

APA-4

**CERTIFICATION OF EMERGENCY RULES
FILED WITH LEGISLATIVE REFERENCE SERVICE
OTHNI LATHRAM, INTERIM DIRECTOR**

Pursuant to Code of Alabama 1975, §§41-22-5(b) and 41-22-6(c) (2)a. and b.

I certify that the attached emergency (amendment, new rule, new chapter, repeal or adoption by reference) is a correct copy as promulgated and adopted on the 24 day of October, 2017.

AGENCY NAME: Department of Mental Health

RULE NO. AND TITLE: 580-9-44-.02ER Program Operations. Personnel.

EFFECTIVE DATE OF RULE: October 24, 2017

EXPIRATION DATE (If less than 120 days): _____

NATURE OF EMERGENCY: As a result of the opioid crisis, there is an increased need for services. Agencies are having difficulty hiring qualified staff to provide services to these in-need individuals.

STATUTORY AUTHORITY: Code of Ala. 1975, §22-50-11

SUBJECT OF RULE TO BE ADOPTED ON PERMANENT BASIS YES NO

NAME, ADDRESS, AND TELEPHONE NUMBER OF PERSON TO CONTACT FOR COPY OF RULE:

Debbie Popwell
Director of Certification Administration
Alabama Department of Mental Health
100 North Union Street, Suite 540, Montgomery, Alabama 36130
(334) 353-2069

REC'D & FILED

OCT 24 2017

LEGISLATIVE REF SERVICE

Debbie Popwell
Signature of officer authorized
To promulgate and adopt rules and
regulations or his or her deputy

FILING DATE
(For APA Use Only)

(c) "May" is the term used to reflect an acceptable method that is recognized but not necessarily preferred.

Author: Substance Abuse Services Division

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: **New:** Filed: July 22, 1992. **Extended:** September 30, 1992. **Extended:** December 31, 1992. **Certified:** March 30, 1993. **Effective:** May 5, 1993. **Repealed and New Rule:** Filed November 19, 2003; effective December 24, 2003. **Repealed and New Rule:** Filed October 14, 2011; effective March 1, 2012.

580-9-44-.02 Personnel. It will be incumbent on the Board of Directors of each organization/agency to develop the qualifications for the position of Executive Director. This is a full-time position. ~~and the required qualifications for the Executive Director should be commensurate with the professional staff employed by the organization/agency and with the continuum of care provided by the organization/agency.~~

(1) **Qualified Treatment Personnel.** The entity shall employ qualified and trained personnel to ensure the health, safety, and well-being of its clientele, and to support efficient utilization of its resources.

(a) The entity shall develop, maintain, and document implementation of written policies and procedures to ensure that all personnel meet and remain current on credentials required for certification, licensure, and for job performance and service delivery as specified by these rules.

(b) **Clinical Director.** Each entity providing treatment services shall employ a Clinical Director, who shall be responsible, in conjunction with the Executive Director, for the quality and appropriateness of clinical services within the entity's treatment program(s). The Clinical Director:

1. Shall possess, at a minimum, a master's degree from a nationally or regionally accredited

university or college in psychology, social work, counseling, psychiatric nursing, or other behavioral health area with requisite course work equivalent to that of a degree in counseling, psychology, social work, psychiatric nursing, and a minimum of three years post master's relevant clinical experience; and

2. Meet the qualifications of a licensed or certified QSAP I; or

3. Shall be a licensed physician who has completed an approved three-year residency in psychiatry.

4. Shall provide or appropriately arrange for clinical supervision for all qualified staff assigned to the agency.

(c) Program Coordinator. Each respective level of care provided by the entity shall be under the supervision of a Program Coordinator who meets the requirements of a QSAP I or QSAP II and the following criteria as written:

1. Manage the day-to-day operations of the respective level of care.

2. Ensure that the level of care is provided in accordance with the rules established, herein, and in accordance with the goals and objectives established for this service by the governing authority.

3. Meet the qualifications set forth in these rules for the respective level of care.

4. Meet the following criteria:

(i) A Program Coordinator supervising one (1) level of care at a single location may carry a caseload that does not exceed fifteen (15) individuals.

(ii) A Program Coordinator may supervise multiple levels of care operating in one (1) location, but may not concurrently carry a caseload.

(iii) A Program Coordinator may supervise one (1) level of care operating in multiple locations, but may not concurrently carry a caseload.

(iv) A Program Coordinator may supervise multiple levels of care operating in multiple locations, but may not concurrently carry a caseload.

(v) A Program Coordinator carrying a caseload may not function as a Clinical Supervisor.

