



Monterey County Behavioral Health Policy and Procedure

Policy Number	700
Policy Title	Alcohol and Other Drug (AOD) Programs
References	See each specific subsection for applicable references
Effective	May 22, 2014

1 **PURPOSE**

2 The purpose of Monterey County Behavioral Health (MCBH) Policy 700 – Alcohol and Other Drug
3 (AOD) Programs is to establish policies that shall be applied to all MCBH AOD programs in
4 accordance with pertinent Federal, State, and local laws and regulations. These policies shall be
5 applied to all AOD programs in addition to policies applicable to specific types of AOD programs
6 (see MCBH Policy 705, 710, 715, and 720). These policies should not be construed as to exclude
7 or supersede any and all relevant federal, state, and local laws regarding alcohol and other drug
8 programs.

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10 Policy 700 comprises of the following subsections:

- 11 I. [Nondiscrimination](#)
- 12 II. [Compliance Reports Regarding Nondiscriminatory Practices](#)
- 13 III. [Access to Compliance Information Relating to Nondiscriminatory Practices](#)
- 14 IV. [Information to the Public and Beneficiaries Regarding Nondiscriminatory Practices](#)
- 15 V. [Designating an Employee to Handle Inquiries and Complaints Regarding](#)
16 [Nondiscriminatory Practices](#)
- 17 VI. [Familiarizing Employees of AOD Programs](#)
- 18 VII. [Noncompliance with Nondiscriminatory Practices](#)
- 19 VIII. [Informal Complaint Process](#)
- 20 IX. [Time Period for Informal Complaint Resolution](#)
- 21 X. [Filing of Complaint with California Department of Alcohol and Drug Programs Regarding](#)
22 [Nondiscriminatory Practices](#)
- 23 XI. [Investigation of Complaint by the California Department of Alcohol and Drug Programs](#)
- 24 XII. [Evidence Compilation Period Regarding Complaints and California Department of Alcohol](#)
25 [and Drug Programs Informal Resolution](#)
- 26 XIII. [Retaliatory Action Prohibited](#)
- 27 XIV. [Accessibility of Service Requirements](#)
- 28 XV. [Confidentiality of Client Treatment Records](#)
- 29 XVI. [Cultural Competency](#)
- 30 XVII. [Continuing Education for Employees](#)
- 31 XVIII. [Requirements for Certifications of Licensed Professionals in AOD Programs](#)
- 32 XIX. [Requirements for Previously Certified AOD Counselors](#)
- 33 XX. [Requirements for Counselors Certified or Licensed in Other States or by Other Certifying](#)
34 [Organizations](#)
- 35 XXI. [Certifying Organizations](#)

- 36 XXII. [Requirements for Initial Certification of AOD Counselors](#)
- 37 XXIII. [Length and Renewal of AOD Counselor Certification](#)
- 38 XXIV. [Code of Conduct](#)
- 39 XXV. [Investigation of Complaints, Suspension, and Revocation of AOD Counselor Certification](#)
- 40 XXVI. [Maintenance of Records](#)
- 41 XXVII. [Members of County Advisory Board on Alcohol and Drug Problems](#)
- 42 XXVIII. [Expenses Related to the County Advisor Board on Alcohol and Drug Problems](#)
- 43 XXIX. [Utilizing Existing County-Operated Programs and Privately Operated Agencies](#)
- 44 XXX. [Contracts for Services](#)
- 45 XXXI. [Cost and Statistical Data Requirements](#)
- 46 XXXII. [Fees for Additional Alcohol and/or Drug Services](#)
- 47 XXXIII. [Equipment Expenditure](#)
- 48 XXXIV. [State Funds for Remodeling AOD Program Facilities](#)
- 49 XXXV. [AOD Program Accounting Records](#)
- 50 XXXVI. [Limitations on Licensure or Certification of Aliens for Alcohol and Drug Programs](#)
- 51 XXXVII. Report of Patient Death
- 52 XXXVIII. Data submission/Outcomes Management

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56 **I. NONDISCRIMINATION**

57 **REFERENCES:**

- 58 • Title VI of the Civil Rights Act of 1964
- 59 • Title VII of the Civil Rights Act of 1964
- 60 • Title VIII of the Civil Rights Act of 1968 (Title 42, United States Code, Sections
- 61 3601 et seq.)
- 62 • Executive Order 11246 (Title 42, United States Code, Section 2000(e) and Title
- 63 41, Code of Federal Regulations, Part 60)
- 64 • Executive Order 11375
- 65 • Executive Order 13166
- 66 • Equal Pay Act of 1963
- 67 • Age Discrimination in Employment Act of 1967 (Title 29, Code of Federal
- 68 Regulations, Sections 621-634)
- 69 • Age Discrimination in Employment Act (Title 29, Code of Federal Regulations,
- 70 Section 1630)
- 71 • Age Discrimination Act of 1975 (Title 45, Code of Federal Regulations, Part 90 &
- 72 Title 42, United States Code, Sections 6101 – 6107)
- 73 • Equal Employment Opportunity Act of 1972
- 74 • Rehabilitation Act of 1973 (Section 504, as amended by Title 29, United States
- 75 Code, Section 794)
- 76 • Vietnam Era Veteran's Readjustment Assistance Act of 1974
- 77 • Pregnancy Discrimination
- 78 • Americans with Disability Act of 1990 (Title 42, United States Code, Sections
- 79 12111-12117, 12131-12165, 12181-12189, 12201-12213 and Title 47, United
- 80 States Code, Section 225).
- 81 • The Drug Abuse Office and Treatment Act of 1972, as amended
- 82 • The Comprehensive Alcohol Abuse and Alcoholism Prevention, and Treatment Act

- 83 of 1970, as amended
- 84 • Family and Medical Leave Act
- 85 • Title II of the Genetic Information Nondiscrimination Act of 2008
- 86 • California Fair Employment and Housing Act (California Government Code,
- 87 Section 12900 et seq. & California Administrative Code, Title 2, Section 7285.0)
- 88 • California Family Rights Act
- 89 • Pregnancy Disability Leave Law
- 90 • California Equal Pay Law
- 91 • Unruh Civil Rights Act
- 92 • Title 2, California Government Code, Division 3, Section 9.5, Section 11135
- 93 • Title 9, California Code of Regulations, Division 4, Chapter 6, Section 10800
- 94 • County of Monterey, Board of Behavioral Health Resolution No. 90-525, adopted
- 95 September 25, 1990
- 96 • County of Monterey Equal Opportunity for Persons with Disabilities and
- 97 Reasonable Accommodation Policy
- 98 • Monterey County Diversity Policy
- 99 • Monterey County Personnel Policy/Procedure - Policy on HIV Infection/HIV
- 100 Disease/ AIDS in the Workplace, dated October 17, 1988
- 101 • Monterey County Equal Opportunity Office Customer Service Policy
- 102 • County of Monterey Discrimination Complaint Ordinance, Monterey County Code,
- 103 Title 2, Chapter 2.80
- 104 • Monterey County Net Negotiated Amount (NNA) Contract, Exhibit B, Sections P and Q

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106 **POLICY AND PROCEDURES:**

107 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
 108 (AOD) Programs to comply with all pertinent federal, state, and local statutes regarding
 109 nondiscrimination. These statutes include, but are not limited to, the following Monterey County
 110 policies and ordinances:

- 111 • County of Monterey, Board of Behavioral Health Resolution No. 90-525, adopted
- 112 September 25, 1990
- 113 • County of Monterey Equal Opportunity for Persons with Disabilities and
- 114 Reasonable Accommodation Policy
- 115 • Monterey County Diversity Policy
- 116 • Monterey County Personnel Policy/Procedure - Policy on HIV Infection/HIV
- 117 Disease/ AIDS in the Workplace, dated October 17, 1988
- 118 • Monterey County Equal Opportunity Office Customer Service Policy
- 119 • County of Monterey Discrimination Complaint Ordinance, Monterey County Code,
- 120 Title 2, Chapter 2.80

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122 For copies of and additional information regarding these policies, visit
 123 <http://www.co.monterey.ca.us/eqopp/policies-laws.asp> or contact the Monterey County Equal
 124 Opportunity Office at 831-755-5117

