

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

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

**ODMHSAS COMMENT DUE DATE: 5 p.m. on March 4, 2016**

The proposed policy is a PERMANENT Rule. This proposal is scheduled to be presented for public comment during a public hearing on March 10, 2016 and to the ODMHSAS Board of Directors for adoption on March 25, 2016.

**Reference #: 22-2016P**

### **SUMMARY:**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 22 are part of the Department's review of Title 450. The proposed rules revise reporting requirements for individuals certified under this Chapter. Changes are also made regarding acceptable locations of ADSAC assessment sites based on legislative changes made during the 2015 Legislative Session. Revisions are also made to make processes and terminology more consistent across Chapters within Title 450.

### **LEGAL AUTHORITY**

Oklahoma Department of Mental Health and Substance Abuse Services Board; 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.

### **RULE IMPACT STATEMENT**

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

### **PROPOSED RULES:**

Chapter 22. Certification of Alcohol and Drug Assessment and Evaluations Related to Driver's License Revocation [AMENDED]

#### **1. BRIEFLY DESCRIBE THE PURPOSE OF THE PROPOSED RULES.**

In accordance with the Administrative Procedures Act the proposed rule revisions to Chapter 22 are part of the Department's review of Title 450. The proposed rules revise reporting requirements for individuals certified under this Chapter. Changes are also made regarding acceptable locations of ADSAC assessment sites based on legislative changes made during the 2015 Legislative Session. Revisions are

also made to make processes and terminology more consistent across Chapters within Title 450.

- 2. DESCRIBE THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULES, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULE, AND ANY INFORMATION ON COST IMPACTS RECEIVED FROM PRIVATE OR PUBLIC ENTITIES.**

Driver offender related alcohol and other drug assessors and the individuals utilizing these assessment services in seeking driver's license reinstatement. The impacts of the rule change are cost neutral to all affected classes.

- 3. DESCRIBE THE CLASSES OF PERSONS WHO WILL BENEFIT FROM THE PROPOSED RULES.**

Individuals needing an ADSAC assessment/evaluation required as part of the process for drivers license reinstatement, those assessors adhering to the recommended intervention categories, the courts and the general public.

- 4. DESCRIBE THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON THE AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS, INCLUDE A LISTING OF ALL FEE CHANGES AND WHENEVER POSSIBLE, JUSTIFICATION FOR EACH.**

ODMHSAS does not anticipate that the proposed revision to these rules will increase costs to this Department or other affected parties.

- 5. SPECIFY THE PROBABLE COSTS AND BENEFITS TO ODMHSAS AND TO ANY OTHER AGENCY FOR IMPLEMENTING AND ENFORCING THE PROPOSED RULES AS WELL AS, ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN SUCH REVENUES, IF SUCH CAN BE PROJECTED.**

ODMHSAS has determined all other proposed rules to be revenue neutral.

- 6. DETERMINE WHETHER IMPLEMENTATION OF THE PROPOSED RULES WILL HAVE AN ECONOMIC IMPACT UPON ANY POLITICAL SUBDIVISIONS OR REQUIRE THEIR COOPERATION IN IMPLEMENTING AND ENFORCING THE PROPOSED RULES.** There is no recognized political impact upon any political subdivision or requirement for their cooperation in the implementation or enforcement of these proposed rules.

- 7. DETERMINE IF IMPLEMENTATION OF THE PROPOSED RULES MAY HAVE AN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES.**

ODMHSAS has determined these rule revisions will not have an adverse economic impact to small businesses or agencies certified to provide assessment and evaluation services.

**8. EXPLAIN THE MEASURES ODMHSAS HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULES.**

ODMHSAS considers these revisions the least burdensome and intrusive method to accomplish existing legislative mandates.

**9. DETERMINE THE EFFECT OF THE PROPOSED RULES ON PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND, IF THE PROPOSED RULES ARE DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, EXPLAIN THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULES WILL REDUCE THE RISK.**

ODMHSAS anticipates these rules to enhance the delivery of alcohol and other drug assessment and evaluation services by more clearly defining service expectations, mandates and qualifications of the certified facilitator. ODMHSAS anticipates these rules will enhance the delivery of ADSAC assessment services by more clearly defining service expectations to the certified assessor and assessment agency.

**10. DETERMINE IF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULES ARE NOT IMPLEMENTED.**

The proposed amendments are anticipated to refine the certification and/or contracting processes for individuals certified under this Chapter and to establish a means for the Department to quickly respond to consumer treatment issues via certification and/or contracting processes.

