

Readopt with amendment Alc 400, effective 2-20-13 (Document #10273), to read as follows:

CHAPTER Alc 400 ONGOING REQUIREMENTS

PART Alc 401 DEFINITIONS

Alc 401.01 Definitions.

- (a) “Board” means the board of licensing for alcohol and other drug use professionals.
- (b) “Certified recovery support worker (CRSW)” means “certified recovery support worker” as defined in RSA 330-C:2, namely, “an individual certified by the board to provide recovery support to persons with substance use disorders.”
- (c) "Clinical supervision" means "clinical supervision" as defined in RSA 330-C:2, VI, namely, "an ongoing, regularly occurring process of examination, critique, and improvement of a counselor's skills, directed by the counselor's designated clinical supervisor, and is typically one-to-one or small group in structure, and utilizes the methods of intensive case review and discussion, and direct and indirect observation of clinical practice".
- (d) “Inactive status” means a board-approved period of time during which a licensee or certificate holder does not provide substance use counseling services but wishes to preserve their license or certificate until such time as they petition the board for a return to active status.
- (e) “Independent practice” means the practice of substance use counseling that does not require supervision.
- (f) “Licensed alcohol and drug counselor (LADC)” means an individual licensed by the board to practice substance use counseling within the scope of practice set forth in RSA 330-C:11.
- (g) “Licensed clinical supervisor” means “licensed clinical supervisor” as defined in RSA 330-C:2, XIV, namely, “an individual licensed by the board to practice and supervise substance use counseling.”
- (h) “Master licensed alcohol and drug counselor (MLADC)” means an individual licensed by the board to practice substance use counseling within the scope of practice set forth in RSA 330-C:10.
- (i) “Peer collaboration” means ongoing regularly occurring clinical consultation:
- (1) With an individual or small group of individuals who are MLADCs, LADCs, mental health professionals, nursing professionals or other medical professionals with expertise in alcohol and drug treatment; and
 - (2) About clinical issues in substance use counseling or cases involving substance use.
- (j) “Qualified service organization” means “qualified service organization” as defined by 42 CFR 2.11.
- (k) “Substance use” means the use of alcohol or other drugs, or both, to the extent or frequency that it impairs or endangers the user's health, social or economic function, or the health and welfare of others.

PART Alc 402 CERTIFICATION AND LICENSURE RENEWALS

Alc 402.01 Certification and Licensure Expiration Dates and Filing Deadlines for Renewals.

- (a) Initial certifications and licenses shall be valid for 2 full years and shall automatically expire after the second full year of licensure or registration.
- (b) All other certifications and licenses shall automatically expire on July 1st, 2 years following the last date the license or registration expired.
- (c) Certifications and licenses shall be renewed on or before June 30 in the year in which the certification or license is to expire.
- (d) Notwithstanding (a) – (c) above, certification holders and licensees shall have a grace period of 30 days after expiration in which to renew retroactively if the certification holder or licensee:
 - (1) Is otherwise entitled to have his or her certification or license renewed; and
 - (2) Pays the late fee described in Alc 415.01.

PART Alc 403 REQUIREMENTS FOR RENEWAL

Alc 403.01 CRSWs. CRSWs who wish to renew their certification shall:

- (a) Comply with the supervision requirements described in Alc 404;
- (b) Comply with the continuing education requirements described in Alc 409.01;
- (c) Complete and submit the renewal application described in Alc 411.01(a);
- (d) If selected for audit pursuant to Alc 410, submit documentation demonstrating compliance with continuing education requirements; and
- (e) Pay the renewal fee described in Alc 415.01.

Alc 403.02 LADCs. LADCs who wish to renew their license shall:

- (a) Comply with the supervision requirements described in Alc 405 or, if applicable, the peer collaboration requirements described in Alc 408;
- (b) Comply with the continuing education requirements described in Alc 409.02;
- (c) Complete and submit the renewal application described in Alc 411.01(b);
- (d) If selected for audit pursuant to Alc 410, submit documentation demonstrating compliance with continuing education requirements; and
- (e) Pay the renewal fee described in Alc 415.01.

Alc 403.03 MLADCs. MLADCs who wish to renew their license shall:

- (a) Comply with the supervision requirements described in Alc 406 or, if applicable, the peer collaboration requirements described in Alc 408;
- (b) Comply with the continuing education requirements described in Alc 409.02;
- (c) Complete and submit the renewal application described in Alc 411.01(c);
- (d) If selected for audit pursuant to Alc 410, documentation demonstrating compliance with continuing education requirements; and
- (e) Pay the renewal fee described in Alc 415.01.

Alc 403.04 Licensed Clinical Supervisors. Licensed clinical supervisors who wish to renew their license shall:

- (a) Comply with the continuing education requirements described in Alc 409.03;
- (b) Complete and submit the renewal application described in Alc 411.01(d);
- (c) If selected for audit pursuant to Alc 410, submit documentation demonstrating compliance with continuing education, supervision, and peer collaboration requirements; and
- (d) Pay the renewal fee described in Alc 415.01.

Alc 403.05 Workforce Survey.

- (a) Pursuant to RSA 126-A:5, XVIII-a (a) and RSA 330-C:9-a, licensees shall complete, as part of their renewal application, the New Hampshire division of public health service's Health Professions Survey, "New Hampshire Alcohol and Drug Counselor Licensure Survey", effective March 2018, issued by the state office of rural health and primary care, department of health and human services.
- (b) The board shall provide licensees with the opportunity to opt out of the survey. Written notice of the opt-out opportunity shall be provided with the renewal application. The opt out form will be available on the NH state office of rural health and primary care website and the board's website.
- (c) Licensees choosing to opt-out of the survey shall complete, sign and return the "New Hampshire Health Professions Survey Opt-Out Form", effective March 2018, to the state office of rural health and primary care, department of health and human services, via one of the following:
 - (1) Mail;
 - (2) Email; or
 - (3) Fax.

