

**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 November 1, 2019

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TABLE OF CONTENTS

CHAPTER 22Page 3
CERTIFICATION OF ALCOHOL AND DRUG ASSESSMENT AND
EVALUATION PROGRAMS RELATED TO DRIVER'S LICENSE REVOCATION

450:22-1-1	Purpose and applicability
450:22-1-1.1	Certification duration
450:22-1-2	Statutory authority [REVOKED]
450:22-1-3	Definitions
450:22-1-4	Meaning of verbs in rules
450:22-1-5	General statement
450:22-1-6	ADSAC assessors and assessment agencies
450:22-1-6.1	Institutional and organizational description, assessment agencies
450:22-1-7	ODMHSAS responsibilities
450:22-1-8	Consumers with disabilities
450:22-1-9	Certified approved sites
450:22-1-10	Participant evaluation
450:22-1-11	Standardized evaluation instruments
450:22-1-11.1	Critical incidents, assessors and assessment agencies
450:22-1-11.2	Participant record system
450:22-1-11.3	Participant records, basic requirement assessor assessment agencies
450:22-1-11.4	Participant record storage, retention and disposition
450:22-1-11.5	Confidentiality of drug or alcohol abuse treatment information
450:22-1-11.6	Note
450:22-1-11.7	Biopsychsocial assessment
450:22-1-12	Assessor applicants
450:22-1-13	Qualified practitioner [REVOKED]
450:22-1-14	Qualified practitioner responsibilities [REVOKED]
450:22-1-15	Assessor responsibilities
450:22-1-15.1	Fitness of applicants
450:22-1-16	Denial or revocation of assessment certification
450:22-1-17	Physical facility environment and safety, assessors and assessment agencies
450:22-1-18	Hygiene and sanitation, assessors and assessment agencies
450:22-1-19	State and federal statutes and regulations
450:22-1-20	Inactive status and closure
450:22-1-21	Participant rights and grievance policy
450:22-1-22	ODMHSAS advocate general

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 through 3-461 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 shall certify assessors for three (3) years.

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.

"Abuse" means the causing or permitting of harm or threatened harm to the health, safety, or welfare of a participant by staff responsible for the participant's health, safety, or welfare including, but not limited to:

- (A) non-accidental physical injury or mental anguish;
- (B) sexual abuse;
- (C) sexual exploitation;
- (D) use of mechanical restraints without proper authority;
- (E) the intentional use of excessive or unauthorized force aimed at hurting or injuring the participant; or
- (F) deprivation of food, clothing, shelter, or healthcare by staff responsible for providing these services to a participant.

"ADSAC" means Alcohol and Drug Substance Abuse Course.

"American Society of Addiction Medicine Patient Placement Criteria" or **"ASAM PPC"** means the most recent clinical guide published by the American Society of Addiction Medicine to be used in matching patients to appropriate levels of care.

"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.

"Assessment agency" means an agency certified by ODMHSAS to provide substance abuse treatment services authorized through Title 43A, 3-415, A. 1, with an additional certification to provide ADSAC assessments using certified assessors.

"Audit" means a systematic inspection of accounting records involving analyses, tests, and confirmations or the hearing or investigation by an auditor.

"Biopsychsocial Assessment" means a face-to-face clinical interview conducted by an ADSAC assessor designed to elicit historical and current information regarding the behavior and experiences of a participant, and is designed to provide sufficient information for problem formulation, intervention planning, and formulation of appropriate substance abuse-related clinical and/or educational interventions to reduce or eliminate recidivism.

"Certification" means ODMHSAS approval for an individual or agency 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 through the State of Oklahoma 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 institution, 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 Chapters 16, 17, 18, 19 and 23 as client(s) or patient(s) or resident(s) or a combination thereof.

"Critical incident" means an occurrence or set of events inconsistent with the routine operation of an approved ADSAC assessor or assessment agency, or the routine work with a participant during the course of an ADSAC assessment. Critical incidents specifically include, but are not limited to, the following: adverse drug events; self destructive behavior; deaths and injuries to the participant, participant's family, staff and visitors; medication errors; neglect or abuse of a participant; fire; unauthorized disclosure of information; damage to or theft of property belonging to a participant or an approved assessment agency; other unexpected occurrences; or events potentially subject to litigation. A critical incident may involve multiple individuals or results.

"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.

"DOC" means the Oklahoma Department of Corrections.

"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 a participant as being either a substance abuser or substance dependent in compliance with current Diagnostic and Statistical Manual criteria.

"Evidenced based practice" means programs or practices that are proven to be successful through research methodology and have produced consistently positive patterns of results.

"Group counseling" means a method of using various commonly accepted treatment approaches provided face-to-face by a treatment professional with two (2) or more participants that does not consist of solely related individuals, to promote positive emotional or behavioral change. Services rendered in this setting should be guided by the participant's treatment goals and objectives, and does not include social or daily living skill development as described in educational group counseling.

"Independent practitioner" means any professional, appropriately licensed or certified as an alcohol and drug counselor through the State of Oklahoma, pursuant to state law, and certified by ODMHSAS to conduct ADSAC assessments who does so through the format of a private practice.

"Individual counseling" means a method of using various commonly accepted treatment approaches provided face-to-face by a treatment professional with one participant to promote positive emotional or behavioral change.

