

Analysis of client deaths in California recommends tougher counselor standards

A California nonprofit organization's finding that staff failures were present in 40 percent of the cases of client deaths it examined in residential treatment facilities has spurred an intense discussion and a call for tougher standards in a state with comparatively lenient requirements for credentialed counselors.

The nuances of the ongoing debate in California reflect the soul-searching of a profession that still lacks a widespread consensus on what its front-line workers' qualifications should be, as well as how and by whom their activities should be regulated.

Most of the individuals who have spoken out in California in response to last month's report from The Justin Foundation entitled *The War on Addiction* agree that California should beef up its education and training requirements for the certification of professional counselors. But some warn that with the addiction profession already experiencing a crisis in attracting and retaining front-line workers, too high a standard could make it impossible for some agencies to continue to perform needed services, especially at a time when Proposition 36 continues to drive up demand for treatment services.

"All of us agree that the requirements need to be more stringent, but you have to give people a reasonable career pathway as well," Joan E. Zweben, Ph.D., founder of The East Bay Community Recovery Project and The 14th Street Clinic & Medical Group in the Bay Area, told *ADAW*. "Nobody's paying higher salaries for these credentials."

Yet the report from The Justin Foundation, an organization founded by the mother of a 22-year-old who died in a drug treatment program in 2000, makes a strong call for licensing California counselors under the same authority that licenses clinical

social workers and marriage and family therapists in the state.

"Experts agree licensure would allow [substance abuse counselors] to advance careers to a true professional standing with corresponding wages — resulting in a more stable long-term workforce," the report states.

Findings on deaths

The report from The Justin Foundation looked at results from state Department of Alcohol and Drug Programs investigations in which the California agency issued one of its two highest levels of deficiency in residential treatment programs. The report found that in 27 of 67 cases from 2000-2006 in which a patient died while under a facility's care, failures by the staff or facility were reported.

The nonprofit organization's report cites several deaths in which staff carelessness, unethical behavior and lack of training are linked to the tragic outcomes. "The majority of substance abuse treatment professionals are doing their best with the knowledge and training they have," the report states. "But they need more education, training and experience than currently required by California's minimum standards to effectively attack addiction and care for the vulnerable people with whom they are entrusted."

The report cites several examples of careless or inappropriate behavior by clinical professionals, including:

- A 2003 incident in which a client who had just been released from prison was allowed shortly after admission to visit a department store. Upon his return nearly five hours later, the man was not searched for drugs, and later he was found dead of an overdose in a facility bathroom.

- A 2003 incident in which two staff members on duty at a facility refused to perform CPR on a dying woman, with one admitting to investigators that she was "freaked out" after the woman had stopped breathing. The state cited the facility for failing to have staff capable of recognizing the early signs of illness, according to the report.

- An incident in which a treatment center experienced its second client suicide in seven months after staff members largely ignored a new resident's warnings that he had suicidal thoughts. The victim's family said it had chosen the facility because it had advertised proficiency in treating patients with co-occurring mental illness; the state later criticized the facility for making misleading statements about its services.

Cathie Smith, founder of The Justin Foundation, told *ADAW* that while the death of her own son in treatment made her aware that there were problems in the system, she was shocked at the number of tragic incidents that could be attributed to a lack of training for counseling professionals. Smith said she cannot discuss the details of her son's case because of terms of a legal settlement.

Smith called California's education and training requirements for counselors "completely inadequate," adding, "It is the lowest standard in the nation."

The state's requirements for certification as an alcohol and other drug (AOD) counselor mandate that a registrant complete at least 155 documented hours of formal classroom AOD education, including in areas such as ethics, services to spe-

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cial populations, and prevention of communicable diseases. In addition, registrants must complete at least 160 hours of supervised training and 2,080 hours of paid or unpaid work experience, and must receive a score of at least 70 percent on a written or oral examination.

These levels for education and experience fall below the thresholds that have been established as something of an industry standard by the International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse Inc. (IC&RC), the organization representing certification boards across the country. The IC&RC standard recommends a minimum of 270 hours of formal education, 300 hours of supervised training, and three times as much work experience as what California requires for would-be certified counselors.

Last month's release of The Justin Foundation report has generated a great deal of commentary from individuals both within and outside the state. "The atrocities in this report are further evidence of the lack of adequate safeguards in state law and regulations governing this critical profession," Bob Tyler, president of the California Association of Alcoholism and Drug Abuse Counselors (CAADAC), said in a statement. "We need to act now so such tragedies can be minimized."

CAADAC is one of two counselor certifying bodies in the state that have attached more stringent education and training requirements for their certification than what state law mandates. However, the fact that California has a full nine authorities that can issue certifications for substance abuse professionals has been cited by many as another impediment to a more efficient system that better protects the consumer.

Several out-of-state observers have reacted to the report by criticizing California's system for credentialing. Chris Kelly, director of

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Shirley Beckett Mikell

the Washington, D.C.-based group Advocates for Recovery Through Medicine, stated in an online posting that "if new counselors are doing their on-site training with people who are not trained, what is the point? The 'new counselors' are trained by very old-school clinicians who are not up to date on current methods at all."

Some of these comments prompted a response from Zweben, who points out that the state's current credentialing requirements represent a recent improvement from a time when no requirements existed. She adds that the field mustn't lose sight of workforce needs and the need to learn more about how advanced training actually affects treatment outcome.

"Some of these people don't have a very broad perspective on the system," Zweben said of the state's critics. "It does remarkably well considering how underfunded it is."

Zweben added, "I have a Ph.D., but we have never been able to establish a relationship between advanced degrees and treatment outcome."

Possible responses

State legislators in California are currently considering an Assembly bill that attempts to tackle one problem: the fact that counselors in private-sector treatment programs are not subject to the state credentialing requirements. Smith calls the bill from Assembly member Mark DeSaulnier a good first step, but wants to see a push next year for tougher regulations for counselors across the board.

Besides the licensure recommendation in the report, The Justin Foundation also recommends the establishment of a Cabinet-level director's position for alcohol and drug policy in the state; funding for an automated system that would better track complaints against facilities and counselors; and the raising of education and training standards for counselors to meet the IC&RC threshold.

In looking at the situation in California, the deputy director of NAADAC, The Association for Addiction Professionals believes it reflects a national problem for a field that has not properly linked education and certification in the past. NAADAC is responding to the hodgepodge of requirements and acronyms that describe certified counselors across the country on several fronts, including with its recent establishment of a higher education committee that will seek to establish educational standards for the counseling profession, said the association's Shirley Beckett Mikell.

"This may be a wake-up call for counselors nationwide," said Mikell, who oversees NAADAC's credentialing functions. "We need to look at expanding our base of knowledge, and how we are judging the persons we are credentialing."

Mikell added, "Some states don't even require continuing education in order to renew a credential." •

For more information on the report from The Justin Foundation entitled *The War on Addiction*, visit www.thejustinfoundation.org.