



COUNTY OF MONTEREY HEALTH DEPARTMENT

Elsa Jimenez, Director of Health

Administration Clinic Services
Behavioral Health Emergency Medical Services Public Health
Environmental Health/Animal Services Public Administrator/Public Guardian

Policy Number	700
Policy Title	Alcohol and Other Drug (AOD) Programs
References	See each specific subsection for applicable references
Effective	May 22, 2014 July 27, 2017

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 Compliant 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](#)
- 53 XXXIX. [Victims of Trafficking and Violence Protection Act of 2000](#)
- 54 XL. [Drug Medi-Cal Certification and Continued Certification](#)
- 55 XLI. [Confidentiality Statements](#)

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59 **I. NONDISCRIMINATION**

60 **REFERENCES:**

- 61 • Title VI of the Civil Rights Act of 1964
- 62 • Title VII of the Civil Rights Act of 1964
- 63 • Title VIII of the Civil Rights Act of 1968 (Title 42, United States Code, Sections
64 3601 et seq.)
- 65 • Executive Order 11246 (Title 42, United States Code, Section 2000(e) and Title
66 41, Code of Federal Regulations, Part 60)
- 67 • Executive Order 11375
- 68 • Executive Order 13166
- 69 • Equal Pay Act of 1963
- 70 • Age Discrimination in Employment Act of 1967 (Title 29, Code of Federal
71 Regulations, Sections 621-634)
- 72 • Age Discrimination in Employment Act (Title 29, Code of Federal Regulations,
73 Section 1630)
- 74 • Age Discrimination Act of 1975 (Title 45, Code of Federal Regulations, Part 90 &
75 Title 42, United States Code, Sections 6101 – 6107)
- 76 • Equal Employment Opportunity Act of 1972
- 77 • Rehabilitation Act of 1973 (Section 504, as amended by Title 29, United States
78 Code, Section 794)
- 79 • Vietnam Era Veteran's Readjustment Assistance Act of 1974

- 80 • Pregnancy Discrimination
- 81 • Americans with Disability Act of 1990 (Title 42, United States Code, Sections
- 82 12111-12117, 12131-12165, 12181-12189, 12201-12213 and Title 47, United
- 83 States Code, Section 225).
- 84 • The Drug Abuse Office and Treatment Act of 1972, as amended
- 85 • The Comprehensive Alcohol Abuse and Alcoholism Prevention, and Treatment Act
- 86 of 1970, as amended
- 87 • Family and Medical Leave Act
- 88 • Title II of the Genetic Information Nondiscrimination Act of 2008
- 89 • California Fair Employment and Housing Act (California Government Code,
- 90 Section 12900 et seq. & California Administrative Code, Title 2, Section 7285.0)
- 91 • California Family Rights Act
- 92 • Pregnancy Disability Leave Law
- 93 • California Equal Pay Law
- 94 • Unruh Civil Rights Act
- 95 • Title 2, California Government Code, Division 3, Section 9.5, Section 11135
- 96 • Title 9, California Code of Regulations, Division 4, Chapter 6, Section 10800
- 97 • County of Monterey, Board of Behavioral Health Resolution No. 90-525, adopted
- 98 September 25, 1990
- 99 • County of Monterey Equal Opportunity for Persons with Disabilities and
- 100 Reasonable Accommodation Policy
- 101 • Monterey County Diversity Policy
- 102 • Monterey County Personnel Policy/Procedure - Policy on HIV Infection/HIV
- 103 Disease/ AIDS in the Workplace, dated October 17, 1988
- 104 • Monterey County Equal Opportunity Office Customer Service Policy
- 105 • County of Monterey Discrimination Complaint Ordinance, Monterey County Code,
- 106 Title 2, Chapter 2.80
- 107 • Monterey County Net Negotiated Amount (NNA) Contract, Exhibit B, Sections P and Q

109 **POLICY AND PROCEDURES:**

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

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

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 125 For copies of and additional information regarding these policies, visit

126 <http://www.co.monterey.ca.us/egopp/policies-laws.asp> or contact the Monterey County Equal
127 Opportunity Office at 831-755-5117

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

131 **REFERENCES**

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

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134 **POLICY AND PROCEDURES**

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

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

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150 **III. ACCESS TO COMPLIANCE INFORMATION RELATING TO NONDISCRIMINATORY**
151 **PRACTICES**

152 **REFERENCES**

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

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155 **POLICY AND PROCEDURES**

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

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

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169 **IV. INFORMATION TO THE PUBLIC AND BENEFICIARIES REGARDING**
170 **NONDISCRIMINATORY PRACTICES**

171 **REFERENCES**

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

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174 **POLICY AND PROCEDURES**

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

178 Each licensee shall make available to beneficiaries and other interested persons information
179 regarding the provisions of California Code of Regulations, Title 9, Division 4, Chapter 6 and its
180 applicability to beneficiaries and its program or activity including the procedures for filing a
181 complaint.

