

Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form..

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [September 8<sup>th</sup>, 2010]  
by the \_\_\_\_\_ Date prior to or same as filing date

Department of Human Services, Addictions and Mental Health Division 415  
Agency and Division Administrative Rules Chapter Number  
Richard Luthé 500 Summer St. NE, Salem, OR 97301 E86 503-947-1186  
Rules Coordinator Address Telephone

ADS 4-2010

to become effective [ UPON FILING ] through [ March 9<sup>th</sup>, 2011 ].  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

Update the "DUII ADES" and "DUII Demonstration Project" rules to revise and consolidate the rules  
**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

**ADOPT:** OARs 415-054-0400; 415-054-0410; 415-054-0420; 415-054-0430; 415-054-0440; 415-054-0450; 415-054-0460; 415-054-0470; 415-054-0480; 415-054-0490; 415-054-0500; 415-054-0510 & 415-054-0520

**SUSPEND:** OARs; 415-054-0045; 415-054-0050; 415-054-0055; 415-054-0060; 415-054-0070; 415-054-0075; 415-054-0076; 415-054-0080; 415-054-0090; 415-054-0100; 415-054-0200; 415-054-0210; 415-054-0220; 415-054-0230; 415-054-0240; 415-054-0300; 415-054-0310; 415-054-0320; 415-054-0330; 415-054-0340; 415-054-0350; 415-054-0360; & 415-054-0370

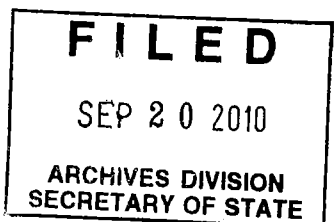
Stat. Auth.: ORSs 409.010; 409.050 and 409.410

Other Auth.:

Stats. Implemented: ORS 813.260

**RULE SUMMARY**

The Addictions and Mental Health Division is proposing revisions to OAR 415-054 "DUII ADES" and "DUII Demonstration Project" rules to update and consolidate these rules, and to separate them from the "DUII Treatment" rules; the "DUII Treatment" rules will be moving to the OAR 309-032 "Integrated Services and Supports Rules" (ISSR).



*Madeline M. Olson* Madeline M. Olson, Deputy Assistant Director September 20<sup>th</sup>, 2010  
Authorized Signer Printed name Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. ARC 940-2005

Secretary of State

**STATEMENT OF NEED AND JUSTIFICATION**

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Human Services, Addictions & Mental Health Division

415

Agency and Division

Administrative Rules Chapter Number

In the Matter of: OAR 415-054 "Standards for Certification as an Alcohol and Other Drug Screening Specialist (ADSS)" rules and "Standards for Driving Under the Influence of Intoxicants Demonstration Projects" rules

Rule Caption: Update the "DUII ADES" and "DUII Demonstration Project" rules to revise and consolidate the rules

Statutory Authority: ORSs 409.010; 409.050 and 409.410

Other Authority:

Stats. Implemented: ORS 813.260

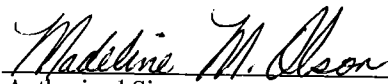
Need for the Temporary Rule(s): These "DUII" rules need to be updated in order to update and separate the three subjects currently addressed in the rules. These rules will align with the new "Integrated Services & Supports" rule (ISSR), which is replacing various provider-services rules

Documents Relied Upon, and where they are available:

All of these documents are available at this website, or by contacting the Addictions & Mental Health Rules Coordinator through this site:

<http://www.dhs.state.or.us/policy/mentalhealth/main.htm>

Justification of Temporary Rule(s): The Department of Human Services, Addictions and Mental Health Division is justified in using the Temporary Rule process in order to assure that the OAR 415-054 rules address only "Standards for Certification as an Alcohol and Other Drug Screening Specialist (ADSS)" rules and "Standards for Driving Under the Influence of Intoxicants Demonstration Projects" rules; the "DUII Treatment" rules need to be moved to the "Integrated Services & Supports" rule (ISSR), in order to have all of the "treatment services" in a single set of rules.