**DATE PREPARED:**

January 7, 2016

**TITLE 450. DEPARTMENT OF MENTAL HEALTH AND SUBSTANCE ABUSE SERVICES**

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

**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.

~~**"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.~~

**"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.

~~"Juvenile Automated Substance Abuse Evaluation" or "JASAE" is a survey based on adolescent norms to assess alcohol and other drug problem severity using current DSM and ASAM guidelines. The JASAE includes attitude, age and life situation in the evaluation process.~~

"**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.

~~"Multidimensional Addictions and Personality Profile" or "MAPP" is an instrument designed to identify substance use disorders and other personal adjustment problems related to recidivism risk. The MAPP will assist with the determination of appropriate types and levels of care.~~

"**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**" ~~mean~~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.

~~**"Psychsocial 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 and an educational history, personal and employment history identifying the unique aspects of the individual.~~

**"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.

~~**"Unique identifier"** means a code developed by the institution or organization or individual providing ADSAC services that allow each participant to be identified. The same unique identifier should not be used for more than one participant.~~

**"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.

#### **450:22-1-6. 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.
- ~~(e) Each assessor and assessment agency shall annually submit to ODMHSAS a written and signed statement verifying that the previously submitted information on the number of ADSAC assessments conducted, participants assessed and fees paid for assessments conducted for the previous twelve (12) months is accurate. This statement shall be submitted within thirty (30) days of the end of the calendar year.~~

#### **450:22-1-9. Certified approved sites**

~~(a)~~ 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.
- ~~(b) No new ADSAC assessment site shall be located within one thousand (1000) feet of an establishment with the primary purpose of serving alcoholic beverages.~~

#### **450:22-1-10. Participant evaluation**

(a) The assessment and evaluation of the participant shall be as comprehensive as possible ~~and shall include, but not be limited to:~~ 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 clinical interview consisting of, at a minimum:~~
    - ~~(A) Socio-demographic and background information;~~
    - ~~(B) Personal history; and~~
    - ~~(C) A completed and scored current version of the Addiction Severity Index (ASI) 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) VIP or mutual support participation may be attended any time during the process; and~~

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

~~(A) "services not available",~~

~~(B)~~(A) "geographic accessibility",

~~(C)~~(B) "on waiting list for appropriate level of care",

~~(D)~~(C) "language barriers", or

~~(E)~~(D) "sustained abstinence".

(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) "Services not available" should be used when one or more of the services required for a specific intervention category are temporarily not available 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)~~(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;

~~(15)~~(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.

~~(16)~~(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.

~~(17)~~(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.

#### **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 and scored current version of the Addiction Severity Index (ASI) serving as the 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) Juvenile Automated Substance Abuse Evaluation (JASAE); or
  - (B) Multidimensional Addictions and Personality Profile (MAPP); or
  - (C)(A) Needs Assessment (NEEDS); or
  - (D)(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) No clinical decision shall be based on scores derived from the ASI;
- (7)(6) All assessment instruments approved for use in the ADSAC process shall be used according to directions from the manual of each instrument; and
- (8)(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.

#### **450:22-1-11.3. 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 and unique identifier 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)~~ five (5) 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].

#### **450:22-1-11.7. Biopsychsocial assessment**

~~(a) Biopsychsocial assessments are face-to-face interviews conducted by an ADSAC assessor designed to elicit historical and current information regarding the behavior and experiences of a participant, and are designed to provide sufficient information for problem formulation, intervention planning, and formulation of appropriate substance abuse-related clinical interventions to reduce or eliminate recidivism.~~

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

- ~~(1) Identification of the participant's strengths, needs, abilities and preferences;~~
- ~~(2) Previous mental health and substance abuse treatment history.~~
- ~~(3) Health history and current biomedical conditions and complications;~~
- ~~(4) Alcohol and drug use history;~~
- ~~(5) Family and social history, including family history of alcohol and drug use;~~
- ~~(6) Educational attainment, difficulties, and history;~~
- ~~(7) Cultural and religious orientation;~~
- ~~(8) Vocational, occupational and military history;~~
- ~~(9) Marital or significant other relationship history;~~
- ~~(10) Recreational and leisure history;~~
- ~~(11) Legal history;~~
- ~~(12) Present living arrangement;~~
- ~~(13) Economic resources;~~
- ~~(14) Current support system;~~
- ~~(15) Assessment summary or diagnosis, and signature of the assessor and date of the assessment; and~~
- ~~(16) A completed current version of the ASI, that addresses all the above requirements.~~
- (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 initial applicant for certification as an assessor shall submit ~~proof of the~~ following:

~~(1) Possession of a bachelor's degree or above in the behavioral or health sciences. Those certified as ADSAC assessors prior to July 1, 2005 and without a break in ADSAC certification will be allowed to continue certification without a bachelor's degree. All applicants for initial certification after July 1, 2005 must possess a bachelor's degree or above in the behavioral or health sciences. This includes those attempting to renew lapsed certification; and 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) Having proof of having at least two (2) years documented full-time clinical experience in drug/alcohol treatment counseling; and~~