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184 **V. DESIGNATING AN EMPLOYEE TO HANDLE INQUIRIES AND COMPLAINTS**
185 **REGARDING NONDISCRIMINATORY PRACTICES**

186 **REFERENCES**

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

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189 **POLICY AND PROCEDURES**

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

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195 **VI. FAMILIARIZING EMPLOYEES OF AOD PROGRAMS REGARDING NON-**
196 **DISRIMINATORY PRACTICES**

197 **REFERENCES**

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

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200 **POLICY AND PROCEDURES**

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

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210 **VII. NONCOMPLIANCE WITH NONDISCRIMINATORY PRACTICES**

211 **REFERENCES**

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

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214 **POLICY AND PROCEDURES**

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

220 ADP) and MCBH AOD.

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223 **VIII. INFORMAL COMPLAINT PROCESS**

224 **REFERENCES**

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

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227 **POLICY AND PROCEDURES**

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

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

238 **REFERENCES**

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

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241 **POLICY AND PROCEDURES**

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

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

253 **REFERENCES**

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

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256 **POLICY AND PROCEDURES**

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

- 261 1. If informal resolution does not occur within 60 days after the filing of a complaint pursuant to
262 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10906, the
263 complainant may file the complaint, a summary of the attempts at informal resolution, and any
264 other relevant documents with the CA ADP for further action. Complaints shall be submitted to
265 the CA ADP within 30 days after the failure to reach informal resolution between the licensee
266 and the complainant.

267 2. Within ten working days after receipt of a complaint, CA ADP shall acknowledge receipt to the
268 complainant and request the licensee to forward all files, records, or other documents with
269 respect to the matter to the CA ADP.
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272 **XI. INVESTIGATION BY THE CALIFORNIA DEPARTMENT OF ALCOHOL AND DRUG**
273 **PROGRAMS**

274 **REFERENCES**

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

277 **PURPOSE**

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

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

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

307 **REFERENCES**

308 California Code of Regulations, Title 9, Division 4, Chapter 6, Article 10, Section 10916
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310 **POLICY AND PROCEDURES**

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

- 315 1. The evidence compilation process referred to in California Code of Regulations, Title 9,
316 Division 4, Chapter 6, Article 10, Section 10914 shall be completed no later than 180 days from
317 the date that a complaint was filed with the licensee or from the date when CA ADP otherwise
318 had reasonable cause to believe that a violation of California Code of Regulations, Title 9,
319 Division 4, Chapter 6, Article 10 had occurred, whichever comes first.
- 320 2. At any time prior to the expiration of such 180-day time period for compilation of evidence, the
321 CA ADP may informally resolve the complaint. Any such resolution may (if CA ADP determines
322 that the substantial nature of the matters involved, the scope of the problems presented, or the
323 probability that the facts which gave rise to the matter will recur) be set forth in a written
324 conciliation agreement which the complainant has had an opportunity to review at least 20
325 days prior to the execution of such agreement by the CA ADP and the licensee.

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328 **XIII. RETALIATORY ACTION PROHIBITED**

329 **REFERENCES**

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

332 **PURPOSE**

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

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339 **POLICY AND PROCEDURES**

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

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349 **XIV. ACCESSIBILITY OF SERVICE REQUIREMENTS**

350 **REFERENCES:**

- 351 • Americans with Disability Act (ADA)
352 • Section 504 of the Rehabilitation Act of 1973
353 • Title 45, Code of Federal Regulations (CFR), Part 84
354 • Title 24, California Code of Regulations (CCR), Part 2
355 • Unruh Civil Rights Act, California Civil Code (CCC) Sections 51 through 51.3
356 • California Department of Alcohol and Drug Programs (CA ADP) Bulletin 09-05 (ADP Bulletin
357 09-05)

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359 **PURPOSE:**

360 The purpose of this section of Monterey County Behavioral Health Policy 700 - Alcohol and Other
361 Drugs (AOD) Programs is to ensure that Monterey County Behavioral Health (MCBH) and its

362 Alcohol and Other Drugs (AOD) Programs provide full and equal access to services for persons
363 with disabilities in compliance with all federal, state, and local laws and regulations.

