

**OKLAHOMA DEPARTMENT OF MENTAL HEALTH
AND SUBSTANCE ABUSE SERVICES**

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TITLE 450

Chapter 22

**Certification of Alcohol and Drug Assessment and
Evaluations Related to Driver's License Revocation**

Effective July 1, 2006

Authority: Oklahoma Board of Mental Health and Substance Abuse Services; 43A O.S. §§ 2-101, 3-453, and 3-460; 47 O.S. §§ 6-212.2 and 11-902; 22 O.S. §§ 991a and 991c

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CHAPTER 22. CERTIFICATION OF ALCOHOL AND DRUG ASSESSMENT AND EVALUATION PROGRAMS RELATED TO DRIVER'S LICENSE REVOCATION

450:22-1-1. Purpose and applicability

This chapter implements 43 A.O.S. § 3-460 and sets forth the standards and criteria for persons applying for certification and certified by ODMHSAS to conduct alcohol and drug assessment and evaluation related to driver's license revocation.

450:22-1-1.1. Certification duration

ODMHSAS may certify assessors for one (1) year.

450:22-1-2. Statutory authority [REVOKED]

450:22-1-3. Definitions

The following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise.

"ADSAC" means Alcohol and Drug Substance Abuse Course.

"Addiction Severity Index" or **"ASI"** is a multidimensional clinical and research instrument that rates the severity of a substance use or abuse problems for diagnostic evaluation and assesses change(s) in treatment status and outcome.

"Assessor" means an individual certified to conduct alcohol and other drug assessments related to driver's license revocations.

"Assessment" means a face-to-face clinical interview evaluating an individual's need and receptivity to substance abuse treatment and his or her prognosis.

"Certification" means ODMHSAS approval for an individual to conduct alcohol and other drug assessments related to driver's license revocations.

"Certified Alcohol and Drug Counselor" or **"CADC"** means any person who is certified pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

"Conflict of Interest" means a conflict between the private interests and public obligations of a certified organization or assessor.

"Consumer" means an individual, adult or child, who has applied for, is receiving, or has received services, evaluation or treatment, from an entity operated or certified by ODMHSAS or with which ODMHSAS contracts and includes all persons referred to in OAC Title 450 as client(s) or patient(s) or resident(s) or a combination thereof.

"Defendant Questionnaire" or **"DQ"** is an automated assessment or screening instrument used in assessing an offender with alcohol or other drug involvement. This instrument contains scales to measure truthfulness, stress coping ability, and severity of alcohol or other drug abuse and classifies an individual as being either a substance abuser or substance dependent using the American Society of Addiction Medicine, patient placement criteria.

"DPS" means the Oklahoma Department of Public Safety.

"Driver Risk Inventory-II" or **"DRI-II"** is an assessment or screening instrument, which contains six scales measuring truthfulness, driver risk, stress coping ability, and severity of alcohol or other drug abuse and classifies an individual as being either a substance abuser or substance dependent.

"Juvenile Automated Substance Abuse Evaluation" or "JASAE" is a survey based on adolescent norms to assess alcohol and other drug problem severity using DSM and ASAM guidelines. The JASAE includes attitude, age and life situation in the evaluation process.

"Licensed Alcohol and Drug Counselor" or "LADC" means any person who is licensed pursuant to the provisions of the Licensed Alcohol and Drug Counselors Act.

"Multidimensional Addictions and Personality Profile" or "MAPP" is an instrument designed to identify substance use disorders and other personal adjustment problems related to recidivism risk. The MAPP will assist with the determination of appropriate types and levels of care.

"Needs assessment" or "NEEDS" is a one hundred and thirty (130) item comprehensive adult assessment instrument addressing attitude, emotional stability, employment, health, education, substance abuse, relationships, support systems, criminal history and supervision needs.

"ODMHSAS" means the Oklahoma Department of Mental Health and Substance Abuse Services.

"Offender" means a person convicted of driving under the influence of alcohol or other intoxicating substances or who has received an alcohol or drug- related revocation or suspension of driving privileges.

"OSBI" means Oklahoma State Bureau of Investigation.