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127 **II. COMPLIANCE REPORTS REGARDING NONDISCRIMINATORY PRACTICES**

128 **REFERENCES**

129 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10894

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131 **POLICY AND PROCEDURES**

132 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
133 (AOD) Programs to comply the following regarding compliance reports from alcohol and substance
134 abuse treatment providers regarding nondiscriminatory practices:

- 135 1. Each recipient shall submit to the California Department of Alcohol and Drug Programs (CA
136 ADP) and MCBH AOD timely, complete, and accurate compliance reports as determined by
137 the CA ADP and MCBH AOD to be necessary to ascertain whether the recipient has complied
138 or is complying with California Code of Regulations, Title 9, Division 4, Chapter 6. In compiling
139 these reports, data shall be collected which reflects the extent to which persons of a particular
140 ethnic group identification, religion, age, sex, color, or physical or mental disability are ultimate
141 beneficiaries.
- 142 2. Where CA ADP determines that pre-existing reports and data required by other state or federal
143 agencies meet requisite reporting and evaluation needs, CA ADP and MCBH AOD shall accept
144 submission of such reports as a substitute or, if needed, as a complement to the required
145 reports.

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147 **III. ACCESS TO COMPLIANCE INFORMATION RELATING TO NONDISCRIMINATORY**
148 **PRACTICES**

149 **REFERENCES**

150 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10896

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152 **POLICY AND PROCEDURES**

153 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
154 (AOD) Programs to comply the following regarding regarding access to licensee compliance
155 information in relation to nondiscriminatory practices:

- 156 1. Each licensee shall permit access by representatives of the California Department of Alcohol
157 and Drug Programs (CA ADP) and MCBH AOD during normal business hours to its books,
158 records, accounts, other sources of information, and its facilities as may be pertinent to
159 ascertain compliance with California Code of Regulations, Title 9, Division 4, Chapter 6.
- 160 2. Where any information required of a licensee is in the exclusive possession of any other
161 agency, institution, or person, and that agency, institution, or person fails or refuses to furnish
162 such information, the licensee shall so certify and set forth its efforts to obtain such information
163 and the basis for the withholding of such information.

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166 **IV. INFORMATION TO THE PUBLIC AND BENEFICIARIES REGARDING**
167 **NONDISCRIMINATORY PRACTICES**

168 **REFERENCES**

169 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10898

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171 **POLICY AND PROCEDURES**

172 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
173 (AOD) Programs to comply the following regarding nondiscriminatory practices and regulations
174 applicable to all recipients of alcohol and drug program services:

175 Each licensee shall make available to beneficiaries and other interested persons information
176 regarding the provisions of California Code of Regulations, Title 9, Division 4, Chapter 6 and its

177 applicability to beneficiaries and its program or activity including the procedures for filing a
178 complaint.

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181 **V. DESIGNATING AN EMPLOYEE TO HANDLE INQUIRIES AND COMPLAINTS**
182 **REGARDING NONDISCRIMINATORY PRACTICES**

183 **REFERENCES**

184 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10900

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186 **POLICY AND PROCEDURES**

187 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
188 (AOD) Programs that each licensee shall designate an employee to whom initial complaints or
189 inquiries regarding California Code of Regulations, Title 9, Division 4, Chapter 6.

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192 **VI. FAMILIARIZING EMPLOYEES OF AOD PROGRAMS REGARDING NON-**
193 **DISRIMINATORY PRACTICES**

194 **REFERENCES**

195 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10902

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197 **POLICY AND PROCEDURES**

198 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
199 (AOD) Programs that each licensee shall ensure that its employees are familiar with California
200 Code of Regulations, Title 9, Division 4, Chapter 6 and when any employee has reason to believe
201 that California Code of Regulations, Title 9, Division 4, Chapter 6 may have been violated, shall
202 require such employee to so advise the employee designated in accordance with California Code
203 of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10900 to receive such inquiries
204 and complaints.

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207 **VII. NONCOMPLIANCE WITH NONDISCRIMINATORY PRACTICES**

208 **REFERENCES**

209 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10904

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211 **POLICY AND PROCEDURES**

212 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
213 (AOD) Programs that failure by a licensee to file timely, complete, and accurate reports or to permit
214 access to compliance information shall be considered reasonable cause to believe that a recipient
215 has violated the provisions of California Code of Regulations, Title 9, Division 4, Chapter 6 and
216 shall be grounds for investigation by the California Department of Alcohol and Drug Programs (CA
217 ADP) and MCBH AOD.

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220 **VIII. INFORMAL COMPLAINT PROCESS**

221 **REFERENCES**

222 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10908

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224 **POLICY AND PROCEDURES**

225 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
226 (AOD) Programs that each licensee shall adopt procedures for the informal resolution of
227 complaints of discrimination filed by a beneficiary. Such informal complaint resolution process
228 shall adhere to the provisions set forth in California Code of Regulations, Title 9, Division 4,
229 Chapter 6, Article 10, Sections 10906 and 10910. Such informal complaint process shall be
230 submitted to the California Department of Alcohol and Drug Programs (CA ADP) for approval and
231 to MCBH AOD for review.

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234 **IX. TIME PERIOD FOR INFORMAL COMPLAINT RESOLUTION**

235 **REFERENCES**

236 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10910

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238 **POLICY AND PROCEDURES**

239 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
240 (AOD) Programs that within 60 days of the filing of a complaint for informal resolution regarding
241 nondiscriminatory practices, the recipient shall attempt to informally resolve the complaint. By the
242 end of such time period, the complainant shall be notified in writing of the resolution of such
243 complaint, if any, and of the complainant's right to file such complaint with the California
244 Department of Alcohol and Drug Programs (CA ADP) if no informal resolution to the satisfaction of
245 the complainant is achieved.

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248 **X. FILING OF COMPLAINT WITH CALIFORNIA DEPARTMENT OF ALCOHOL AND DRUG**
249 **PROGRAMS REGARDING NONDISCRIMINATORY PRACTICES**

250 **REFERENCES**

251 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10912

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253 **POLICY AND PROCEDURES**

254 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
255 (AOD) Programs to comply the following regarding filing a complaint in reference to
256 nondiscriminatory practices with the California Department of Alcohol and Drug Programs (CA
257 ADP).

- 258 1. If informal resolution does not occur within 60 days after the filing of a complaint pursuant to
259 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10906, the
260 complainant may file the complaint, a summary of the attempts at informal resolution, and any
261 other relevant documents with the CA ADP for further action. Complaints shall be submitted to
262 the CA ADP within 30 days after the failure to reach informal resolution between the licensee
263 and the complainant.
- 264 2. Within ten working days after receipt of a complaint, CA ADP shall acknowledge receipt to the
265 complainant and request the licensee to forward all files, records, or other documents with
266 respect to the matter to the CA ADP.

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269 **XI. INVESTIGATION BY THE CALIFORNIA DEPARTMENT OF ALCOHOL AND DRUG**
270 **PROGRAMS**

271 **REFERENCES**

272 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10914 (Title 9,
273 CCR, Div. 4, Ch. 8, Article 3, Section 10914)

274 **PURPOSE**

275 The purpose of this section of Monterey County Behavioral Health Policy 7XX – Alcohol and Other
276 Drugs (AOD) is to ensure compliance with California Code of Regulations, Title 9, Division 4,
277 Chapter 6, Article 3, Section 10821 (Title 9, CCR, Div. 4, Ch. 8, Article 3, Section 10821) regarding
278 investigations by the California Department of Alcohol and Drug Programs (CA ADP) regarding
279 nondiscriminatory practices complaints.