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365 **POLICY AND PROCEDURES:**

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

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

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

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388 **XV. CONFIDENTIALITY OF CLIENT TREATMENT RECORDS**

389 **REFERENCES:**

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

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409 **POLICY AND PROCEDURES:**

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

415 http://www.mtyhd.org/01/wp-content/uploads/2014/09/303_Medical_Record_Confidentiality.pdf

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417 **XVI. CULTURAL COMPETENCY**

418 **REFERENCES:**

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

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425 **PURPOSE:**

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

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430 **POLICY AND PROCEDURES:**

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

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

- 440 1. Comply with guidelines and standards established in Monterey County Behavioral Health
- 441 Policy and Procedure 451 - Cultural and Linguistic Services
- 442 2. Ensure that beneficiaries receive from all staff effective, understandable, and respectful
- 443 care that is provided in a manner compatible with their cultural health beliefs and practices
- 444 and preferred language.
- 445 3. Implement a strategy to recruit, retain and promote at all levels of MCBH and its AOD
- 446 Programs qualified, diverse staff and leadership that are representative of the
- 447 demographic characteristics of the service area.
- 448 4. Ensure that staff at all levels and across all disciplines receives ongoing education and
- 449 training in culturally and linguistically appropriate service delivery.
- 450 5. Offer and provide language assistance services, including bilingual staff and interpreter
- 451 services, at no cost to each beneficiary with limited English proficiency at all points of
- 452 contact, in a timely manner during all hours of operation.
- 453 6. Provide beneficiaries in their preferred language both verbal offers and written notices
- 454 informing them of their right to receive language assistance services.
- 455 7. Assure the competence of language assistance provided to limited English proficient
- 456 beneficiaries by interpreters and bilingual staff. Family and friends should not be used to

- 457 provide interpretation services (except on request by the beneficiary).
458 8. Make available easily understood beneficiary-related materials and post signage in the
459 languages of the commonly encountered groups and/or groups represented in the service
460 area.
461 9. Develop, implement, and promote a written strategic plan that outlines clear goals,
462 policies, operational plans, and management accountability/oversight mechanisms to
463 provide culturally and linguistically appropriate services.
464 10. Conduct initial and ongoing organizational self-assessments of culturally and linguistically
465 appropriate service activities and integrate cultural and linguistic competence-related
466 measures into internal audits, performance improvement programs, beneficiary satisfaction
467 assessments, and outcome-based evaluations.
468 11. Ensure that beneficiaries' race, ethnicity, and spoken and written language are collected in
469 health records, integrated into MCBH's and its AOD Program's management information
470 systems, and periodically updated.
471 12. Maintain a current demographic, cultural, and epidemiological profile of the community as
472 well as a needs assessment to accurately plan for and implement services that respond to
473 the cultural and linguistic characteristics of the service area.
474 13. Develop participatory, collaborative partnerships with communities and utilize a variety of
475 formal and informal mechanisms to facilitate community and beneficiary involvement in
476 designing culturally and linguistically appropriate activities.
477 14. Ensure that conflict and grievance resolution processes are culturally and linguistically
478 sensitive and capable of identifying, preventing, and resolving cross-cultural conflicts or
479 complaints by beneficiaries.
480 15. Regularly make available to the public information about their progress and successful
481 innovations in implementing culturally and linguistically appropriate service standards and
482 to provide public notice in their communities about the availability of this information.
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485 **XVII. CONTINUING EDUCATION FOR EMPLOYEES**

486 **REFERENCES:**

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

496 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
497 (AOD) Programs to comply with continuing education standards in treatment services and/or
498 prevention activities set forth in the following: Title 45, Code of Federal Regulations, Part 96,
499 Section 96.132(b) (45 CFR 96.132b); Title 42, Code of Federal Regulations, Part 54, Section 54.13
500 (45 CFR 54.13); and Title 9, California Code of Regulations (CCR), Division 4, Chapter 8
501

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

- 503 1. Make available continuing education regarding treatment services and/or
504 prevention activities to employees who provide the services or activities. A