"Intensive outpatient services" or "IOP" means an organized, non-residential outpatient treatment service with scheduled sessions that provide a range of nine (9) to fifteen (15) treatment hours per week. Intensive outpatient services may offer evening outpatient services several nights per week or be incorporated into an inpatient or residential treatment program in which the individual participates in daytime treatment services but goes home at night. Intensive Outpatient shall correspond to ASAM Patient Placement Criteria Treatment Level: Level II.1, Intensive outpatient.

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

"Licensed Behavioral Health Professional" or "LBHP" means:

- (A) Allopathic or Osteopathic Physicians with a current license and board certification in psychiatry or board eligible in the state in which services are provided, or a current resident in psychiatry;
- (B) Practitioners with a license to practice in the state in which services are provided by one of the following licensing boards:
 - (i) Psychology;
 - (ii) Social Work (clinical specialty only);
 - (iii) Professional Counselor;
 - (iv) Marriage and Family Therapist;
 - (v) Behavioral Practitioner; or
 - (vi) Alcohol and Drug Counselor.

"Licensure Candidate" means practitioners actively and regularly receiving board approved supervision, and extended supervision by a fully licensed clinical if board's supervision requirement is met but the individual is not yet licensed, to become licensed by one of the following licensing boards:

- (A) Psychology;
- (B) Social Work (clinical specialty only);
- (C) Professional Counselor;
- (D) Marriage and Family Therapist;

- (E) Behavioral Practitioner;
- (F) Alcohol and Drug Counselor.

"Mutual support group" means a non-professional, widely available, peer directed, system of support meetings, available at little or no charge to the participant, in a group format, dedicated to the support and teaching of the skills related to an alcohol and other drug free lifestyle.

"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.

"Note" means a complete chronological written description of any intervention(s) provided to a participant requiring documentation. Notes may include the participant's response and are written by the ADSAC staff delivering the service.

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

"OSBI" means Oklahoma State Bureau of Investigation.

"Participant" 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 in Oklahoma and is who involved in the ADSAC process.

"Professional setting" means a building or site 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.

"Program" means a structured set of treatment activities designed to achieve specific objectives relative to the needs of individuals served by the facility and certified or recognized by ODMHSAS.

"Residential treatment" means treatment for a participant in a live-in setting which provides a twenty-four (24) hour therapeutic regimen. Corresponding ASAM Patient Placement Criteria Treatment Level: Level III. 5, Clinically managed High-Intensity Residential Services.

"Sentinel event" is a type of critical incident that is an unexpected occurrence involving the death or serious physical or psychological injury to a participant, or risk thereof. Serious injury specifically includes loss of limb or limb function. The phrase "or risk thereof" includes a variation in approved processes which could carry a significant chance of a serious adverse outcome to a participant. These events signal the need for immediate investigation and response. Sentinel events include, but are not limited to: suicide, homicide, criminal activity, assault and other forms of violence, including domestic violence or sexual assault, and adverse drug events resulting in serious injury or death.

"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.

"Victims Impact Panel" or "VIP" means the two (2) hour presentation, identified statutorily, intended to enhance awareness of the participant regarding possible impact on others by the individual driving while impaired.

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

450:22-1-6. ADSAC 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 assessors and 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 and assessment agencies are responsible for:

- (1) Reporting assessment data to ODMHSAS in the time frames set forth in this Chapter;
- (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 agency 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 agency's oversight

procedures to include, but not limited to, financial arrangements with the participant.

450:22-1-6.1. Institutional and organizational description, assessment agencies

- (a) The certified assessment agency shall have a written organizational description. The written organizational description at a minimum shall include:
 - (1) defining the overall target population for whom services will be provided;
 - (2) stating in writing the overall mission statement; and
 - (3) stating in writing the agency goals and objectives.
- (b) There shall be documentation that these statements have been approved by the certified agencies governing authority.
- (c) The certified assessment agency shall have documentation demonstrating these documents are available and communicated to ADSAC staff.
- (d) The certified assessment agency shall have documentation demonstrating these documents are available to the general public upon request.
- (e) Each certified assessment agency shall have in writing, the following:
 - (1) Identification of the ADSAC assessors to provide these services; and
 - (2) Admission and exclusionary criteria to identify the type of participants for whom the ADSAC services are primarily intended.
- (f) The certified agency shall have a written statement of the procedures and plans for attaining goals and objectives. These procedures and plans should define specific tasks, set target dates and designate staff responsible for carrying out the procedures and plans.

450:22-1-7. ODMHSAS responsibilities

ODMHSAS shall have the authority and duty to:

- (1) Monitor assessors and assessment agencies for compliance with applicable State and Federal laws and the rules of this Chapter;
- (2) Establish, monitor and enforce reporting requirements and report forms;
- (3) Certify assessors and assessment agencies;
- (4) Approve sites for assessment services;
- (5) Upon receipt of a valid written consent for release of information, certify to DPS that a person has participated in and successfully completed an ADSAC evaluation and assessment program;
- (6) Ensure compliance with the rules in this Chapter as determined by a review of ADSAC-related records, documents and reports, staff and participant interviews and any other relevant documentation;
- (7) Conduct compliance review of all assessors and assessment agencies; and
- (8) Establish training requirements for all assessors.