~~(3) Current licensure as an LADC or certified as an alcohol and other drug counselor and supervised by an LADC pursuant to Oklahoma state statutes; or~~

~~(4) Current status as an LADC candidate, under supervision of an LADC and work at a certified ADSAC assessment agency where one or more certified ADSAC assessors are employed; and~~

~~(A) Have at least two (2) years documented full-time clinical experience in drug/alcohol treatment counseling; and~~

~~(B) Be trained or have proven experience in the identification and management of alcohol and other drug abuse problems and clinical interviewing skillsProof of successful completion of a one (1) day ASAM training within two (2) years of the submission of the application; and~~

~~(5) A recognizable, current, photographic image of the applicant no smaller than two (2) inch by two (2) inch;~~

~~(6) Completion of the eighteen (18) hour ODMHSAS new assessor training; and A current OSBI background check or a similar background check from another state of residence for the past five (5) years; and~~

~~(7) Proof of successful completion of a one (1) day ASAM training within two (2) years of the submission of the application. 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~~

~~(8) 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) ~~and the Addiction Severity Index (ASI);~~

(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.

~~(2) Observe one (1) assessment with written permission of the participant;~~

~~(3)(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.~~

~~(4) Provide ODMHSAS 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;~~

~~(5) Remit to ODMHSAS the one hundred dollar (\$100) application fee for initial certification;~~

~~(6) Provide ODMHSAS an official transcript from an appropriately accredited college pursuant to state law;~~

~~(7) Provide ODMHSAS a current OSBI background check or a similar background check from another state of residence for the past five (5) years; and~~

~~(8) Prior to attending the training for new facilitators attend a two (2) day ASI training.~~

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

~~(e) Upon completion of the above requirements, the certified assessor providing the supervision shall submit a copy of one (1) written court report completed by the applicant and an evaluation of the applicant's skill level on a form and in a manner prescribed by the Commissioner of ODMHSAS or designee.~~

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

~~(g)(f) Applications are good for one (1) year from acceptance. All requirements must be completed within the initial ~~twelve (12)~~nine (9) month period or a new application must be submitted.~~

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

~~(i)(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 approved assessment instruments, 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~~ 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; and

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

(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 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. ~~After July 1, 2008, all certification renewals may come due on January 1 of the renewal year. If a universal recertification date is adopted, the requirements for certification renewals will be accepted on a prorated for the transition period.~~

#### **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 to be available for consumers for a minimum of five (5) 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) clinical interview 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.

(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) ~~provide the participant with a certificate of completion~~ verify the participant has completed the assessment to include payment in full;

(B) ~~affix the official embossed assessor seal~~ red stamp;

(C) ~~report completion to the Department of Public Safety through ODMHSAS~~ provide the participant with a certificate of completion; and

- ~~(D) verify the participant has completed the assessment to include payment in full~~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) provide the participant with a certificate of completion;
  - (B) affix the official, embossed assessor seal and stamp, with the stamp in red ink; and
  - (C) report completion to the Department of Public Safety through ODMHSAS;
  - ~~(D) verify he or she has completed all tasks identified by the assessment and required for license reinstatement,~~
  - ~~(E) verify the participant has completed all recommendations identified through the assessment and required for license reinstatement~~prior to affixing the official, embossed assessor seal and stamp; and
  - ~~(F)~~(E) verify the participant has completed the ADSAC assessment to include payment in full.
- (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) Each assessor and assessment agency shall annually submit to ODMHSAS a written and signed statement verifying that the previously submitted information on the number of assessments conducted, number of participants assessed, and fees paid for assessments conducted for the previous twelve (12) months;~~
- ~~(14)~~(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;
- ~~(15)~~(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;
- ~~(16)~~(15) Each assessor and program shall maintain an inventory of required and approved instruments sufficient to meet ODMHSAS requirements;
- ~~(17)~~(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;

~~(18)~~(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;

~~(19)~~(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.

~~(20)~~(19) Provide assessment services only at sites approved by ODMHSAS;

~~(21)~~(20) Report all data to ODMHSAS within thirty (30) days or as otherwise directed in this Chapter;

~~(22)~~(21) Make recommendations based on ODMHSAS required assessment instruments;

~~(23)~~(22) Make all recommendations based on current accepted placement criteria; and

~~(24)~~(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 ten ~~(10)~~(5) years; or

(9) Any unpardoned 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.

#### **450:22-1-20. 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;

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

(4) Active status may be re-established upon ~~payment of a prorated renewal fee and submission of prorated continuing education hours required during the renewal year if there are no other impediments to certification~~ 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;
  - (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.