"Professional setting" means a facility that is adequate and suitable for the purpose of providing adult education or assessment services, meeting all confidentiality requirements of 42 CFR, Part 2 and 45 C.F.R. Parts 160 & 164 (HIPAA), and without distraction or interruption from adjacent business or activities.

"Psychosocial History" means an individual and family history of alcohol and drug abuse, an individual and family psychiatric history and a medical history of the individual and family psychiatric history, and a medical history of the individual.

"SALCE" or "Substance Abuse Life Circumstances Evaluation" is a ninety eight (98)-item survey addressing alcohol and/or drug use based on DSM-IV and ASAM guidelines. The SALCE also assesses attitude and life stressors. The SALCE is normed to the adult population.

"SASSI" or "Substance Abuse Subtle Screening Inventory" is a brief, easily administered psychological screening tool that assists in the identification of individuals with high probabilities of substance use disorder.

"Second Opinion" is a brief, easily administered screening tool designed to assist the ADSAC assessor with placement decisions.

"SUDDS" or "Substance Use Disorders Diagnostic Schedule" is a structured interview consisting of ninety nine (99) items with nine (9) subscales designed to identify relative severity of substance abuse problem in an individual. This instrument exists in both paper and pencil and computer versions.

"TAAD" or "Triage Assessment for Addictive Disorders" is a very brief, structured interview covering current alcohol and drug problems related to DSM-IV criteria for substance abuse and dependency. The TAAD is intended to be presented as an interview and not as a paper and pencil instrument.

450:22-1-4. Meaning of verbs in rules

The attention of the assessment agency and practitioner is drawn to the distinction between the use of the words "shall," "should," and "may" in this chapter:

- (1) "**Shall**" is the term used to indicate a mandatory statement, the only acceptable method under the present standards.
- (2) "**Should**" is the term used to reflect the most preferable procedure, yet allowing for the use of effective alternatives.
- (3) "**May**" is the term used to reflect an acceptable method that is recognized but not necessarily preferred.

450:22-1-5. General statement

The following standards and criteria govern:

- (1) Certification of individuals approved to provide assessment services;
- (2) Assessment standards;
- (3) Assessment responsibilities and activities of certified assessors; and
- (4) Requirements for reporting completed assessments to ODMHSAS.

450:22-1-6. Driver offender assessors and assessment agencies

(a) Alcohol and other drug assessments shall be provided by individuals or agencies certified by ODMHSAS to provide alcohol and drug assessment and evaluation programs related to driver's license revocation. ODMHSAS certified community mental health centers, ODMHSAS certified alcohol and drug treatment programs, and probation offices shall be considered for such certification.

(b) Certified assessment agencies shall:

- (1) Recommend and monitor certified assessors for compliance to applicable rules within Title 450; and
- (2) Provide assessment services only at sites approved by ODMHSAS.

(c) Certified assessors are responsible for:

- (1) Timely reporting assessment data to ODMHSAS;
- (2) Make recommendations based upon ODMHSAS-required assessment instruments;
- (3) Ensure exception findings meet current American Society of Addiction Medicine's (ASAM) over-ride criteria; and
- (4) Providing liaison with ODMHSAS, the courts and other agencies.

(d) Each program certified to conduct assessments for the evaluation related to driver's license revocation shall be responsible for the conduct of assessors they employ, and shall have written policies outlining the program's oversight procedures.

450:22-1-7. ODMHSAS responsibilities

ODMHSAS shall have the authority and duty to:

- (1) Annually review this chapter and amend as needed;
- (2) Establish, monitor and enforce reporting requirements and report forms;
- (3) Monitor assessors for conflict of interest;
- (4) Provide or approve assessor training, continuing education and certification;
- (5) Notify all appropriate assessor applicants of ODMHSAS-approved training;

- (6) Certify assessors;
- (7) Approve sites for assessment services; and
- (8) Upon receipt of a valid written consent for release of information, certify to DPS that a person has participated in and successfully completed an alcohol and substance abuse evaluation and assessment program.

450:22-1-8. Consumers with disabilities

Each site shall have a written policy addressing its awareness of, and intent to comply with, the U.S. Americans with Disabilities Act of 1990.

