

{As Amended by Senate Committee of the Whole}

As Amended by Senate Committee

Session of 2016

SENATE BILL No. 449

By Committee on Public Health and Welfare

2-11

1 AN ACT concerning *{psychiatric health; relating to professions*
2 *regulated by}* the behavioral sciences regulatory board; *{prohibiting*
3 *outsourcing of operations or facilities of state psychiatric hospitals}*
4 amending K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-6408, 65-
5 6411, 74-5311, 74-5318, 74-5361, 74-5362, 74-5363, 74-5365 and 74-
6 5370 and K.S.A. 2015 Supp. 65-5807, 65-5809, 65-6309, 65-6311, 65-
7 6313, 65-6405, 65-6406, 65-6607, 65-6608, 65-6609, 65-6610, 65-
8 6611, 65-6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-
9 6618, 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5367, 74-
10 5369, 74-5375, 74-5376, 74-7507 and 74-7508 and repealing the
11 existing sections; also repealing K.S.A. 74-5319, 74-5320, 74-5321,
12 74-5325, 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-
13 5336 and 74-5338 and K.S.A. 2015 Supp. 65-5815, 65-6412, 65-6619
14 and 74-5337.
15

Be it enacted by the Legislature of the State of Kansas:

16 New Section 1. (a) As part of an original application for or
17 reinstatement of any license, registration, permit or certificate or in
18 connection with any investigation of any holder of a license, registration,
19 permit or certificate, the behavioral sciences regulatory board may require
20 a person to be fingerprinted and submit to a state and national criminal
21 history record check. The fingerprints shall be used to identify the person
22 and to determine whether the person has a record of criminal history in this
23 state or another jurisdiction. The behavioral sciences regulatory board is
24 authorized to submit the fingerprints to the Kansas bureau of investigation
25 and the federal bureau of investigation for a state and national criminal
26 history record check. The behavioral sciences regulatory board may use
27 the information obtained from fingerprinting and the criminal history for
28 purposes of verifying the identification of the person and in the official
29 determination of the qualifications and fitness of the person to be issued or
30 to maintain a license, registration, permit or certificate.
31

32 (b) Local and state law enforcement officers and agencies shall assist
33 the behavioral sciences regulatory board in the taking and processing of
34 fingerprints of applicants for and holders of any license, registration,

terminology updates related to addiction
counselors and treatment programs;

Proposed amendments to SB449ascw
House Committee on Health and Human Services
Prepared by Scott Abbott
Office of Revisor of Statutes

1 Sec. 49-18. K.S.A. 2015 Supp. 65-6607 is hereby amended to read as
2 follows: 65-6607. K.S.A. 2015 Supp. 65-6607 through 65-6620, and
3 amendments thereto, shall be known and may be cited as the ~~additions~~
4 *addiction counselor licensure act*.

5 Sec. 20-19. K.S.A. 2015 Supp. 65-6608 is hereby amended to read as
6 follows: 65-6608. As used in the ~~additions~~ *addiction counselor licensure*
7 *act*:

8 (a) "Board" means the behavioral sciences regulatory board created
9 under K.S.A. 74-7501, and amendments thereto.

10 (b) "Addiction counseling" means the utilization of special skills to
11 assist persons with additions, and to assist such persons' families and
12 friends to achieve resolution of addiction through the exploration of the
13 disease and its ramifications, the examination of attitudes and feelings, the
14 consideration of alternative solutions and decision making, as these relate
15 specifically to addiction. Evaluation and assessment, treatment including
16 treatment plan development, crisis intervention, referral, record keeping
17 and clinical consultation specifically related to addiction are within the
18 scope of addiction counseling. Additionally, at the clinical level of
19 licensure, addiction counseling includes independent practice and the
20 diagnosis and treatment of substance use disorders.

