

OKLAHOMA DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

It is very important that you provide your comments regarding the proposed rule change by the comment due date. Comments are directed to the Oklahoma Department of Mental Health and Substance Abuse Services (ODMHSAS) administrative rules liaison, Gretchen Geis, at GGeis@odmhsas.org.

ODMHSAS COMMENT DUE DATE: February 19, 2014

The proposed policy is a PERMANENT Rule. This proposal is scheduled to be presented for public comment during a public hearing on February 21, 2014 and to the ODMHSAS Board of Directors for adoption on March 28, 2014.

Reference #: 70-2014

SUMMARY:

Proposed revisions to Chapter 70 are made to identify certification standards that are so critical to the operation of Opioid Treatment Programs that failure to meet the standards would be grounds for immediate suspension, denial or revocation of certification.

LEGAL AUTHORITY

Oklahoma Department of Mental Health and Substance Abuse Services Board; 43A O.S. §§ 3-601 through 3-603.

RULE IMPACT STATEMENT

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

A. Brief description of the purpose of the rule:

Proposed revisions to Chapter 70 are made to identify certification standards that are so critical to the operation of Opioid Treatment Programs that failure to meet the standards would be grounds for immediate suspension, denial or revocation of certification.

B. A description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the cost of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

Organizations or individuals certified by, under contract with, or subject to certification by ODMHSAS, and the consumers and employees of each.

C. A description of the classes of persons who will benefit from the proposed rule:

Organizations or individuals certified by, under contract with, or subject to certification by ODMHSAS, and the consumers and employees of each.

- D. A description of the probable economic impact of the proposed rule upon the affected classes of persons or political subdivisions, including a listing of all fee changes and, whenever possible, and a separate justification for each fee change:**

ODMHSAS does not anticipate an economic impact on any affected classes of persons or political subdivisions that meet minimum certification standards as currently required by this Chapter.

- E. The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effect on state revenues, including a projected net loss or gain in such revenue if it can be projected by the agency:**

ODMHSAS has determined implementation of these rules will benefit those affected parties by clarifying and enhancing certification and contracting processes.

- F. A determination of whether implementation of the proposed rule will have an economic impact on any political subdivisions or require their cooperation in implementing or enforcing the rule:**

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 rule revision.

- G. A determination of whether implementation of the proposed rule will have an adverse effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:**

ODMHSAS has determined these rule revisions will not have an adverse economic impact on small businesses that meet the minimum certification standards as currently required by this Chapter.

- H. An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or non-regulatory methods or less intrusive methods for achieving the purpose of the proposed rule:**

Throughout the year ODMHSAS staff evaluate internal processes and amend those processes and rules according to identified needs. ODMHSAS considers these revisions the least burdensome and intrusive method in streamlining these processes and accomplishing statutory compliance.

- I. A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk.**

ODMHSAS anticipates these rule revisions will enhance the ability to provide behavioral health treatment by clarifying certification requirements and contracting expectations and ensuring an efficient response to specific treatment issues.

- J. A determination of any detrimental effect on the public health, safety and environment if the proposed rule is not implemented.**

The proposed amendments are anticipated to refine the certification and/or contracting processes for behavioral health and to establish a means for the Department to quickly respond to consumer treatment issues via certification and/or contracting processes.

K. The date the rule impact statement was prepared and if modified, the date modified:

January 7, 2014

RULE TEXT

**TITLE 450. OKLAHOMA DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES
CHAPTER 70. STANDARDS AND CRITERIA FOR OPIOID TREATMENT PROGRAMS**

**SUBCHAPTER 4. SERVICES SUPPORT AND ENHANCEMENT
PART 1. STAFF SUPPORT**

450:70-4-2. Clinical supervision

(a) All OTPs shall provide clinical supervision for those delivering direct services and shall be provided by persons qualified to provide clinical supervision as determined by state licensure or certification.

(b) All OTPs shall have written policy and procedures, operational methods, and documentation regarding clinical supervision for all direct treatment staff and service staff. These policies shall include, but are not limited to:

- (1) Credentials required for the clinical supervisor;
- (2) Specific frequency for case reviews with treatment and service providers;
- (3) Methods and time frames for supervision of individual, group, and educational treatment services; and
- (4) Written policy and procedures defining the program's plan for appropriate counselor-to-patient ratio, and a plan for how exceptions may be handled.

(c) Ongoing clinical supervision should address:

- (1) The appropriateness of services selected for the patient;
- (2) Service effectiveness as reflected by the patient meeting his/her individual goals; and
- (3) The provision of feedback that enhances the clinical skills of direct service staff and service providers.

(d) Compliance with 450:70-4-2 may be determined by:

- (1) A review of policies and procedures,
- (2) Clinical services manuals,
- (3) Clinical supervision manuals,
- (4) Documentation of clinical supervision,
- (5) Personnel records,
- (6) Treatment records,
- (7) Interviews with staff; and
- (8) Other facility documentation.

(e) Failure to comply with 450:70-4-2 will result in the initiation of procedures to deny, suspend and/or revoke certification.

450:70-4-4.4. Staffing – Qualifications

- (a) The OTP shall have written policy and procedure requiring opioid agonist or partial agonist treatment medications be administered or dispensed only by a practitioner licensed and registered under the appropriate State and Federal laws to administer or dispense such drugs.
- (b) The facility shall maintain documentation verifying the qualifications for the service providers.
- (c) Staff shall be, at least, twenty one (21) years old (excluding student interns).
- (d) Compliance with 450:70-4-4.4 may be determined by:
 - (1) A review of policies and procedures,
 - (2) Credentialing and privileging documents,
 - (3) Interviews with staff, and
 - (4) Other facility documentation.
- (e) Failure to comply with 450:70-4-4.4 will result in the initiation of procedures to deny, suspend and/or revoke certification.