450:22-1-9. Certified approved sites

Alcohol and other drug assessment and evaluation shall be provided at sites approved by ODMHSAS. Sites shall meet the following standards for consideration of approval:

- (1) Sites shall be in professional settings appropriate for the assessment and for safeguarding the confidentiality of the consumer;
- (2) Hours and days of operation shall be during regularly scheduled periods which make assessment services accessible to consumers, including those employed between 8:00 a.m. and 5:00 p.m., and to the general public;
- (3) The site's days and hours of operation shall be conspicuously displayed on the outside of the building along with a business phone number used for scheduling of appointments;
- (4) For sites in multi-office buildings, the days and hours of operation shall be posted in the building directory or on the door of the site office;
- (5) Sites for the primary purpose of eating or sleeping, i.e., hotel/motel sleeping rooms, restaurant dining areas, etc., will not be considered for approval; and
- (6) Sites shall be handicapped-accessible and meet all other requirements of the Americans with Disabilities Act of 1990.

450:22-1-10. Offender evaluation

The assessment and evaluation of the offender shall be as comprehensive as possible and shall include, but not be limited to:

- (1) A formal face-to-face clinical interview consisting of, at a minimum:
 - (A) Socio-demographic and background information;
 - (B) Personal history; and
 - (C) A completed and scored Addiction Severity Index (ASI).
- (2) The assessor shall obtain and document the offender's driving history information from public record(s), when possible. This information shall minimally include the following:
 - (A) Arrest date;
 - (B) All charges relating to alcohol and drug offenses; and
 - (C) Driving record;

- (3) Alcohol and other drug information as supplied by the offender or referring party:
 - (A) Blood alcohol concentration at time of arrest;
 - (B) Prior alcohol/drug treatment;
 - (C) Polydrug use;
 - (D) Prior alcohol-related arrest(s); and
 - (E) Prior drug related arrest(s); and
- (4) Pursuant to 450:22-1-11, the use of completed and scored standardized evaluation instruments.
- (5) All information shall be in a format prescribed by the Commissioner of ODMHSAS.

450:22-1-11. Standardized evaluation instruments

- (a) Standardized evaluation instruments shall be administered in the manner intended and be findings shall be a component of the overall assessment and recommendations.
- (b) The standardized evaluation instruments shall include:
 - (1) A completed and scored, computerized version Driver Risk Inventory–II (DRI-II) in a face to face structured interview. However, for an offender convicted of a felony or misdemeanor non-driving, alcohol or other drug offense(s), a completed and scored, computerized version Defendant Questionnaire (DQ) shall be used instead of the DRI-II and;
 - (2) A completed and scored Addiction Severity Index (ASI);
 - (3) A completed and scored third clinical instrument to support initial findings, shall be chosen by the assessor from the menu of approved third instruments listed below;
 - (A) Juvenile Automated Substance Abuse Evaluation (JASAE); or
 - (B) Multidimensional Addictions and Personality Profile (MAPP); or
 - (C) Needs Assessment (NEEDS); or
 - (D) Second Opinion; or
 - (E) Substance Abuse Subtle Screening Inventory (SASSI); or
 - (F) Substance Abuse Life Circumstances Evaluation (SALCE); or
 - (G) Substance Use Disorders Diagnostic Schedule (SUDDS); or
 - (H) Triage Assessment for Addictive Disorders (TAAD); and
 - (4) A thorough face-to-face interview.
 - (5) All third assessment instruments shall be used only in a manner consistent with the instrument design and intent and matching with the level of severity of the offender. An instrument designed for establishing the probability of substance dependence will only be utilized with consumers in which there is an indication of substance dependence.