21 (c) "Licensed addiction counselor" means a person who engages in
22 the practice of addiction counseling limited to substance use disorders and
23 who is licensed under this act. Such person shall engage in the practice of
24 addiction counseling in a state-licensed or certified alcohol and other drug
25 treatment program or in completing a Kansas domestic violence offender
26 assessment for participants in a certified batterer intervention program
27 pursuant to K.S.A. 2015 Supp. 75-7d01 through 75-7d13, and amendments
28 thereto, unless otherwise exempt ~~for~~ ^{from} licensure under ~~subsection (m)~~ ⁽ⁿ⁾ of
29 K.S.A. 59-29b46~~(m)~~, and amendments thereto.

30 (d) "Licensed master's addiction counselor" means a person who
31 engages in the practice of addiction counseling limited to substance use
32 disorders and who is licensed under this act. Such person may diagnose
33 substance use disorders only under the direction of a licensed clinical
34 addiction counselor, a licensed psychologist, a person licensed to practice
35 medicine and surgery or a person licensed to provide mental health
36 services as an independent practitioner and whose licensure allows for the
37 diagnosis and treatment of substance abuse disorders or mental disorders.

38 (e) "Licensed clinical addiction counselor" means a person who
39 engages in the independent practice of addiction counseling and diagnosis
40 and treatment of substance use disorders specified in the edition of the
41 American psychiatric association's diagnostic and statistical manual of
42 mental disorders (DSM) designated by the board by rules and regulations
43 and is licensed under this act.

1 hospital or Osawatomie state hospital without prior specific
2 authorization by an act of the legislature or an appropriation act of the
3 legislature.}

See insert for amendments to K.S.A. 59-29b54,
59-29b61 and 65-4016 and K.S.A. 2015 Supp.
59-29b46, 59-3077 and 65-4024.

4 ~~Sec. 49-48. {49,}~~ K.S.A. 65-5806, 65-5808, 65-6314, 65-6407, 65-
5 6408, 65-6411, 74-5311, 74-5318, 74-5319, 74-5320, 74-5321, 74-5325,
6 74-5326, 74-5327, 74-5328, 74-5332, 74-5333, 74-5334, 74-5336, 74-
7 5338, 74-5361, 74-5362, 74-5363, 74-5365 and 74-5370 and K.S.A. 2015
8 Supp. 65-5807, 65-5809, 65-5815, 65-6309, 65-6311, 65-6313, 65-6405,
9 65-6406, 65-6412, 65-6607, 65-6608, 65-6609, 65-6610, 65-6611, 65-
10 6612, 65-6613, 65-6614, 65-6615, 65-6616, 65-6617, 65-6618, 65-6619,
11 65-6620, 74-5310, 74-5315, 74-5316, 74-5324, 74-5337, 74-5367, 74-
12 5369, 74-5375, 74-5376, 74-7507 and 74-7508 are hereby repealed.

13 ~~Sec. 50-49. {50,}~~ This act shall take effect and be in force from and
14 after its publication in the statute book.

And by renumbering remaining sections accordingly

And by adjusting the title and repealer accordingly

59-29b46. When used in the care and treatment act for persons with an alcohol or substance abuse problem:

(a) "Discharge" means the final and complete release from treatment, by either the head of a treatment facility acting pursuant to K.S.A. 59-29b50, and amendments thereto, or by an order of a court issued pursuant to K.S.A. 59-29b73, and amendments thereto.

(b) "Head of a treatment facility" means the administrative director of a treatment facility or such person's designee.

(c) "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 22-2202, and amendments thereto.

(d) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75- 7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under subsection (n).

(e) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

(f) "Other facility for care or treatment" means any mental health clinic, medical care facility, nursing home, the detox units at either Osawatimie state hospital or Larned state hospital, any physician or any other institution or individual authorized or licensed by law to give care or treatment to any person.

~~(e)~~ (g) "Patient" means a person who is a voluntary patient, a proposed patient or an involuntary patient.