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 participant;
- (2) Hours and days of operation shall be during regularly scheduled periods which make assessment services accessible to participants, 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 professionally and 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. Participant evaluation

(a) The assessment and evaluation of the participant shall be as comprehensive as possible. ADSAC assessors shall not conduct any portion of the assessment process or provide any evaluation services on more than one participant at a time. The assessment shall include, but not be limited to:

- (1) A formal face-to-face biopsychsocial assessment (see OAC 450:22-1-11.7 for requirements).
- (2) The assessor shall obtain and document the participants driving history information from public record(s), when made available. This information shall, at a minimum, 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 participant 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).
- (4) Pursuant to 450:22-1-11, the use of completed and scored standardized evaluation instruments; and
- (5) All information shall be in a format prescribed by the Commissioner of ODMHSAS or designee.

(b) Recommendations, known as Intervention Categories, shall be based on scores derived from and verified by, a battery of required and appropriate

assessment/evaluation instruments, and adhered to by all assessors unless otherwise indicated by ODMHSAS:

(1) All those identified as being at low risk to recidivate as indicated by scores derived from the assessment process shall be referred to educational interventions only:

(A) Intervention Category One shall be identified by alcohol or drug scale scores from the DRI II or DQ of zero (0) to thirty-nine (39) and recommendations shall consist of:

- (i) ten (10) hour ADSAC course, and
- (ii) Victims Impact Panel.
- (iii) the ten (10) hour ADSAC course and Victims Impact Panel may be attended concurrently.

(B) Intervention Category Two shall be identified by alcohol or drug scale scores from the DRI II or DQ of zero (0) to thirty-nine (39) and a previous alcohol or drug related offense resulting in license revocation pursuant to Title 47, § 6-212.2, A and recommendations shall consist of:

- (i) twenty-four (24) hour ADSAC course, and
- (ii) Victims Impact Panel.
- (iii) the twenty-four (24) hour ADSAC course and the Victims Impact Panel may be attended concurrently.

(2) All those identified as being at moderate risk to recidivate shall be referred to a combination of educational and clinical interventions:

(A) Intervention Category Three, shall be identified by alcohol or drug scale scores from the DRI I or DQ of forty (40) to sixty nine (69) and recommendations shall consist of:

- (i) twenty-four (24) hour ADSAC course, and
- (ii) Victims Impact Panel, and
- (iii) substance abuse related group involvement for six (6) weeks, meeting one (1) time per week.
- (iv) The twenty-four (24) hour ADSAC should be attended prior to the initiation of the six (6) week substance abuse group;

(B) Those with scoring appropriate for an Intervention Category Four or Five and placed at this level due to clinical override shall be required to attend:

- (i) twelve (12) weeks of substance abuse related group meeting a minimum of one (1) time per week and a maximum of two (2) times per week, and
- (ii) twelve (12) weeks of mutual support group attendance, once per week, and
- (iii) It must be possible to complete the combination of interventions within ninety (90) days.

(3) All those identified as being at problem risk to recidivate shall be referred to clinical interventions only:

(A) Intervention Category Four shall be identified by alcohol or drug scale scores from the DRI II or DQ of seventy (70) to eighty nine (89) and recommendations shall consist of:

- (i) intensive outpatient treatment, and
 - (ii) aftercare, and
 - (iii) twelve (12) weeks of mutual support meetings.
 - (iv) Interventions recommended for this intervention category, with the exception of aftercare, should be completed concurrently.
 - (v) The combination of interventions recommended must be able to be completed within ninety (90) days.
- (4) All those identified as being at severe risk to recidivate shall be referred to clinical interventions only:
 - (A) Intervention Category Five will be identified by alcohol or drug scale scores from the DRI II/DQ of ninety (90) to one hundred (100) and recommendations shall consist of:
 - (i) residential or inpatient treatment, and
 - (ii) aftercare, and
 - (iii) mutual support meetings.
 - (iv) Interventions recommended for this intervention category, with the exception of aftercare, should be completed concurrently.
 - (v) The combination of interventions recommended must be able to be completed within ninety (90) days.
- (5) If no groups are available or if the participant has a significant, appropriately diagnosed co-occurring disorder, then individual counseling can be substituted for group counseling. This must be addressed with an override and cleared through ODMHSAS.
- (6) Interventions completed prior to the assessment may be accepted if:
 - (A) the intervention is completed after the offense resulting in license revocation, and
 - (B) the intervention meets or exceeds all the requirements listed in the recommendation, and
 - (C) the provider of the intervention is appropriately accredited.
- (7) Assessments will remain valid for six (6) months from the date of completion:
 - (A) If after six (6) months, action toward completing assessment recommendations has not been initiated, then the assessment shall be considered invalid and a new assessment will be required, and
 - (B) The participant must be notified of this fact in writing upon assessment.
- (8) A recommendation can be lowered one intervention category through the appropriate use of one of the available overrides. However, an intervention level for clinical services only or combination of educational and clinical services cannot be lowered to an intervention level for educational services only. ODMHSAS approval must be granted for overrides of more than one intervention category.
- (9) Any significant discrepancy between the scores obtained on either the DRI II or the DQ and an appropriately chosen additional supportive instrument should be cause for reevaluation of participant's answers to the assessment

instruments. If the discrepancy cannot be resolved, then an override should be considered.

(10) Any recommendation can be lowered with the appropriate use of one of the following overrides;

- (A) "geographic accessibility",
- (B) "on waiting list for appropriate level of care",
- (C) "language barriers",
- (D) "sustained abstinence" or
- (E) "ASAM override".