450:22-1-12. Assessment personnel

- (a) An applicant for certification as an assessor shall:
 - (1) Possess a bachelor's degree or above in the behavioral or health sciences. Those certified prior to July 1, 2005 will be allowed to continue certification without a bachelor's degree. All applicants for initial certification after July 1, 2005 must possess a bachelor's degree or above in the behavioral or health sciences. This includes those attempting to renew lapsed certification; and

- (2) Have at least two (2) years documented full-time experience in drug/alcohol treatment counseling; and
 - (3) Currently be licensed as an LADC or certified as an alcohol and other drug counselor and supervised by an LADC pursuant to Oklahoma state statutes.
 - (4) Be trained or have proven experience in the identification and management of alcohol and other drug abuse problems and clinical interviewing skills; and
 - (5) Complete the ODMHSAS Assessor Training; and
- (b) Applications for certification as an assessor shall be made in writing to the Department on a form in a manner prescribed by the Commissioner, and include the following:
- (1) A copy of the applicant's resume documenting all education and employment for the previous ten (10) years to include names, addresses and phone numbers for all employers; and
 - (2) Documentation of current licensure or certification as an alcohol and drug counselor; and
 - (3) Remission of the one hundred dollar (\$100) application fee for initial certification; and
 - (4) An official transcript; and
 - (5) A current OSBI background check or a similar background check from other state(s) of residence for the past five (5) years.
 - (6) Faxes will not be accepted as part of a permanent file.
 - (7) Applications are good for one (1) year from acceptance. All requirements must be completed within the initial twelve (12) month period or a new application must be submitted.
 - (8) Completed applications must be received by ODMHSAS thirty (30) days prior to the publicly announced training event.
- (c) Before being certified, the applicant shall:
- (1) Complete the ODMHSAS-approved assessor training;
 - (2) Complete and pass the ODMHSAS assessment skills competency examination;
 - (i) a minimal score to pass the exam shall be eighty (80) percent;
 - (ii) the exam shall require the applicant to correctly identify the major aspects of the Drivers Risk Inventory-revised (DRI-II), the Defendant Questionnaire (DQ) and the Addiction Severity Index (ASI);
 - (iii) the exam shall require the applicant to correctly identify the major components of motivational interviewing;
 - (iv) the exam shall require the applicant to correctly identify rules from this chapter;and
 - (3) Observe one (1) assessment with written permission of the consumer; and
 - (4) Conduct two (2) assessments under the supervision of a certified assessor, with written permission of consumer.
- (d) Upon completion of the above requirements, the certified assessor providing the supervision shall submit an evaluation of the applicant's skill level on a form and in a manner prescribed by the Commissioner of ODMHSAS and a copy of one (1) written court report done by the applicant.

- (e) An assessor applying for renewal must:
 - (1) Complete ODMHSAS renewal application form;
 - (2) Submit documentation of receiving ten (10) continuing education hours in each twelve (12) month period beginning with the date of original certification. Acceptable continuing education hours shall include subject areas in substance abuse, assessment instruments and interview techniques,; however, they shall not include DUI School Instruction; and
 - (3) Remit the \$25 application renewal fee for certification.
- (f) Failure to timely renew the certification shall result in expiration of certification and forfeiture of the rights and privileges granted by the certification.
 - (1) A person whose certification has been expired for less than twelve (12) months must make application for an initial certification as set forth in 450:22-1-12 with the exception of attending the initial ADSAC assessor training or having to pass the training exam.
 - (2) A person whose certification has been expired for twelve (12) months or more must make application or an initial certification as set forth in 450:22-1-12.

450:22-1-13. Qualified practitioner [REVOKED]

450:22-1-14. Qualified Practitioner responsibilities [REVOKED]

450:22-1-15. Assessor responsibilities

Certified assessors shall:

- (1) Conduct assessments and based on assessment findings, recommend education or treatment or both;
- (2) Report to the court within seventy-two (72) hours of assessing an individual if the individual is referred by the court;
- (3) Provide information in writing regarding state and local area education and treatment resources specific to each area in which the consumer resides, to each individual assessed appropriate to the referral recommendations in a format prescribed by the Commissioner of ODMHSAS;
- (4) Manage and distribute all reports according to confidentiality laws under 42 CFR, Part 2, as well as all 45 C.F.R. Parts 160 & 164 (HIPAA) regulations;
- (5) Assure there is no conflict of interest by:
 - (A) referring individuals to those agencies in which the assessor has no vested interest; and
 - (B) providing three (3) outside referral options in writing for each recommended service, or as many options as available within a 70-mile radius; and
 - (C) maintain written assessment documentation to be available for consumers for a minimum of three (3) years after completion of all assessment requirements. Written documentation shall include, but not be limited to:
 - (i) completed assessment instrument(s) and associated raw data;
 - (ii) clinical interview notes; and
 - (iii) referrals and recommendations made as a result of the assessment.
- (6) Provide liaison with court officials and related other agencies; and