(1) "Voluntary patient" means a person who is receiving treatment at a treatment facility pursuant to K.S.A. 59-29b49, and amendments thereto.

(2) "Proposed patient" means a person for whom a petition pursuant to K.S.A. 59-29b52 or 59-29b57, and amendments thereto, has been filed.

(3) "Involuntary patient" means a person who is receiving treatment under order of a court or a person admitted and detained by a treatment facility pursuant to an application filed pursuant to ~~subsection (b) or (c)~~ of K.S.A. 59-29b54 ~~(b) or (c)~~, and amendments thereto.

~~(f)~~ (h) "Person with an alcohol or substance abuse problem" means a person who:

(1) Lacks self-control as to the use of alcoholic beverages or any substance as defined in subsection ~~(f)~~ (l); or

(2) uses alcoholic beverages or any substance as defined in subsection ~~(f)~~ (l) to the extent that the person's health may be substantially impaired or endangered without treatment.

~~(g)~~ (i) (1) "Person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment" means a person with an alcohol or substance abuse problem, as defined in subsection ~~(f)~~ (h), who also is incapacitated by alcohol or any substance and is likely to cause harm to self or others.

(2) "Incapacitated by alcohol or any substance" means that the person, as the result of the use of alcohol or any substance as defined in subsection ~~(f)~~ (l), has impaired judgment resulting in the person:

(A) Being incapable of realizing and making a rational decision with respect to the need for treatment; or

(B) lacking sufficient understanding or capability to make or communicate responsible decisions concerning either the person's well-being or estate.

(3) "Likely to cause harm to self or others" means that the person, by reason of the person's use of alcohol or any substance: (A) Is likely, in the reasonably foreseeable future, to cause substantial physical injury or physical abuse to self or others or substantial damage to another's property, as evidenced by behavior threatening, attempting or causing such injury, abuse or damage; except that if the harm threatened, attempted or caused is only harm to the property of another, the harm must be of such a value and extent that the state's interest in protecting the property from such harm outweighs the person's interest in personal liberty; or

(B) is substantially unable, except for reason of indigency, to provide for any of the person's basic needs, such as food, clothing, shelter, health or safety, causing a substantial deterioration of the person's ability to function on the person's own.

~~(h)~~ (j) "Physician" means a person licensed to practice medicine and surgery as provided for in the Kansas healing arts act or a person who is employed by a state psychiatric hospital or by an agency of the United States and who is authorized by law to practice medicine and surgery within that hospital or agency.

~~(i)~~ (k) "Psychologist" means a licensed psychologist, as defined by K.S.A. 74-5302, and amendments thereto.

~~(j)~~ "State certified alcohol and drug abuse counselor" means a person approved by the secretary for aging and disability services to perform assessments using the American Society of Addiction Medicine criteria and employed at a state funded and designated assessment center.

~~(k)~~ (l) "Substance" means:

(1) The same as the term "controlled substance" as defined in K.S.A. 2015 Supp. 21-5701, and amendments thereto; or

(2) fluorocarbons, toluene or volatile hydrocarbon solvents.

~~(l)~~ (m) "Treatment" means the broad range of emergency, outpatient, intermediate and inpatient services and care, including diagnostic evaluation, medical, psychiatric, psychological and social service care, vocational rehabilitation and career counseling, which may be extended to persons with an alcohol or substance abuse problem.

~~(m)~~ (n) (1) "Treatment facility" means a treatment program, public or private treatment facility, or any facility of the United States government available to treat a person for an alcohol or other substance abuse problem, but such term shall not include a licensed medical care facility, a licensed adult care home, a facility licensed under K.S.A. 75-3307b, and amendments thereto, a community-based alcohol and drug safety action program certified under K.S.A. 8-1008, and amendments thereto, and performing only those functions for which the program is certified to perform under K.S.A. 8-1008, and amendments thereto, or a professional licensed by the behavioral sciences regulatory board to diagnose and treat mental disorders at the independent level or a physician, who may treat in the usual course of the behavioral sciences regulatory board licensee's or physician's professional practice individuals incapacitated by alcohol or other substances, but who are not primarily engaged in the usual course of the individual's professional practice in treating such individuals, or any state institution, even if detoxification services may have been obtained at such institution.

