

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE
ABUSE SERVICES**

**CHAPTER: 21 CERTIFICATION OF ALCOHOL AND DRUG SUBSTANCE
ABUSE COURSES (ADSAC), ORGANIZATIONS AND FACILITATORS**

RULE IMPACT STATEMENT

PROPOSED RULES:

**SUBCHAPTER 1. CERTIFICATION OF ALCOHOL AND DRUG SUBSTANCE
ABUSE COURSES (ADSAC), ORGANIZATIONS AND INSTRUCTORS**

- 450:21-1-1 Purpose and applicability [AMENDED]
- 450:21-1-2 Statutory authority [AMENDED]
- 450:21-1-3 Definitions [AMENDED]
- 450:21-1-4 Meaning of verbs in rules [AMENDED]
- 450:21-1-5 Compliance with laws, rules [AMENDED]
- 450:21-1-6 Applications [AMENDED]
- 450:21-1-7 Minimum curriculum requirements, ten (10) hour courses [AMENDED]
- 450:21-1-7.2 Minimum curriculum requirements, twenty-four (24) hour courses [AMENDED]
- 450:21-1-7.4 Critical Incidents [NEW]
- 450:21-1-7.5 Participant record system [NEW]
- 450:21-1-7.6 Participant records, basic requirements [NEW]
- 450:21-1-7.7 Participant record storage, retention and disposition [NEW]
- 450:21-1-7.8 Confidentiality of participant information [NEW]
- 450:21-1-7.9 Notes [NEW]
- 450:21-1-8 Administrative responsibilities, institutions or organizations conducting ADSAC [AMENDED]
- 450:21-1-9 Facilities, equipment and instructional material [AMENDED]
- 450:21-1-9.1 Physical facility environment and safety [NEW]
- 450:21-1-9.2 Hygiene and sanitation [NEW]
- 450:21-1-10 ~~Ten or 24 hour~~ ADSAC facilitator certification, qualification and disqualification [AMENDED]
- 450:21-1-10.1 Inactive status/closure [NEW]
- 450:21-1-11 Facilitator training [AMENDED]
- 450:21-1-13 Consumers with disabilities [AMENDED]
- 450:21-1-14 State and federal statues and regulations [AMENDED]

**SUBCHAPTER 3. CERTIFICATION DENIAL OR SANCTIONS AND
PARTICIPANT GRIEVANCE**

- 450:21-3-1 Administrative denial, suspension, or revocation of certification [AMENDED]
- 450:21-3-1.1 Fitness of applications [AMENDED]

450:21-3-2	Grounds for reprimand, suspension or revocation of certification, organizations, institutions and facilitators [AMENDED]
450:21-3-3	Sanctions and hearings [AMENDED]
450:21-3-4	Participant rights and grievance policy [NEW]
450:21-3-5	ODMHSAS advocate general [NEW]

SUBCHAPTER 5. COURSE ATTENDANCE AND COMPLETION

450:21-5-1	Student <u>Participant</u> attendance and completion of ADSAC [AMENDED]
450:21-5-2	ADSAC reporting of completions [AMENDED]

- 1. BRIEFLY DESCRIBE THE PURPOSE OF THE PROPOSED RULES.** In accordance with the Administrative Procedures Act these proposed rules are part of the Department's annual review of Title 450 and implements 43A O.S. § 2-101, 3-451 through 3-461; 47 O.S. §§ 6-205, 6-212.2, 11-902 and 67-761; 22 O.S. § 991c authorizing the Board of Mental Health and Substance Abuse Services, or the Commissioner upon delegation by the Board, to certify Alcohol and Drug Substance Abuse Course (ADSAC) organizations and facilitators.
- 2. DESCRIBE THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULES, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULE, AND ANY INFORMATION ON COST IMPACTS RECEIVED FROM PRIVATE OR PUBLIC ENTITIES.** Organizations or individuals certified by ODMHSAS to facilitate ADSAC courses, and the individual required to participate in ADSAC for reinstatement of his or her driver's license. However, the Department has determined these rules to be revenue and cost neutral, with the exception of Title 450 § 21-1-7.5 and 21-1-7.7 requiring records to be retained for six (6) years.
- 3. DESCRIBE THE CLASSES PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULES.** Individuals attending an ADSAC course required as part of the process for drivers license reinstatement provided by schools and facilitators certified by ODMHSAS, the courts and the general public.
- 4. DESCRIBE THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON THE AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS, INCLUDE A LISTING OF ALL FEE CHANGES AND WHENEVER POSSIBLE, JUSTIFICATION FOR EACH.** ODMHSAS does not anticipate these rules will have an economic impact upon any political subdivision, or require their cooperation to implement or enforce the proposed revisions to the rules.

5. **SPECIFY THE PROBABLE COSTS AND BENEFITS TO ODMHSAS AND TO ANY OTHER AGENCY FOR IMPLEMENTING AND ENFORCING THE PROPOSED RULES AS WELL AS, ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN SUCH REVENUES, IF SUCH CAN BE PROJECTED.** There will be a one time cost incurred by entities providing ADSAC courses for the purchase of the equipment necessary to double the storage capacity for records. DMHSAS has determined all other proposed rules to be revenue neutral.
6. **DETERMINE WHETHER IMPLEMENTATION OF THE PROPOSED RULES WILL HAVE AN ECONOMIC IMPACT UPON ANY POLITICAL SUBDIVISIONS OR REQUIRE THEIR COOPERATION IN IMPLEMENTING AND ENFORCING THE PROPOSED RULES** ODMHSAS does not anticipate an economic impact on any affected classes of persons.
7. **DETERMINE IF IMPLEMENTATION OF THE PROPOSED RULES MAY HAVE AN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES.** There will be a one time cost incurred by entities providing ADSAC courses for the purchase of the equipment necessary to double the storage capacity for records. ODMHSAS does not anticipate an adverse economic impact on any affected classes of persons.
8. **EXPLAIN THE MEASURES ODMHSAS HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES.** Throughout the year ODMHSAS staff meet with stakeholders to provide information related to these rules and collect stakeholder input into programmatic and rule adjustments. Many of the proposed rules were requested by stakeholders. The proposed rule extending the time for record retention from three (3) to six (6) years is a result of HIPAA requirements. ODMHSAS considers these revisions the least burdensome and intrusive method to accomplish existing legislative mandates.
9. **DETERMINE THE EFFECT OF THE PROPOSED RULES ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND, IF THE PROPOSED RULES ARE DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLAIN THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULES WILL REDUCE THE RISK.** ODMHSAS anticipates these rules to enhance the delivery of ADSAC assessment services by more clearly defining service expectations, mandates and qualifications of the certified facilitator and ADSAC course facility. These proposed rules incorporate licensure and certification requirements required to provide professional treatment related to alcohol and other drug use and abuse.

10. DETERMINE IF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED. Certified ADSAC courses positively impact the health and wellness of persons served and the general public.

DATE PREPARED:

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PREPARED BY:

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