- 505 schedule of available Monterey County Health Department sponsored trainings will
506 be posted on a regular basis as part of this effort.
- 507 2. Ensure compliance with AOD counselor registration, certification, and continuing
508 education standards set forth in Title 9, California Code of Regulations (CCR),
509 Division 4, Chapter 8. These standards include, but are not limited to, the
510 following:
 - 511 a. Within six (6) months of the date of hire, all non-licensed or non-certified
512 individuals providing counseling services in an AOD program must be registered to
513 obtain certification as an AOD counselor by one of the approved certifying
514 organizations (Title 9, CCR, Division 4, Chapter 8, Section 13035(f)).
 - 515 b. Registrants are required to complete certification as an AOD counselor within five
516 years from the date of registration (Title 9, CCR, Division 4, Chapter 8, Section
517 13035(f)(1)).
 - 518 c. Certified individuals are required to provide documentation of completion of a
519 minimum of forty (40) hours of continuing education and payment of a renewal fee
520 to their certifying organization in order to renew their AOD certification during each
521 two-year period (Title 9, CCR, Division 4, Chapter 8, Section 13050(l)).
 - 522 3. Ensure that all AOD licensed clinicians and certified counselors employed by
523 MCBH and its subcontracted providers comply with the education and training
524 standards of their licensing entities and certifying organizations.
 - 525 4. Make available in a timely manner all documentation regarding staff licensure,
526 certification, registration, and continuing education upon the request of audit staff
527 from MCBH, the State, and the Federal government.

528
529

530 **XVIII. REQUIREMENTS FOR CERTIFICATION OF LICENSED PROFESSIONALS IN AOD**
531 **PROGRAMS**

532 **REFERENCES**

533 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13015
534

535 **POLICY AND PROCEDURES**

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

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

- 553 b. Such continuing education shall be based on the curriculum described in Section 13055
554 and shall be provided or approved by the AOD program employing the licensed
555 professional or one of the certifying organizations specified in Section 13035.
556 c. Licensed professionals shall be required to complete 36 hours of continuing education
557 during every two year period of licensure; however, at the discretion of the employing AOD
558 program, the continuing education units required by the licensed professional's licensing
559 board shall satisfy this requirement.

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

563 **REFERENCES**

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

565
566 **POLICY AND PROCEDURES**

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

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

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

581 **REFERENCES**

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

583
584 **POLICY AND PROCEDURES**

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

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

- 601 c. The certifying organization determines to its satisfaction that the standards by which the
602 other state or certifying organization granted licensure or certification were the same as or
603 more stringent than the standards contained in this Chapter.
- 604 2. The registrant/certified AOD counselor shall comply with all the requirements of California
605 Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3 (commencing with Section
606 13040).
- 607 3. This regulation shall not prohibit any certifying organization from establishing additional terms
608 and conditions for certification by reciprocity, so long as those terms and conditions do not
609 conflict with the provisions of this California Code of Regulations, Title 9, Division 4, Chapter 8.
- 610 4. This regulation shall not require any certifying organization to grant certification by reciprocity.

611
612

613 **XXI. CERTIFYING ORGANIZATIONS**

614 **REFERENCES**

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

616

617 **POLICY AND PROCEDURES**

618 MCBH AOD Programs shall only accept registration and certification of AOD counselor from
619 certifying organizations recognized by the California Department of Alcohol and Drug Programs
620 (CA ADP). The current list of recognized certifying organizations can be obtained by either
621 contacting CA ADP directly by telephone or on the CA ADP Website at

622 <http://www.dhcs.ca.gov/provgovpart/Pages/CounselorCertificationOrganizations.aspx>

623

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

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

646 **REFERENCES**

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

648

649 **POLICY AND PROCEDURES**

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

653

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

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

689

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

692 **REFERENCES**

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

695

696 **POLICY AND PROCEDURES**

697 It is the policy of MCBH AOD Programs that for any AOD program it operates directly or may
698 operate directly in the future and for its contracted AOD providers to recognize that certification as
699 an AOD counselor shall be valid for two (2) years from the date of certification, unless renewed
700 pursuant to California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3, Section
701 13055 or revoked pursuant to California Code of Regulations, Title 9, Division 4, Chapter 8,
702 Subchapter 2, Section 13065.

703

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

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

- 744 10. If the AOD counselor's previous certification was revoked, the certifying organization shall deny
745 renewal of certification and shall send the AOD counselor a written notice of denial of renewal.
746 The notice shall specify the AOD counselor's right to appeal the denial in accordance with the
747 procedure established in California Code of Regulations, Title 9, Division 4, Chapter 8,
748 Subchapter 2, Section 13070.
- 749 11. If certification as an AOD counselor has not been revoked, the certifying organization shall
750 renew the AOD counselor's certification upon documentation of completion of a minimum of
751 forty (40) hours of continuing education and payment of a renewal fee as specified by the
752 certifying organization.