(d) Qualified Substance Abuse Professionals (QSAP). The entity shall utilize qualified substance abuse professionals, to provide treatment for individuals with substance related disorders.

1. QSAP I. A Qualified Substance Abuse Professional I (QSAP I) shall consist of:

(i) An individual licensed in the State of Alabama as a:

(I) Professional Counselor, ~~Certified Graduate Level Social Worker~~, Psychiatric Clinical Nurse Specialist, Psychiatric Nurse Practitioner, Marriage and Family Therapist, Clinical Psychologist, Physician's Assistant, Physician; or

(ii) An individual who:

(I) Has a master's Degree or above from ~~an~~ nationally or regionally accredited university or college in psychology, social work, counseling, psychiatric nursing, or other behavioral health area with requisite course work equivalent to that of a degree in counseling, psychology, social work, or psychiatric nursing, and

(II) ~~Has successfully completed a clinical practicum, and/or~~ has six month's post master's clinical experience; and

(III) Holds a substance abuse counselor certification credential from the Alabama Association of Addiction Counselors, National Association of Alcoholism and Drug Abuse Counselors, Alabama Alcohol and Drug Abuse Association, or International Certification and Reciprocity

Consortium/Alcohol and Other Drug Abuse, Inc. which shall be obtained within thirty (30) months of date of hire.

(iii) A QSAP I is authorized to provide services as delineated in the most recent version of the ADMH Substance Abuse Services Billing Manual as published and maintained by ADMH.

2. QSAP II. A Qualified Substance Abuse Professional II (QSAP II) shall consist of:

(i) An individual who:

~~(I) Has a master's Degree or above from an accredited college or university in psychology, social work, counseling, psychiatric nursing, or other behavioral health area with requisite course work equivalent to that of a degree in counseling, psychology, social work, or psychiatric nursing, and~~

~~(II) Has successfully completed a relevant clinical practicum, and~~

~~(III) Participates in concurrent clinical supervision by a QSAP I up until the attainment of substance abuse certification, or~~

~~(ii) An individual who:~~

(I) Has a Bachelor's Degree from an nationally or regionally accredited university or college in psychology, social work, community, rehabilitation, or pastoral counseling, family therapy, or other behavioral health area that requires equivalent clinical course work, and/or

(II) Is licensed in the State of Alabama as a Bachelor Level Social Worker; ~~or, or as a Registered Nurse,~~
or

(III) ~~Has two (2) years of relevant clinical experience under the supervision of a QSAP I, and~~ Has a Bachelor's Degree from a regionally accredited college or university in psychology, social work, community, rehabilitation, or pastoral counseling, family therapy, or other behavioral health area that requires equivalent clinical course work, and

(IV) Holds a substance abuse counselor certification credential from the Alabama Association of Addiction Counselors, National Association of Alcoholism and Drug Abuse Counselors, Alabama Alcohol and Drug Abuse Association, or International Certification and Reciprocity Consortium.

(ii) A QSAP II is authorized to provide services as delineated in the most recent version of the ADMH Substance Abuse Services Billing Manual as published and maintained by ADMH.

3. QSAP III. A Qualified Substance Abuse Professional III (QSAP III) shall consist of:

(i) An individual who:

(I) Has a Bachelor's Degree from a nationally or regionally accredited university or college in psychology, social work, community, rehabilitation, or pastoral counseling, family therapy, or other behavioral health area that requires equivalent clinical course work, or and

~~(II) Is licensed in the State of Alabama as a Bachelor Level Social Worker, or as a Registered Nurse, and~~

~~(III) Participates in ongoing supervision by a certified or licensed QSAP I for a minimum of one (1) hour individual per week up until attainment of a substance abuse counselor certification credential from the Alabama Association of Addiction Counselors, National Association of Alcoholism and Drug Abuse Counselors, or Alabama Alcohol and Drug Abuse Association, or International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc. which shall be obtained within thirty (30) months of hire. two (2) years substance abuse treatment experience, or~~

(ii) ~~An individual who has:~~

~~(I) Minimum of two (2) years full time paid employment experience providing direct treatment or care for individuals who have substance-related disorders, under the supervision of a QSAP I, and~~

~~(II) Holds a substance abuse counselor certification credential from the Alabama Association of Addiction Counselors, National Association of Alcoholism and Drug Abuse Counselors, or Alabama Alcohol and Drug Association, or International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.~~

~~(ii) A QSAP III is authorized to provide services as delineated in the most recent version of the ADMH Substance Abuse Services Billing Manual as published and maintained by ADMH.~~