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281 **POLICY AND PROCEDURES**

282 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
283 (AOD) Programs to comply the following regarding investigations by the California Department of
284 Alcohol and Drug Programs (CA ADP) regarding nondiscriminatory practices complaints:

- 285 1. CA ADP shall conduct a prompt investigation whenever a complaint, a report, or other
286 information indicates reasonable cause to believe that a licensee has failed to comply with
287 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10914. The
288 investigation shall include compiling relevant evidence sufficient to enable it to determine
289 whether there is probable cause to believe that a violation has occurred. Such compilation
290 shall include, in addition to the materials from any informal resolution process, when
291 appropriate:
- 292 a. A review of the pertinent policies and practices of the licensee;
 - 293 b. A review of the circumstances under which the possible violation occurred;
 - 294 c. A full discussion with witnesses and the complainant, if any;
 - 295 d. An opportunity for parties to present evidence and information regarding the possible
296 violation; and
 - 297 e. A review of any other factors relevant to a determination as to whether there is probable
298 cause to believe that the licensee has failed to comply with California Code of Regulations,
299 Title 9, Division 4, Chapter 6, Article 10, Section 10914.

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302 **XII. EVIDENCE COMPILATION PERIOD REGARDING COMPLAINTS AND CALIFORNIA**
303 **DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS INFORMAL RESOLUTION**

304 **REFERENCES**

305 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10916

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307 **POLICY AND PROCEDURES**

308 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
309 (AOD) Programs to comply the following regarding evidence compilation period and California
310 Department of Alcohol and Drug Programs (CA ADP) information resolution in reference to
311 nondiscriminatory practices:

- 312 1. The evidence compilation process referred to in California Code of Regulations, Title 9,
313 Division 4, Chapter 6, Article 10, Section 10914 shall be completed no later than 180 days from
314 the date that a complaint was filed with the licensee or from the date when CA ADP otherwise
315 had reasonable cause to believe that a violation of California Code of Regulations, Title 9,
316 Division 4, Chapter 6, Article 10 had occurred, whichever comes first.
- 317 2. At any time prior to the expiration of such 180-day time period for compilation of evidence, the
318 CA ADP may informally resolve the complaint. Any such resolution may (if CA ADP determines

319 that the substantial nature of the matters involved, the scope of the problems presented, or the
320 probability that the facts which gave rise to the matter will recur) be set forth in a written
321 conciliation agreement which the complainant has had an opportunity to review at least 20
322 days prior to the execution of such agreement by the CA ADP and the licensee.
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325 **XIII. RETALIATORY ACTION PROHIBITED**

326 **REFERENCES**

327 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10924 (Title 9,
328 CCR, Div. 4, Ch. 8, Article 3, Section 10924)

329 **PURPOSE**

330 The purpose of this section of Monterey County Behavioral Health Policy 7XX – Alcohol and Other
331 Drugs (AOD) is to ensure compliance with California Code of Regulations, Title 9, Division 4,
332 Chapter 6, Article 10, Section 10924 (Title 9, CCR, Div. 4, Ch. 8, Article 3, Section 10924)
333 regarding prohibiting retaliatory action against beneficiaries in reference to nondiscriminatory
334 practices.
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336 **POLICY AND PROCEDURES**

337 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
338 (AOD) Programs that no licensee shall intimidate, threaten, coerce, or take adverse action against
339 an ultimate beneficiary for the purpose of interfering with rights secured by California Code of
340 Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10916, or because he or she has
341 made a complaint, assisted, or otherwise participated in an investigation, proceeding, hearing, or
342 any other activity undertaken to enforce California Code of Regulations, Title 9, Division 4, Chapter
343 6, Article 10, Section 10916.
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346 **XIV. ACCESSIBILITY OF SERVICE REQUIREMENTS**

347 **REFERENCES:**

- 348 • Americans with Disability Act (ADA)
349 • Section 504 of the Rehabilitation Act of 1973
350 • Title 45, Code of Federal Regulations (CFR), Part 84
351 • Title 24, California Code of Regulations (CCR), Part 2
352 • Unruh Civil Rights Act, California Civil Code (CCC) Sections 51 through 51.3
353 • California Department of Alcohol and Drug Programs (CA ADP) Bulletin 09-05 (ADP Bulletin
354 09-05)
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356 **PURPOSE:**

357 The purpose of this section of Monterey County Behavioral Health Policy 700 - Alcohol and Other
358 Drugs (AOD) Programs is to ensure that Monterey County Behavioral Health (MCBH) and its
359 Alcohol and Other Drugs (AOD) Programs provide full and equal access to services for persons
360 with disabilities in compliance with all federal, state, and local laws and regulations.
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362 **POLICY AND PROCEDURES:**

363 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
364 (AOD) Programs to comply with all federal, state, and local laws and regulations regarding
365 providing persons with disabilities full and equal access to services.

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367 In adherence to the guidelines outlined in California Department of Alcohol and Drug Programs
368 (CA ADP) Bulletin 09-05 (ADP Bulletin 09-05):

- 369 1. MCBH and its AOD subcontracted providers will take action to identify all physical and
370 programmatic barriers to services.
- 371 2. MCBH and its AOD subcontracted providers will develop plans for removing or mitigating the
372 identified barriers to service access for persons with disabilities. In addition:
- 373 a. Subcontracted providers applying for initial licensure or certification must be fully
374 accessible for persons with disabilities at the time of the application.
- 375 b. Subcontracted providers applying for renewal or licensure or certification must have the
376 following:
- 377 i. An assessment to identify barriers to service
- 378 ii. An Access to Services Plan for removing or mitigating any identified barriers.
- 379 3. If a subcontracted provider is unable to currently meet the accessibility needs of a program
380 beneficiary (client), the subcontracted provider will refer the client to another MCBH AOD
381 provider that can sufficiently meet the accessibility needs of the client and provide sufficiently
382 equivalent services provided to non-disabled individuals.
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385 **XV. CONFIDENTIALITY OF CLIENT TREATMENT RECORDS**

386 **REFERENCES:**

- 387 • Title 42, United States Code, Section 290dd-2 (42 USC 290dd-2)
- 388 • Title 42, Code of Federal Regulations, Part 2 (45 CFR Part 2)
- 389 • Title 42, United States Code, 1320d – 1320d-8 (42 USC 1320d – 1320d-8)
- 390 • Title 45, Code of Federal Regulations, Part 96, Section 96.132(e) (45 CFR
391 96.132e)
- 392 • Title 45, Code of Federal Regulations, 160, 162, and 164 (45 CFR 160, 162,
393 &164)
- 394 • California Welfare and Institutions Code, Section 14100.2 (CA WI&C 14100.2)
- 395 • California Health and Safety Code, Sections 11812 and 11845.5 (CA H&SC
396 11812, 11845.5)
- 397 • California Health and Safety Code, Sections 123110 – 123149.5 (CA H&SC
398 123110-123149.5)
- 399 • Title 22, California Code of Regulations, Section 51009 (22 CCR 51009)
- 400 • California Civil Code, Sections 56 – 56.37 (CA CC 56-56.37)
- 401 • California Civil Code, Sections 1798.80 – 1798.82 (CA CC 1798.80-798.82)
- 402 • California Civil Code, Section 1798.85 (CA CC 1798.85)
- 403 • Monterey County Behavioral Health Policy and Procedure 303 - Medical Record
404 Confidentiality
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406 **POLICY AND PROCEDURES:**

407 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
408 (AOD) programs to adhere to all federal, state, and local regulations and statutes regarding
409 confidentiality of beneficiary records including, but not limited to, those cited in the references of
410 this subsection. It also the policy of MCBH and its AOD Programs to adhere to the standards and
411 guidelines set forth in MCBH Policy 303 - Medical Record Confidentiality located at:
412 http://mtyhd.org/images/stories/behavioral_health/pdf/303_Medical_Record_Confidentiality.pdf.

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XVI. CULTURAL COMPETENCY

REFERENCES:

- United States Office of Minority Health Culturally and Linguistically Appropriate Services (CLAS) National Standards
- Monterey County Net Negotiated Amount (NNA) Contract, Exhibit B, Section PP
- Monterey County Behavioral Health Policy and Procedure 451 - Cultural and Linguistic Services

PURPOSE:

The purpose of this section of Monterey County Behavioral Health Policy 700 - Alcohol and Other Drugs (AOD) Programs is to ensure compliance with the terms of Monterey County's Net Negotiated Amount (NNA) contract with cultural competency.