(11) In each instance, the most appropriate and applicable override category shall be used.

(12) All overrides must be supported in writing and with information or evidence that clearly justifies the decision made. Verifying and/or validating documentation must be included in the record.

(13) "Geographic accessibility" should be used when one or more of the services required for a specific intervention category does not exist within seventy (70) miles from the town the participant identifies as the home town, as no one shall be required to travel more than seventy (70) miles to complete any of the recommendations listed here:

(A) The recommendation should be reduced to the first intervention category with all services available, and

(B) Before using this override, the participant's address shall be verified;

(14) "On waiting list for appropriate level of care" should be used when one or more of the services required for a specific intervention category is not available within seventy (70) miles from the town the participant identifies as a home town as no one shall be required to travel more than seventy (70) miles to complete any of the recommendations listed here:

(A) The service recommended must also not be available within thirty (30) days of the initial date of assessment,

(B) The recommendation should be reduced to the first intervention category with all services available, and

(C) Before using this override, the participant's address shall be verified.

(15) "Language barriers" should be used when one or more of the services required for a specific intervention category is not offered in the language of a non-English speaking participant within seventy (70) miles from the town the participant identifies as the home town:

(A) The recommendation should be altered to include the most appropriate combination of interventions available in the participant's language,

(B) Due to problems with service availability caused by language barriers, this is the only override in which interventions from multiple categories can be commingled, and

(C) Before using this override, the participant's address shall be verified.

(16) "Sustained abstinence" should be used when an override may be appropriate when recognizing that a significant period of verifiable abstinence or recovery exists between the time of the offense and the assessment:

- (A) The abstinence/recovery must be at least six (6) months' duration,
 - (B) The abstinence/recovery must be continuous,
 - (C) The abstinence/recovery must be verifiable,
 - (D) Three notarized statements from individuals who know, but are not related to, the participant, and
 - (E) The notarized statement verifying abstinence/recovery will be in a form prescribed by the commissioner of ODMHSAS or designee.
- (17) "ASAM override" should be used when the participant has been assessed by a receiving provider as not meeting the ASAM level of care recommended by the ADSAC assessment. This override must be substantiated by including the receiving provider's ASAM in the participant's ADSAC file.

450:22-1-11. Standardized evaluation instruments

- (a) Standardized evaluation instruments shall be administered in the manner intended and findings shall be a component of the overall assessment and recommendations.
- (b) The approved standardized evaluation instruments shall be limited to:
 - (1) For all alcohol and drug related driving offenses resulting in license revocation, a completed and scored, current computerized version of the Driver Risk Inventory–II (DRI-II) in a face-to-face structured interview. For all non-driving alcohol and drug related convictions resulting in license revocation, a completed and scored, current computerized version of the Defendant Questionnaire (DQ) shall be used and;
 - (2) A completed biopsychsocial;
 - (3) A completed and scored additional, supportive clinical instrument to support initial findings shall be chosen by the assessor from the menu of approved supportive instruments listed below:
 - (A) Needs Assessment (NEEDS); or
 - (B) Triage Assessment for Addictive Disorders (TAAD); and
 - (4) A thorough face-to-face interview.
 - (5) All additional, supportive clinical assessment instruments shall be used only in a manner consistent with the instrument design, intended purpose and to support the identified level of severity of the participant;
 - (6) All assessment instruments approved for use in the ADSAC process shall be used according to directions from the manual of each instrument; and
 - (7) Assessment instruments appropriate for use with those with a primary language other than English shall be identified as the instruments are approved for use by ODMHSAS.

450:22-1-11.1. Critical incidents, assessors and assessment agencies

- (a) The ADSAC assessor or assessment agency shall report every critical incident. Documentation of critical incidents shall minimally include:
 - (1) The facility, name and signature of the person(s) reporting the incident;
 - (2) The name(s) of the participant(s), staff member(s) or property involved;
 - (3) The time, date and physical location of the incident;

- (4) The time and date the incident was reported and the name of the staff person within the facility to whom it was reported;
 - (5) A description of the incident;
 - (6) Resolution or action taken, description of the action taken, date action was taken, and signature of appropriate staff member(s); and
 - (7) Severity of each injury, if applicable. Severity shall be indicated as follows:
 - (A) No off-site medical care required or first aid care administered on-site;
 - (B) Medical care by a physician or nurse or follow-up attention required; or
 - (C) Hospitalization or immediate off-site medical attention was required.
- (b) Critical incidents shall be reported to ODMHSAS as follows:
- (1) Critical incidents requiring medical care by a physician or nurse or follow-up attention and incidents requiring hospitalization or immediate off-site medical attention shall be delivered via fax or mail to ODMHSAS Provider Certification within twenty-four (24) hours of the incident being documented;
 - (2) Critical incidents involving allegations constituting a sentinel event or patient abuse shall be reported to ODMHSAS immediately via telephone or fax, but not more than twenty-four (24) hours of the incident. If reported by telephone, the report shall be followed with a written report within twenty-four (24) hours.
- (c) Critical incidents involving those involved in the ADSAC process shall be reported to Provider Certification.

