

**SAM BROWNBACK**  
Governor

**TOM HAWK, Ph.D.**  
Executive Director



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**BEHAVIORAL SCIENCES REGULATORY BOARD**

**NOTICE OF PUBLIC HEARING ON PROPOSED REVOCATION OF REGULATIONS  
for  
REGISTERED ALCOHOL AND OTHER DRUG ABUSE COUNSELING (RAODAC)**

***K.A.R. 102-6-1 through 102-6-12***

The Behavioral Sciences Regulatory Board will conduct a public hearing from 10:00 – 11:00 A.M. on Thursday, December 29, 2011 in the board conference room at 712 S. Kansas Avenue, Topeka, to consider the revocation of permanent rules and regulations for Registered Alcohol and Other Drug Abuse Counseling.

This 60-day notice of the public hearing constitutes a public comment period for purposes of receiving written public comments on the revocation of these regulations. All interested parties may submit written comments prior to the hearing to Tom Hawk, Executive Director, Behavioral Sciences Regulatory Board, 712 South Kansas Ave., Topeka, KS 66603-3817. E-mail comments may be directed to [tom.hawk@bsrb.state.ks.us](mailto:tom.hawk@bsrb.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally at the hearing. In order to give all parties an opportunity to present their views, it may be necessary to request each participant to limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Leslie Allen, Licensing Manager at 785-296-3240 or the Kansas Relay Center at 1-800-766-3777. There is designated accessible parking on Kansas Avenue and the front entrance of the board office is accessible.

A copy of the full text of the proposed regulations and the economic impact statement may be reviewed or obtained at the board office. They are also available on the board website at [www.ksbsrb.org](http://www.ksbsrb.org) under proposed regulations. The following is a summary of the proposed regulations and economic statement. The board does not have a less costly or less intrusive method for achieving the stated purpose of this regulation.

**K.A.R. 102-6-1 – 102-6-12:** revocation of these regulations is necessary due to the implementation of HB 2577, the Licensed Addictions Counselors Act, passed by the 2010 Legislature and SB 100 which was passed as part of Sub HB 2182 by the 2011 Legislature. With the Addictions Counselor Act, there is no longer a (RAODAC) category under BSRB.

**Economic impact:** There would be a positive economic impact to the Behavioral Sciences Regulatory Board, the State of Kansas, and other governmental agencies. There would be an economic impact to the new applicants and licensees of the Kansas Behavioral Sciences Regulatory Board. There would not be an economic impact to the public.



Proposed

102-6-1. (Authorized by and implementing K.S.A. 74-7507(j); effective July 17, 1995;  
revoked P-\_\_\_\_\_.)

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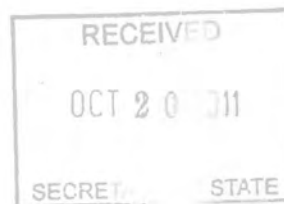
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102-6-2. (Authorized by and implementing K.S.A. 65-6602(c) and 65-6603; effective  
July 17, 1995; revoked P-\_\_\_\_\_.)



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102-6-4. (Authorized by K.S.A. 65-6602(b) and 74-7507(j) and implementing K.S.A. 65-6602; effective July 17, 1995; revoked P-\_\_\_\_\_.)

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102-6-5. (Authorized by K.S.A. 74-7507(i) and implementing K.S.A. 65-6602(c);  
effective July 17, 1995; revoked P-\_\_\_\_\_.)



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102-6-8. (Authorized by and implementing K.S.A. 2006 Supp. 74-7507; effective July 17, 1995; amended June 8, 2007; revoked P-\_\_\_\_\_.)

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102-6-9. (Authorized by K.S.A. 74-7507; implementing K.S.A. 65-6603 and 74-7507;  
effective July 17, 1995; amended July 11, 2003; revoked P-\_\_\_\_\_.)

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102-6-9a. (Authorized by and implementing K.S.A. 65-6603 and K.S.A. 2007 Supp. 74-7507; effective Feb. 13, 2009; revoked P-\_\_\_\_\_.)

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102-6-10. (Authorized by and implementing K.S.A. 74-7507 and K.S.A. 65-6603;  
effective July 17, 1995; amended July 11, 2003; revoked P-\_\_\_\_\_.)

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102-6-11. (Authorized by and implementing K.S.A. 74-7507(g) and K.S.A. 65-6603;  
effective July 17, 1995; revoked P-\_\_\_\_\_.)

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102-6-12. (Authorized by and implementing K.S.A. 2007 Supp. 74-7507; effective July 17, 1995; amended Aug. 8, 2008; revoked P-\_\_\_\_\_.)