POLICY AND PROCEDURES:

It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs (AOD) Programs to provide culturally competent services to its program beneficiaries (clients) per the guidelines established in United States Office of Minority Health Culturally and Linguistically Appropriate Services (CLAS) National Standards, Monterey the County Net Negotiated Amount (NNA) Contract, Exhibit B, Section PP and Monterey County Behavioral Health Policy and Procedure 451 - Cultural and Linguistic Services.

In its efforts to provide culturally competent services to beneficiaries MCBH and its AOD Programs will:

1. Comply with guidelines and standards established in Monterey County Behavioral Health Policy and Procedure 451 - Cultural and Linguistic Services
2. Ensure that beneficiaries receive from all staff effective, understandable, and respectful care that is provided in a manner compatible with their cultural health beliefs and practices and preferred language.
3. Implement a strategy to recruit, retain and promote at all levels of MCBH and its AOD Programs qualified, diverse staff and leadership that are representative of the demographic characteristics of the service area.
4. Ensure that staff at all levels and across all disciplines receives ongoing education and training in culturally and linguistically appropriate service delivery.
5. Offer and provide language assistance services, including bilingual staff and interpreter services, at no cost to each beneficiary with limited English proficiency at all points of contact, in a timely manner during all hours of operation.
6. Provide beneficiaries in their preferred language both verbal offers and written notices informing them of their right to receive language assistance services.
7. Assure the competence of language assistance provided to limited English proficient beneficiaries by interpreters and bilingual staff. Family and friends should not be used to provide interpretation services (except on request by the beneficiary).
8. Make available easily understood beneficiary-related materials and post signage in the languages of the commonly encountered groups and/or groups represented in the service area.
9. Develop, implement, and promote a written strategic plan that outlines clear goals, policies, operational plans, and management accountability/oversight mechanisms to

- 461 provide culturally and linguistically appropriate services.
- 462 10. Conduct initial and ongoing organizational self-assessments of culturally and linguistically
- 463 appropriate service activities and integrate cultural and linguistic competence-related
- 464 measures into internal audits, performance improvement programs, beneficiary satisfaction
- 465 assessments, and outcome-based evaluations.
- 466 11. Ensure that beneficiaries' race, ethnicity, and spoken and written language are collected in
- 467 health records, integrated into MCBH's and its AOD Program's management information
- 468 systems, and periodically updated.
- 469 12. Maintain a current demographic, cultural, and epidemiological profile of the community as
- 470 well as a needs assessment to accurately plan for and implement services that respond to
- 471 the cultural and linguistic characteristics of the service area.
- 472 13. Develop participatory, collaborative partnerships with communities and utilize a variety of
- 473 formal and informal mechanisms to facilitate community and beneficiary involvement in
- 474 designing culturally and linguistically appropriate activities.
- 475 14. Ensure that conflict and grievance resolution processes are culturally and linguistically
- 476 sensitive and capable of identifying, preventing, and resolving cross-cultural conflicts or
- 477 complaints by beneficiaries.
- 478 15. Regularly make available to the public information about their progress and successful
- 479 innovations in implementing culturally and linguistically appropriate service standards and
- 480 to provide public notice in their communities about the availability of this information.

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483 **XVII. CONTINUING EDUCATION FOR EMPLOYEES**

484 **REFERENCES:**

- 485 • Title 45, Code of Federal Regulations, Part 96, Section 96.132(b) (45 CFR 96.132b)
- 486 • Title 42, Code of Federal Regulations, Part 54, Section 54.13 (42 CFR 54.13)
- 487 • Title 9, California Code of Regulations (CCR), Division 4, Chapter 8
- 488 • California Department of Alcohol and Drug Programs (CA ADP) Letter dated January 28,
- 489 2010 with subject: Requirement for Certification for Individuals Providing Counseling
- 490 Services in AOD Programs Licensed and/or Certified by the Department of Alcohol and
- 491 Drug Programs (ADP)

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493 **POLICY AND PROCEDURES:**

494 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs

495 (AOD) Programs to comply with continuing education standards in treatment services and/or

496 prevention activities set forth in the following: Title 45, Code of Federal Regulations, Part 96,

497 Section 96.132(b) (45 CFR 96.132b); Title 42, Code of Federal Regulations, Part 54, Section 54.13

498 (45 CFR 54.13); and Title 9, California Code of Regulations (CCR), Division 4, Chapter 8

499

500 In compliance with the above regulations and guidelines, MCBH and its AOD Programs will:

- 501 1. Make available continuing education regarding treatment services and/or
- 502 prevention activities to employees who provide the services or activities. A
- 503 schedule of available Monterey County Health Department sponsored trainings will
- 504 be posted on a regular basis as part of this effort.
- 505 2. Ensure compliance with AOD counselor registration, certification, and continuing
- 506 education standards set forth in Title 9, California Code of Regulations (CCR),
- 507 Division 4, Chapter 8. These standards include, but are not limited to, the
- 508 following:

- 509 a. Within six (6) months of the date of hire, all non-licensed or non-certified
510 individuals providing counseling services in an AOD program must be registered to
511 obtain certification as an AOD counselor by one of the approved certifying
512 organizations (Title 9, CCR, Division 4, Chapter 8, Section 13035(f)).
- 513 b. Registrants are required to complete certification as an AOD counselor within five
514 years from the date of registration (Title 9, CCR, Division 4, Chapter 8, Section
515 13035(f)(1)).
- 516 c. Certified individuals are required to provide documentation of completion of a
517 minimum of forty (40) hours of continuing education and payment of a renewal fee
518 to their certifying organization in order to renew their AOD certification during each
519 two-year period (Title 9, CCR, Division 4, Chapter 8, Section 13050(l)).
- 520 3. Ensure that all AOD licensed clinicians and certified counselors employed by
521 MCBH and its subcontracted providers comply with the education and training
522 standards of their licensing entities and certifying organizations.
- 523 4. Make available in a timely manner all documentation regarding staff licensure,
524 certification, registration, and continuing education upon the request of audit staff
525 from MCBH, the State, and the Federal government.
526
527

528 **XVIII. REQUIREMENTS FOR CERTIFICATION OF LICENSED PROFESSIONALS IN AOD**
529 **PROGRAMS**

530 **REFERENCES**

531 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13015
532

533 **POLICY AND PROCEDURES**

534 It is the policy of MCBH AOD Programs that any AOD program it operates directly or may operate
535 directly in the future and its contracted AOD providers comply with the following regarding
536 requirements for certification of licensed professionals providing AOD related services:

- 537 1. As used in this regulation, "licensed professional" means a physician licensed by the Medical
538 Board of California; or a psychologist licensed by the Board of Psychology; or a clinical social
539 worker or marriage and family therapist licensed by the California Board of Behavioral
540 Sciences, or an intern registered with the California Board of Psychology or the California
541 Board of Behavioral Sciences.
- 542 2. Licensed professionals, providing counseling services in an AOD program, who are in good
543 standing with their licensing agency, shall not be required to become certified as AOD
544 counselors pursuant to this Chapter. As used in this regulation, "in good standing" means that
545 the individual's license is valid and is not revoked, suspended, or otherwise terminated.
- 546 3. Licensed professionals, providing counseling services in an AOD program, shall provide to the
547 AOD program by which they are employed, for retention in their personnel files, a copy of their
548 license to practice in the State of California.
- 549 4. Licensed professionals, providing counseling services in an AOD program:
- 550 a. Shall complete 36 hours of continuing education during every two year period of licensure.
551 b. Such continuing education shall be based on the curriculum described in Section 13055
552 and shall be provided or approved by the AOD program employing the licensed
553 professional or one of the certifying organizations specified in Section 13035.
554 c. Licensed professionals shall be required to complete 36 hours of continuing education
555 during every two year period of licensure; however, at the discretion of the employing AOD

556 program, the continuing education units required by the licensed professional's licensing
557 board shall satisfy this requirement.