~~4. All Clinical Directors and QSAPs who do not hold a license to practice, as specified in 580-9-44-.02 (1)4(d)1(i)(I), shall within two (2) years of hire, or within two (2) years of the effective date of these rules, attain a substance abuse counselor certification credential from the Alabama Association of Addiction Counselors, National Association of Alcoholism and Drug Abuse Counselors, or Alabama Alcohol and Drug Association, or International Certification and Reciprocity Consortium/Alcohol and Other Drug Abuse, Inc.~~

~~5. A Qualified Substance Abuse Professional may perform the following services:~~

~~(i) QSAP I: Placement Assessment, Assessment Service, Diagnostic Interview Examination, Clinical Evaluation, Service Planning, Individual and Group Treatment Recovery Support Services, Referral, Case Management, Client, Family, Community Education, and Clinical Supervision.~~

~~(ii) QSAP II: Diagnostic Interview Examination, Service Planning, Individual and Group Treatment, Recovery Support Services, Referral, Case Management, Client, Family, Community Education, and Screening/Intake.~~

~~(iii) QSAP III: Recovery Support Services, Referral, Case Management, Client, Family, Community Education, and Screening/Intake.~~

~~4.(2) Qualified Paraprofessionals (QPP). The entity may utilize qualified paraprofessionals to assist in the delivery of substance abuse treatment services, to~~

~~provide recovery support services, case management, and screening/intake services. A qualified paraprofessional shall have the following minimum qualifications:~~

~~(ia) A high school diploma or equivalent, and~~

~~1. Demonstration of competency in the provision of care for individuals who have substance related disorders, including a minimum of:~~

~~(i) One (1) year of work experience directly related to job responsibilities or a minimum of one (1) year continuous sobriety, and~~

~~(ii) Fifteen (15) hours of Peer Support Specialist training that has been approved by the DMH.~~

~~(iii) 2. Concurrent participation in clinical supervision by a licensed or certified QSAP I or II.~~

~~(iv) A QPP is authorized to provide services as delineated in the most recent version of the ADMH Substance Abuse Services Billing Manual as published and maintained by ADMH.~~

5. Peer Support Specialist. A peer support specialist must meet the following minimum qualifications:

(i) Certified by ADMH as a Certified Recovery Support Specialist (CRSS) within six (6) months of date of hire, and

(ii) Concurrent participation in clinical supervision by a licensed or certified QSAP I.

(iv) A Peer Support Specialist is authorized to provide services as delineated in the most recent edition of the ADMH Substance Abuse Services Billing Manual as published and maintained by ADMH.

6. Students who are completing a graduate degree from a regionally accredited university or college in psychology, counseling, social work, or psychiatric nursing may conduct direct services under the following conditions:

(ii) The student is in a clinical practicum that is part of an officially sanctioned academic curriculum.

(ii) The student receives a minimum of one (1) hour per week of direct clinical supervision (face to face) from a licensed or certified QSAP I.

(iii) Any written clinical documentation generated by the student must be reviewed and signed by the supervising clinical staff member.

(3) Staff Development. The entity shall develop, maintain, and document implementation of written policies and procedures that establish a staff development and training program for all employees, students, and volunteers. This program shall include, at a minimum, the following requirements:

(a) Annual Training: ~~On an annual basis~~ During each calendar year, the entity shall provide training for each employee that addresses the following topics:

1. Crisis intervention.
2. Management of disruptive behavior.
3. Suicide prevention/intervention.
4. Confidentiality and privacy of client information.
5. Cultural competency relative to the program's target population.
6. Infectious disease prevention and management, to include at a minimum: TB, HIV/AIDS, Sexually Transmitted Diseases and Hepatitis.
7. Program policies and procedures.
8. DMH Administrative Code ~~Certification Standards~~ specific to level(s) of care.

(b) First Aid/Cardiopulmonary Resuscitation (CPR) Training. All staff of each substance abuse prevention, treatment, and recovery support program shall

obtain, within one (1) month of hire, and continuously, thereafter, current certification in First Aid and CPR.

(4) An individual who met the requirements of the Administrative Code 580-9-44-2 Personnel effective March 2012 and was employed prior to the approval of these rules shall be in good standing.

Author: Substance Abuse Services Division

Statutory Authority: Code of Ala. 1975, §22-50-11.

History: New: Filed: July 22, 1992. **Extended:** September 30, 1992. **Extended:** December 31, 1992. **Certified:** March 30, 1993. **Effective:** May 5, 1993. **Repealed and New Rule:** Filed November 19, 2003; effective December 24, 2003. **Repealed and New Rule:** Filed October 14, 2011; effective March 1, 2012. Filed October 24, 2017; effective October 24, 2017.