

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

**CHAPTER 22. Certification of Alcohol and Drug Assessment and
Evaluation Programs Related to Driver's License Revocation**

RULE IMPACT STATEMENT

PROPOSED RULES:

- 450:22-1-1 Purpose and applicability [AMENDED]
- 450:22-1-1.1 Certification duration [AMENDED]
- 450:22-1-3 Definitions [AMENDED]
- 450:22-1-5 General statement [AMENDED]
- 450:22-1-5.1 ODMHSAS responsibilities [NEW]
- 450:22-1-6 ADSAC Driver-offender assessors and assessment agencies [AMENDED]
- 450:22-1-6.1 Institutional and organizational description, assessment agencies [NEW]
- 450:22-1-7 ODMHSAS responsibilities [AMENDED]
- 450:22-1-9 Certified approved sites [AMENDED]
- 450:22-1-10 Offender Participant evaluation [AMENDED]
- 450:22-1-11 Standardized evaluation instruments [AMENDED]
- 450:22-1-11.1 Critical incidents, assessors and assessment agencies [NEW]
- 450:22-1-11.2 Participant record system [NEW]
- 450:22-1-11.3 Participant records, basic requirement assessors, assessment agencies [NEW]
- 450:22-1-11.4 Participant record storage, retention and disposition [NEW]
- 450:22-1-11.5 Confidentiality of drug or alcohol abuse treatment information [NEW]
- 450:22-1-11.6 Note [NEW]
- 450:22-1-11.7 Biopsychsocial assessment [NEW]
- 450:22-1-12 Assessor applicants Assessment personnel [AMENDED]
- 450:22-1-15 Assessor responsibilities [AMENDED]
- 450:22-1-15.1 Fitness of applicants [AMENDED]
- 450:22-1-16 Denial or revocation of assessment certification [AMENDED]
- 450:22-1-17 Physical facility environment and safety, assessors and assessment agencies [NEW]
- 450:22-1-18 Hygiene and sanitation, assessors and assessment agencies [NEW]
- 450:22-1-19 State and federal statutes and regulations [NEW]
- 450:22-1-20 Inactive status and closure [NEW]
- 450:22-1-21 Participant rights and grievance policy [NEW]
- 450:22-1-22 ODMHSAS advocate general [NEW]

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 Assessments and Evaluations Related to Driver's License Revocation.
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.** Driver offender related alcohol and other drug assessors and the individuals utilizing these assessment services in seeking driver's license reinstatement. However, the Department has determined these rules to be revenue and cost neutral, with the single exception of the exception of Title 450 § 22-1-11.4 requiring records to be retained for six (6) years.
3. **DESCRIBE THE CLASSES OF PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULES.** Individuals needing an ADSAC assessment/evaluation required as part of the process for drivers license reinstatement, those assessors adhering to the recommended intervention categories, 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 that the proposed revision to these rules will increase costs to this Department or other affected parties.
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. ODMHSAS has determined all other rules to be revenue neutral.
6. **DETERMINE WHETHER IMPLMENTATION OF THE PROPOSED RULES WILL HAVE AN ECONOMIC IMPACT UPON ANY POLITICAL SUBDIVISIONS OR REQUIRE THEIR COOPERATION IN**

IMPLEMENTING AND ENFORCING THE PROPOSED RULES There is no recognized political impact upon any political subdivision or requirement for their cooperation in the implementation or enforcement of these proposed rules.

- 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 has determined these rule revisions will not have an adverse economic impact to small businesses or agencies certified to provide assessment and evaluation services.
- 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.** ODMHSAS staff has met with identified stakeholders from across the state to provide information related to these changes and collect feedback in an ongoing effort to enhance communication and minimize costs. Many of the proposed rules were requested by stakeholders. ODMHSAS considers these revisions the least burdensome and intrusive method to accomplish existing legislative mandates. 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 alcohol and other drug assessment and evaluation services by more clearly defining service expectations, mandates and qualifications of the certified facilitator. ODMHSAS anticipates these rules will enhance the delivery of ADSAC assessment services by more clearly defining service expectations to the certified assessor and assessment agency.
- 10. DETERMINE IF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED.** The detrimental effect to the public could be an ineffective intervention with the person who has a drinking and/or drugged driving violation. The lack of

effective interventions in such cases can result in continued use and abuse of intoxicating substances, placing an untold number of individuals in danger of being harmed by an impaired driver. ODMHSAS anticipates these rules will enhance the delivery of ADSAC assessment services by more clearly defining service expectations to the certified assessor and assessment agency.

DATE PREPARED:

November 29, 2007

PREPARED BY:

Misty Anne Jobe, Administrative Programs Officer IV
Oklahoma Department of Mental Health and Substance Abuse Services
P.O. Box 53277
Oklahoma City, OK 73152-3277
(405) 522-6917
Fax: 405-522-0637