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755 **XXIV. CODE OF CONDUCT**

756 **REFERENCES**

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

758

759 **POLICY AND PROCEDURES**

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

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

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

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807 **XXV. INVESTIGATION OF COMPLAINTS, SUSPENSION, AND REVOCATION OF AOD**
808 **COUNSELOR CERTIFICATION**

809 **REFERENCES**

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

811

812 **POLICY AND PROCEDURES**

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

- 816 1. Within 24 hours of the time an alleged violations of the code of conduct specified in California
817 Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3, Section 13060 by a
818 registrant or a certified AOD counselor becomes known to MCBH AOD Programs or any of its
819 contracted provider programs, the program shall report it to the California Department of
820 Alcohol and Drug Programs (CA ADP) and to the registrant or counselor's certifying
821 organization. Such report may be made by contacting CA ADP and the certifying organization
822 in person, by telephone, in writing, or by any automated or electronic means, such as e-mail or
823 fax.
- 824 2. The report shall include facts concerning the alleged violation.
- 825 3. CA ADP shall investigate each alleged violation.
- 826 4. Within ninety (90) days of receipt of the request for investigation, CA ADP shall send a written
827 order to the certifying organization specifying what corrective action (if any) it shall take, based
828 on CA ADP's investigation and the severity of the violation.
- 829 5. If CA ADP orders the certifying organization to temporarily suspend or revoke a counselor's
830 certification or registration, the certifying organization shall so inform the counselor and the
831 AOD program employing the counselor or registrant in person or by telephone, with written
832 notification to follow, immediately upon receipt of the written order from CA ADP. The written
833 notification shall inform the counselor or registrant of his/her right to administrative review
834 pursuant to California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3,
835 Section 13070.
- 836 6. The same day that the certifying organization sends written notification to the counselor or
837 registrant, it shall document in its database (pursuant to California Code of Regulations, Title 9,
838 Division 4, Chapter 8, Subchapter 3, Section 13075) the violation alleged, the outcome of the

839 CA ADP's investigation, and what action the certifying organization took based on the CA
840 ADP's investigation.
841 7. If CA ADP does not order temporary suspension or revocation, within ten (10) days of receipt
842 of the written order from the CA ADP, the certifying organization shall send written notification
843 to the counselor or registrant and the AOD program employing him/her, informing him/her of
844 the results of the investigation.

845
846

847 **XXVI. MAINTENANCE OF RECORDS**

848 **REFERENCES**

849 California Code of Regulations, Title 9, Division 4, Chapter 8, Subchapter 3, Section 13075
850

851 **POLICY AND PROCEDURES**

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

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

857 **REFERENCES**

858 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 2, Section 9404
859

860 **POLICY AND PROCEDURES**

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

864
865

866 **XXVIII. EXPENSES RELATED TO THE COUNTY ADVISORY BOARD ON ALCOHOL AND**
867 **DRUG PROBLEMS**

868 **REFERENCES**

869 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 2, Section 9408
870

871 **POLICY AND PROCEDURES**

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

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876

877 **XXIX. UTILIZING EXISTING COUNTY-OPERATED PROGRAMS AND PRIVATELY**
878 **OPERATED AGENCIES**

879 **REFERENCES**

880 California Code of Regulations, Title 9, Division 4, Chapter 2, Article 4, Section 9416
881

882 **POLICY AND PROCEDURES**

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

- 885 1. Preference given to the use of privately operated agencies does not mean that MCBH shall be
886 required to financially assist a given party with the development or the operation of an alcohol

887 and/or drug program or service, although the county may, at its option, provide such
888 assistance.
889 2. Prior to developing new MCBH-operated programs, MCBH shall justify in the narrative section
890 of the plan submitted to the California Department of Alcohol and Drug Programs (CA ADP)
891 that no privately operated agency or service of comparable quality or cost is available.

892

893

894 **XXX. CONTRACTS FOR SERVICES**

895 **REFERENCES**

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

897

898 **POLICY AND PROCEDURES**

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

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

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

928 **REFERENCES**

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

930

931 **POLICY AND PROCEDURES**

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

- 934 1. MCBH shall submit cost and statistical data by prescribed due dates in a form and manner
935 prescribed by the Department. Such cost and statistical data shall include the following:
936 a. A plan or plan update meeting the requirements of California Code of Regulations, Title 9,
937 Division 4, Chapter 4, Article 4, Section 9418 by September 15 of each year.
938 b. For the current fiscal year, a budget revision within 60 days of any change in state-
939 allocated funds.
940 c. Report of Expenditures by November 1.