Authorized Signer

Madeline M. Olson, Deputy Assistant Director

Printed name

September 20<sup>th</sup>, 2010

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 945-2005

**ALL-NEW RULE**

**DEPARTMENT OF HUMAN SERVICES  
ADDICTIONS AND MENTAL HEALTH DIVISION:  
ADDICTION SERVICES  
DIVISION 54**

**STANDARDS FOR APPROVAL OF DUII AND MARIJUANA DIVERSION  
ALCOHOL AND OTHER DRUG SCREENING SPECIALISTS (ADSS)**

**Standards for Certification as an Alcohol and Other Drug  
Screening Specialist (ADSS)**

**415-054-0400**

**Purpose**

Purpose: These rules prescribe standards and procedures for certification as a Driving Under the Influence of Intoxicants (DUII) and Marijuana Diversion Alcohol and Drug Screening Specialist (ADSS).

Stat. Auth.: ORS 409.010; ORS 409.050 and ORS 409.410

Stats. Implemented: ORS 813.260

**415-054-0410**

**Definitions**

As used in these rules unless the context requires otherwise:

(1) "Alcohol and Other Drug Screening Specialist (ADSS)" means an individual who possesses a valid certificate issued under these rules.

(2) "Alcohol and Other Drug Treatment Program" means an organizationally distinct program that provides alcohol and drug assessment, education and treatment services on a regularly scheduled basis and has a current letter of approval from the Assistant Director or their designee indicating that the program meets the minimum curriculum, counselor and hourly standards established by administrative rule consistent with Level I or Level II of the American Society of Addiction Medicine Patient Placement Criteria (ASAM PPC-2R).

(3) "ASAM PPC-2R" means the American Society of Addiction Medicine Patient Placement Criteria for the Treatment of Substance-related Disorders, Second Edition Revised, April 2001, which is a clinical guide used in matching individuals to appropriate levels of care and incorporated by reference in these rules.

(4) "Assistant Director" means the Assistant Director of the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(5) "Certificate" means a letter issued to an individual by the Division under these rules, which states that the individual is in compliance with relevant administrative rules.

(6) "Certification" means the letter issued to an individual by the Division which states that the person meets the standards set out by these rules.

(7) "Conflict of Interest" means the use of an individual's relationship, a relative of the individual's relationship or the individual's business relationship to a treatment agency, any employee of the agency or board member to obtain financial gain or avoidance of financial detriment that would not otherwise be available but for the relationship. The conflict of interest may either be actual (will occur) or potential (may occur).

(8) "Diagnostic Assessment" means the process of obtaining all pertinent biopsychosocial information, as identified by the individual, family and collateral sources, for determining if a person has a problem condition involving alcohol or a controlled substance, or both, providing a diagnosis, matching individuals to the appropriate level of care using the ASAM PPD-2R level of care criteria as described in ORS 813.040 and planning individualized services and supports by an approved DUII treatment provider.

(9) "Division" means the Addictions and Mental Health (AMH) Division of the Department of Human Services (DHS).

(10) "Driving under the influence of intoxicants diversion agreement" means a petition filed with the court meeting the criteria established in ORS 813.200 through 813.260.

(11) "DUII Demonstration Project" means a project approved by the Assistant Director for the purpose of demonstrating the effectiveness of combining screening and referral with diagnostic assessment and treatment services in a single agency or organization for persons charged with the offense of driving under the influence of intoxicants.

(12) "Individual" means an individual who has signed a written consent which complies with Section 2.35 of the federal confidentiality regulations (42 CFR Part 2) and is either:

(a) A violator of ORS 813.010 Driving Under the Influence of Intoxicants;

(b) A defendant who is participating in a diversion agreement under ORS 813.200;

(c) A first-time violator of ORS 475.864 and is:

(A) An adult who has a Marijuana Diversion Agreement; or

(B) A juvenile who has been referred under ORS 419C.443.

(13) "Marijuana Diversion Agreement" means a petition for possession of marijuana agreement filed with the court which has been signed and dated by a court pursuant to ORS 135.907 to 135.921.

(14) "Restricted Driver's License" means a hardship or probationary license issued by the Department of Motor Vehicles (DMV).

(15) "Single Agency or Organization" means any one person or business entity or any combination of persons or business entities acting together as a program, an agency, or in any other arrangement, which provides, or has a financial interest in the provision of, screening and referral services and treatment services approved by the Assistant Director under OAR 415-054-0400 through OAR 415-054-0520.

