impairment which affects his or her ability to practice safely, or becomes impaired in anyway that may negatively impact services being provided to a client, shall limit his or her services provided to those determined appropriate in consultation and advice from a qualified mental health professional.

Source: Notice of Final Rulemaking published at 57 DCR 11937, 11952 (December 17, 2010).

## **8799 DEFINITIONS**

8799.1 The definitions in § 4099 of chapter 40 of this title are incorporated by reference into and are applicable to this chapter.

8799.2 As used in this chapter, the following terms shall have the meanings ascribed:

**Act** - the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99, D.C. Official Code § 3-1201 *et seq.*).

**Alcohol abuse** – the use of an alcoholic beverage which impairs the physical, mental, emotional, or social well-being of the user.

**Board** – the Board of Professional Counseling, established by § 213 of the Act (D.C. Official Code § 3-1202.13).

**Client** – an individual who has applied for or been given a diagnosis or treatment for alcohol or drug abuse at a federally assisted program and includes any individual who, after arrest on a criminal charge, is identified as an alcohol or drug abuser in order to determine that individual’s eligibility to participate in a program.

**Co-occurring disorder** – the presence of concurrent psychiatric or medical disorders in combination with a substance abuse disorder.

**Diagnosis** – a reference to an individual’s alcohol or drug abuse or to a condition which is identified as having been caused by that abuse that is made for the purpose of treatment or referral for treatment.

**Disclose (disclosure)** – a communication of a client’s identifying information, the affirmative verification of another person’s communications of a client’s identifying information, or the communication of any information from the record of a client who has been identified.

**Direct supervision** – supervision in which a supervisor is physically present, or within an immediate distance, such as on the same floor, and available to respond to the needs of the addiction counselor or the client.

**Director** – the Director of the Department of Health or the Director’s designee.

**Drug abuse** – the use of a psychoactive substance for other than medicinal purposes which impairs the physical, mental, emotional, or social well-being of the user.

**Dual relationships** – a situation where multiple roles exist between an addiction counselor and a client. Examples are when the client is also a student, friend, family member, employee, or business associate of the addiction counselor.

**Emancipated** – a minor who is living separate and apart from his or her parent(s) or legal guardian, with or without the consent of the parent(s) or legal guardian and regardless of the duration of such separate residence, and who is managing his or her own personal and financial affairs, regardless of the source or extent of the minor’s income.

**Federal assistance (assisted)** – an alcohol abuse or drug abuse program that is being carried out under a license, certification, registration, or other authorization granted by a department or agency of the United States, including but not limited to:

- (a) Certification of provider status under the Medicare program;
- (b) Authorization to conduct methadone maintenance treatment pursuant to 21 CFR § 291.505;
- (c) Registration to dispense a substance under the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.01 *et seq.*), to the extent the controlled substance is used in the treatment of alcohol or drug abuse; or
- (d) Is supported by funds provided by a department or agency of the United States by being:
  - (1) A recipient of federal financial assistance in any form, including financial assistance which does not directly pay for the alcohol or drug abuse diagnosis, treatment, or referral activities; or
  - (2) Conducted by a District of Columbia department or agency which, through general or special revenue sharing or other forms of assistance, receives federal funds which could be, but are not necessarily, spent for the alcohol or drug abuse program.

**General supervision** – supervision in which the supervisor is available to the supervisee either:

- (a) In person; or
- (b) By a communications device, if the supervisor is located on the same premises as the supervisee.

**LGBTQ cultural competency or specialized clinical training** – continuing education with instructions on cultural competency or specialized clinical training focusing on patients or clients who identify as lesbian, gay, bisexual, transgender, gender nonconforming, queer, or question their sexual orientation or gender identity and expression (“LGBTQ”) meeting the requirements of § 510(b)(5) of the Act (D.C. Official Code § 3-1205.10 (b)(5)).

**Minor** – a person under eighteen (18) years of age, but not including a person who is emancipated or who is married.

**Psychotherapy** – the treatment of mental and emotional disorders through the use of psychological techniques designed to encourage communication of conflicts and insight into problems, with the goal of attaining personality growth and behavior modification.

**Practice of addiction counseling** – providing services, with or without compensation, based on theory and methods of counseling, psychotherapy, or addictionology to a person who is experiencing cognitive, affective, or behavioral psychosocial dysfunction as a direct or indirect result of addiction, chemical dependency, abuse of chemical substances, or a related disorder. The practice of addiction counseling includes: addiction prevention; crisis intervention; diagnosis; referral; direct treatment; follow-up that is rendered to an individual, family, group, organization, school, or community that is adversely affected by an addiction or related disorder; and the education or training of a person in the field of addiction counseling.

**Record** – information, whether recorded or not, relating to a client received or acquired by an alcohol or drug program.

**Treatment** – the management and care of a client suffering from alcohol or drug abuse, a condition which is identified as having been caused by that abuse, or both, in order to reduce or eliminate the adverse effects upon the client.