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**BEHAVIORAL SCIENCES REGULATORY BOARD**

**ECONOMIC IMPACT STATEMENT FOR REVOCATION of  
REGISTERED ALCOHOL AND OTHER DRUG ABUSE COUNSELING (RAODAC)**

***K.A.R. 102-6-1 through 102-6-12***

***I. Brief Description of the Proposed Regulations and what is intended to be accomplished by their Revocation.***

**K.A.R. 102-6-1 – 6-12** revocation of these regulations is necessary due to the implementation of HB 2577, the Licensed Addictions Counselors Act, passed by the 2010 Legislature and SB 100 which was passed as part of Sub HB 2182 by the 2011 Legislature. SB 100 modified and corrected some licensure requirements of the original bill. With the Addictions Counselor Act, there is no longer a RAODAC (Registered Alcohol and Other Drug Abuse Counselors) category under BSRB. In FY2010 there were 53 registered RAODAC counselors.

**II. Whether or Not the Proposed Regulations are Mandated by Federal Law**

- A. Federal law as a requirement for participating in or implementing a federally subsidized or assisted program does not mandate the proposed regulations.
- B. There is no applicable federal law related to the proposed regulations.

**III. Anticipated Economic Impact of the Proposed Regulations**

- A. There is no negative economic impact with the revocation of the RAODAC registration category under BSRB (Behavioral Sciences Regulatory Board). The RAODAC category had approximately 50 counselors. The new Addiction Counselor Act brings in approximately 1300 new licensees to BSRB. As outlined in the Economic Impact statement for the Addictions Counselor Act, there will be a positive economic impact to the Kansas Behavioral Sciences Regulatory Board (BSRB) from the proposed new regulations and the addition of the LAC and LCAC professional licenses. Revenue for BSRB and for the State of Kansas will increase as a result of licensure of Addictions Counselors. It is anticipated there will be 1300 new Addiction Counselors (LAC) and Clinical Addiction Counselors (LCAC): 800 LAC's and 500 LCAC's who submit applications and become licensed during the next year. This will generate approximately \$195,000 in revenue of which 10%, or \$19,500, is deposited in the State General Fund leaving the remaining 90%, or \$180,000, in the BSRB fee fund. Every two years there will be approximately \$180,000 in renewal license fees. At this time it is the administrative and Board plan of BSRB to absorb the extra work load of adding 1300 new licensees, an increase of 15%. The standard at BSRB for quick turnaround of applications and also of timely investigations with minimal to zero backlogs will be maintained. It is possible that one additional staff will need to be hired in the future to manage the increased workload. That could be a total salary and benefit cost of \$55,000. At this time those positions were not requested and are not in the budget

appropriations for FY2012. An enhancement request was made for FY2012 and FY2013.

- B. There is not an economic impact to other government agencies with the revocation of the RAODAC regulations. With the Addiction Counselor Act, there would be an economic impact to other governmental agencies from those proposed regulation additions. In previous years, SRS contracted with KAAP (Kansas Association of Addiction Professionals) in the amount of \$56,000 for certification of Addiction Counselors with the AAPS (Addiction and Prevention Services) certification. Since the certification will not be available after licensure begins, all addiction counselors will now be regulated by the BSRB. With this movement to BSRB, SRS will save that \$56,000 expenditure. In addition, the State General Fund will receive an additional \$19,500 with the 10% payment from new licenses this year and approximately \$18,000 every two years on average with license renewals.
- C. There would be no economic impact to private citizens of Kansas from the proposed revocation of the RAODAC regulations. With the new Addiction Counselor Act, KAAP believes that addiction counselor licensure will have a positive impact for substance abuse programs that provide services reimbursed by Kansas Medicaid and/or the Federal Block Grant. Pursuant to State and Value Options requirements, beginning one year from the facility's re-credentialing date, all existing Value Options Kansas providers (providers who provide block grant and Medicaid substance use disorder services) must offer evidence that any diagnosis is made by an independently licensed behavioral health professional. Enactment of the new Addiction Counselor Licensure Act will enable many existing substance abuse counselors to qualify as licensed clinical addiction counselors and become authorized to diagnose substance use disorders. Kansas addiction counselors did not have this authority by law prior to the implementation of licensure.
- D. There would be an economic impact to licensees of the Kansas Behavioral Sciences Regulatory Board from the proposed regulations. Current RAODAC counselors will be moving into the new Addiction Counselor Act licensure. The current AAPS certification is being replaced by the Addiction Counselor (LAC) and Clinical Addiction Counselor (LCAC) licensure requirement. Licensees would be picking up this professional cost, like the other areas licensed by BSRB, with the \$50 application fee and the \$100 license fee for those current Addiction Counselors wishing to be grandfathered into the BSRB oversight. New members in the professional will be required to make application for licensure and pay the fees. All will be required to complete continuing education requirements and pay renewal fees every two years.

**IV. Less Costly or Less Intrusive Methods Considered and Rejected.**

- A. We are not aware of any less costly or less intrusive method.
- B. The proposed regulations have no economic impact related to environmental rules and regulations.
- C. The proposed regulations have no effect on revenues of cities, counties, or school districts.
- D. The proposed regulations have no effect on responsibilities of cities, counties, or school districts that will increase their expenditures or fiscal liability.