558
559

560 **XIX. REQUIREMENTS FOR PREVIOUSLY CERTIFIED AOD COUNSELORS**

561 **REFERENCES**

562 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13020

563

564 **POLICY AND PROCEDURES**

565 It is the policy of MCBH AOD Programs that any AOD program it operates directly or may operate
566 directly in the future and its contracted AOD providers comply with the following regarding
567 requirements for previously certified AOD counselors:

- 568 1. Any individual who was certified to provide counseling services in an AOD program, by a
569 certifying organization (listed in Section 13035), as of April 1, 2005, shall be deemed certified
570 pursuant to the requirements of this Chapter. All such individuals shall comply with all other
571 requirements of Subchapter 3 (commencing with Section 13055) of this Chapter.
- 572 2. Any individual, certified to provide counseling services in an AOD program, as of April 1, 2005,
573 shall present to the AOD program by which he/she is employed, for retention in his/her
574 personnel file, a copy of his/her certificate as an AOD counselor.

575
576

577 **XX. REQUIREMENTS FOR COUNSELORS CERTIFIED OR LICENSED IN OTHER STATES**
578 **OR BY OTHER CERTIFYING ORGANIZATIONS**

579 **REFERENCES**

580 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13030

581

582 **POLICY AND PROCEDURES**

583 It is the policy of MCBH AOD Programs that any AOD program it operates directly or may operate
584 directly in the future and its contracted AOD providers comply with the following regarding
585 requirements for certification counselors certified or licensed in other states or by other certifying
586 organizations:

- 587 1. Any certifying organization listed in California Code of Regulations, Title 9, Division 4, Chapter
588 8, Subchapter 2, Section 13035 may, at its option, certify by reciprocity an individual, who is
589 currently certified or licensed in another state to provide counseling services in an AOD
590 program, or is currently certified by an organization other than those listed in California Code of
591 Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13035, if:
 - 592 a. The individual registers with one of the certifying organizations listed in California Code of
593 Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13035 and provides the
594 certifying organization with verifiable documentation of his/her current licensure or
595 certification,
 - 596 b. The certifying organization verifies that the registrant's licensure or certification is current,
597 has never been revoked, and is not currently the subject of an investigation by either the
598 Department or the certifying organization which granted it, and
 - 599 c. The certifying organization determines to its satisfaction that the standards by which the
600 other state or certifying organization granted licensure or certification were the same as or
601 more stringent than the standards contained in this Chapter.

- 602 2. The registrant/certified AOD counselor shall comply with all the requirements of California
603 Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3 (commencing with Section
604 13040).
- 605 3. This regulation shall not prohibit any certifying organization from establishing additional terms
606 and conditions for certification by reciprocity, so long as those terms and conditions do not
607 conflict with the provisions of this California Code of Regulations, Title 9, Division 4, Chapter 8.
- 608 4. This regulation shall not require any certifying organization to grant certification by reciprocity.
609

610

611 **XXI. CERTIFYING ORGANIZATIONS**

612 **REFERENCES**

613 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13035

614

615 **POLICY AND PROCEDURES**

616 MCBH AOD Programs shall only accept registration and certification of AOD counselor from
617 certifying organizations recognized by the California Department of Alcohol and Drug Programs
618 (CA ADP). The current list of recognized certifying organizations can be obtained by either
619 contacting CA ADP directly by telephone or on the CA ADP Website at
620 <http://www.adp.ca.gov/Licensing/lcbhome.shtml>.

- 621 1. If any of the certifying organizations currently recognized by CA ADP loses their certification, it
622 shall send written notification to each AOD counselor registered with or certified by the
623 certifying organization, informing him/her of his/her rights and responsibilities, including the
624 following:
- 625 a. Before expiration of his/her certification or within six (6) months of the notice (whichever is
626 sooner), the counselor shall register with one of the other certifying organizations currently
627 recognized by CA ADP that that time;
 - 628 b. Per California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section
629 13035, the AOD counselor's certification remains valid until it expires only if the certified
630 counselor re-registers as required by California Code of Regulations, Title 9, Division 4,
631 Chapter 8, Subchapter 2, Section 13035(d)(1).
- 632 2. All non-licensed or non-certified individuals providing counseling services in an AOD program
633 shall be registered to obtain certification as an AOD counselor by one of the certifying
634 organizations specified in this regulation.
- 635 a. Registrants shall complete certification as an AOD counselor within five (5) years of the
636 date of registration.
 - 637 b. The certifying organization may allow up to two (2) years additional time for a leave of
638 absence due to medical problem or other hardship, consistent with the policy developed by
639 the certifying organization.

640

641

642 **XXII. REQUIREMENTS FOR INITIAL CERTIFICATION OF AOD COUNSELORS**

643 **REFERENCES**

644 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3, Section 13040

645

646 **POLICY AND PROCEDURES**

647 It is the policy of MCBH AOD Programs that any AOD program it operates directly or may operate
648 directly in the future and its contracted AOD providers comply with the following regarding
649 requirements for initial certification of AOD counselors:

650

651 Prior to certification as an AOD counselor, the certifying organization shall require each registrant
652 to:

- 653 1. Complete a minimum of 155 documented hours of formal classroom AOD education, which
654 shall include at least the following subjects:
 - 655 a. The curriculum contained in "Addiction Counseling Competencies: The Knowledge, Skills,
656 and Attitudes of Professional Practice", Technical Assistance Publication Series 21 (TAP
657 21), published by the Substance Abuse and Mental Health Services Administration, United
658 States Department of Health and Human Services, Reprinted 2002;
 - 659 b. Provision of services to special populations such as aging individuals; individuals with co-
660 occurring disorders (e.g., alcoholism and mental illness); individuals with post-traumatic
661 stress disorder [PTSD]; individuals with disabilities; diverse populations; individuals with
662 cultural differences, individuals on probation/parole, etc.;
 - 663 c. Ethics;
 - 664 d. Communicable diseases including tuberculosis, HIV disease, and Hepatitis C; and
 - 665 e. Prevention of sexual harassment;
- 666 2. Complete a minimum of 160 documented hours of supervised AOD training based on the
667 curriculum contained in TAP 21 [as defined in (a) of this regulation] and supervised on-site by
668 an AOD counselor who has been licensed or certified pursuant to this Chapter. As used in this
669 regulation, "supervised" means that the individual supervising the training shall:
 - 670 a. Be physically present and available on site or at an immediately adjacent site, but not
671 necessarily in the same room at all times, and
 - 672 b. Document in the registrant's record that the registrant has completed the supervised
673 training required by this subsection.
- 674 3. Complete an additional 2,080 or more documented hours of paid or unpaid work experience
675 providing counseling services in an AOD program prior to, after, or at the same time as
676 completion of the education required in California Code of Regulations, Title 9, Division 4,
677 Chapter 8, Subchapter 2, Section 13030(a) and the supervised AOD training required in
678 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13030(b).
- 679 4. Obtain a score of at least seventy percent (70%) on a written or oral examination approved by
680 the certifying organization;
- 681 5. Sign a statement documenting whether his/her prior certification as an AOD counselor has
682 ever been revoked; and
- 683 6. Sign an agreement to abide by the certifying organization's code of conduct, developed
684 pursuant to California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2,
685 Section 13060.

686

687

688 **XXIII. LENGTH AND RENEWAL OF AOD COUNSELOR CERTIFICATION**

689 **REFERENCES**

690 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13050 and
691 Section 13055

692

693 **POLICY AND PROCEDURES**

694 It is the policy of MCBH AOD Programs that for any AOD program it operates directly or may
695 operate directly in the future and for its contracted AOD providers to recognize that certification as
696 an AOD counselor shall be valid for two (2) years from the date of certification, unless renewed
697 pursuant to California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3, Section

698 13055 or revoked pursuant to California Code of Regulations, Title 9, Division 4, Chapter 8,
699 Subchapter 2, Section 13065.