450:22-1-11.2. Participant record system

- (a) Each ADSAC assessor and assessment agency shall maintain an organized system for the content, confidentiality, storage retention and disposition of participant records.
- (b) The assessor or assessment agency shall have required documentation within the record.
- (c) Participant records shall be contained within equipment which shall be maintained under locked and secure measures.
- (d) The assessor and assessment agency shall maintain identification and filing systems which enable prompt record location and accessibility by appropriate ADSAC assessors and other treatment professionals.
- (e) Participant records shall be maintained in the facility or office where the individual is being served. In the case of temporary office space and satellite offices, records may be maintained in the main (permanent) office and transported in secured locked boxes in vehicle trunks to and from satellite offices, when necessary. Participant records may be permanently maintained at the administrative offices; however, a working copy of the participant record for the purposes of documentation and review of services provided must be maintained at the site in which the participant is receiving services.
- (f) The assessor and assessment agency shall store, retain and dispose of participant records in the manner set forth in this Chapter. These procedures shall be compatible with protection of participant rights against confidential information disclosure at a later date. ODMHSAS-operated facilities shall comply

with Records Disposition Schedule 82-17 as approved by the Oklahoma Archives and Records Commission.

450:22-1-11.3. Participant records, basic requirement assessors, assessment agencies

(a) All participant records shall be developed and maintained to ensure that all appropriate individuals have access to relevant clinical and other information regarding the participant. The participant record shall communicate information in a manner that is organized, clear, complete, current, and legible. All participant records shall contain the following:

- (1) Entries in participant records shall be legible, signed with first name or initial, last name, and dated by the person making the entry;
- (2) The participant shall be identified by name on each sheet in the participant record, on both sides of each page if both sides are used; and
- (3) A signed consent for assessment shall be obtained before any person can receive an ADSAC assessment and, placed in the participants record.

450:22-1-11.4. Participant record storage, retention and disposition

(a) Each assessment agency and ADSAC assessor shall:

- (1) Limit access to participant records to persons on a need to know basis;
- (2) Require participant records be stored under lock and key; and
- (3) With regard to closed participant records, require:
 - (A) Confidential storage under lock and key;
 - (B) Record disposition and destruction under confidential conditions; and
 - (C) Maintain written assessment documentation to be available for participants for a minimum of six (6) 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) notes; and
 - (iii) referrals and recommendations made as a result of the assessment; and
 - (iv) verification of each requirement of the recommended intervention level prior to affixing the red stamp.

(b) EXCEPTION: With regard to 450:18-7-4(a) (3) (B), facilities operated by ODMHSAS shall comply with the provisions of the Records Disposition Schedule for said facility as approved by the Oklahoma Archives and Records Commission [67 O.S. § 305 and OAC 60:1-1-2].

450:22-1-11.5. Confidentiality of drug or alcohol abuse treatment information

(a) The confidentiality of all drug or alcohol abuse treatment information and records shall be kept, recorded, released, maintained, and provided to requesting parties in accordance with state and federal laws.

(b) All assessors and assessment agencies shall protect the confidential and privileged nature of substance abuse treatment information in compliance with state and federal law by ensuring at a minimum:

- (1) all substance abuse treatment information, whether recorded or not, and all communications between an ADSAC assessor, staff and a participant are both privileged and confidential and will not be released without the written consent of the participant or the participant's legally authorized representative;
- (2) the identity of a participant who has received or is receiving substance abuse treatment services is both confidential and privileged and will not be released without the written consent of the participant or the participant's legally authorized representative;
- (3) to limit access to substance abuse treatment information to only those persons or agencies actively engaged in the treatment of the participant and to the minimum amount of information necessary to carry out the purpose for the release;
- (4) a participant, or the participant's legally authorized representative, may access the participant's substance abuse treatment information;
- (5) certain state and federal law exceptions to disclosure of drug or alcohol abuse treatment information without the written consent of the participant or the participant's legally authorized representative exist and the agency will release information as required by those laws; and
- (6) to notify a participant of his or her right to confidentiality.

450:22-1-11.6. Note

When addressing any issues related to the ADSAC assessment process that must be reflected in written documentation in the participant's ADSAC assessment record, the following shall be included:

- (1) date;
- (2) start and stop time for each assessment or session referenced;
- (3) signature of the staff person providing the service;
- (4) credentials of the staff person providing the service;
- (5) participant response, if present;
- (6) any problems identified; and
- (7) any interventions.

450:22-1-11.7. Biopsychsocial assessment

All assessors shall complete a biopsychsocial assessment which gathers sufficient information that could assist the participant, and includes the following items:

- (1) Behavioral, including substance use, abuse, and dependence;
- (2) Emotional, including issues related to past or current trauma;
- (3) Physical;
- (4) Social and recreational; and
- (5) Vocational.

450:22-1-12. Assessor applicants

(a) An applicant for certification as an assessor shall submit proof of the following:

- (1) Proof of current licensure as an LBHP or certification as an alcohol and drug counselor acting within scope of licensure/certification or proof of current status as a Licensure Candidate under the onsite supervision of a certified ADSAC assessor; and
- (2) Proof of having at least two (2) years documented full-time clinical experience in drug/alcohol treatment counseling; and
- (3) Proof of successful completion of a one (1) day ASAM training within two (2) years of the submission of the application; and
- (4) A recognizable, current, color photographic image of the applicant no smaller than two (2) inch by two (2) inch;
- (5) A current OSBI background check or a similar background check from another state of residence for the past five (5) years; and
- (6) 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
- (7) Fees.

(b) Applications for certification as an assessor shall be made in writing to ODMHSAS on a form in a manner prescribed by the Commissioner or designee.