(16) "Treatment Services" means services provided by an Alcohol and Other Drug Treatment Program that are planned, medically appropriate, individualized and consist of medical,

psychological and rehabilitative procedures, experiences and activities designed to remediate the problem condition involving alcohol or a controlled substance.

Stat. Auth.: ORS 409.010; ORS 409.050 and ORS 409.410  
Stats. Implemented: ORS 813.260

#### **415-054-0420**

##### **Screening and Referral**

(1) Screening: The ADSS shall screen each individual using the screening instrument designated by the Division. The purpose of the screening process is to gather initial information used for determination of risk related to problem alcohol or drug use, or both, mental health and gambling problems. The information shall be used in decision-making throughout the treatment of DUII and marijuana diversion offenders.

(a) The screening shall be conducted in a face-to-face interview whenever possible following referral to the ADSS occurring within a time frame determined by the court. The ADSS shall document in the screening instrument justification for telephonic interview when face-to-face interview is not possible.

(b) The screening will consist of an integrated approach that includes:

(A) A detailed summary of the DUII arrest or marijuana possession citation, or both, that includes:

(i) Arrest or citation date, time and location;

(ii) Time of the intoxilizer test;

(iii) Individual's Blood Alcohol Content (BAC) level at time of arrest when the BAC is available; and

(iv) How much alcohol or marijuana was consumed by self report and collateral report.

(B) Alcohol and drug use history;

(C) Treatment history;

(D) Presence of co-occurring mental health problems; and

(E) Presence of co-occurring gambling problems.

(c) The screening will include any relevant collateral data or information that includes but is not limited to:

(A) Education completed;

(B) Employment status;

(C) History of frequent job changes;

(D) Parental status;

(E) Marital status;

(F) Driving history including prior DUII diversions and convictions;

(G) Legal and criminal arrest history; and

(H) Any refusal to provide a breath or blood sample.

(d) The ADSS shall analyze the information gained during the screening process and provide a summary of the information gathered, documented in writing, located at the end of the approved screening instrument and document the results that were shared with the individual on the screening and referral form.

(2) Referrals: On the basis of the screening summary, the ADSS shall refer the individual to a treatment program, approved by the Division, providing the appropriate treatment services for the individual within 5 days of screening with any exception clearly documented in the permanent individual record.

- (3) The referral must be made in accordance with the following standards:
- (a) All referrals must be made on the referral form approved by the Division.
  - (b) Referrals include:
    - (A) A summary of the screening results for purpose of assisting in further alcohol and drug assessment, mental health assessment or gambling assessment and treatment and the risk level determined by the screening process;
    - (B) Narrative of specific treatment program selection that includes documentation of any identified specific clinical need for a particular type of assessment or treatment from the screening process including if the individual has made a request for restricted driver's license;
    - (C) Any gender, cultural or other considerations for selecting a treatment program;
    - (D) Any identified barriers to accessibility or proximity to the selected treatment program;
    - (E) Documentation the individual was informed of all the DUII approved treatment programs in the area and acknowledgement that the individual participated in choosing the provider through individual signature. Whenever possible, referrals of juveniles shall be to programs that specialize in adolescent treatment; and
    - (F) Name and contact information of the selected treatment program for referral.
  - (c) Levels of care: The ADSS will not determine treatment levels of care and will not change the determined treatment levels of care made by the clinical assessment conducted by the AMH approved treatment provider.
  - (d) Re-referral: When the individual or treatment provider requests a referral to another provider, the ADSS must document in writing on the referral form approved by the Division and maintain a copy of the referral form in the individual file the following:
    - (A) The clinical, financial or logistical justification for changing a treatment program referral from one provider to another;
    - (B) Documentation that the rationale for granting the new referral was communicated with both the current and proposed treatment providers;
    - (C) A release of information signed by the individual for individual records from the current treatment provider be provided to the proposed treatment provider; and
  - (e) The ADSS may refer the individual back to the court if the individual refuses to sign the release of information or comply with recommendation to remain at the current treatment provider should the request for re-referral be denied.
- (4) The ADSS may not refer any individual to a treatment program with which a conflict of interest has been determined to exist.

