

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control 580 Department or Agency Mental Health

Rule No. Chapter 580-9-41

Rule Title: Personnel Management

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

.....
Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Debbie Popwell

Date 3/21/12

Department of Mental Health

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Mental Health

RULE NO. & TITLE: Chapter 580-9-41 "Amend" Personnel Management

INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This rule is to amend the certification requirements for Substance Abuse Personnel Management.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

All interested persons may submit data, views, or arguments in writing to Debbie Popwell, Director, Office of Certification, Alabama Department of Mental Health, 100 North Union Street, Montgomery, Alabama 36130 by mail or in person between the hours of 8:00AM and 5:00PM, Monday through Friday, or by electronic means to debbie.popwell@mh.alabama.gov until and including June 5, 2012. Persons wishing to submit data, views, or arguments orally should contact Ms. Popwell by telephone at (334)353-2069 during this period to arrange for an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

June 5, 2012

CONTACT PERSON AT AGENCY:

Persons wishing a copy of the proposal may contact
Debbie Popwell

Department of Mental Health
100 North Union Street
Montgomery, Alabama 36130
(334)353-2069

A copy of the proposed change is available on the department's website at <http://mh.alabama.gov>



Debbie Popwell
Office of Certification

ALABAMA DEPARTMENT OF MENTAL HEALTH

SUBSTANCE ABUSE SERVICES

ADMINISTRATIVE CODE

CHAPTER 580-9-41 PERSONNEL MANAGEMENT

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580-9-41-.01 General Staff.

~~(1) The chief executive officer\agency director of a treatment provider organization shall be a full-time employee possessing a master's degree in an administrative or mental health related field with at least five years of progressive managerial experience of which three years were in a treatment setting.~~

~~(2) The chief executive officer/agency director of a program offering residential rehabilitation service only, and not operated as an organization unit of a larger service provider organization, shall be a qualified substance abuse professional, as defined in standard 580-9-41-.02-(2)(c), or meet the standard 580-9-41-.01-(1) above.~~

(1) ~~(3)~~ The financial accounting operations of a service provider organization with a total annual budget exceeding \$500,000 shall be supervised by a full time employee or contracted service who has the following qualifications:

(a) At least a bachelor's degree in accounting or business, finance, management, public administration, with accounting courses.

(b) At least two (2) years accounting experience.

~~(2) (4)~~ The financial accounting operations of a service provider organization with a total annual budget less than \$500,000 shall be supervised by an employee or contracted service who/which has the following qualifications:

(a) Demonstrated familiarization with Generally Accepted Accounting Principles, ~~and~~

(b) At least two (2) years accounting/bookkeeping experience.

~~(5) All medical aspects of client care shall be vested in a physician licensed to practice in Alabama.~~

~~(6) There shall be a full-time employee (in addition to the Executive Director) designated as responsible for the quality of clinical care and the appropriateness of clinical programs who shall have as a minimum either a master's degree in psychology, social work, counseling, or psychiatric nursing with a minimum of three years post master's, relevant, clinical experience or who shall be a physician who has completed an approved three year residency in psychiatry. Small free-standing agencies that only offer one type of substance abuse service and whose total annual budget is less than \$500,000 are not required to have a clinical director on staff but must arrange for clinical supervision from a qualified individual. (Does not apply to Residential Rehabilitation Programs that provide only residential rehabilitation services).~~

~~(3) (7)~~ The provider must have an organizational chart depicting functional areas of responsibility and lines of supervision.

~~(8) Each direct treatment service functional area (A direct treatment service functional area is a group of people and resources brought together, under a single manager for a common purpose or objective, i.e. an intensive outpatient program) of responsibility on the organizational chart shall be coordinated by a master's degree staff member in a mental health related field and two years post master's experience (except as defined in standard #580-9-41-.01-(2)).~~

~~(9) All direct care staff who perform counseling and/or therapy, but do not possess a master's degree in a mental health related discipline and have less than two (2) years~~

~~experience in the field of substance abuse treatment, shall receive a minimum of two (2) hours of face-to-face documented supervision per month, as well as receive two (2) hours of ongoing case development documented supervision per month from an individual who holds at least a master's degree in a mental health discipline (psychology, social work, counseling, or psychiatric nursing). The two (2) years of face-to-face supervision will no longer be required once the employee has accrued two (2) years of direct treatment experience.~~

~~(4) (10)~~ Documentation of all required supervision must include the following information for each supervisory session.