- (7) Remit 10% of each fee collected for assessment and evaluation to the State Treasurer to be credited to the Department of Mental Health and Substance Abuse Services Revolving Fund within thirty (30) days. The fee for those undergoing an assessment and evaluation is one hundred seventy-five dollars (\$175.00). Any additional charges or fees attached to the assessment process will be set by the legislature.
- (8) Explain possible liability and ability to pay for ODMHSAS-affiliated, private and other education and treatment facilities.
- (9) Inform individuals receiving assessments that all contacts, evaluation results and reports are protected through federal regulations of confidentiality, 42 CFR Part 2.
- (10) For those offenders receiving an alcohol and drug related license revocation on or before June 30, 2003 the assessor shall:
- (A) provide the offender with a certificate of completion;
 - (B) affix the official assessor seal; and
 - (C) report completion to the Department of Public Safety.
- (11) For those offenders receiving an alcohol and drug related license revocation on or after July 1, 2003, verify he or she has completed all tasks identified by the assessment and required for license reinstatement; and,
- (A) provide the offender with a certificate of completion;
 - (B) affix the official assessor seal and stamp, with the stamp in red ink; and
 - (C) report completion to the Department of Public Safety.
- (12) The fee for this verification of completion will be as set by the legislature.
- (13) Provide ODMHSAS written notification of those offenders successfully completing required education and treatment, including the offender's name, address, date of birth and drivers license number.
- (14) Each assessor and assessment agency shall annually submit to ODMHSAS a notarized affidavit documenting the number of assessments conducted, number of consumers assessed, and fees paid for assessments conducted for the previous twelve (12) months.
- (15) Certified assessors and programs must provide, for each phone number published specific to assessment and evaluation, continuous availability, either in person, by phone, answering machine, electronic voice mail, or engage a professional answering service. Numbers published for the purpose of assessment and evaluation advertisement must not be answered by individuals other than those certified to provide assessment and evaluation services.
- (16) All assessors will complete a minimum of six (6) ADSAC assessments during each twelve (12) month period.
- (17) Each assessor and program shall have available an inventory of required and approved instruments sufficient to meet ODMHSAS requirements.
- (18) Provide each individual assessed with a form containing information regarding all assessor certifications and licensures to include; name, phone number and address of the certifying or licensing body. If certified rather than licensed, name of the licensed individual serving as supervisor with all licensures including; name, phone number and addresses of the licensing bodies pursuant to Oklahoma state statutes. Contact information for the DUI Programs personnel at ODMHSAS shall be included.

(19) Each certified assessor shall notify ODMHSAS of any change of application information related to his or her email address, phone number, work or home address at least 15 days in advance of the change. In case of an emergency, the assessor may notify ODMHSAS of any change up to 30 days after a change has occurred.

450:22-1-15.1. Fitness of Applicants

(a) The purpose of this section is to establish the fitness of the applicant as one of the criteria for approval of certification as an assessor for evaluations related to driver's license revocation, and to set forth criteria by which the Commissioner or designee may determine the fitness of applicants.

(b) The substantiation of the items below related to the applicant may result in the initiation of suspension or revocation of certification, or denial of, or delay of certification of the applicant. These items include, but are not limited to:

- (1) Lack of necessary skill and abilities to provide adequate services;
- (2) Misrepresentation on the application or other materials submitted to the ODMHSAS;
- (3) A violation of the rules of professional conduct set forth in this Chapter.
- (4) Evaluations of supervisors or instructors;
- (5) Evaluation of competency-based project supervisor;
- (6) Allegations of consumers;
- (7) Transcripts or other findings from official court, hearing or investigative procedures;
- (8) Any unpardoned felony convictions within five (5) years;
- (9) Any felony conviction for a sexual offense;
- (10) Any felony conviction for moral turpitude; or
- (11) Any felony conviction for an offense of violence.