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942
943 **XXXII. FEES FOR ADDITIONAL ALCOHOL AND/OR DRUG SERVICES**

944 **REFERENCES**

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

946
947 **POLICY AND PROCEDURES**

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

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

958
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960 **XXXIII. EQUIPMENT EXPENDITURE**

961 **REFERENCES**

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

964
965 **POLICY AND PROCEDURES**

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

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

972 **REFERENCES**

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

974
975 **POLICY AND PROCEDURES**

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

980

981

982 **XXXV. AOD PROGRAM ACCOUNTING RECORDS**

983 **REFERENCES**

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

985

986 **POLICY AND PROCEDURES**

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

991

992

993 **XXXVI. LIMITATIONS ON LICENSURE OR CERTIFICATION OF ALIENS FOR ALCOHOL AND**
994 **DRUG PROGRAMS**

995 **REFERENCES**

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

997

998 **POLICY AND PROCEDURES**

999 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
1000 (AOD) Programs to comply with the limitations on licensure or certification of aliens for alcohol and
1001 drug programs set forth in California Code of Regulations, Title 9, Division 4, Chapter 10, Section
1002 14001.

1003

1004

1005 **XXXVII. REPORT OF PATIENT DEATH**

1006

1007 **POLICY AND PROCEDURES**

1008 The following guidelines shall be followed by all MCBH AOD Programs and subcontracted
1009 providers. MCBH AOD and its contracted programs shall notify the California Department of
1010 Alcohol and Drug Programs (CA ADP) and MCBH AOD within one working day if a client of the
1011 program dies at the program site.

1012

1013 All MCBH AOD programs and subcontracted providers providing treatment services shall notify
1014 MCBH Program Administrator within one working day if:

1015 1. The death of a client, for any reason, when the individual was opened for receipt of
1016 services during time of death

1017 2. Client is to be discharged from the program and shall no longer accrue any billing

1018

1019 For all other patient deaths, the program shall submit to CA ADP and MCBH AOD, within 90
1020 calendar days from the date of death, the following:

1021 1. A death report which is signed and dated by the medical director to signify concurrence
1022 with the findings; and

1023 2. Any other documentation of the death.

1024

1025

1026 **XXXVIII. DATA SUBMISSION/OUTCOMES MANAGEMENT**

1027 **REFERENCES:**

- 1028 • California Health and Safety Code (HSC) Sections 11755 (O) (1, 2, & 9) and (P) and Section
1029 11758.29 (E)

1030 • Monterey County Net Negotiated Amount (NNA) Contract, Exhibit B, Sections JJ and KK
1031

1032 **POLICY AND PROCEDURES:**

1033 It is the policy of Monterey County Behavioral Health (MCBH) and its Alcohol and Other Drugs
1034 (AOD) Programs to comply with data submission and outcomes management guidelines set forth
1035 in Monterey County's Net Negotiated Amount (NNA) Contract.
1036

1037 **The California Outcomes Measurement System - Treatment (CalOMS Tx)**

1038 The California Outcomes Measurement System - Treatment (CalOMS Tx) is California's data
1039 collection and reporting system for alcohol and other drug treatment services providers. CalOMS
1040 Tx data is collected by treatment providers and entered into the MCBH electronic medical record
1041 system, Avatar, via the CalOMS Admission, Discharge, and Update Screens.
1042

1043 Subcontracted providers monitor their adherence to the CalOMS protocol via the Avatar report
1044 "601 CalOMS Anomalies." This report outlines omissions of CalOMS data and subcontracted
1045 providers are expected to review an updated version of this report on a monthly basis in order to
1046 correct any anomalies.
1047

1048 The specific procedures regarding the correction of CalOMS anomalies are as follows:

- 1049 1. By the last day of service month, MCBH AOD subcontracted providers shall run a CalOMS
1050 Anomalies report and complete data entry of any missing CalOMS admission and/or
1051 discharge information.
- 1052 2. By the fifth day of the following service month, MCBH Information Technology (IT) staff shall:
1053 a. generate a test compile of Cal OMS monthly data and run the CalOMS Anomalies
1054 Report;
1055 b. inform contract providers of any errors from the data compile and any outstanding items
1056 from the CalOMS Anomalies Report.
- 1057 3. By the ninth day of the following service month, contract providers shall complete correction
1058 of errors.
- 1059 4. By the 10th day of the following service month, MCBH IT staff shall:
1060 a. generate a 2nd test compile of CalOMS monthly data and run the CalOMS Anomalies
1061 Report;
1062 b. review the results of the 2nd test compile of CalOMS monthly data and the CalOMS
1063 Anomalies Report;
1064 c. compile the final CalOMS data and submit to ADP;
1065 d. report any outstanding errors not completed by providers to County AOD Administrator.
1066