- (d) Information contained in the opt-out forms shall be kept confidential in the same accord with the survey form results, pursuant to RSA 126-A:5 XVIII-a(c).

PART Alc 404 SUPERVISION OF CRSWS

Alc 404.01 Required Supervision of CRSWs. A CRSW shall be supervised:

- (a) By one or more supervisors meeting one of the descriptions set forth in Alc 404.02; and
- (b) For at least 2 hours per month in which the certificate holder is practicing.

Alc 404.02 Eligibility to Provide Supervision to a CRSW. Individuals eligible to provide supervision to a CRSW shall be:

- (a) CRSWs who have been certified for one year and have taken 6 hours of supervisory training and 6 hours of practical training which has been approved by the board pursuant to Alc 409.02;
- (b) LADCs who have taken 6 hours of training in the 4 domains of recovery which has been approved by the board pursuant to Alc 409.02;
- (c) MLADCs who have taken 6 hours of training in the 4 domains of recovery which has been approved by the board pursuant to Alc 409.02;
- (d) Licensed clinical supervisors who have taken 6 hours of training in the 4 domains of recovery which has been approved by the board; or
- (e) Individuals meeting the requirements of Alc 405.03 or Alc 406.02 who have at least 6 hours of training in the 4 recovery performance domains.

Alc 404.03 Supervision Types and Hours.

- (a) Supervision of CRSWs shall be:
 - (1) Individual one-on-one; or
 - (2) Group supervision in a setting of no more than 8 CRSWs and the supervisor.
- (b) The minimum number of hours of supervision shall be at least one hour per week while practicing.

Alc 404.04 Administrative Obligations of Supervised CRSWs. CRSWs shall:

- (a) Give a copy of Alc 404 to their supervisors;
- (b) Maintain records of the dates and hours they receive supervision and the name(s) of the supervisor(s); and
- (c) On the basis of such records, prepare a cumulative statement containing the following:

- (1) For each week identified by calendar date, the number of hours of individual supervision received and the number of hours of group supervision received;
- (2) The credentials, printed name(s), and signature(s) of the supervisor(s) providing the supervision; and
- (3) The printed name and signature of the CRSW preparing the statement and the date of the signature.

Alc 404.05 Obligations of Supervisors.

- (a) Supervisors for CRSWs shall:
 - (1) Become familiar with Alc 404 before beginning to provide supervision; and
 - (2) If temporarily unable to perform supervision, ensure that a substitute supervisor who meets the eligibility standards of Alc 404.02 is available to continue supervision.
- (b) Supervisors licensed or certified by the board shall be subject to disciplinary action if they fail to meet their responsibilities under RSA 330-C and the board's administrative rules.

PART Alc 405 CLINICAL SUPERVISION OF LADCs

Alc 405.01 Scope. The clinical supervision requirements set forth in Alc 405 shall apply to LADCs other than those LADCs who were in independent practice before July 1, 2008 and continue in independent practice.

Alc 405.02 Required Clinical Supervision. A LADC subject to clinical supervision requirements shall be clinically supervised:

- (a) By one or more supervisors meeting one of the descriptions set forth in Alc 405.03;
- (b) On at least one occasion during each week that the licensee is engaged in practice; and
- (c) In the setting, and for the number of hours each week, specified by Alc 405.04.

Alc 405.03 Eligibility to Provide Clinical Supervision. Individuals eligible to provide clinical supervision to LADCs shall be:

- (a) MLADCs;
- (b) LADCs who have had at least 2 years of experience in the active practice of substance use counseling;
- (c) Licensed clinical supervisors;

- (d) Psychiatric advanced practice registered nurses who have had at least 2 years of experience in the active practice of substance use counseling and who have passed the International Certification and Reciprocity Consortium (IC&RC) international written advanced alcohol and other drug abuse counselor examination developed in 2008;
- (e) Licensees of the board of mental health practice or board of psychology with 2 years of experience in substance use disorder counseling who:
 - (1) Have passed the current IC&RC international written advanced alcohol and other drug counselor examination; or
 - (2) Hold professional certification in their respective disciplines in substance use disorder; and
- (f) Individuals approved for supervision pursuant to Alc 407.

Alc 405.04 Supervision Types and Hours.

- (a) Clinical supervision of LADCs shall be:
 - (1) Individual one-on-one; or
 - (2) Group supervision in a setting of no more than 8 licensees and the supervisor.
- (b) The minimum number of hours of clinical supervision per week shall be at least one hour per week, for at least 48 weeks of the calendar year while engaged in practice.

Alc 405.05 Administrative Obligations of Supervised LADCs. LADCs shall:

- (a) Give a copy of Alc 405 to their clinical supervisors;
- (b) Maintain records of the dates and hours they receive clinical supervision and the name(s) of the supervisor(s); and
- (c) On the basis of such records, prepare a cumulative statement containing the following:
 - (1) For each week identified by calendar date, the number of hours of individual supervision received and the number of hours of group supervision received;
 - (2) The credentials, printed name(s), and signature(s) of the supervisor(s) providing the clinical supervision; and
 - (3) The printed name and signature of the counselor preparing the statement and the date of the signature.

Alc 405.06 Obligations of Supervisors.