(2) "Private treatment facility" means a private agency providing facilities for the care and treatment or lodging of persons with either an alcohol or other substance abuse problem and meeting the standards prescribed in either K.S.A. 65-4013 or 65-4603, and amendments thereto, and licensed under either K.S.A. 65-4014 or 65-4607, and amendments thereto.

(3) "Public treatment facility" means a treatment facility owned and operated by any political subdivision of the state of Kansas and licensed under either K.S.A. 65-4014 or 65-4603, and amendments thereto, as an appropriate place for the care and treatment or lodging of persons with an alcohol or other substance abuse problem.

~~(n)~~ (o) The terms defined in K.S.A. 59-3051, and amendments thereto, shall have the meanings provided by that section.

59-29b61. (a) The order for an evaluation required by ~~subsection (a)(5) of K.S.A. 59-29b60(a)(5), and amendments thereto, shall be served in the manner provided for in subsections (e) and (d) of K.S.A. 59-29b63(c) and (d), and amendments thereto.~~ It shall order the proposed patient to submit to an evaluation to be conducted by a physician, psychologist or ~~state-certified alcohol and drug abuse licensed addiction~~ counselor and to undergo such other medical examinations or evaluations as may be designated by the court in the order, except that any proposed patient who is not subject to a temporary custody order issued pursuant to K.S.A. 59-29b59, and amendments thereto and who requests a hearing pursuant to K.S.A. 59-29b62, and amendments thereto, need not submit to such evaluations or examinations until that hearing has been held and the court finds that there is probable cause to believe that the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act. The evaluation may be conducted at a treatment facility, the home of the proposed patient or any other suitable place that the court determines is not likely to have a harmful effect on the welfare of the proposed patient.

(b) At the time designated by the court in the order, but in no event later than three days prior to the date of the trial provided for in K.S.A. 59-29b65, and amendments thereto, the examiner shall submit to the court a report, in writing, of the evaluation which report also shall be made available to counsel for the parties at least three days prior to the trial. The report also shall be made available to the proposed patient and to whomever the patient directs, unless for good cause recited in the order, the court orders otherwise. Such report shall state that the examiner has made an examination of the proposed patient and shall state the opinion of the examiner on the issue of whether or not the proposed patient is a person with an alcohol or substance abuse problem subject to involuntary commitment for care and treatment under this act and the examiner's opinion as to the least restrictive treatment alternative which will protect the proposed patient and others and allow for the improvement of the proposed patient if treatment is ordered.

59-3077. (a) At any time after the filing of the petition provided for in K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, any person may file in addition to that original petition, or as a part thereof, or at any time after the appointment of a temporary guardian as provided for in K.S.A. 59-3073, and amendments thereto, or a guardian as provided for in K.S.A. 59-3067, and amendments thereto, the temporary guardian or guardian may file, a verified petition requesting that the court grant authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility, as defined in subsection (h), and to consent to the care and treatment of the proposed ward or ward therein. The petition shall include:

(1) The petitioner's name and address, and if the petitioner is the proposed ward's or ward's court appointed temporary guardian or guardian, that fact;

(2) the proposed ward's or ward's name, age, date of birth, address of permanent residence, and present address or whereabouts, if different from the proposed ward's or ward's permanent residence;

(3) the name and address of the proposed ward's or ward's court appointed temporary guardian or guardian, if different from the petitioner;

(4) the factual basis upon which the petitioner alleges the need for the proposed ward or ward to be admitted to and treated at a treatment facility, or for the proposed ward or ward to continue to be treated at the treatment facility to which the proposed ward or ward has already been admitted, or for the guardian to have continuing authority to admit the ward for care and treatment at a treatment facility pursuant to ~~subsection (b)(3) of K.S.A. 59-2949, (b)(3) or subsection (b)(3) of K.S.A. 59-29b49(b)(3),~~ and amendments thereto;

(5) the names and addresses of witnesses by whom the truth of this petition may be proved; and

(6) a request that the court find that the proposed ward or ward is in need of being admitted to and treated at a treatment facility, and that the court grant to the temporary guardian or guardian the authority to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein.

