RULE IMPACT STATEMENT

TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 21. CERTIFICATION OF ALCOHOL AND DRUG SUBSTANCE ABUSE COURSES (ADSAC) ORGANIZATIONS AND FACILITATORS

PROPOSED RULES:
Chapter 21. Certification of Alcohol and Drug Substance Abuse Courses (ADSAC) Organizations and Facilitators

1. BRIEFLY DESCRIBE THE PURPOSE OF THE PROPOSED RULES.
The proposed rules revise application requirements, minimum curriculum requirements as well as increase the time that certified assessors must keep client records from 5 years to 6 years. Rules also raise the threshold that providers must meet in order to obtain certification from 51% to 75% on clinical standards.

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.

3. DESCRIBE THE CLASSES OF 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.
ODMHSAS 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.**
   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. ODMHSAS considers these revisions the least burdensome and intrusive method to accomplish existing legislative mandates.

   ODMHSAS anticipates these rules to enhance the delivery of ADSAC services by more clearly defining service expectations of the certified facilitator and ADSAC course facility.

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:**
January 28, 2019
450:21-1-5. Compliance with laws, rules
(a) All institutions, organizations and facilitators certified by ODMHSAS to conduct ADSAC courses shall do so in accordance with all applicable laws of the State of Oklahoma and all applicable rules of Title 450 OAC.
(b) Each applicant for ADSAC facilitator shall declare in writing, in a format and manner prescribed by the Commissioner of ODMHSAS, or designee, that he or she has read and understands §§ 3-451 through 3-461 of Title 43A of the Oklahoma Statutes and this Chapter and agrees to abide by the terms thereof, along with future amendments thereto, as a condition for obtaining and retaining such approval or certification.
(c) ODMHSAS shall process all applications for certification and recertification and enforce these standards and criteria (rules) in this Chapter, and related laws.
(d) Approved institutions, organizations and facilitators shall not make reference to ODMHSAS or DPS in any advertisement regarding ADSAC. Advertising shall be truthful in all communication with prospective participants. Implication of exclusive services by any one organization is prohibited.
(e) All institutions, organizations and facilitators certified to conduct ADSAC courses must promptly notify ODMHSAS of a change of email, mailing or physical address within fourteen (14) days of said change.
(f) The fees for those attending a ten (10) hour ADSAC course shall be one hundred and fifty dollars ($150.00) per participant; and for persons attending the twenty-four (24) hour courses the fee shall be three hundred and sixty dollars ($360.00).
(g) The ADSAC institution or organization shall pay ODMHSAS ten percent (10%) of each ADSAC fee collected, which ODMHSAS shall remit to the Oklahoma State Treasurer to be credited to the ODMHSAS Revolving Fund.
(h) The payment from the fee collected for each ADSAC course participant shall be made to ODMHSAS within thirty (30) days of course completion.
(i) A check for the appropriate fee shall accompany the completion roster, unless otherwise stipulated in writing by ODMHSAS.
(j) Compliance with this Chapter may be determined by a review of all ADSAC-related records; documents and reports; facilitator, staff and participant interviews; and any other relevant documentation of the institution, organization or facilitator.

450:21-1-6. Applications
(a) Applications for certification of institutions, organizations or facilitators to conduct ADSAC courses shall be made to ODMHSAS in writing on a form and in a manner prescribed by the Commissioner of ODMHSAS or designee.
(b) ODMHSAS shall give each institution, organization and facilitator candidate requesting certification to conduct ADSAC courses the following:
(1) A copy of §§ 3-451 through 3-453 of Title 43A of the Oklahoma Statutes;
(2) A copy of these standards and criteria; and
(3) The appropriate application(s).

(c) An institution or organization applying for certification to conduct ADSAC shall provide to ODMHSAS for consideration:
   (1) Completed application;
   (2) Film approval form(s) for the ten (10) and twenty-four (24) hour ADSAC;
   (3) Instructional materials for the ten (10) and twenty-four (24) hour ADSAC;
   (4) Written verification the applicant is a nonprofit educational institution of higher learning appropriately accredited pursuant to state law, a governmental entity or a nonprofit corporation. If a non-profit corporation, verification shall be a copy of the U.S. Internal Revenue Service Documents granting the corporation 501(c)(3) status;
   (5) Completed certification applications and resumes of proposed facilitators;
   (6) The physical address (street, building name and suite [if applicable], city and zip code) and description of all sites at which the ADSAC course(s) will be conducted; and
   (7) Letters of support from at least two (2) of the following individuals who serve in the community in which each proposed site, including satellites, is located:
      (A) District or Associate District Judge;
      (B) County Sheriff;
      (C) Municipal Judge;
      (D) District or Assistant District Attorney; or
      (E) Chief of Police.