700

701 It is also the policy of MCBH AOD Programs to comply with the following:

- 702 1. In order to renew certification, the certifying organization shall require each certified AOD
703 counselor to complete a minimum of forty (40) hours of continuing education, approved by the
704 certifying organization, during each two-year period of certification.
- 705 2. The forty (40) hours of continuing education shall include any combination of the following:
 - 706 a. The curriculum contained TAP 21, as defined in Section 13040;
 - 707 b. Provision of services to special populations including at least aging individuals; individuals
708 with co-occurring disorders (e.g., alcoholism and mental illness); individuals with post
709 traumatic stress disorder [PTSD]); individuals with disabilities; diverse populations;
710 individuals with cultural differences, individuals on probation/parole, etc.;
 - 711 c. Ethics;
 - 712 d. Communicable diseases including tuberculosis, HIV disease and Hepatitis C; and
 - 713 e. Prevention of sexual harassment.
- 714 3. At the certifying organization's discretion, the forty (40) hours of continuing education may also
715 include other topics related to the field of alcoholism and drug abuse such as residential
716 treatment, driving-under-the-influence, etc.
- 717 4. All certifying organizations (listed in California Code of Regulations, Title 9, Division 4, Chapter
718 8, Subchapter 2, Section 13035) shall accept as continuing education hours of training in the
719 areas specified in (2) and (3), provided by any State, county, city, or other governmental
720 agency or by any agency which provides services through a contractual arrangement with a
721 State and/or county agency.
- 722 5. The certifying organization shall document completion of all continuing education hours and
723 the subject matter studied in each certified AOD counselor's record maintained pursuant to
724 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13075.
- 725 6. Prior to renewing certification, the certifying organization shall review the AOD counselor's
726 record to determine if his/her certification has been revoked during the previous certification
727 period.
- 728 7. If previous certification was revoked, the certifying organization shall document in the
729 registrant's file its reasons for granting or denying renewal of certification. Within 48 hours of
730 renewing certification, the certifying organization shall send written notification to the
731 Department that it has renewed certification of an AOD counselor whose previous certification
732 was revoked.
- 733 8. If the certifying organization denies renewal, it shall send the AOD counselor a written notice of
734 denial. The notice shall specify the counselor's right to appeal the denial in accordance with the
735 provisions of California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2,
736 Section 13070.
- 737 9. If the certifying organization decides to renew certification, upon completion of all continuing
738 education requirements and payment of all fees charged by the certifying organization, the
739 certifying organization shall issue a written certificate to the registrant, stating that his/her
740 certification as an AOD counselor has been renewed.
- 741 10. If the AOD counselor's previous certification was revoked, the certifying organization shall deny
742 renewal of certification and shall send the AOD counselor a written notice of denial of renewal.
743 The notice shall specify the AOD counselor's right to appeal the denial in accordance with the
744 procedure established in California Code of Regulations, Title 9, Division 4, Chapter 8,
745 Subchapter 2, Section 13070.

746 11. If certification as an AOD counselor has not been revoked, the certifying organization shall
747 renew the AOD counselor's certification upon documentation of completion of a minimum of
748 forty (40) hours of continuing education and payment of a renewal fee as specified by the
749 certifying organization.

750

751

752 **XXIV. CODE OF CONDUCT**

753 **REFERENCES**

754 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3, Section 13060

755

756 **POLICY AND PROCEDURES**

757 It is the policy of MCBH AOD Programs that any AOD program it operates directly or may operate
758 directly in the future and its contracted AOD providers comply with the following regarding code of
759 conduct of AOD counselors:

- 760 1. Each certifying organization shall require registrants and certified AOD counselors to comply
761 with a code of conduct developed by the certifying organization in compliance with the
762 requirements of this regulation.
- 763 2. At a minimum, the code of conduct shall require registrants and certified AOD counselors to:
 - 764 a. Comply with a code of conduct developed by the certifying organization;
 - 765 b. Protect the participant's, patient's, or resident's rights to confidentiality in accordance with
766 Part 2, Title 42, Code of Federal Regulations;
 - 767 c. Cooperate with complaint investigations and supply information requested during
768 complaint investigations unless such disclosure of information would violate the
769 confidentiality requirements of Subpart 2, Title 42, Code of Federal Regulations.
- 770 3. At a minimum, the code of conduct shall prohibit registrants and certified AOD counselors
771 from:
 - 772 a. Providing counseling services, attending any program services or activities, or being
773 present on program premises while under the influence of any amount of alcohol or illicit
774 drugs. As used in this subsection, "illicit drugs" means any substance defined as a drug in
775 Section 11014, Chapter 1, Division 10, Health and Safety Code, except:
 - 776 i. Drugs or medications prescribed by a physician or other person authorized to
777 prescribe drugs, in accordance with Section 4036, Chapter 9, Division 2, Business and
778 Professions Code, and used in the dosage and frequency prescribed; or
 - 779 ii. Over-the-counter drugs or medications used in the dosage and frequency described
780 on the box, bottle, or package insert.
 - 781 b. Providing services beyond the scope of his/her registration or certification as an AOD
782 counselor, or his/her professional license, if the individual is a licensed professional as
783 defined in California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2,
784 Section 13015;
 - 785 c. Discriminating against program participants, patients, residents, or other staff members,
786 based on race, religion, age, gender, disability, national ancestry, sexual orientation, or
787 economic condition;
 - 788 d. Engaging in social or business relationships for personal gain with program participants,
789 patients, or residents, their family members or other persons who are significant to them;
 - 790 e. Engaging in sexual conduct with current participants, patients, residents, their family
791 members, or other persons who are significant to them;

- 792 f. Verbally, physically, or sexually harassing, threatening, or abusing any participant, patient,
793 resident, their family members, other persons who are significant to them, or other staff
794 members.
- 795 4. At its discretion, the certifying organization may chose to exclude any conviction(s) for usage
796 or possession of drugs or alcohol, which occurred prior to the time of registration for
797 certification as an AOD counselor, as a violation of the code of conduct.
- 798 5. Each certifying organization shall notify registrants and AOD counselors, in writing, of any
799 changes to its code of conduct.
- 800 6. Certifying organizations and AOD programs may impose more stringent standards at their
801 discretion.
- 802
- 803

804 **XXV. INVESTIGATION OF COMPLAINTS, SUSPENSION, AND REVOCATION OF AOD**
805 **COUNSELOR CERTIFICATION**

806 **REFERENCES**

807 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3, Section 13065

808

809 **POLICY AND PROCEDURES**

810 It is the policy of MCBH AOD Programs that any AOD program it operates directly or may operate
811 directly in the future and its contracted AOD providers comply with the following regarding
812 investigation of complaints and suspension/revocation of AOD counselor certification:

- 813 1. Within 24 hours of the time an alleged violations of the code of conduct specified in California
814 Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3, Section 13060 by a
815 registrant or a certified AOD counselor becomes known to MCBH AOD Programs or any of its
816 contracted provider programs, the program shall report it to the California Department of
817 Alcohol and Drug Programs (CA ADP) and to the registrant or counselor's certifying
818 organization. Such report may be made by contacting CA ADP and the certifying organization
819 in person, by telephone, in writing, or by any automated or electronic means, such as e-mail or
820 fax.
- 821 2. The report shall include facts concerning the alleged violation.
- 822 3. CA ADP shall investigate each alleged violation.
- 823 4. Within ninety (90) days of receipt of the request for investigation, CA ADP shall send a written
824 order to the certifying organization specifying what corrective action (if any) it shall take, based
825 on CA ADP's investigation and the severity of the violation.
- 826 5. If CA ADP orders the certifying organization to temporarily suspend or revoke a counselor's
827 certification or registration, the certifying organization shall so inform the counselor and the
828 AOD program employing the counselor or registrant in person or by telephone, with written
829 notification to follow, immediately upon receipt of the written order from CA ADP. The written
830 notification shall inform the counselor or registrant of his/her right to administrative review
831 pursuant to California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3,
832 Section 13070.
- 833 6. The same day that the certifying organization sends written notification to the counselor or
834 registrant, it shall document in its database (pursuant to California Code of Regulations, Title 9,
835 Division 4, Chapter 8, Subchapter 3, Section 13075) the violation alleged, the outcome of the
836 CA ADP's investigation, and what action the certifying organization took based on the CA
837 ADP's investigation.
- 838 7. If CA ADP does not order temporary suspension or revocation, within ten (10) days of receipt
839 of the written order from the CA ADP, the certifying organization shall send written notification

840 to the counselor or registrant and the AOD program employing him/her, informing him/her of
841 the results of the investigation.