(b) The petition may be accompanied by a report of an examination and evaluation of the proposed ward or ward conducted by an appropriately qualified professional, which shows that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e), subsection (f) of K.S.A. 59-29b46(h) or K.S.A. 76-12b03,~~ and amendments thereto, are met.

(c) Upon the filing of such a petition, the court shall issue the following:

(1) An order fixing the date, time and place of a hearing on the petition. Such hearing, in the court's discretion, may be conducted in a courtroom, a treatment facility or at some other suitable place. The time fixed in the order shall in no event be earlier than seven days or later than 21 days after the date of the filing of the petition. The court may consolidate this hearing with the trial upon the original petition filed pursuant to K.S.A. 59-3058, 59-3059, 59-3060 or 59-3061, and amendments thereto, or with the trial provided for in the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, if the petition also incorporates the allegations required by, and is filed in compliance with, the provisions of either of those acts.

(2) An order requiring that the proposed ward or ward appear at the time and place of the hearing on the petition unless the court makes a finding prior to the hearing that the presence of the proposed ward or ward will be injurious to the person's health or welfare, or that the proposed ward's or ward's impairment is such that the person could not meaningfully participate in the proceedings, or that the proposed ward or ward has filed with the court a written waiver of such ward's right to appear in person. In any such case, the court shall enter in the record of the proceedings the facts upon which the court has found that the presence of the proposed ward or ward at the hearing should be excused. Notwithstanding the foregoing provisions of this subsection, if the proposed ward or ward files with the court at least one day prior to the date of the hearing a written notice stating the person's desire to be present at the hearing, the court shall order that the person must be present at the hearing.

(3) An order appointing an attorney to represent the proposed ward or ward. The court shall give preference, in the appointment of this attorney, to any attorney who has represented the proposed ward or ward in other matters, if the court has knowledge of that prior representation. The proposed ward, or the ward with the consent of the ward's conservator, if one has been appointed, shall have the right to engage an attorney of the proposed ward's or ward's choice and, in such case, the attorney appointed by the court shall be relieved of all duties by the court. Any appointment made by the court shall terminate upon a final determination of the petition and any appeal therefrom, unless the court continues the appointment by further order.

(4) An order fixing the date, time and a place that is in the best interest of the proposed ward or ward, at which the proposed ward or ward shall have the opportunity to consult with such ward's attorney. This consultation shall be scheduled to occur prior to the time at which the examination and evaluation ordered pursuant to subsection (d)(1), if ordered, is scheduled to occur.

(5) A notice similar to that provided for in K.S.A. 59-3066, and amendments thereto.

(d) Upon the filing of such a petition, the court may issue the following:

(1) An order for a psychological or other examination and evaluation of the proposed ward or ward, as may be specified by the court. The court may order the proposed ward or ward to submit to such an examination and evaluation to be conducted through a general hospital, psychiatric hospital, community mental health center, community developmental disability organization, or by a private physician, psychiatrist, psychologist or other person appointed by the court who is qualified to examine and evaluate the proposed ward or ward. The costs of this examination and evaluation shall be assessed as provided for in K.S.A. 59-3094, and amendments thereto.

(2) If the petition is accompanied by a report of an examination and evaluation of the proposed ward or ward as provided for in subsection (b), an order granting temporary authority to the temporary guardian or guardian to admit the proposed ward or ward to a treatment facility and to consent to the care and treatment of the proposed ward or ward therein. Any such order shall expire immediately after the hearing upon the petition, or as the court may otherwise specify, or upon the discharge of the proposed ward or ward by the head of the treatment facility, if the proposed ward or ward is discharged prior to the time at which the order would otherwise expire.