Stat. Auth.: ORS 409.010; ORS 409.050 and ORS 409.410  
Stats. Implemented: ORS 813.260

#### **415-054-0430**

##### **Tracking**

- (1) The ADSS shall:
- (a) Verify the individual's entry into the treatment program and document such verification in the individual record within 30 days;
  - (b) Document contact with each individual's service provider at least once every 30 days to verify the individual is fully participating in the service program and complying with the requirements. Documentation of monitoring contacts must be in the individual's file in the form of written inquiries and reports or written records of telephone contacts; and

(c) Communicate with appropriate judicial or other justice system staff concerning the individual's compliance with service program requirements in a manner satisfactory to the local court system and document the communications in the individual record.

Stat. Auth.: ORS 409.010; ORS 409.050 and ORS 409.410  
Stats. Implemented: ORS 813.260

#### **415-054-0440**

##### **Certification and Personnel Requirements**

(1) Application for certification: Any applicant requesting a certificate as an ADSS must submit an application form which demonstrates compliance with the following:

(a) Education or Experience:

(A) Graduation from an accredited four-year college or university with a Bachelors degree in social sciences, psychology, sociology, substance abuse, or related field with course work specific to alcohol or other drug education, treatment or counseling; or

(B) Four years of full-time supervised experience in alcohol or other drug treatment, evaluation, education or counseling; or

(C) A combination of two years of education or training in alcohol or drug treatment, evaluation, education or counseling and two years of full-time supervised experience in alcohol or drug service delivery.

(b) Reference Letters: Three acceptable letters of reference from persons in the human services field with personal knowledge of the applicant who attests to the applicant's character, work habits and qualifications.

(c) Court Designation: A written statement from the court or courts designating the applicant to perform alcohol and drug screening and referral. If more than one ADSS is designated by the court or courts, the statement must also include the justification for additional ADSS to serve the jurisdiction based on the number of DUII cases referred or other capacity needs such as cultural and language specialty.

(d) Declare in writing to the Division any potential or actual conflict of interest with any treatment provider that includes financial gain or avoidance of financial detriment, to self or a relative or business with which the staff is associated.

(2) Required training: An applicant who is approved for certification must document training received prior to certification at a minimum on the following subjects:

(a) Procedure to conduct a screening interview and gathering collateral information for determining risk for problem alcohol or drug use, or both, mental health and gambling problems specific to individual age group;

(b) Methods for analyzing the information gained from the screening process and determining risk level based on screening results;

(c) Methods for determining appropriate referrals to treatment providers for diagnostic assessment and treatment based on the screening results;

(d) Referral procedures and required reporting;

(e) Data analysis and reporting, evaluation procedures for determining referral program appropriateness for each individual;

(f) Individual tracking;

(g) Confidentiality laws;

(h) Ethics training;

(i) Criminal justice systems;

(j) Toxicology including urinalysis testing, interpretation of results and tracking;

(k) Criminal and administrative statutes related to Oregon driving under the influence of intoxicants laws; and

(3) Continuing Education: The ADSS shall fulfill 10 hours per year continuing education requirements related to addiction and criminal justice topics.

(4) Personnel standards: The ADSS shall comply with the following personnel standards:

(a) Assist the Division in the conduct of all reviews of the ADSS's job performance and compliance with these rules; and

(b) Complete all corrective actions required in writing by the Division in the time frame required by the notification letter.

(5) Sobriety: During all working hours, an ADSS shall not be under the influence of, nor use or have present in any amounts in his or her body, any alcohol or controlled substance, unless pursuant to a current prescription from a licensed physician.

(6) Comply with Title 2 of the **Americans With Disabilities Act of 1990, 42 USC Section 12131 et seq.**

(7) The ADSS must serve an average of one individual per month over the course of one calendar year.