- (a) Clinical supervisors for LADCs shall:

- (1) Become familiar with Alc 405 before beginning to provide clinical supervision; and
- (2) If temporarily unable to perform supervision, ensure that a substitute supervisor who meets the eligibility standards of Alc 405.02 is available to continue supervision.

(b) Clinical supervisors licensed by the board shall be subject to disciplinary action if they fail to meet their responsibilities under RSA 330-C and the board's administrative rules.

PART Alc 406 CLINICAL SUPERVISION OF MLADCs

Alc 406.01 Clinical Supervision of MLADCs. A MLADC who chooses to engage in clinical supervision requirements shall be clinically supervised:

- (a) By one or more supervisors meeting the description set forth in Alc 406.02; and
- (b) In the setting, and for the number of hours each week, specified in Alc 406.03.

Alc 406.02 Eligibility to Provide Clinical Supervision to an MLADC. Individuals eligible to provide clinical supervision to a MLADC shall be MLADCs who have had at least 2 years of experience in the active practice of substance use and co-occurring disorders counseling.

Alc 406.03 Supervision Type and Hours. Master licensed alcohol and drug counselors who choose to engage in clinical supervision shall obtain a total of at least 26 hours per 12-month period of:

- (a) Clinical supervision per year in an individual or small group setting; or
- (b) Peer collaboration pursuant to Alc 408.

Alc 406.04 Administrative Obligations of Supervised MLADCs. MLADCs shall:

- (a) Provide a copy of Alc 406.04 and Alc 406.05 to their clinical supervisors;
- (b) Maintain records of the dates and hours they receive clinical supervision and the name(s) of the supervisor(s); and
- (c) On the basis of such records, prepare a cumulative statement containing the following:
 - (1) For each week identified by calendar date, the number of hours of individual supervision received and the number of hours of group supervision received;
 - (2) The credentials, printed name(s), and signature(s) of the supervisor(s) providing the clinical supervision; and
 - (3) The signature of the counselor preparing the statement and the date of the signature.

Alc 406.05 Obligations of Supervisors. Clinical supervisors of MLADCs shall:

- (a) Become familiar with Alc 406 before beginning to provide clinical supervision;
- (b) If temporarily unable to perform supervision, ensure that a substitute supervisor who meets the eligibility standards of Alc 405.02 is available to continue supervision; and
- (c) Review for accuracy the statements called for by Alc 406.04 and sign them if they are accurate.

PART Alc 407 APPROVAL OF SUPERVISORS

Alc 407.01 Scope. This part shall apply to individuals seeking to provide supervision pursuant to Alc 405 who are not otherwise licensed by the board.

Alc 407.02 Approval Required.

- (a) Individuals seeking to provide supervision pursuant to Alc 405 shall submit the “Approved Supervisor Application” form, effective February 2017, to the board prior to providing such supervision.
- (b) The board shall approve any supervisor application that demonstrates the applicant meets the eligibility requirements found in Alc 405.03 (d) and (e).
- (c) An approved supervisor seeking to retain his or her approval status shall submit to the board a copy of his or her valid, active professional license each time such license is renewed with any other agency through which the supervisor is licensed.
- (d) The board shall maintain an updated list of supervisors who are currently approved to provide supervision to individuals certified or licensed by the board.

PART Alc 408 PEER COLLABORATION

Alc 408.01 Scope. The peer collaboration requirements set forth in this part shall apply to:

- (a) Licensed LADCs in independent practice before July 1, 2008 and continuing in independent practice; and
- (b) MLADCs.

Alc 408.02 Peer Collaboration.

- (a) Licensees shall complete 26 hours of peer collaboration each 12-month period that begins on the date of the issuance of the license or renewal license.
- (b) Peer collaboration shall:
 - (1) Conform to the definition in Alc 401.01(e),

- (2) Be in person or by teleconference; and
- (3) Take place:
 - a. In a small-group setting of 8 or fewer individuals; or
 - b. Between 2 or more individuals related as peers.
- (c) Unless the peers are within the same organization or agency, licensees shall exclude personally identifiable information about clients in all peer collaboration discussions and consultations except when the clients have given written and signed authorizations for the inclusion of such information.

Alc 408.03 Documentation of Peer Collaboration.

- (a) Licensees shall document each instance of peer collaboration with a photocopy of a written statement:
 - (1) Including:
 - a. The date of the peer collaboration;
 - b. The printed names and license held by each participant; and
 - c. The duration of the peer collaboration stated in hours and minutes; and
 - (2) Signed by the other participant(s) in the peer collaboration.
- (b) Licensees shall retain such documents until they are required to submit them to the board:
 - (1) As part of their applications for renewal of licensure; or
 - (2) At any other time on the request of the board.

PART Alc 409 CONTINUING EDUCATION

Alc 409.01 Requirements for CRSWs.

- (a) As a condition of renewal, CRSWs shall complete 12 hours of continuing education during each 2 year certification period.
- (b) At least 6 of the required 12 hours shall be pre-approved by the board.
- (c) No more than 3 hours shall be received in online continuing education courses.
- (d) At least 6 of the required hours shall cover ethics, and at least 3 of the required hours shall cover suicide prevention.

Alc 409.02 Requirements for MLADCs.