(c) Completed applications must be received by ODMHSAS twenty (20) days prior to the training event. Before being certified, the applicant shall:

- (1) Observe one (1) assessment with written permission of the participant prior to completing new assessor training;
- (2) Complete the ODMHSAS new assessor training; and
- (3) Complete and pass the ODMHSAS assessment skills competency examination. A minimum score to pass the exam shall be eighty (80) percent:
 - (A) the exam shall require the applicant to correctly identify the major aspects of the Driver Risk Inventory-revised (DRI-II), and the Defendant Questionnaire (DQ);
 - (B) the exam shall require the applicant to correctly identify the major components of motivational interviewing; and
 - (C) the exam shall require the applicant to correctly identify rules from this chapter.
- (4) Conduct two (2) assessments, after completing the new assessor training under the supervision of a certified ADSAC assessor, with written permission of the participant; and
 - (A) Submit a copy of one written court report completed by the applicant on each assessment;
 - (B) The observing assessor shall submit an evaluation of the applicant's skill level on a form and in a manner prescribed by the ODMHSAS Commissioner or designee.

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

(e) Faxes will not be accepted as part of a permanent record.

(f) Applications are good for one (1) year from approval. All requirements must be completed within the initial twelve (12) month period or a new application must be submitted.

(g) Any prior sanctions by ODMHSAS of an individual may be cause for denial of an assessor application.

(h) An assessor applying for renewal shall submit the following for ODMHSAS review:

(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 the following subject areas with four (4) hours coming from area (A), four (4) hours coming from area (B) and two (2) hours coming from area (C):

(A) the application and use of the following:

(i) ASAM;

(ii) DRI;

(iii) DQ;

(iv) NEEDS; and

(v) TAAD;

(B) evidence based interview techniques,

(C) general substance abuse, and

(D) if a mandatory training is required by ODMHSAS the hours may come from area (c) above.

(E) training hours shall not include ADSAC course facilitation; and

(3) A new recognizable, current, photographic image of the applicant every six years no smaller than two (2) inch by two (2) inch, with any qualifying recertifications- occurring on or after July 1, 2008;

(4) Provide ODMHSAS a new OSBI background check for the applicant every six years, with any qualifying recertifications occurring on or after July 1, 2008;

(5) The fifty dollar (\$50) application renewal fee for certification and

(6) Any unpaid fees required by 450:22-1-15(7)(A). Renewal applications with outstanding unpaid fees will not be processed until a resolution is reached regarding payment of outstanding fees.

(i) In addition to submitting an application and fulfilling the renewal standards for certification per 22-1-12(h) and 22-1-15(c)(14), a review of consumer and agency 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.

(j) Certification shall be valid for thirty six (36) months.

(k) 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 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 expired for twelve (12) months or more must make application for an initial certification as set forth in 450:22-1-12.

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

(m) All renewals of certification are due on the third anniversary of certification.

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

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

450:22-1-15. Assessor responsibilities

(a) ADSAC assessments shall be provided by individuals certified by ODMHSAS to provide such assessments.

(b) All fees due ODMHSAS shall be remitted within thirty (30) days. Any fees identified as being delinquent shall be paid within thirty (30) days of discovery of the omission.

(c) 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 completing an assessment if the court is anticipating such a report;

(3) Provide information in writing regarding state and local area education and treatment resources specific to the area in which the participant resides, to each individual assessed appropriate to the referral recommendations and, in a format prescribed by the Commissioner of ODMHSAS or designee;

(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 and inform all participants that all contacts, evaluation results and reports are protected through federal confidentiality regulations under 42 CFR, Part 2;

(5) Assure there is no conflict of interest by:

(A) referring participants to only those services in which the assessor has no vested interest;

(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) maintaining written assessment documentation pursuant to 22-1-11.4(a)(3)(C).

(6) Provide liaison with court officials and related other agencies;

(7) The fee for those undergoing an assessment and evaluation as a result of their driving privilege being suspended or revoked pursuant to an arrest on or after November 1, 2008 is one hundred sixty dollars (\$160.00). The fee for

those undergoing an assessment and evaluation as a result of their driving privilege being suspended or revoked pursuant to an arrest prior to November 1, 2008 is one hundred seventy five dollars (\$175.00);

(A) Remit 10% of each fee collected for any assessment and evaluation completed as a result of a person's driving privilege being suspended or revoked pursuant to an arrest prior to November 1, 2008 to the State Treasurer to be credited to the Department of Mental Health and Substance Abuse Services Revolving Fund within thirty (30) days. No such 10% fee shall be remitted for any assessment and evaluation completed as a result of a person's driving privilege being suspended or revoked pursuant to an arrest on or after November 1, 2008. Completion of assessment includes payment in full by the participant for the assessment service; and

(B) No additional charges, extra fees or interest shall be attached to the assessment process.

(8) Explain possible liability and ability to pay for ODMHSAS affiliated, private and other education and treatment facilities;

(9) For those participants whose license was withdrawn due to an alcohol and drug related offense on or before June 30, 2003, and needing to participate in the ADSAC assessment process for license reinstatement, as verified by DPS, the assessor shall:

(A) verify the participant has completed the assessment to include payment in full;

(B) affix the official red stamp;

(C) provide the participant with a certificate of completion; and

(D) report completion to the Department of Public Safety through ODMHSAS.