Stat. Auth.: ORS 409.010; ORS 409.050 and ORS 409.410

Stats. Implemented: ORS 813.260

#### **415-054-0450**

##### **Administrative Requirements**

(1) Record keeping: The ADSS shall:

(a) Accurately record all information about individuals as required by these rules in a confidential permanent individual record that includes;

(A) Completed screening instruments and screening results;

(B) A copy of the completed screening and referral form approved by the Division sent to the treatment program;

(C) A copy of the completed referral report approved by and sent to the Division that includes individual identifying data, referral criteria, and referral specifics;

(D) Any additional documents that provide justification for changing a treatment program referral from one provider to another, signed and dated by the ADSS with effective date of the change;

(E) A copy of the written consent signed by the individual for compliance with Section 2.35 of 42 CFR Part 2;

(F) Documentation if the individual has been assessed by community mental health or gambling treatment programs when indicated by the screening results;

(G) Documentation of any fees paid by the individual indicating the service provided, the amount paid and any outstanding fees;

(H) Written report from the treatment program verifying completion of the program including all fees have been satisfied; and

(I) When a individual resides in states other than Oregon, the court designated ADSS must screen and refer the individual in accordance with OAR 415-054-0420(1) through OAR 415-

054-0420(4) to a treatment program that is licensed in that state and meets the standards set forth by OAR 309-032-1540(12)(f):

- (i) The ADSS must document that the individual has been informed that the law requires treatment completion in compliance with OAR 415-054-0420(2); and
  - (ii) The ADSS must maintain a copy of the cover letter to the out-of-state treatment program detailing OAR 309-032-1540(12).
- (b) Keep all documentation current within seven days of delivering the service or obtaining the information unless specified otherwise
  - (c) Not falsify, alter or destroy any individual information required by these rules to be maintained in an individual record or program records;
  - (d) Document all procedures in these rules requiring individual consent and the provision of information to the individual on forms describing what the individual has been asked to consent to or been informed of; Form to be signed and dated by the individual. If the program does not obtain documentation of consent or provision of required information, the reasons must be specified in the individual record and signed by the person responsible for providing the service to the individual;
  - (e) Require that errors in the permanent individual record shall be corrected by lining out the incorrect data with a single line in ink, adding the correct information and dating and initialing the correction. Errors may not be corrected by removal or obliteration through the use of correction fluid or tape so they cannot be read; and
  - (f) Permit inspection of individual records upon request by the Division to determine compliance with these rules.

(2) The ADSS shall maintain each individual record to assure permanency, identification, accessibility, uniform organization and completeness of all components required by these rules and in a manner to protect against damage or separation from the permanent individual or program record for seven years;

(3) Reporting requirements:

- (a) The ADSS shall send the original copy of the completed AMH individual referral list to the Division monthly.
- (b) The ADSS shall provide in writing notification when no longer providing the services of an ADSS and include a plan to maintain individual permanent records in compliance with OAR 415-054-0450(2) or transfer of the individual permanent records to another ADSS designated by the same court in compliance with OAR 415-054-0450(1).

Stat. Auth.: ORS 409.010; ORS 409.050 and ORS 409.410  
Stats. Implemented: ORS 813.260

#### **415-054-0460 Individual Rights**

(1) Individual Record Confidentiality: The ADSS shall comply with federal regulations at 42 CFR part 2 and state statutes ORS 179.505 and ORS 430.399 pertaining to confidentiality of individual records.

(2) Individual Rights and Dignity: Each individual shall be assured the same civil and human rights as other persons. The ADSS shall provide services in a manner that protects individual privacy and dignity.

(3) Sexual Contact: Sexual abuse of individuals or sexual contact with individuals is prohibited.

(4) Access to Records: Access includes the right to obtain a copy of the record within five days of requesting it and making payment for the cost of duplication. The individual shall have the right of access to the individual's own records except if confidential information has been provided to the ADSS on the basis that the information not be re-disclosed.

(5) Barriers to Treatment: Where there is a barrier to services due to culture, language, illiteracy or disability, the ADSS shall:

(a) Make reasonable modifications in policies, practices, and procedures to avoid discrimination, unless the ADSS can demonstrate that doing so would fundamentally alter the nature of the service, program or activity, such as:

(A) Providing individuals capable of assisting the program in minimizing barriers, such as interpreters;

(B) Translation of written materials to appropriate language or method of communication;

(C) To the degree possible, providing assistive devices which minimize the impact of the barrier; and

(D) To the degree possible, acknowledging cultural and other values which are important to the individual.

(E) Not charging individuals for costs of the modifications such as the provision of interpreters that is required to provide nondiscriminatory services to the individual.