(3) For good cause shown, an order of continuance of the hearing.

(4) For good cause shown, an order of advancement of the hearing.

(5) For good cause shown, an order changing the place of the hearing.

(e) The hearing on the petition shall be held at the time and place specified in the court's order issued pursuant to subsection (c), unless an order of advancement, continuance, or a change of place of the hearing has been issued pursuant to subsection (d). The petitioner and the proposed ward or ward shall each be afforded an opportunity to appear at the hearing, to testify and to present and cross-examine witnesses. If the hearing has been consolidated with a trial being held pursuant to either the care and treatment act for mentally ill persons or the care and treatment act for persons with an alcohol or substance abuse problem, persons not necessary for the conduct of the proceedings may be excluded as provided for in those acts. The hearing shall be conducted in as informal a manner as may be consistent with orderly procedure. The court shall have the authority to receive all relevant and material evidence which may be offered, including the testimony or written report, findings or recommendations of any professional or other person who has examined or evaluated the proposed ward or ward pursuant to any order issued by the court pursuant to subsection (d). Such evidence shall not be privileged for the purpose of this hearing.

(f) Upon completion of the hearing, if the court finds by clear and convincing evidence that the criteria set out in K.S.A. 39-1803, ~~subsection (e) of K.S.A. 59-2946(e), subsection (f) of K.S.A. 59-29b46(h)~~ or K.S.A. 76-12b03, and amendments thereto, are met, and after a careful consideration of reasonable alternatives to admission of the proposed ward or ward to a treatment facility, the court may enter an order granting such authority to the temporary guardian or guardian as is appropriate, including continuing authority to the guardian to readmit the ward to an appropriate treatment facility as may later become necessary. Any such grant of continuing authority shall expire two years after the date of final discharge of the ward from such a treatment facility if the ward has not had to be readmitted to a treatment facility during that two-year period of time. Thereafter, any such grant of continuing authority may be renewed only after the filing of another petition seeking authority in compliance with the provision of this section.

(g) Nothing herein shall be construed so as to prohibit the head of a treatment facility from admitting a proposed ward or ward to that facility as a voluntary patient if the head of the treatment facility is satisfied that the proposed ward or ward at that time has the capacity to understand such ward's illness and need for treatment, and to consent to such ward's admission and treatment. Upon any such admission, the head of the treatment facility shall give notice to the temporary guardian or guardian as soon as possible of the ward's admission, and shall provide to the temporary guardian or guardian copies of any consents the proposed ward or ward has given. Thereafter, the temporary guardian or guardian shall timely either seek to obtain proper authority pursuant to this section to admit the proposed ward or ward to a treatment facility and to consent to further care and treatment, or shall otherwise assume responsibility for the care of the proposed ward or ward, consistent with the authority of the temporary guardian or guardian, and may arrange for the discharge from the facility of the proposed ward or ward, unless the

head of the treatment facility shall file a petition requesting the involuntary commitment of the proposed ward or ward to that or some other facility.

(h) As used herein, "treatment facility" means the Kansas neurological institute, Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, the rainbow mental health facility, any intermediate care facility for people with intellectual disability, any psychiatric hospital licensed pursuant to K.S.A. 75-3307b, and amendments thereto, and any other facility for mentally ill persons or people with intellectual or developmental disabilities licensed pursuant to K.S.A. 75-3307b, and amendments thereto, if the proposed ward or ward is to be admitted as an inpatient or resident of that facility.