- (a) As a condition of renewal, LADCs and MLADCs shall have completed 48 hours of continuing education in substance use disorder training during the immediately preceding 24 month period.
- (b) At least 24 of the required 48 hours shall be pre-approved by the board.
- (c) No more than 12 of the 48 hours shall be received in online continuing education courses, provided that courses taken as part of an online degree program shall not be counted towards this 12- hour maximum.
- (d) At least 12 hours shall be specific to the following categories of competence:
 - (1) Data collection;
 - (2) Diagnosis of substance use disorder;
 - (3) Knowledge of alcohol and drugs;
 - (4) Knowledge of sociological factors;
 - (5) Knowledge of physiological factors;
 - (6) Knowledge of psychiatric factors; and
 - (7) Knowledge of treatment issues.
- (e) Licensees shall obtain at least 6 hours in ethics and 6 hours in suicide prevention.
- (f) Licensees shall be permitted to substitute up to 10 hours of continuing education for an equivalent amount of time as a presenter of continuing education courses.

Alc 409.03 Requirements for Licensed Clinical Supervisors. As a condition of renewal, licensed clinical supervisors shall complete at least 6 hours of training in clinical supervision during each 2 year license period, provided that licensees shall be permitted to incorporate these 6 hours into the hours needed for licensure renewal under Alc 409.02.

Alc 409.04 Pre-Approval of Continuing Education Courses.

- (a) Organizations or providers of continuing education in substance use counseling that seek pre-approval of continuing education courses shall submit a completed “Continuing Education Pre-Approval” form, effective March 2018 and available on the board’s website, to the board at least 6 weeks prior to the anticipated date on which the continuing education program will be offered. Included with the completed form shall be a blank copy of the evaluation form used to rate instructors/presenters.
- (b) Completed applications shall be reviewed by the peer review committee and recommended for pre-approval, before being passed to the board.
- (c) Continuing education offered by the following organizations shall be automatically approved by the board if such courses relate to one of the 18 categories of competence as outlined in Alc 313.10(j):

- (1) An IC&RC member board;
 - (2) NAADAC;
 - (3) New Hampshire Training Institute on Addictive Disorders;
 - (4) New Hampshire Center for Excellence;
 - (5) AdCare Educational Institute of New England;
 - (6) NHADACA;
 - (7) Any educational unit of the New Hampshire community college system;
 - (8) The department of health and human services bureau of drug and alcohol services; or
 - (9) The Addiction Technology Transfer Center.
- (d) A course, seminar, or other event conducted or sponsored by any other college, university, or school permitted to grant degrees in the disciplines of life science, biological science, sociology, psychology, or public health shall be considered to be approved for purposes of these rules if the content of the event is in any of the performance domains of assessment, counseling, case management, education, or professional responsibility.
- (e) Clinical supervision and staff meetings shall not be approved as continuing education.

Alc 409.05 Documentation of Continuing Education.

- (a) For each pre-approved continuing education program attended, licensees and certification holders shall retain, for no less than 6 years, a certificate of completion containing the information described in (b) below.
- (b) Certificates of completion shall contain the following information:
 - (1) Identification of the categories of competence covered by the training;
 - (2) Identification of whether the education was pre-approved;
 - (3) A description of the performance domains covered by the training;
 - (4) The qualifications of the presenter;
 - (5) The number of hours the training provided; and
 - (6) A certification that the training was specific to the field of substance use counseling.
- (c) For each continuing education program attended that has not been pre-approved, licensees and certification holders shall retain, for no less than 6 years, supporting documentation as described in (d) below that demonstrates the program complies with Alc 409.01 through Alc 409.03.

- (d) Documentation sufficient to demonstrate an unapproved course's compliance with the continuing education requirements of this section shall include a course syllabus or other similar documentation which contains the information described in (b)(1) – (5) above.

PART Alc 410 AUDIT PROCEDURE FOR CONTINUING EDUCATION, SUPERVISION, AND PEER COLLABORATION

Alc 410.01 Audit Procedure.

- (a) In each renewal cycle, the board shall randomly select 10% of certified recovery support workers, 10% of LADCs, 10% of MLADCs, and 10% of licensed clinical supervisors for audit of compliance with:
 - (1) Continuing education requirements; and
 - (2) As applicable, supervision or peer collaboration requirements.
- (b) Those licensees or certification holders selected for audit shall submit documentation demonstrating compliance with the continuing education requirements outlined in Alc 409.01 – Alc 409.05.
- (c) Those licensees or certification holders selected for audit shall submit the following documentation to demonstrate compliance with the supervision and, as applicable, peer collaboration requirements outlined in Alc 405 and Alc 406:
 - (1) For CRSWs, the statement called for by Alc 404.04(c);
 - (2) For licensed drug and alcohol counselors:
 - a. If engaged in supervision, the statement called for by Alc 405.05(c); or
 - b. If engaged in peer collaboration pursuant to Alc 408, documentation which meets the requirements of Alc 408.03; and
 - (3) For MLADCs:
 - a. If engaging in supervision, the statement called for by Alc 406.04(c); or
 - b. If engaged in peer collaboration pursuant to Alc 408, documentation which meets the requirements of Alc 408.03.

PART Alc 411 RENEWAL APPLICATIONS

Alc 411.01 Renewal Applications. Certification holders and licensees seeking renewal shall submit the following board provided renewal applications:

- (a) For CRSWs, the “CRSW Recertification Application”, effective March 2018;
- (b) For LADCs and MLADCs, the “LADC/MLADC Renewal Application”, effective March 2018;

- (c) For LADCs who are licensed clinical supervisors, the “Licensed Alcohol and Drug Counselor and Licensed Clinical Supervisor Application”, effective March 2018; and
- (d) For MLADCs who are licensed clinical supervisors, the “Master Licensed Alcohol and Drug Counselor and Licensed Clinical Supervisor Application”, effective March 2018.

PART Alc 412 INACTIVE STATUS

Alc 412.01 Inactive Status.