Stat. Auth.: ORS 409.010; ORS 409.050 and ORS 409.410

Stats. Implemented: ORS 813.260

#### **415-054-0470**

##### **Denial, Revocation, Nonrenewal, or Suspension of Certification**

(1) The Assistant Director may deny, revoke, refuse to renew or suspend a certificate when he or she determines that the issuance or continuation of the certificate would be inconsistent with the public interest. In determining the public interest, the Assistant Director shall consider any factors relevant to the public health, safety or conflict of interest.

(2) An applicant or holder of an ADSS certificate may be considered to be in violation of ORS Chapter 813 if the Assistant Director finds that the applicant or holder of an ADSS certificate has provided DUII diagnostic assessment and treatment services to a individual who was referred by a judge to the same applicant or holder of an ADSS certificate for DUII screening and referral services. The Assistant Director may deny, suspend, revoke or refuse to renew a certificate under this rule unless:

(a) The Assistant Director has determined that a lack of alternative agencies or organizations in the service area makes it necessary to allow the same agency or organization to perform both screening and referral and diagnostic assessment and treatment services in accordance with ORS 813.025(1); or

(b) An agency or organization has applied to and been authorized by the Assistant Director to operate a demonstration project which combines the screening and referral services and diagnostic assessment and treatment services in accordance with ORS 813.025(2) .

(3) The Division may deny, suspend, revoke or refuse to renew a Certification where it finds that an applicant or holder of a Certification:

- (a) Has failed repeatedly to apply the Division-approved screening instrument for appropriate referral decisions;
- (b) Has failed to demonstrate competency in the areas of training specified in OAR 415-054-0440;
- (c) Has failed to correspond appropriately with the court and treatment providers, or both;
- (d) Has failed to declare in writing to the Division any potential or actual conflict of interest regarding relationships with any treatment provider;
- (e) Has failed to remedy any confirmed conflict of interest within three months of written notification from the Division;
- (f) The applicant, within the previous three years, has been convicted of:
  - (A) Any crime or violation under ORS Chapter 475, including but not limited to the Uniform Controlled Substances Act or under ORS 813.010, driving under the influence of intoxicants;
  - (B) A substantially similar crime or violation in any other state; or
  - (C) Any felony.
- (g) The applicant has entered into, within the past three years, a diversion agreement under ORS 813.230 or section 7 of 1989 Oregon Laws Chapter 1075 or a diversion agreement under a substantially similar law in any other state;
- (h) Subsequent to the time of issuance of any Certification and regardless of the current validity of that Certification, the person who was issued the Certification is convicted of any of the crimes or violations referred to in subsection (1)(b) or (1)(c) of this rule.
- (i) Submits fraudulent or untrue information to the Division;
- (j) Has a prior denial, suspension, revocation or refusal to renew a Certification;
- (k) Has jeopardized or injured the health, safety or welfare of any individual;
- (l) Does not meet the minimum requirement of serving an average of one individual per month over the course of one calendar year; or
- (m) Has at any time been convicted of any of the crimes or violations referred to in subsection (3)(f)(A) through (3)(f)(C) of this rule.

(4) When a Certification is denied, suspended or revoked, or the Division refuses to renew it, notice of that action shall be sent by certified mail and shall include a statement that a contested case hearing to challenge the action may be requested, but that such request must be made within 15 days of the date of mailing of the letter.

Stat. Auth.: ORS 409.010; ORS 409.050 and ORS 409.410  
 Stats. Implemented: ORS 813.260

#### **415-054-0480**

##### **Variances**

Requirements and standards for requesting and granting variances or exceptions are found in OAR 415-012-0090.

Stat. Auth.: 409.010; 409.050 and 409.410  
 Stats. Implemented: ORS 813.260

### **Standards for Driving Under the Influence of Intoxicants Demonstration Projects**

#### **415-054-0490**

##### **Purpose**

Purpose: These rules prescribe standards for the approval of Driving Under the Influence of Intoxicants Demonstration Projects that combine screening and referral with diagnostic assessment and treatment services in a single agency or organization.

Stat. Auth.: ORS 409.010; ORS 409.050; ORS 409.410 & ORS 813.025

Stats. Implemented: ORS 813.025

#### **415-054-0500**

##### **Approval Process**

(1) Eligible Provider: Only persons, agencies and organizations holding an unconditional letter of approval issued by the Assistant Director to provide screening and referral, and diagnostic assessment and treatment services at the time of their application under these rules may be approved for a DUII demonstration project.