842
843

844 **XXVI. MAINTENANCE OF RECORDS**

845 **REFERENCES**

846 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3, Section 13075

847

848 **POLICY AND PROCEDURES**

849 It is the policy of MCBH AOD Programs to utilize each certifying organization's automated
850 electronic database to confirm AOD counselor registration and certification.

851
852

853 **XXVII. MEMBERS OF COUNTY ADVISORY BOARD ON ALCOHOL AND DRUG PROBLEMS**

854 **REFERENCES**

855 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 2, Section 9404

856

857 **POLICY AND PROCEDURES**

858 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
859 (AOD) Programs to ensure that members of the County Advisory Board on Alcohol and Drug
860 Problems shall not serve on other health-related advisory boards.

861
862

863 **XXVIII. EXPENSES RELATED TO THE COUNTY ADVISORY BOARD ON ALCOHOL AND**
864 **DRUG PROBLEMS**

865 **REFERENCES**

866 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 2, Section 9408

867

868 **POLICY AND PROCEDURES**

869 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
870 (AOD) Programs to ensure State-allocated funds and county-match funds shall not be used to
871 compensate members of the County Advisory Board on Alcohol and Drug Problems.

872
873

874 **XXIX. UTILIZING EXISTING COUNTY-OPERATED PROGRAMS AND PRIVATELY**
875 **OPERATED AGENCIES**

876 **REFERENCES**

877 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 4, Section 9416

878

879 **POLICY AND PROCEDURES**

880 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
881 (AOD) Programs to ensure the following:

- 882 1. Preference given to the use of privately operated agencies does not mean that MCBH shall be
883 required to financially assist a given party with the development or the operation of an alcohol
884 and/or drug program or service, although the county may, at its option, provide such
885 assistance.
- 886 2. Prior to developing new MCBH-operated programs, MCBH shall justify in the narrative section
887 of the plan submitted to the California Department of Alcohol and Drug Programs (CA ADP)

888 that no privately operated agency or service of comparable quality or cost is available.

889

890

891 **XXX. CONTRACTS FOR SERVICES**

892 **REFERENCES**

893 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 5, Section 9426

894

895 **POLICY AND PROCEDURES**

896 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
897 (AOD) Programs to ensure the following:

- 898 1. Where a person or agency is providing alcohol or drug services for the County and MCBH, the
899 services shall be provided for through a written contract. The provider of service and the
900 MCBH shall comply with the following provisions:
- 901 a. MCBH shall provide the California Department of Alcohol and Drug Programs (CA
902 ADP) with a copy of the contract between MCBH and the contracted provider as
903 requested. The copy of the contract is for monitoring and auditing purposes as CA
904 ADP does not approve contracts or interagency agreements.
 - 905 b. Contracts utilizing state or federal monies shall be identified in the budget section of
906 the plan.
 - 907 c. Contracts shall specify the reimbursement method and shall include provisions
908 requiring providers to report data consistent with CA ADP standards.
 - 909 d. Reimbursement for services shall not exceed amounts allotted in the contract or the
910 plan without revision or amendment.
 - 911 e. Costs for services provided in the contract shall be consistent with CA ADP cost
912 guidelines.
 - 913 f. Contractors shall be in compliance with all CA ADP regulations.
 - 914 g. Contractors shall maintain accounting records, disclosing all amounts of funds
915 received and disbursed in performance of the contract, statistical data, and supporting
916 documentation. Such records shall be maintained for three years after settlement of
917 the Report of Expenditures and reconcilable to a July 1 through June 30 fiscal year.
 - 918 h. County, state, and federal auditors shall have access to all books and records.
 - 919 i. Contractor may recover remodeling and equipment costs through depreciation.
- 920 2. Contracts which MCBH may utilize in contracting for alcohol and/or drug services shall include,
921 but shall not be limited to, a fee-for-service contract or an actual cost contract.

922

923

924 **XXXI. COST AND STATISTICAL DATA REQUIREMENTS**

925 **REFERENCES**

926 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 5, Section 9432

927

928 **POLICY AND PROCEDURES**

929 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
930 (AOD) Programs to ensure the following:

- 931 1. MCBH shall submit cost and statistical data by prescribed due dates in a form and manner
932 prescribed by the Department. Such cost and statistical data shall include the following:
- 933 a. A plan or plan update meeting the requirements of California Code of Regulations, Title 9,
934 Division 4, Chapter 4, Article 4, Section 9418 by September 15 of each year.

- 935 b. For the current fiscal year, a budget revision within 60 days of any change in state-
936 allocated funds.
937 c. Report of Expenditures by November 1.

938
939

940 **XXXII. FEES FOR ADDITIONAL ALCOHOL AND/OR DRUG SERVICES**

941 **REFERENCES**

942 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 5, Section 9434

943

944 **POLICY AND PROCEDURES**

945 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
946 (AOD) Programs to ensure the following:

- 947 1. Fees paid by or on behalf of persons receiving services shall be used for providing additional
948 alcohol and/or drug services.
949 2. Additional alcohol services are any of the services specified by Division 10.5, Health and
950 Safety Code and shall be described and budgeted in the plan submitted by MCBH to the
951 California Department of Alcohol and Drug Programs (CA ADP).
952 3. Such fees shall be expended in the fiscal year collected or the fiscal year following, subject to
953 the approval of the County Board of Supervisors and CA ADP.
954 4. MCBH will give initial consideration to allocating fees to the collecting provider.

955
956

957 **XXXIII. EQUIPMENT EXPENDITURE**

958 **REFERENCES**

959 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 5, Section 9440 (Title 9, CCR,
960 Div. 4, Ch. 2, Section 9440)

961

962 **POLICY AND PROCEDURES**

963 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
964 (AOD) Programs to restrict equipment expenditure to MCBH-operated programs only. MCBH may
965 lend MCBH-owned equipment to privately operated agencies.

966
967

968 **XXXIV. STATE FUNDS FOR REMODELING AOD PROGRAM FACILITIES**

969 **REFERENCES**

970 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 5, Section 9442

971

972 **POLICY AND PROCEDURES**

973 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
974 (AOD) Programs to restrict use of State funds for remodeling existing structures to MCBH-operated
975 programs only, subject to California Department of Alcohol and Drug Programs (CA ADP)
976 approval.

977
978

979 **XXXV. AOD PROGRAM ACCOUNTING RECORDS**

980 **REFERENCES**

981 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 5, Section 9444

982

983 **POLICY AND PROCEDURES**

984 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
985 (AOD) Programs to maintain accounting records, statistical data, and supporting documentation for
986 three years following settlement of the Report of Expenditure. Records and statistical data shall be
987 reconcilable to a July 1 through June 30 fiscal year.

988

989

990 **XXXVI. LIMITATIONS ON LICENSURE OR CERTIFICATION OF ALIENS FOR ALCOHOL AND**
991 **DRUG PROGRAMS**

992 **REFERENCES**

993 California Code of Regulations, Title 9, Division 4, Chapter 10, Section 14001

994

995 **POLICY AND PROCEDURES**

996 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
997 (AOD) Programs to comply with the limitations on licensure or certification of aliens for alcohol and
998 drug programs set forth in California Code of Regulations, Title 9, Division 4, Chapter 10, Section
999 14001.

1000

1001

1002 **XXXVII. REPORT OF PATIENT DEATH**

1003

1004 **POLICY AND PROCEDURES**

1005 The following guidelines shall be followed by all MCBH AOD Programs and subcontracted
1006 providers. MCBH AOD and its contracted programs shall notify the California Department of
1007 Alcohol and Drug Programs (CA ADP) and MCBH AOD within one working day if a client of the
1008 program dies at the program site.

1009

1010 All MCBH AOD programs and subcontracted providers providing treatment services shall notify
1011 MCBH Program Administrator within one working day if:

- 1012 1. The death of a client, for any reason, when the individual was opened for receipt of
1013 services during time of death
- 1014 2. Client is to be discharged from the program and shall no longer accrue any billing

1015

1016 For all other patient deaths, the program shall submit to CA ADP and MCBH AOD, within 90
1017 calendar days from the date of death, the following:

- 1018 1. A death report which is signed and dated by the medical director to signify concurrence
1019 with the findings; and
- 1020 2. Any other documentation of the death.