- (a) Inactive status may be obtained by a licensee or certificate holder who:
 - (1) Holds a current license or certificate with the board;
 - (2) Has no disciplinary action or pending disciplinary action;
 - (3) No longer engages in substance use counseling in New Hampshire;
 - (4) Completes and submits the “Request for Inactive Status” form, effective January 2017; and
 - (5) Pays the fee designated in Alc 415.01 biennially.
- (b) A licensee or certificate holder granted inactive status shall renew or reinstate their inactive license on or before the biennial date his or her license would otherwise lapse.
- (c) Licensees or certificate holders wishing to maintain inactive status shall complete and submit the “Renewal of Inactive Status” form, dated January 2017, and pay the required fee designated in Alc 413.01.
- (d) Licensees or certificate holders in any reserve component of the armed forces of the United States or the National Guard called to active duty, may request inactive license status. Such licensees or certificate holders shall not be required to pay the fee outlined in Alc 415.01.
- (e) Licensees or certificate holders wishing to reactivate his or her inactive license or certificate shall:
 - (1) Complete and submit the “Reactivation Application” form, dated January 2017, as supplied by the board;
 - (2) Submit documentation of compliance with his or her continuing education requirements within 2 years prior to the date of the application; and
 - (3) Pay the fee specified by Alc 415.01.

PART Alc 413 DISCIPLINARY MATTERS

Alc 413.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings, when warranted, in response to any information which reasonably suggests that a licensee has engaged in professional misconduct.

Alc 413.02 Disciplinary Sanctions.

- (a) Other than immediate license suspensions authorized by RSA 541-A:30, III the board shall impose disciplinary sanctions only:
 - (1) After prior notice and an opportunity to be heard; or
 - (2) Pursuant to a mutually agreed upon settlement or consent decree.
- (b) When the board receives notice that a licensee has been subjected to disciplinary action related to professional conduct by the licensing authority of another jurisdiction or other New Hampshire professional board, the board shall issue an order providing the opportunity for a hearing and directing the licensee to demonstrate why reciprocal discipline should not be imposed in New Hampshire.
- (c) In a disciplinary proceeding brought on the basis of discipline imposed in another jurisdiction the certificate holder shall be subject to any disciplinary sanction authorized by RSA 330-C:27, IV after considering the presence of aggravating or mitigating circumstances.
- (d) After a finding that misconduct has occurred, the board shall impose one or more of the disciplinary sanctions authorized by RSA 330-C:27, IV.
- (e) The board shall determine the sanctions to be imposed after considering the presence of aggravating or mitigating circumstances as specified in Alc 413.02 (f) and (g).
- (f) The following shall be considered aggravating circumstances:
 - (1) The seriousness of the offense;
 - (2) The licensee's prior disciplinary record;
 - (3) Lack of willingness to cooperate with the board;
 - (4) Potential harm to public health and safety; and
 - (5) The purpose of the rule or statute violated.
- (g) The following shall be considered mitigating circumstances:
 - (1) Absence of a prior disciplinary record;
 - (2) Willingness to cooperate with the board;
 - (3) Acknowledgment of his or her wrongdoing; and
 - (4) The purpose of the rule or statute violated.

- (h) After consideration of the aggravating and mitigating circumstances described in (f) and (g) above, the board shall impose the sanction most likely to:
- (1) Protect public health and safety;
 - (2) Prevent future misconduct by the licensee;
 - (3) Take into account any acknowledgement of fault by the licensee and any cooperation by the licensee with the board's investigation of misconduct;
 - (4) Correct any attitudinal, educational or other deficiencies which led to the licensee's misconduct;
 - (5) Encourage the responsible practice of substance use counseling; and
 - (6) Demonstrate to the licensee and the public the board's intention to ensure that its licensees practice in accordance with applicable law and the public welfare.
- (g) No hearing date established in a proceeding conducted under Alc 412.02 shall be postponed at the request of the licensee unless the licensee also agrees to continue the suspension period pending issuance of the board's final decision.
- (h) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements or consent decrees shall be sent to the licensing body of each state in which the licensee is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law, or which have a legitimate professional interest in the decision and may receive notice consistent with applicable state or federal law.

Alc 413.03 Administrative Fines.

- (a) Adjudicative procedures seeking the assessment of an administrative fine shall be commenced against any person subject to such fines under any provision of RSA 330-C:27, III when the board possesses evidence indicating that a violation has occurred.
- (b) When persons subject to the board's disciplinary authority are directed to pay administrative fines in accordance with Alc 413.02, the fine amounts shall be assessed in accordance with the factors stated in Alc 413.02 (f) and (g) and the following additional considerations:
- (1) The cost of any investigation or hearing conducted by the board; and
 - (2) The licensee's ability to pay an administrative fine assessed by the board.
- (c) Administrative fines shall not exceed the following amounts:
- (1) When no violation of the same type has occurred within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$150.00 per day for ongoing offenses or \$1,000.00 per offense whichever is greater;

- (2) When a single disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent, the fine assessed shall not exceed \$200.00 per day or \$1,500.00 per offense whichever is greater; and
 - (3) When more than one disciplinary infraction of the same type has occurred within the 5 years preceding the board's notice to the respondent the fine assessed shall not exceed \$250.00 per day or \$2,000.00 per offense whichever is greater.
- (d) In the case of continuing violations, a separate fine shall be assessed for each day the violation continues except that a single course of continuing conduct shall be treated as a single violation for purposes of Alc 413.03 (c).

Alc 413.04 Procedures for Assessing and Collecting Administrative Fines.