(c) ODMHSAS may require explanation of negative references prior to issuance of certification.

450:22-1-16. Denial or revocation of assessment certification

(a) ODMHSAS may reprimand, suspend, revoke or deny certification or renewal of the certification of any assessor who fails to qualify for or comply with the provisions of this Chapter.

(b) In the event that ODMHSAS determines action should be taken against any person certified under this Chapter, the proceeding shall be initiated pursuant to the rules of ODMHSAS as set forth in Oklahoma Administrative Code, Title 450, Chapter 1, Subchapter 5 and the Administrative Procedures Act.

(c) Assessors who have had certification renewal denied or certification revoked shall not be eligible for re-application for a period of five (5) years.

(d) Assessors whose certification has expired may apply for certification in accordance with 450:22-1-12.

(e) ODMHSAS may impose administrative sanctions against any certified assessor for any of the following reasons, including but not limited to:

- (1) Erroneous or false information contained in the individual's application for certification;

- (2) A conviction of driving under the influence of alcohol or other intoxicating substances or receiving an alcohol or drug related revocation or suspension of driving privileges while certified as an assessor;
- (3) Any alcohol or other drug related misdemeanor or felony conviction while certified as an assessor;
- (4) Unlawful conduct on duty or in the presence of a consumer;
- (5) Conducting an assessment on more than one (1) consumer at a time.
- (6) Tardiness or failure to make reports, or to transmit funds required by this chapter;
- (7) Erroneous or falsified information relating to any documents submitted to ODMHSAS;
- (8) Allowing a non-certified individual to conduct an assessment without a certified assessor present at all times;
- (9) Failure to maintain all records required by ODMHSAS;
- (10) Use of facilities not approved by ODMHSAS;
- (11) Any activity which is a conflict of interest;
- (12) Use of intoxicating beverages or illegal drugs while conducting an assessment;
- (13) Conducting an assessment while the consumer is using or under the influence of mood-altering substances, including alcohol;
- (14) Dismissal by an ODMHSAS certified organization or institution for violation of state statutes, or of the standards and criteria in this chapter;
- (15) Knowingly permitting any assessor to violate any rule of this Chapter, or any other relevant Chapter of these Administrative Rules;
- (16) Use of assessment instruments not pre-approved by ODMHSAS as one of the three standardized instruments;
- (17) Willful failure, or refusal, to cooperate with an investigation by ODMHSAS, or employing agency, into a potential or alleged violation of applicable rules in this chapter;
- (18) Refusal to allow assessor candidate to observe an assessment as required for training;
- (19) Issuance of completion certificate(s) to consumer(s) who have not completed, or who fail to complete any ADSAC requirement;
- (20) Violation of any applicable rule in this Chapter, or any other applicable Chapter;
- (21) Falsification of any report, or document submitted, or prepared for submission, to ODMHSAS.
- (22) Collecting fees for; or issuing receipts for; or issuing completion certificates for; or conducting an assessment during; or soliciting students for assessments at a later date during the ADSAC.
- (23) Any verbal or physical sexual misconduct with or toward a consumer.
- (24) Any other just and verifiable cause including but not limited to unethical or illegal activities.
- (25) Failure to wait at least a full fifteen (15) minutes when a consumer is late for an assessment prior to canceling the session.
- (26) Failure to provide ODMHSAS with the physical address for conducting assessments.
- (27) Failure to complete ODMHSAS requirements for adding assessment sites;

- (28) Failure to notify ODMHSAS of any assessor violations of this chapter, or of assessor terminations due to violations of this chapter;
- (29) Establishing the legal business residence for the purpose of conducting assessments outside the state of Oklahoma;
- (30) Violation of or failure to meet any applicable rule contained in this chapter;
- (31) Knowingly allowing an assessor to conduct an assessment or solicit students for an assessment during an ADSAC; or
- (32) Any other just and verifiable cause including but not limited to moral turpitude or illegal activities.