1021

1022

1023 **XXXVIII. DATA SUBMISSION/OUTCOMES MANAGEMENT**

1024 **REFERENCES:**

- 1025 • California Health and Safety Code (HSC) Sections 11755 (O) (1, 2, & 9) and (P) and Section
1026 11758.29 (E)
- 1027 • Monterey County Net Negotiated Amount (NNA) Contract, Exhibit B, Sections JJ and KK

1028

1029 **POLICY AND PROCEDURES:**

1030 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs

1031 (AOD) Programs to comply with data submission and outcomes management guidelines set forth
1032 in Monterey County's Net Negotiated Amount (NNA) Contract.

1033

1034 **The California Outcomes Measurement System - Treatment (CalOMS Tx)**

1035 The California Outcomes Measurement System - Treatment (CalOMS Tx) is California's data
1036 collection and reporting system for alcohol and other drug treatment services providers. CalOMS
1037 Tx data is collected by treatment providers and entered into the MCBH electronic medical record
1038 system, Avatar, via the CalOMS Admission, Discharge, and Update Screens.

1039

1040 Subcontracted providers monitor their adherence to the CalOMS protocol via the Avatar report
1041 "601 CalOMS Anomalies." This report outlines omissions of CalOMS data and subcontracted
1042 providers are expected to review an updated version of this report on a monthly basis in order to
1043 correct any anomalies.

1044

1045 The specific procedures regarding the correction of CalOMS anomalies are as follows:

- 1046 1. By the last day of service month, MCBH AOD subcontracted providers shall run a CalOMS
1047 Anomalies report and complete data entry of any missing CalOMS admission and/or
1048 discharge information.
- 1049 2. By the fifth day of the following service month, MCBH Information Technology (IT) staff shall:
1050 a. generate a test compile of Cal OMS monthly data and run the CalOMS Anomalies
1051 Report;
1052 b. inform contract providers of any errors from the data compile and any outstanding items
1053 from the CalOMS Anomalies Report.
- 1054 3. By the ninth day of the following service month, contract providers shall complete correction
1055 of errors.
- 1056 4. By the 10th day of the following service month, MCBH IT staff shall:
1057 a. generate a 2nd test compile of CalOMS monthly data and run the CalOMS Anomalies
1058 Report;
1059 b. review the results of the 2nd test compile of CalOMS monthly data and the CalOMS
1060 Anomalies Report;
1061 c. compile the final CalOMS data and submit to ADP;
1062 d. report any outstanding errors not completed by providers to County AOD Administrator.

1063

1064 Each participant's initial admission to the facility and any subsequent transfers or changes in
1065 service is reported on a separate CalOMS Tx admission. If a participant remains in treatment for
1066 one year or longer, CalOMS Tx annual update data must be collected and reported. When a
1067 participant leaves treatment, be it because s/he completed treatment or because s/he discontinues
1068 treatment without notice, CalOMS Tx discharge data must be collected and submitted to California
1069 Department of Alcohol and Drug Programs (CA ADP).

1070

1071 Data must be collected on all service recipients, by all providers that receive funding from ADP,
1072 regardless of the source of funds used for the service recipient. For example, if a provider receives
1073 ADP funding, but provides services to a person using only county funds or provides services to a
1074 private-pay client, the provider must still collect and submit CalOMS Tx data for that individual.

1075

1076 Facilities Required to Report CalOMS Tx Data:

- 1077 1. Community AOD treatment service providers required to report CalOMS Tx data to ADP
1078 are identified by the type of services provided in the facility and by the type of funds
1079 allocated by ADP to support those services. Per California Health and Safety Code (HSC)
1080 Sections 11755 (O) (1, 2, & 9) and (P) and Section 11758.29 (E), provider facilities that
1081 provide the following services must report CalOMS Tx data to ADP:

- 1082 • Alcohol services that include non-residential recovery or treatment, detoxification, recovery
1083 homes, residential treatment.
1084 • Drug treatment services that include outpatient treatment services, day care, narcotic
1085 replacement therapy including methadone maintenance, buprenorphine, detoxification,
1086 residential, hospitals, and all licensed methadone providers, whether publicly or privately
1087 funded.
1088 2. Facilities that receive funding from ADP for the services listed above must report data on
1089 all participants, regardless of the source of funding for individual participants.
1090 3. Facilities that receive funding from Monterey County for SACPA treatment services must
1091 report data on all participants. However, if the ONLY funding the facility receives from ADP
1092 is SACPA funding, and the facility is not a narcotic treatment program (NTP), then the
1093 facility only reports on SACPA program participants.
1094 4. Mental health centers and other facilities that do not receive ADP funds and occasionally
1095 serve participants who have a substance abuse problem may participate in CalOMS Tx, if
1096 directed to do so by the MCBH AOD program administrator.
1097

1098 **Facilities Exempt from CalOMS Tx Reporting:**

- 1099 1. Facilities that provide AOD service other than those listed in Section 2.1, such as education
1100 and prevention activities
1101 2. Driving Under the Influence (DUI) / Driving While Intoxicated (DWI) programs
1102 3. Transitional living or sober living centers
1103 4. Neighborhood recovery drop-in centers
1104

1105 **Type of Program Beneficiary (Client) to Report in CalOMS Tx:**

1106 Before CalOMS Tx questions are collected, a client must have:

- 1107 1. An AOD-related problem
1108 2. Given his/her consent to participate in treatment, if applicable
1109 3. Completed screening and admission procedures
1110 4. Completed an individual treatment or recovery plan
1111 5. Been formally admitted to an AOD program facility for treatment or recovery services
1112 (treatment services must have commenced).
1113

1114 **Type of Client to Exclude from CalOMS Tx Reporting:**

1115 Do not report CalOMS Tx data for individuals who:

- 1116 1. Have completed a screening and/or intake process, but have not been admitted
1117 2. Have been placed on a waiting list and have not yet been admitted
1118 3. Have received crisis counseling services only
1119 4. Have been admitted into a DUI/DWI program and are not receiving any other AOD
1120 services
1121 5. Are program alumni continuing involvement with the program
1122 6. Are attending self-help group meetings without receiving other AOD services.
1123

1124 **Drug and Treatment Access Report (DATAR)**

1125 Drug and Alcohol Treatment Access Report (DATAR) is the ADP system to collect data on Alcohol
1126 and Other Drug (AOD) treatment capacity and waiting lists.
1127

1128 DATAR provides essential information about the capacity of California's publicly-funded AOD
1129 treatment system to meet the demand for services. In the past, DATAR information has supported

1130 requests for increased government funding. When the Substance Abuse and Crime Prevention Act
1131 (Proposition 36) was implemented in July 2001, DATAR became ready to monitor the expected
1132 increases in public AOD treatment capacity and demand.

1133

1134 Treatment providers that receive state or federal funding through Monterey County as well all
1135 licensed Narcotic Treatment programs must send DATAR information to ADP each month. This
1136 has information on the program's capacity to provide different types of AOD treatment to clients
1137 and how much of the capacity was utilized that month. If the provider has a waiting list for publicly-
1138 funded AOD treatment services, DATAR includes summary information about the people on the
1139 waiting list.

1140

1141 MCBH will:

- 1142 • Be responsible for ensuring that all treatment providers who are required to report CalOMS
1143 Treatment client data, submit a monthly DATAR report in an electronic copy format as
1144 provided by the State.
- 1145 • Ensure that all DATAR reports are submitted to the State by the 10th of the month
1146 following the report activity month.
- 1147 • Ensure that all applicable providers are enrolled in the State's web-based DATARWeb
1148 program for submission of data, accessible on the ADP website.
- 1149 • If MCBH implements and maintains, either directly or indirectly, a central intake unit or
1150 equivalent which provides intake services including a waiting list, MCBH shall identify and
1151 begin submitting monthly DATAR reports for the central intake unit by a date to be
1152 specified by the State.
- 1153 • Considered compliant if a minimum of 95% of required DATAR reports from the
1154 Contractor's treatment providers are received by the due date.