(d) If the applicant is a non-profit corporation, the applicant shall submit evidence it was constituted, and is operated, to provide substance abuse, mental health or educational services as its primary services and that the corporation is operated from a professional administrative office, which is open and operated during normal business hours.

(e) Requests from a certified ADSAC provider for additional or replacement course sites shall be submitted to the ODMHSAS and shall meet all requirements for initial applications, except the institution or organization need not submit items previously submitted that are currently applicable to the new site(s) and expressly stated as such in the application for new course site(s).

(f) Renewal of certification of ADSAC institutions or organizations shall be contingent upon submission of renewal application and programmatic history of compliance with Oklahoma Administrative Code, Title 450. The application for renewal shall include all items required for initial certification as well as any unpaid fees required by 450:21-1-5(g). Applications with outstanding unpaid fees will not be processed until a resolution is reached regarding payment of outstanding fees.

(g) In addition to submitting an application and fulfilling the renewal standards for certification per 21-1-6(f), a review of consumer and organization documentation shall be performed. A score of at least 75% on clinical standards must be achieved in order to move forward with certification. The process will follow that of agency certifications found in Title 450:1-9-7.2. All deficiencies must be resolved in order for certification to be renewed.
An applicant for initial certification as a facilitator to conduct ADSAC courses shall provide to ODMHSAS for consideration:

(1) A letter of recommendation from an administrator of a certified institution or organization;
(2) A current resume, which shall include:
   (A) Educational background including an official college transcript from an accredited college or university; and
   (B) Employment history covering the previous ten (10) years to include name, complete address and telephone number of employer(s).
(3) A completed application.
(4) A one hundred dollar ($100.00) application fee for initial certification; and
(5) Upon initial application, a completed Oklahoma State Bureau of Investigation background check or a similar background check from any other state(s) of residence for the past five (5) years;
(6) Provide a current, recognizable, color, photographic image, in good condition, no smaller than two (2) inch by two (2) inches of the applicant every six (6) years, upon the anniversary of every second recertification beginning with any qualifying recertifications occurring on or after July 1, 2008; and
(7) A new OSBI background check must be submitted every six (6) years, upon the anniversary of every second recertification beginning with any qualifying recertifications occurring on or after July 1, 2008. The results of the OSBI background check must be submitted with the recertification application and any conviction may result in denial of certification. This will be required of all individuals who have been certified as ADSAC facilitators for six (6) years or more, recertifying after July 1, 2008.

ODMHSAS shall consider each applicant for certification in accordance with these rules. The Commissioner of ODMHSAS or designee shall notify each applicant in writing of an approval or denial of certification. Certification shall be effective for three (3) years commencing with the date of issue.

Faxes will not be accepted as permanent copies for an applicant’s record. Applications are good for one (1) year from acceptance approval. Training requirements must be completed within nine (9) months of application. All other requirements must be completed within the initial twelve (12) month period or a new application must be submitted.

Completed applications must be received by ODMHSAS twenty (20) days prior to the new facilitator training event.

A facilitator whose certification has been expired for less than twelve (12) months must make application for an initial certification as set forth in 450:21-1-10, with the exception of attending the initial ADSAC facilitator training, and successful completion of the training exam.

A facilitator whose certification has been expired for more than twelve (12) months must make application for an initial certification as set forth in 450:21-1-10, including attending the initial ADSAC facilitator training, and successful completion of the training exam.