1067 Each participant's initial admission to the facility and any subsequent transfers or changes in
1068 service is reported on a separate CalOMS Tx admission. If a participant remains in treatment for
1069 one year or longer, CalOMS Tx annual update data must be collected and reported. When a
1070 participant leaves treatment, be it because s/he completed treatment or because s/he discontinues
1071 treatment without notice, CalOMS Tx discharge data must be collected and submitted to California
1072 Department of Alcohol and Drug Programs (CA ADP).
1073

1074 Data must be collected on all service recipients, by all providers that receive funding from ADP,
1075 regardless of the source of funds used for the service recipient. For example, if a provider receives
1076 ADP funding, but provides services to a person using only county funds or provides services to a
1077 private-pay client, the provider must still collect and submit CalOMS Tx data for that individual.
1078

1079 Facilities Required to Report CalOMS Tx Data:

- 1080 1. Community AOD treatment service providers required to report CalOMS Tx data to ADP
1081 are identified by the type of services provided in the facility and by the type of funds
1082 allocated by ADP to support those services. Per California Health and Safety Code (HSC)
1083 Sections 11755 (O) (1, 2, & 9) and (P) and Section 11758.29 (E), provider facilities that
1084 provide the following services must report CalOMS Tx data to ADP:
- 1085 • Alcohol services that include non-residential recovery or treatment, detoxification, recovery
1086 homes, residential treatment.
 - 1087 • Drug treatment services that include outpatient treatment services, day care, narcotic
1088 replacement therapy including methadone maintenance, buprenorphine, detoxification,
1089 residential, hospitals, and all licensed methadone providers, whether publicly or privately
1090 funded.
- 1091 2. Facilities that receive funding from ADP for the services listed above must report data on
1092 all participants, regardless of the source of funding for individual participants.
- 1093 3. Facilities that receive funding from Monterey County for SACPA treatment services must
1094 report data on all participants. However, if the ONLY funding the facility receives from ADP
1095 is SACPA funding, and the facility is not a narcotic treatment program (NTP), then the
1096 facility only reports on SACPA program participants.
- 1097 4. Mental health centers and other facilities that do not receive ADP funds and occasionally
1098 serve participants who have a substance abuse problem may participate in CalOMS Tx, if
1099 directed to do so by the MCBH AOD program administrator.

1100

1101 **Facilities Exempt from CalOMS Tx Reporting:**

- 1102 1. Facilities that provide AOD service other than those listed in Section 2.1, such as education
1103 and prevention activities
- 1104 2. Driving Under the Influence (DUI) / Driving While Intoxicated (DWI) programs
- 1105 3. Transitional living or sober living centers
- 1106 4. Neighborhood recovery drop-in centers

1107

1108 **Type of Program Beneficiary (Client) to Report in CalOMS Tx:**

1109 Before CalOMS Tx questions are collected, a client must have:

- 1110 1. An AOD-related problem
- 1111 2. Given his/her consent to participate in treatment, if applicable
- 1112 3. Completed screening and admission procedures
- 1113 4. Completed an individual treatment or recovery plan
- 1114 5. Been formally admitted to an AOD program facility for treatment or recovery services
1115 (treatment services must have commenced).

1116

1117 **Type of Client to Exclude from CalOMS Tx Reporting:**

1118 Do not report CalOMS Tx data for individuals who:

- 1119 1. Have completed a screening and/or intake process, but have not been admitted
- 1120 2. Have been placed on a waiting list and have not yet been admitted
- 1121 3. Have received crisis counseling services only
- 1122 4. Have been admitted into a DUI/DWI program and are not receiving any other AOD
1123 services
- 1124 5. Are program alumni continuing involvement with the program
- 1125 6. Are attending self-help group meetings without receiving other AOD services.

1126

1127 **Drug and Treatment Access Report (DATAR)**

1128 Drug and Alcohol Treatment Access Report (DATAR) is the ADP system to collect data on Alcohol
1129 and Other Drug (AOD) treatment capacity and waiting lists.

1130

1131 DATAR provides essential information about the capacity of California's publicly-funded AOD
1132 treatment system to meet the demand for services. In the past, DATAR information has supported
1133 requests for increased government funding. When the Substance Abuse and Crime Prevention Act
1134 (Proposition 36) was implemented in July 2001, DATAR became ready to monitor the expected
1135 increases in public AOD treatment capacity and demand.