(2) Submission of Request: Eligible providers may submit a request to the Assistant Director for approval to operate a DUII demonstration project.

(3) Required Content of Request: Requests for approval under these rules must contain information that addresses the following items:

(a) A clearly defined and significant problem exists in the provision of screening and referral, and diagnostic assessment and treatment services;

(b) The problem cannot be resolved as long as the screening and referral, and diagnostic assessment and treatment functions are performed by separate agencies or organizations;

(c) There is relevant research or other data which shows that a particular method for combining the performance of these functions in a single agency is an effective and appropriate means of resolving the problem;

(d) The person or agency proposing to conduct a demonstration of the particular method has, and can maintain for the duration of the project:

(A) The appropriate clinical and managerial knowledge, skills and abilities required by administrative rule for ADSS and DUII treatment programs is met; and

(B) There is a means of evaluating the effectiveness of the project that is independent of the applicant and uses generally accepted research practices in comparing the program and post-program performances of project service recipients to those of either persons served prior to initiation of the project or persons served in a control group during the project. The evaluation must include the cost effectiveness of the project and any cost savings to individuals.

(e) There is no evidence that the applicant has failed to satisfactorily conduct or complete other programs or projects for private or public entities or that the applicant has been uncooperative in resolving problems identified by such entities;

(f) Documentation of the effect on other DUII treatment programs and whether referrals will be made to outside agencies or only internally within the program;

(g) Identify the geographic location to be served, the participating persons, agencies and organizations and their respective roles in the proposed project, the length of time proposed for the project and the expected outcomes;

(h) Include letters of endorsement from courts and relevant persons and agencies and written assurances of participation by the proposed service participants;

(i) Documentation that the request for approval has been reviewed and a recommendation made by the Community Mental Health Program (CMHP) director and the local alcoholism and drug planning committee;

(j) Include any additional information relevant to the application requested by the Division.

(4) Conditions for Approval: Approval of a DUII demonstration project is within the discretion of the Assistant Director. The Division shall review requests for approval for compliance with requirements and make appropriate notification to the requesting person or agency within 60 days of the date the request is received by the Assistant Director.

(5) Term of Approval: The Assistant Director's approval under these rules is for no longer than the period of time agreed to by the Assistant Director for the conduct of the DUII demonstration project or until the Assistant Director revokes approval for the project or its DUII Services, whichever occurs first.

Stat. Auth.: ORS 409.010; & ORS 409.050; & ORS 409.410 & & ORS 813.025  
Stats. Implemented: ORS 813.025

#### **415-054-0510**

##### **General Requirements**

(1) The approved demonstration project must comply with the requirements for screening and referral services in accordance with OAR 415-054-0400 through OAR 415-054-0490 and diagnostic assessment and treatment services in accordance with OAR 309-032-1500 through OAR 309-032-1565.

(2) The approved demonstration project must ensure that the effectiveness of the project is evaluated by the means proposed within the request for approval.

(3) The approved demonstration project must ensure that a written report the program evaluation is submitted to the Division within timelines approved by the Assistant Director.

Stat. Auth.: ORS 409.010; & ORS 409.050; & ORS 409.410 & & ORS 813.025  
Stats. Implemented: ORS 813.025

#### **415-054-0520**

##### **Revocation or Denial of Approval**

(1) The Assistant Director shall deny, revoke or refuse to renew approval where it is found that there has been a substantial failure to comply with part or all of these rules or there has been substantial non-compliance with relevant federal or state law.

(2) Approval of an application for a demonstration project is within the discretion of the Assistant Director. The Division may deny, revoke or refuse to renew approval where it finds that any of the conditions in these rules are not met.

(3) The Division shall refuse to renew approval if the written report of the evaluation of the program required under these rules fails to demonstrate the effectiveness of combining the diagnostic assessment and the treatment functions within a single agency.

(4) When a letter of approval to operate a demonstration project is denied, suspended or revoked or the Division refuses to renew it, notice of that action shall be sent by certified mail and shall include a statement that a contested case hearing to challenge the action may be

requested, but that such request must be made within 21 days of the date of mailing of the notice.

Stat. Auth.: ORS 409.010; & ORS 409.050; & ORS 409.410 & & ORS 813.025  
Stats. Implemented: ORS 813.025