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

450:21-1-7. Minimum curriculum requirements, ten (10) hour courses
(a) The standardized ADSAC curriculum approved by ODMHSAS shall be utilized by all ADSAC institutions, organizations and facilitators for the ten (10) hour ADSAC course. Any additional materials must be consistent with the format of the main curricula, follow the Transtheoretical Model of Change and prior to implementation receive written approval from ODMHSAS.
(b) The ten (10) hour ADSAC Course shall at a minimum include instruction on:
   (1) Legal aspects of drinking or using other drugs and driving;
   (2) Physiological aspects of using alcohol and other drugs;
   (3) Sociological aspects of using alcohol and other drugs;
   (4) Effects and possible outcomes of drinking or using other drugs and driving;
   (5) Scope of the problem of drinking or using other drugs and driving;
   (6) The history/origins of alcohol and other drugs;
   (7) The effects of substance abuse on family and friends; and
   (8) Alternative plans/strategies to using alcohol or other drugs and driving.
(c) Each curriculum shall provide for a full ten (10) hours of block-teaching classroom instruction, and shall be conducted in no fewer than three (3) sessions with each session no more than three and one half (3.5) hours in duration, and conducted on no fewer than three (3) separate days. These hours shall not be inclusive of:
   (1) Meal or break times; or
   (2) ADSAC administrative functions except for enrollment form completion and fee payment.
(d) Participants may be admitted for fifteen (15) minutes after the official starting time of the class without having to make up this time.
(e) Each curriculum shall provide for a discussion period following each audio-visual presentation. Audio-visual materials shall not comprise more than ten (10) percent of the class and must have been submitted and approved at the time of application for certification and at each six (6) year anniversary thereafter.
(f) Each ten (10) hour curriculum shall provide for a scored pre- and post-test. The pre-test shall be given during the first two (2) hours of the beginning of each course, and the post-test at the end of each course. The purpose is to determine participant gain in knowledge of the material based upon the scores of the pre and post-tests.
(g) The ADSAC institution, organization or facilitator shall provide each-participant a list of community referrals and resources approved by ODMHSAS.
(h) Class size shall not exceed twenty-four (24) participants.
(i) No ten (10) hour ADSAC course shall be combined with, or presented in conjunction with any other educational or clinical class, track, program or assessment process.
450:21-1-7.2. Minimum curriculum requirements, twenty-four (24) hour courses
(a) The standardized ADSAC curriculum approved by ODMHSAS shall be utilized by all ADSAC institutions, organizations and facilitators for the twenty-four (24) hour ADSAC. Any additional materials must be consistent with the format of the main curricula, follow the Transtheoretical Model of Change and prior to implementation receive written approval from ODMHSAS.
(b) The minimum curriculum requirements for the twenty-four (24) hour ADSAC course includes, but is not limited to, appropriate instruction on:
   (1) Legal aspects of drinking or using other drugs and driving;
   (2) Physiological aspects of using alcohol and other drugs;
   (3) Sociological aspects of using alcohol and other drugs;
   (4) Effects and possible outcomes of drinking or using other drugs and driving;
   (5) Scope of the problem of drinking or using other drugs and driving;
   (6) The history/origins of alcohol and other drug abuse;
   (7) Alternatives to using alcohol or other drugs and driving; and
   (8) The effects of substance abuse on family and friends.
(c) The curriculum shall be covered within the following time-frames:
   (1) Not more than two (2) hours of education on a single day;
   (2) Not more than four (4) hours of education in a single week;
   (3) The time-frames shall not be inclusive of:
      (A) Meal or break times; or
      (B) ADSAC administrative functions except for enrollment form completion and fee payment.
   (4) Participants may be admitted up to fifteen (15) minutes after the official time of the class without having to make up the time.
(d) The curriculum shall provide for a discussion period following each audiovisual presentation. Audiovisual presentation shall not comprise more than ten (10) percent of the class and must have been submitted and approved at the time of application for certification and at each recertification anniversary thereafter.
(e) The curriculum shall provide for a scored pre- and post-test, as prescribed by ODMHSAS. The pre-test shall be given in the first two (2) hour block of classroom facilitation, and the post-test shall be given at the end of the final block of course facilitation. These tests are to determine the participant gain in knowledge of the material based upon the scores of the pre and post-tests.
(f) The ADSAC institution, organization and facilitator shall provide each participant a list of community referrals and resources approved by ODMHSAS.
(g) Class size shall not exceed twenty-four (24) participants.