- (a) Payment of an administrative fine shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.
- (b) In cases where the board initially intends to limit disciplinary sanctions to an administrative fine, the board shall issue a "notice of apparent liability" describing the alleged offense, stating the amount of the assessed fine, and notifying the alleged offender that he or she shall pay the fine by a certain date or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board's disciplinary options shall not be limited to the assessment of an administrative fine.
- (c) Nonpayment of an administrative fine by a licensee or respondent in contravention of an order, agreement, or promise to pay shall be grounds for discipline by the board and a basis for judicial action seeking to collect the fine.

PART Alc 414 REINSTATEMENT

Alc 414.01 Reinstatement of Certificate or License After Lapse. A certificate holder or licensee wishing to reinstate his or her certificate or license shall:

- (a) Complete and submit the "Reinstatement Application" form, effective March 2018, no later than 12 months after the date of credential expiration;
- (b) Attach documentation of the applicable continuing education requirements described in Alc 409.01 – Alc 409.03, taken within 2 years prior to the date of reinstatement application and one and one half hours of continuing education per month lapsed for CRSWs and 2 hours per month lapsed for LADCs and MLADCs; and
- (c) Pay the fee specified in Alc 415.01.

Alc 414.02 Reinstatement of Certificate or License After Suspension or Revocation.

- (a) Any certificate or license holder wishing to reinstate his or her certificate or license after suspension shall:

- (1) Complete and submit a “Reinstatement Application” form, effective March 2018 to the board for review; and
 - (2) Pay the fee described in Alc 415.01.
- (b) After conducting a hearing held pursuant to RSA 541-A, the board shall reinstate the certificate or license if it determines that doing so would be in the public interest.
- (c) For purposes of this section, a reinstatement shall be considered to be in the public interest if the suspended license or certificate holder demonstrates that he or she has satisfied all the requirements of any disciplinary order, settlement agreement, or consent decree.
- (d) Certificate holders and licensees seeking reinstatement after revocation shall comply with the initial application requirements and procedures as outlined in Alc 300.

PART Alc 415 FEES

Alc 415.01 Fees. The schedule of fees for renewal, inactive status, and reinstatement shall be as follows:

Table 400-1 Fees

Fee	Amount
Renewal fee for CRSW, LADC, or LCS	\$110.00
Renewal Fee for MLADC	\$240.00
Late Renewal Fee	\$100.00
Inactive Status Fee	\$100.00
Inactive Status Renewal Fee	\$100.00
Reinstatement Fee	\$100.00

Adopt Alc 500, previously effective 4-11-09 (Document #9454), and expired 4-11-17, to read as follows:

CHAPTER Alc 500 ETHICAL STANDARDS

PART Alc 501 DEFINITIONS

Alc 501.01 Definitions of Terms Used in this Chapter. In this chapter the following terms shall have the following meanings:

- (a) "Certified recovery support worker (CRSW)" means "certified recovery support worker as defined in RSA 330-C:2, IV, namely, "an individual certified by the board to provide recovery support to persons with substance use disorders";
- (b) "Licensed alcohol and drug counselor (LADC)" means "licensed alcohol and drug counselor" as defined in RSA 330-C:2, XIII, namely, "an individual licensed by the board to practice substance use counseling who meets the initial licensing qualifications set forth in RSA 330-C:17";
- (c) "Licensed clinical supervisor (LCS)" means "licensed clinical supervisor" as defined in RSA 330-C:2, XIV, namely, "an individual licensed by the board to practice and supervise substance use counseling who meets the initial licensing qualifications set forth in RSA 330-C:18";
- (d) "Master licensed alcohol and drug counselor (MLADC)" means "master licensed alcohol and drug counselor" as defined in RSA 330-C:2, XV, namely, "an individual licensed by the board to practice substance use counseling who meets the initial licensing qualifications set forth in RSA 330-C:16"; and
- (e) "NAADAC: The Association of Addiction Professionals (NAADAC)" means a nationwide membership organization of addiction counselors, educators and other addiction-focused health care professionals in the United States.

PART Alc 502 CODE OF ETHICS FOR LICENSEES AND CRSWS

Alc 502.01 Ethical Requirements.

- (a) Licensees and CRSWs shall practice within their respective statutory scopes of practice as follows:
 - (1) For MLADCs, the scope of practice set forth in RSA 330-C:10;
 - (2) For LADCs, the scope of practice set forth in RSA 330-C:11;
 - (3) For licensed clinical supervisors, the scope of practice set forth in RSA 330-C:12; and
 - (4) For CRSWs, the scope of practice set forth in RSA 330-C:13.
- (b) Licensees and CRSWs shall be bound by the 9 numbered principles of the NAADAC code of ethics, together with the bulleted sub-principles, as updated December 8, 2016, as referenced in Appendix B.
- (c) In addition to the scope of practice requirements listed in (a)(4) above, CRSWs shall abide by the following ethical standards:

- (1) With regard to quality of care, the CRSW shall make a commitment to provide the highest quality of care for the client;
- (2) With regard to non-discrimination, the CRSW shall not discriminate against any client of other professional based on race, color, religion, age, sex, marital status, national origin, ancestry, sexual orientation, or mental or physical disability;
- (3) With regard to professional responsibility, the CRSW shall:
 - a. Exercise professional judgment;
 - b. Maintain the best interest of the client; and
 - c. Assist the client to help him or her toward the primary goal of recovery;
- (4) With regard to professional competence, the CRSW shall:
 - a. Provide competent professional service to the client;
 - b. Participate in ongoing professional education to maintain state-of-the-art knowledge and skill;
 - c. Be responsible for his or her conduct in all areas of professional life;
 - d. Recognize and maintain personal and professional boundaries and limitations;
 - e. Seek the advice and counsel of colleagues and supervisors whenever such consultation is in the best interest of the client; and
 - f. Recognize the effect of impairment on professional performance and be willing to seek appropriate treatment when necessary;
- (5) With regard to professional standards, the CRSW shall:
 - a. Not claim or imply professional knowledge, qualifications, certifications, or affiliations that he or she does not possess; and
 - b. Not lend his or her name to, or participate in, any professional and/or business relationship, which may misrepresent or mislead the public in any way;
- (6) With regard to professional obligation to the public, the CRSW shall not state or imply a higher degree of knowledge or insight into co-occurring or substance use disorders than would be available through similarly situated or trained professionals;
- (7) With regard to publications, the CRSW shall preserve the integrity of the profession by acknowledging and documenting any materials or techniques used in creating his or her opinions or in writing, editing, or publishing papers, pamphlets or books;
- (8) With regard to client welfare, the CRSW shall:

