



OKLAHOMA DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES

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Includes emergency rules effective August 4, 2003

Title 450

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

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

History: Codified 7-1-96; Added at 13 OK Reg 2799, effective 7-1-96; Amended at 15 OK Reg 2759, effective 07/01/98; Amended at 17 OK Reg 2157, effective 07-01-2000; Amended at 18 OK Reg 2210, effective 07/01/01; Amended at 19 OK Reg 1439, effective 07/01/2002; Amended at 20 OK Reg 997, effective 07/01/03; Amended at 20 OK Reg 2864, effective 08/04/03.

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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

- (a) ODMHSAS may certify Assessment Agencies for three (3) years.
- (b) ODMHSAS may certify Qualified Practitioners and agency 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.

"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 ADSAC assessments.

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

"CADC" means Certified Alcoholism and Drug Counselor.

"Catchment area" or **"service area"** means a geographic area established by the Department of Mental Health and Substance Abuse Services for support of mental health and substance abuse services.

"Certification" means ODMHSAS approval for an agency or individual to conduct alcohol and other drug assessments.

"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.

"MAC" means Master Addiction Counselor.

"NCAC" means National Certified Addiction Counselor.

"NAADAC" means National Association of Alcoholism and Drug Abuse Counselors.

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

"ODAPCA" means Oklahoma Drug and Alcohol Professional Counselor Association.

"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.

"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.

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

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

(a) Alcohol and other drug assessments shall be provided by 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 qualified persons to be assessors;
- (2) Provide assessment services only at sites approved by ODMHSAS; and
- (3) Assure timely information flow to the Courts, offenders and ODMHSAS.

(c) Certified assessment agencies are responsible for:

- (1) Providing an appropriate facility, recommending assessors, and reporting assessment data to ODMHSAS;
- (2) Utilizing ODMHSAS-required assessment tools and forms for assessment and reporting of assessments;
- (3) Monitoring of assessors for appropriate assessment recommendations and conflict of interest; and
- (4) Providing liaison with ODMHSAS, the courts and other agencies.

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 and monitor reporting requirements and report forms;
- (3) Monitor assessment agencies and assessors for conflict of interest;
- (4) Provide or approve assessor training, continuing education and certification;
- (5) Notify all appropriate agencies and assessor applicants of ODMHSAS-approved training;
- (6) Certify assessors and agencies;
- (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 assessment agency 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, business 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 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 the offender's driving history information from public record(s). 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/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) The use of standardized evaluation instruments.

450:22-1-11. Standardized evaluation instruments

- (a) Standardized evaluation instruments shall be a component of the overall assessment and recommendations.
- (b) The standardized evaluation instruments shall include:
 - (1) The 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), the Defendant Questionnaire (DQ) shall be used instead of the DRI-II;
 - (2) A completed and scored Addiction Severity Index (ASI);
 - (3) A third clinical instrument such as the Mortimer Filkens Court Procedures for Identifying Problem Drinkers and,
 - (4) A thorough face to face interview.

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; and
 - (2) Have at least two (2) years documented full-time experience in drug/alcohol treatment counseling; and
 - (3) Currently have, or currently working toward one of the following certifications:
 - (A) CADC through ODAPCA; or
 - (B) NCAC, Level 1 through NAADAC; or
 - (C) MAC through NAADAC; and,
 - (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
 - (6) Provide assessment services only at the agency for which he or she has been certified to assess offenders.
- (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, be accompanied by an official education transcript(s) and include the following:
 - (1) A copy of the applicant's resume documenting all education and employment for the previous ten (10) years;
 - (2) A copy of any applicable diploma or certificate; and
 - (3) Remission of the \$100 fee for initial certification.
- (c) Before being certified, the applicant shall:
 - (1) Complete the ODMHSAS-approved assessor training;
 - (2) Take and pass the ODMHSAS assessment skills competency examination;
 - (3) Observe one (1) assessment conducted at an agency, 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 provided by 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 eight (8) 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, mental health, or a related health field; however, they shall not include DUI School Instruction; and
 - (3) Remit the \$25 recertification fee.
- (f) Failure to timely renew the certification shall result in expiration of certification and forfeiture of the rights and privileges granted by the certification. A person whose certification has expired must make application for 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 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 regarding state and local area education and treatment resources to each individual assessed;
- (4) Manage and distribute all reports according to confidentiality laws and regulations;
- (5) Assure there is no conflict of interest by:
 - (A) Referring individuals to those agencies in which they have no vested interest;
 - (B) Providing three (3) outside referral options in writing for each recommended service; and
 - (C) Assuring there is no collecting of fees, issuing receipts, performing an assessment, or soliciting students to perform an assessment at a later date during an individual's Alcohol and Drug Substance Abuse Course.
- (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. The fee for those undergoing an assessment and evaluation is one hundred seventy-five dollars (\$175.00).
- (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.

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

Rules governing denial or revocation of organizational or institutional certification and rules governing denial or revocation of assessor certification are as follows:

- (1) ODMHSAS may impose administrative sanctions against any organization certified to conduct alcohol and other drug assessments, which fails to comply with these standards and criteria.
- (2) ODMHSAS may impose administrative sanctions against any assessor certified to conduct alcohol and other drug assessments who fails to comply with these standards and criteria.
- (3) 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.
- (4) Organizations or assessors who have had certification renewal denied or certification revoked shall not be eligible for re-application for a period of five (5) years.
- (5) Assessors whose certification has expired may apply for certification in accordance with 450:22-1-12.