65-4016. The secretary shall adopt rules and regulations with respect to treatment facilities to be licensed and designed to further the accomplishment of the purposes of this law in promoting a safe and adequate treatment program for individuals in treatment facilities in the interest of public health, safety and welfare including, but not limited to, minimum qualifications for employees of licensed or certified programs which are less than the qualifications required for a registered alcohol and other drug abuse counselor. Boards of trustees or directors of institutions licensed under this act shall have the right to select the professional staff members of such institutions and to select and employ interns, nurses and other personnel.

65-4024a. As used in this act:

(a) "Act" means the alcohol or other drug addiction treatment act.

(b) "Alcohol or other drug addiction" means a pattern of substance use, leading to significant impairment or distress, manifested by three or more of the following occurring at any time in the same 12-month period:

(1) Tolerance, defined as: (A) A need for markedly increased amounts of the substance to achieve intoxication or desired effect; or (B) a markedly diminished effect with continued use of the same amount of substance;

(2) withdrawal, as manifested by either of the following: (A) The characteristic withdrawal syndrome for the substance; or (B) the same or a closely related substance is taken to relieve or avoid withdrawal symptoms;

(3) the substance is often taken in larger amounts or over a longer period than was intended;

(4) there is a persistent desire or unsuccessful efforts to cut down or control substance use;

(5) a great deal of time is spent in activities necessary to obtain the substance, use the substance or recover from its effects;

(6) important social, occupational or recreational activities are given up or reduced because of substance use;

(7) the substance use is continued despite knowledge of having a persistent or recurrent physical or psychological problem that is likely to have been caused or exacerbated by the substance.

(c) "Care or treatment" means such necessary services as are in the best interests of the physical and mental health of the patient.

(d) "Committee" means the Kansas citizens committee on alcohol and other drug abuse.

(e) "Counselor" means an individual whose education, experience and training has been evaluated and approved by the Kansas department for aging and disability services to provide the scope of practice afforded to an alcohol

~~and drug credentialed counselor or counselor assistant working in a licensed, certified alcohol and drug treatment program.~~

~~(f)~~— "Department" means the Kansas department for aging and disability services.

~~(g)~~ ~~(f)~~ "Designated state funded assessment center" or "assessment center" means a treatment facility designated by the secretary.

~~(h)~~ ~~(g)~~ "Discharge" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(i)~~ ~~(h)~~ "Government unit" means any county, municipality or other political subdivision of the state; or any department, division, board or other agency of any of the foregoing.

~~(j)~~ ~~(i)~~ "Head of the treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(k)~~ ~~(i)~~ "Incapacitated by alcohol" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(l)~~ ~~(k)~~ "Intoxicated individual" means an individual who is under the influence of alcohol or drugs or both.

~~(m)~~ ~~(l)~~ "Law enforcement officer" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

(m) "Licensed addiction counselor" means a person who engages in the practice of addiction counseling limited to substance use disorders and who is licensed by the behavioral sciences regulatory board. Such person shall engage in the practice of addiction counseling in a state-licensed or certified alcohol and other drug treatment program or in completing a Kansas domestic violence offender assessment for participants in a certified batterer intervention program pursuant to K.S.A. 2015 Supp. 75- 7d01 through 75-7d13, and amendments thereto, unless otherwise exempt from licensure under K.S.A. 59-29b46(n), and amendments thereto.

(n) "Licensed clinical addiction counselor" means a person who engages in the independent practice of addiction counseling and diagnosis and treatment of substance use disorders specified in the edition of the American psychiatric association's diagnostic and statistical manual of mental disorders (DSM) designated by the board by rules and regulations and is licensed by the behavioral sciences regulatory board.

~~(o)~~ "Patient" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(p)~~ ~~(p)~~ "Private treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(q)~~ ~~(q)~~ "Public treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(q)~~ ~~(r)~~ "Treatment" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(r)~~ ~~(s)~~ "Treatment facility" ~~shall have the meaning ascribed to it~~ means the same as defined in K.S.A. 59-29b46, and amendments thereto.

~~(s)~~ ~~(t)~~ "Secretary" means the secretary for aging and disability services.