(10) For those participants whose license was withdrawn due to receiving an alcohol and drug related offense on or after July 1, 2003, and needing to participate in the ADSAC assessment process for license reinstatement, the assessor shall:

(A) verify the participant has completed the ADSAC assessment to include payment in full.

(B) verify the participant has completed all recommendations identified through the assessment and required for license reinstatement prior to affixing the official stamp;

(C) affix the official stamp, with the stamp in red ink;

(D) provide the participant with a certificate of completion; and

(E) report completion to the Department of Public Safety through ODMHSAS;

(11) Those participants whose most recent offense was before September 1, 1993 should be referred to DPS to verify an assessment is not required.

(12) Provide ODMHSAS notification of those participants successfully completing required education and treatment, including the participant's name, address, date of birth and driver's license number through the online

data entry system known as ADSAC online, or in a manner prescribed by the Commissioner or designee. This notification shall be submitted to ODMHSAS within seventy-two (72) hours upon verification of successful completion of all requirements;

(13) Certified ADSAC assessors and agencies must provide to a caller adequate information regarding the ADSAC assessment process and scheduling requirements. The phone number published specific for each assessor must be continuously available, either answered in person, answering machine, electronic voice mail, or a professional answering service. Numbers published for the purpose of ADSAC assessment and evaluation advertisement must be answered by individuals appropriately trained in all relevant aspects of 42 CFR, Part 2 and HIPAA regulations;

(14) All assessors will complete a minimum of six (6) ADSAC assessments during each twelve (12) month period in order for assessor certification to remain active;

(15) Each assessor and program shall maintain an inventory of required and approved instruments sufficient to meet ODMHSAS requirements;

(16) Provide each individual assessed with 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, the 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 ODMHSAS, ADSAC personnel at ODMHSAS shall be included. All information shall be in a form prescribed by the Commissioner of ODMHSAS or designee;

(17) 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;

(18) For participants who have a language other than English:

(A) The participant shall be referred to an ADSAC assessor fluent in that language, if such an assessor is available. If no assessor fluent in the language is available then an interpreter shall be present for the entire assessment process; and

(B) If an interpreter is required, the interpreter shall not be younger than eighteen (18) years of age and should not be related to the participant.

(19) Provide assessment services only at sites approved by ODMHSAS;

(20) Report all data to ODMHSAS within thirty (30) days or as otherwise directed in this Chapter;

(21) Make recommendations based on ODMHSAS required assessment instruments;

(22) Make all recommendations based on current accepted placement criteria; and

(23) Preference in clinical referrals shall be given to institutions and organizations possessing a substance abuse certification from ODMHSAS, if such service is available.

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) Evidence of the lack of necessary skill and abilities to provide adequate services;
- (2) Misrepresentation on the application or any other materials submitted to the ODMHSAS;
- (3) A violation of the rules of professional conduct set forth in this Chapter.
- (4) Evaluations of supervisors, employers or instructors;
- (5) Allegations from other governmental entities;
- (6) Findings resulting from investigations prompted by allegations of participants, peers or the public;
- (7) Transcripts or other findings from official court, hearing or investigative procedures;
- (8) Any convictions for alcohol and other drug related offenses, violent offenses, or moral turpitude within the last five (5) years; or
- (9) Any unparoled felony convictions within five (5) years; or
- (10) The revocation, suspension, reprimand or any other administrative action ordered by another certifying or licensing body may result in the denial, revocation or suspension of assessor certification by ODMHSAS.

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

(d) Those certified to conduct ADSAC assessments by ODMHSAS shall not perform such assessments when, for any reason, such services are impaired by an inability to perform such services. Assessors shall seek assistance for any problems creating an inability to perform as an assessor, and, if necessary, limit, suspend or terminate the delivery of ADSAC assessment services.

(e) A field examination submitted through questionnaires answered by persons competent to evaluate an assessor's professional competence which may include the submission of such documentary evidence relating to an assessor's experience and competence as required by ODMHSAS may be required.

(f) If in the course of an investigation, ODMHSAS determines that an assessor has engaged in conduct of a nature that is detrimental to the health, safety, or welfare of the public, and which conduct necessitates immediate action to prevent further harm, the Commissioner may order a summary suspension of the assessor's certification to conduct ADSAC assessments.

(g) ODMHSAS may require remedial interventions to address any problems or deficiencies identified from this section as a requirement for retaining active 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 or assessment agency failing 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 and assessment agencies that have had certification renewal denied or certification revoked shall not be eligible for re-application for a period of five (5) years.

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

(e) All those certified by ODMHSAS shall report all violations and suspected violations of this chapter to ODMHSAS staff assigned to the ADSAC division immediately.

(f) ODMHSAS may also impose the following administrative sanctions against any certified assessor or assessment agency 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 in the presence of a participant;
- (5) Conducting an assessment on more than one (1) participant at a time;
- (6) Tardiness or failure to make reports, or to transmit funds as 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 ADSAC assessor present at all times unless otherwise permitted by this Chapter;
- (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 any intoxicating substance or illegal drugs while conducting an assessment;
- (13) Conducting an assessment while the participant is using or under the influence of any intoxicating substance causing impairment, 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 for use in ADSAC assessments as one of the 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 an ADSAC assessor candidate to observe an ADSAC assessment as required for training;
- (19) Issuance of completion certificate(s) to participant(s) who have not completed, or who fail to complete any ADSAC assessment recommendation 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 and DPS;
- (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 any ADSAC course;
- (23) Any sexual language or actions with or toward a participant;
- (24) Any other just and verifiable cause including, but not limited to, moral turpitude, unethical or illegal activities;
- (25) Failure to wait at least a full fifteen (15) minutes when a participant 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 knowledge of any ADSAC 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 verbal or physical abuse of participants.