450:21-1-9.1. Physical facility environment and safety
(a) All institutions and organizations providing ADSAC courses shall ensure the safety and protection of all persons within the institution’s or organization's physical environment (property and buildings, leased or owned).
(b) Institutions and organizations shall accomplish this by:
(1) Meeting all fire, health and safety regulations, code and statutory requirements of federal, state, or local government;
(2) All institutions and organizations shall have an annual fire, health and safety inspection, as required from the State Fire Marshal or local authorities, and shall maintain a copy of said inspection and attendant correspondence regarding any deficiency;
(3) If there is no authority available to provide inspection for the institution or organization, then the institution or organization shall show evidence to ODMHSAS of:
   (A) An emergency preparedness plan to provide effective utilization of resources to best meet the physical needs of participants, visitors, and staff during any disaster (including, but not limited to, fire, flood, tornado, explosion, prolonged loss of heat, light, water, and/or air conditioning). This plan shall be evaluated annually, and revised as needed;
   (B) Training and orientation regarding the location and use of all fire extinguishers and first aid supplies and equipment;
   (C) Emergency evacuation routes and shelter areas shall be prominently posted in all areas;
   (D) Fire alarm systems shall have visual signals suitable for the deaf and hearing-impaired;
   (E) An emergency power to supply lighting to pre-selected areas of the institution or organization; and
   (F) Maintenance of institution and organization grounds to provide a safe environment for participants, facilitators and visitors.
(4) There shall be a written plan for the protection and preservation of participant records in the event of a disaster.

450:21-1-10. ADSAC facilitator certification, qualification and disqualification
(a) Minimum qualifications for certification of ADSAC facilitators are as follows:
   (1) Possess a bachelor's degree in behavioral or healthcare sciences, education, psychology, social work or chemical dependency with at least two (2) years verifiable full-time equivalent experience in the substance abuse treatment field. This work experience can be in the areas of clinical, prevention or direct care. Proof of current licensure as LADC or certification as CADC will fulfill the experience requirement;
   (2) A valid driver's license or state identification card;
   (3) Completion of the following in the order listed below:
      (A) Observe one (1) complete twenty-four (24) hour ADSAC course in sequential order, conducted by a certified facilitator. This observation must be completed and verified to ODMHSAS prior to attending facilitator training;
      (B) Attend the new facilitator training and pass the ODMHSAS Certification Examination for ADSAC Facilitator; and
         (i) a minimal score to pass the exam shall be eighty (80) percent;
         (ii) the exam shall require the participant to correctly identify the major components of the transtheoretical model of change;
         (iii) the exam shall require the participant to correctly identify the major components of the interactive journaling process; and
(iv) the exam shall require the participant to correctly identify rules from this chapter.

(C) Conduct one complete twenty-four (24) hour ADSAC under the supervision of a certified ADSAC facilitator or an ODMHSAS representative.

(4) The facilitator candidate shall be allowed nine (9) months to complete training requirements and one (1) year from application to complete all other requirements. Failure to meet all requirements within the specified timeframes will result in denial of certification. To be reconsidered, the candidate will be required to re-apply to ODMHSAS.

(5) Renewal of certification as an ADSAC facilitator shall be dependent upon acceptance of a completed renewal application submitted to ODMHSAS, remission of a fifty dollar ($50.00) application fee for renewal of certification, and the accomplishment of minimum standards. These standards are:

(A) Each facilitator shall conduct at least six (6) complete ten (10) or twenty-four (24) hour courses during each certification period beginning with the date of initial certification:

(i) To be eligible for recertification as an ADSAC facilitator capable of conducting both ten (10) and twenty-four (24) hour ADSAC courses, verification of having conducted at least two (2) twenty-four (24) hour ADSAC courses in the last three years prior to the request for recertification; and

(ii) Submission of proof of having conducted less than two (2) twenty-four (24) hour ADSAC courses in the three (3) years prior to the request for recertification, shall result in the facilitator being required to attend a one (1) day training event addressing skills consistent with twenty-four (24) hour course facilitation.

(B) Documentation of receiving twelve (12) continuing education hours each twelve (12) month period beginning with the date of initial certification. These hours shall be from each of the following areas with four (4) hours coming from area (i), four (4) hours coming from area (ii) and four (4) hours coming from area (iii):

(i) adult education,

(ii) facilitation skills,

(iii) general substance abuse training, and

(iv) Hours for any mandatory trainings required by ODMHSAS may come from area (iii) above.

(6) All renewals of certification are due on the third anniversary of certification. After July 1, 2008 all certification renewals may come due on January 1 of the renewal year. If a universal certification date is adopted, then, requirements for certification renewals will be accepted on a prorated basis during the transition period.

(b) An applicant may not be certified nor certification as an ADSAC facilitator renewed under any of the following conditions:

(1) A non-pardoned felony conviction within the last five (5) years;

(2) 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 for five (5) years prior to the application for certification; or,
(3) Having involvement in any business or endeavor which is a conflict of interest. ODMHSAS may on its own initiative, or upon complaint, investigate potential or alleged conflict of interest, or any other alleged, or suspected violation of these standards.