1136

1137 Treatment providers that receive state or federal funding through Monterey County as well all
1138 licensed Narcotic Treatment programs must send DATAR information to ADP each month. This
1139 has information on the program's capacity to provide different types of AOD treatment to clients
1140 and how much of the capacity was utilized that month. If the provider has a waiting list for publicly-
1141 funded AOD treatment services, DATAR includes summary information about the people on the
1142 waiting list.

1143

1144 MCBH will:

- 1145 • Be responsible for ensuring that all treatment providers who are required to report CalOMS
1146 Treatment client data, submit a monthly DATAR report in an electronic copy format as
1147 provided by the State.
- 1148 • Ensure that all DATAR reports are submitted to the State by the 10th of the month
1149 following the report activity month.
- 1150 • Ensure that all applicable providers are enrolled in the State's web-based DATARWeb
1151 program for submission of data, accessible on the ADP website.
- 1152 • If MCBH implements and maintains, either directly or indirectly, a central intake unit or
1153 equivalent which provides intake services including a waiting list, MCBH shall identify and
1154 begin submitting monthly DATAR reports for the central intake unit by a date to be
1155 specified by the State.
- 1156 • Considered compliant if a minimum of 95% of required DATAR reports from the
1157 Contractor's treatment providers are received by the due date.

1158

1159

1160 **XXXIX. Victims of Trafficking and Violence Protection Act of 2000**

1161 **REFERENCES:**

- 1162 • Victims of Trafficking and Violence Protection Act of 2000 (22 USC Chapter 78 Section 7101
1163 – 7113)
- 1164 • Monterey County Net Negotiated Amount (NNA) Contract, Exhibit H, Section 11

1165

1166 It is the policy of Monterey County Behavioral Health (MCBH) and its Substance Use Disorder
1167 (SUD) Programs to be in compliance with the standards set forth in the Victims of Trafficking and
1168 Violence Protection Act of 2000 (22 USC Chapter 78 Section 7101 – 7113) as posted at

1169 <https://www.state.gov/j/tip/laws/61124.htm>

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1172

1173

1174

1175

1176 **XL. DRUG MEDICAL CERTIFICATION AND CONTINUED CERTIFICATION**

1177

1178 **REFERENCES:**

1179

- 1180 • State County Contract Exhibit A, Attachment I, Part V, Section 3, A, 7

1181

1182 **POLICY AND PROCEDURES**

1183 It is the policy of Monterey County Behavioral Health (MCBH) and its Substance Use Disorder
1184 (SUD) Programs to comply with State and County Contract Exhibit A, Attachment I, Part V, Section
1185 3, A, 7 in relation to substance abuse treatment provided utilizing the Substance Abuse Prevention
1186 and Treatment (SAPT) Block Grant and funds from the United States Substance Abuse and Mental
1187 Health Services Administration (SAMHSA). As part of this policy, MCBH and its contracted SUD
1188 programs will comply with the following if an SUD programs license, registration, certification, or
1189 approval to operate an SUD treatment program or provide a covered service is modified, or not
1190 renewed.:

1191

- 1192 1. MCBH SUD Programs and its contracted SUD Providers shall complete and e-mail the
1193 MCBH Change in Certification form to MCBH SUD Administrator within 24 hours upon
1194 having an SUD program license, registration, certification, or approval to operate an SUD
1195 treatment program or provide a covered service is modified or not renewed.
- 1196 2. MCBH SUD Administrator will notify DHCS via secure e-mail within 24 hours of receiving
1197 Change in Certification form if, at any time, a MCBH SUD Program and its contracted SUD
1198 Providers program's license, registration, certification, or approval to operate a substance
1199 use disorder treatment program or provide a covered service is modified, or not renewed.

1200

1201

1202 **XLI. CONFIDENTIALITY STATEMENTS**

1203

1204 **REFERENCES**

1205 State County Contract, Exhibit G-3, Attachment A, 1, C

1206

1207 **POLICY AND PROCEDURE**

1208 It is the policy of MCBH that any SUD program it operates directly or may operate directly in the
1209 future and its contracted SUD providers comply with the following regarding workforce member's
1210 annual confidentiality statements:

1211

- 1212 1. All staff that will be working directly with Department PHI or PI must sign a confidentiality
1213 statement that includes, at a minimum, General Use, Security and Privacy Safeguards,
1214 Unacceptable Use, and Enforcement Policies.
- 1215 2. The statement must be signed by the workforce member prior to access to Department PHI
1216 or PI.
- 1217 3. The statement must be renewed annually.
- 1218 4. MCBH SUD Programs and its contracted SUD providers shall retain each person's written
1219 confidentiality statement for Department inspection for a period of six (6) years following the
1220 most recent agreement.

1221

1222