450:22-1-17. Physical facility environment and safety, assessors and assessment agencies

- (a) All ADSAC assessors and assessment agencies providing ADSAC assessments shall ensure the safety and protection of all persons within the site's

physical environment (property and buildings, leased, rented, occupied or owned) of all those participating in the assessment process.

(b) This shall be accomplished by:

(1) Meeting all fire and safety regulations, code, or statutory requirements of federal, state, or local government;

(2) All sites shall have an annual fire and safety inspection from the State Fire Marshal or local authorities, and shall maintain a copy of said inspection and attendant correspondence regarding any deficiency; and

(3) If there is no authority available to provide such inspection, then the independent practitioner or assessment agency shall provide proof to ODMHSAS staff of the following:

(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) Staff 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) There shall be emergency power to supply lighting to pre-selected areas of the facility; and

(F) The maintenance of facility grounds to provide a safe environment for participants, staff and visitors.

(4) There shall be a written plan for the protection and preservation of participant records in the event of a disaster.

450:22-1-18. Hygiene and sanitation, assessors and assessment agencies

Regarding lavatory facilities, sewage, solid waste disposal, water and pest inspection, assessors and assessment agencies offering ADSAC assessments shall comply with all local and state rules, regulations, codes and building codes, providing proof to ODMHSAS of such compliance upon audit or request.

450:22-1-19. State and federal statutes and regulations

All assessors and assessment agencies shall comply with all applicable federal, state and local statutes and regulations.

450:22-1-20. Inactive status and closure

(a) An active ADSAC assessor certification may be placed on inactive status by written request:

(1) An inactive certification forfeits all rights and privileges granted by the certification;

(2) When certification is placed on inactive status, the certificate shall be returned to ODMHSAS along with the official stamp;

(3) When certification is placed on inactive status, it shall remain inactive for at least twelve (12) months from the date of inactivation, or until the end of the certification period, whichever is first;

(4) Active status may be re-established upon written request;

(5) When an ADSAC assessor must cease operation for less than twelve (12) months all ADSAC assessment records must be secured as defined in 450:22-1-8;

(6) During such a temporary closure ADSAC assessment records shall remain accessible as defined in 450:22-1-22;

(7) Participants having received assessments shall be given written notification of the temporary closure with contact information for completing the ADSAC assessment process, in the event all recommendations are completed during the temporary closure; and

(8) ODMHSAS shall be notified in writing within thirty (30) days of any temporary closure of any office providing ADSAC assessments. The written notification shall contain:

(A) The reason for closing;

(B) Contact information for participant assessment records; and

(C) A projected date for resumption of business.

(b) An active ADSAC assessment agency certification may be placed on inactive status by written request:

(1) An inactive certification forfeits all rights and privileges granted by the certification;

(2) When certification is placed on inactive status, the certificate shall be returned to ODMHSAS;

(3) When certification is placed on inactive status, it must remain inactive for a minimum of one (1) year and no more than (3) years from the date of inactivation, or until the end of the certification period, whichever is first;

(4) Active status may be re-established upon request;

(5) When an assessment agency must cease operation for less than twelve (12) months, all participant records must be secured as defined in 450:22-1-22 and 450:22-1-25;

(6) During such a temporary closure, participant records shall remain accessible as defined in 450:22-1-22;

(7) Participants having received assessments shall be given written notification of the temporary closure with contact information for completing the ADSAC assessment process, in the event all recommendations are completed during the temporary closure; and

(8) ODMHSAS shall be notified in writing of any permanent closure of any assessment agency providing ADSAC assessments. The written notification shall contain:

(A) The reason for closing; and

(B) Contact information for participant assessment records.

450:22-1-21. Participant rights and grievance policy

All certified assessment agencies and ADSAC assessors conducting ADSAC assessments shall comply with applicable rules in Title 450, Chapter 15, Consumer Rights. Those programs which are providing services within a correctional facility should detail the following due to circumstance:

- (1) The provider shall document provisions of 450:15-3-2 (a), (b) and (d);
- (2) The provider must provide written grievance policy and procedure including time frames for the grievance process;
- (3) The provider must describe the procedure used when the grievance is against a staff. This policy may refer to DOC mandated policy and procedure; and
- (4) The provider must describe the facility's responsibility for evaluation, review, and resolution should the allegation be substantiated. All certified ADSAC assessors and assessment agencies shall comply with applicable rules in Title 450, Chapter 15, Consumer Rights. Those programs which are providing services within a correctional facility should detail the following due to circumstance:
 - (A) provide written grievance policy and procedure including time frames for the grievance process;
 - (B) describe the procedure used when the grievance is against a staff. This policy may refer to Department of Corrections mandated policy and procedure; and
 - (C) describe the facility's responsibility for evaluation, review, and resolution should the allegation be substantiated.

450:22-1-22. ODMHSAS advocate general

The ODMHSAS Advocate General, in any investigation regarding consumer rights, shall have access to participant, assessment agencies and ADSAC assessors, ADSAC assessments records and facility staff as set forth in Title 450, Chapter 15.