- a. Place the best interest of the client before conflicting professional commitments or professional gain;
- b. Always provide an appropriate setting for clinical work; and
- c. Provide a supportive environment for any client having special needs;

(9) With regard to confidentiality, the CRSW shall:

- a. Not reveal information relating to a client unless the client consents to such release of information in writing and after consultation with the CRSW; and
- b. Preserve client records and information regardless of the media used to store such information;

(10) With regard to client and public safety, notwithstanding confidentiality rules, the CRSW may reveal confidential information to public authorities or other professionals to the extent that he or she reasonably believes necessary to prevent a client from serious harm whether self-inflicted or inflicted upon a third person, or where the client is in imminent danger, or in danger of injuring another person;

(11) With regard to client relationships, the CRSW shall:

- a. Respect and maintain an objective, non-possessive, non-personal, professional relationship with the client at all times;
- b. Obtain the client's permission for recording a session, for involving any third party in a session, or for releasing any information pertaining to the client;
- c. Not enter into a business relationship with the client during the therapeutic relationship;
- d. Not enter into a business relationship with any other person if doing so would adversely affect the client;
- e. Not engage in any sexual activity with any current or former client;
- f. When it is in the best interests of a client, release or refer the client to other programs or individuals as dictated by professional standards and ethically responsible practice;
- g. Not enter into a mentoring or coaching relationship with a client if the CRSW's own responsibilities to or relationship with a third person would adversely affect the client; and
- h. Not enter into a mentoring or coaching relationship with anyone with whom the CRSW has had a previous intimate relationship;

(12) With regard to professional integrity, the CRSW shall:

- a. Cooperate with and adhere to Alc 502;

- b. Never knowingly make a false statement to the board;
- c. Promptly report violations of this professional code of conduct by other CRSWs to the board;
- d. Disclose to the board any material fact which could adversely affect a CRSW-client relationship, to include any disciplinary action taken by any other board or regulatory body;

(13) With regard to remuneration, the CRSW shall:

- a. Establish reasonable financial arrangements based on fees customarily charged in his or her locality for similar services; and
- b. Not accept fees or gratuities for professional work from a client whose fees are being paid through an institution or agency and who is otherwise entitled to such services; and

(14) With regard to professional promotion, the CRSW shall maintain and promote the integrity and advancement of the alcohol and drug CRSW profession.

(d) In addition to the requirements listed in (a)(1) and (2) above, LADCs and MLADCs shall abide by the following ethical standards:

- (1) With regard to quality of care, the counselor shall provide the highest quality of care for the client;
- (2) With regard to non-discrimination, the counselor shall not discriminate against any client or other professional based on race, color, religion, age, sex, marital status, national origin, ancestry, sexual orientation, or mental or physical disability;
- (3) With regard to professional responsibility, the counselor shall:
 - a. Exercise professional judgment;
 - b. Maintain the best interest of the client; and
 - c. Assist the client to help him or her toward the primary goal of recovery;
- (4) With regard to professional competence, the counselor shall:
 - a. Provide competent professional service to the client;
 - b. Participate in ongoing professional education to maintain state-of-the-art knowledge and skill;
 - c. Be responsible for his or her conduct in all areas of professional life;
 - d. Recognize personal and professional boundaries and limitations;

- e. Seek the advice and counsel of colleagues and supervisors whenever such consultation is in the best interest of the client; and
 - f. Recognize the effect of impairment on professional performance and be willing to seek appropriate treatment when necessary;
- (5) With regard to professional standards, the counselor shall:
- a. Not claim or imply professional knowledge, qualifications, certifications, or affiliations that he or she does not possess; and
 - b. Not lend his or her name to, or participate in, any professional and/or business relationship, which may misrepresent or mislead the public in any way;
- (6) With regard to professional obligation to the public, the counselor shall not state or imply a higher degree of knowledge or insight into co-occurring or substance use disorders than would be available through similar situated and/or trained professionals;
- (7) With regard to publications, the counselor shall preserve the integrity of the profession by acknowledging and documenting any materials or techniques used in creating his or her opinions, or in writing, editing, or publishing papers, pamphlets or books;
- (8) With regard to client welfare, the counselor shall:
- a. Place the best interest of the client before conflicting professional commitments or professional gain;
 - b. Always provide an appropriate setting for clinical work; and
 - c. Provide a supportive environment for any client having special needs;
- (9) With regard to confidentiality, the counselor shall:
- a. Not reveal information relating to a client unless the client consents to such release of information in writing and after consultation with the counselor; and
 - b. Preserve client records and information regardless of the media used to store such information;
- (10) With regard to client and public safety, notwithstanding confidentiality regulations, the counselor may reveal confidential information to public authorities or other professionals to the extent that he or she reasonably believes necessary to prevent a client from serious harm whether self-inflicted or inflicted upon a third person, or where the client is in imminent danger, or in danger of injuring another person;
- (11) With regard to client relationships, the counselor shall:
- a. Respect and maintain an objective, non-possessive, non-personal, professional relationship with the client at all times;