- ~~(a)~~ Name and signature of supervisor.
- ~~(b)~~ Name and signature of employee.
- ~~(c)~~ Date of supervision.
- ~~(d)~~ Amount of time of supervisory session.
- ~~(e)~~ Brief narrative describing the topics covered in the session.

~~(5) (11)~~ Staff members who hold a degree must have an official copy of their transcript on file with their employer.

Author: Division of Substance Abuse Services

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

History: New Rule: Filed July 22, 1992. **Extended:** September 30, 1992. **Extended:** December 31, 1992. **Certified:** March 30, 1993; effective May 5, 1993. **Amended:** Filed November 19, 2003; effective December 24, 2003. **Amended:** Filed March 22, 2012.

580-9-41-.02 Substance Abuse Staff.

~~(1) Clinical assessments of substance abuse clients shall be performed by a person with at least two years of clinical experience and by meeting any one or more of the following:~~

- ~~(a) A person licensed as a psychiatrist, physician, psychologist, certified social worker, or counselor; or~~

~~(b) A person with a master's degree in a clinical area.~~

~~(2) Treatment planning and counseling of substance abuse clients shall be performed by any person meeting any one or more of the following:~~

~~(a) A person who meets the qualifications stated in (1) above;~~

~~(b) A person with a master's degree in a clinical area with a clinical practicum;~~

~~(c) A person with a master's degree in a clinical area that did not require a clinical practicum and one year of supervised clinical experience or a person with a master's degree in a clinical area that did not require a practicum who receives at least two (2) hours of documented face-to-face clinical supervision monthly;~~

~~(d) A person with a bachelor's degree and two years supervised clinical experience as described in 580-9-41-.01(9).~~

~~(e) A person certified as a qualified substance abuse professional by an independent Board established for the purpose of providing an experienced based, voluntary credentialing process. Such certification must have mutual reciprocity with surrounding states and be nationally recognized.~~

~~(f) Services will be provided by practitioners as defined above consistent with their training, experience, and scope of practice as established by their respective disciplines and Alabama law.~~

~~(3) Staff who provide services primarily to specific sub-groups (such as children/adolescents, elderly) shall have specialized training/experience to work with such sub-groups or shall receive supervision by a staff member with specialized training/experience.~~

~~(a) Teachers must be certified.~~

~~(1) (4) Human Service Needs Assessment and Case Planning shall be performed by a person meeting the following:~~

(a) A person who has successfully completed a Case Manager Training Program equivalent to that provided by the DMH/MR Substance Abuse Division. A written request containing detailed accounts of the content of the training program and qualification of trainer(s) should be submitted to SASD prior to the training.

(b) A person who possesses a valid Alabama driver's license.

(c) A person who meets the qualifications of a Qualified Substance Abuse Professional II (QSAP III).

~~(5) Case Manager Supervision shall be performed by a person meeting the following:~~

~~(a) Holds a master degree in a mental health or related field and;~~

~~(b) Has completed a DMH/MR approved Case Manager Training Program and has:~~

~~1. Two years post master's substance abuse clinical experience, or;~~

~~2. Two years experience as a case manager regardless of whether it occurred at the bachelor or graduate level.~~

~~(6) Service providers that employ less than three (3) full time equivalent Case Managers are not required to have on staff a Case Manager Supervisor who meets the above standards. The Clinical Director or Program Manager can act as the Case Manager's Supervisor.~~

(2) (7) Students who are completing a graduate degree in psychology, counseling, social work, or psychiatric nursing may conduct direct services under the following conditions.

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

(b) The student receives a minimum of one (1) hour per week of direct clinical supervision (face-to-face) from a licensed/certified mental health professional having at least two (2) years post master's experience in a direct services functional area.

(c) Any written clinical documentation generated by the student must be received and signed by a qualified counselor.

Author: Division of Substance Abuse Services

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

History: New Rule: Filed: July 22, 1992. **Extended:** September 30, 1992. **Extended:** December 31, 1992. **Certified:** March 30, 1993; Effective May 5, 1993. **Amended:** Filed October 1, 2001; effective November 5, 2001. **Amended:** Filed March 22, 2012

580-9-41-.03 Reserved.

580-9-41-.04 Reserved.