- b. Obtain the client’s permission for recording a session, for involving any third party in a session, or for releasing any information pertaining to the client;
 - c. Not enter into a business relationship with any other person if doing so would adversely affect the client;
 - d. Not engage in any sexual activity with any current or former client;
 - e. When it is in the best interests of a client, release or refer the client to other programs or individuals as dictated by professional standards and good clinical practice;
 - f. Not enter into a counseling relationship with a client if the counselor’s own responsibilities to or relationship with a third person would adversely affect the client;
 - g. Not enter into a personal or exploitive relationship with a current or former client following the termination of the therapeutic relationship; and
 - h. Not enter into a counseling relationship with anyone with whom the counselor has had a previous intimate relationship;
- (12) With regard to professional integrity, the counselor shall:
- a. Cooperate with and adhere to Alc 502;
 - b. Never knowingly make a false statement to the board;
 - c. Promptly report violations of this professional code of conduct by other counselors to the board; and
 - d. Disclose to the board any material fact which could adversely affect a counselor-client relationship, to include any disciplinary action taken by any other board or regulatory body;
- (13) With regard to remuneration, the counselor shall:
- a. Establish reasonable financial arrangements based on fees customarily charged in his or her locality for similar services; and
 - b. Not accept fees or gratuities for professional work from a client whose fees are being paid through an institution and/or agency and who is otherwise entitled to such services; and
- (14) With regard to professional promotion, the counselor shall strive to maintain and promote the integrity and advancement of the alcohol and drug counselor profession.
- (e) In addition to the scope of practice requirements described in (a)(3) above, licensed clinical supervisors shall abide by the “Code of Ethics for Clinical Supervisors,” written by the Clinical Supervision Committee of the ICRC, effective 1998, as referenced in Appendix B.

Appendix A

Rule	Statute Implemented
Alc 401.01	RSA 541-A:7
Alc 402.01	RSA 330-C:9, I, III; RSA 330-C:22
Alc 403.01	RSA 330-C:9, I, III; RSA 330-C:22
Alc 403.02	RSA 330-C:9, I, III; RSA 330-C:22
Alc 403.03	RSA 330-C:9, I, III; RSA 330-C:22
Alc 403.04	RSA 330-C:9, I, III; RSA 330-C:22
Alc 404.01	RSA 330-C:9, V-b
Alc 404.02	RSA 330-C:9, V-a
Alc 404.03	RSA 330-C:9, V-b
Alc 404.04	RSA 330-C:9, V-b
Alc 404.05	RSA 330-C:9, V-b
Alc 405.01	RSA 330-C:9, V-b; RSA 330-C:11, II
Alc 405.02	RSA 330-C:9, V-b
Alc 405.03	RSA 330-C:9, V-a
Alc 405.04	RSA 330-C:9, V-b
Alc 405.05	RSA 330-C:9, V-b
Alc 405.06	RSA 330-C:9, V-b
Alc 406.01	RSA 330-C:9, V-b; RSA 330-C:10, II
Alc 406.02	RSA 330-C:9, V-a
Alc 406.03	RSA 330-C:9, V-b
Alc 406.04	RSA 330-C:9, V-b
Alc 406.05	RSA 330-C:9, V-b
Alc 407.01	RSA 330-C:9, V-a
Alc 407.02	RSA 330-C:9, V-a
Alc 408.01	RSA 330-C:9, XIII; RSA 330-C:10, II; RSA 330-C:11, II
Alc 408.02	RSA 330-C:9, XIII; RSA 330-C:10, II; RSA 330-C:11, II
Alc 408.03	RSA 330-C:9, XIII; RSA 330-C:10, II; RSA 330-C:11, II
Alc 409.01	RSA 330-C:9, VIII; RSA 330-C:24
Alc 409.02	RSA 330-C:9, VIII; RSA 330-C:24
Alc 409.03	RSA 330-C:9, VIII; RSA 330-C:24
Alc 409.04	RSA 330-C:9, V; RSA 330-C:24
Alc 409.05	
Alc 410.01	RSA 541-A:16, I (b) intro.; RSA 330-C:24

Alc 411.01	RSA 330-C:9, I, III
Alc 412.01	RSA 541-A:16, I(b) intro.; RSA 330-C:22, V
Alc 413.01	RSA 330-C:9, IX, X; RSA 330-C:27
Alc 413.02	RSA 330-C:9, IX, X; RSA 330-C:27
Alc 413.03	RSA 330-C:9, IX, X; RSA 330-C:27
Alc 413.04	RSA 330-C:9, IX, X; RSA 330-C:27
Alc 414.01	RSA 330-C:9, II; RSA 330-C:23
Alc 414.02	RSA 330-C:9, II; RSA 330-C:23
Alc 415.01	RSA 330-C:8; RSA 330-C:9, IV
Alc 501.01	RSA 330-C:9, VII
Alc 502.01	RSA 330-C:9, VII

Appendix B

Rule	Title	Obtain at:
Alc 502.01(b) intro.	NAADAC Code of Ethics, as updated December 8, 2016	Obtain for no cost online at: https://www.naadac.org/assets/2416/naadac-code-of-ethics-033117.pdf
Alc 502.01 (e)	“Code of Ethics for Clinical Supervisors” (eff. 1998)	Obtain online to members of the International Certification & Reciprocity Consortium at: www.internationalcredentialing.org