

**ARTICLE 75-09.1
SUBSTANCE ABUSE TREATMENT PROGRAMS**

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**CHAPTER 75-09.1-01
GENERAL STANDARDS FOR SUBSTANCE ABUSE TREATMENT PROGRAMS**

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SECTION 1: Subsections 1 and 3 of section 75-09.1-01-01 are amended as follows:

75-09.1-01-01. Definitions.

As used in chapters 75-09.1-01, 75-09.1-02, 75-09.1-02.1, 75-09.1-03, 75-09.1-03.1, 75-09.1-04, 75-09.1-04.1, 75-09.1-05, 75-09.1-05.1, 75-09.1-06, 75-09.1-06.1, 75-09.1-07, 75-09.1-07.1, and 75-09.1-08:

1. "ASAM patient placement criteria" means the ~~second~~third edition, revised, of the patient placement criteria of the American society of addiction medicine.
3. "DSM" means the ~~fourth~~fifth edition, ~~text revision,~~ of the diagnostic and statistical manual of mental disorders published by the American psychiatric association.

History: Effective October 26, 2004; amended effective April 1, 2018.

General Authority: NDCC 50-06-16, 50-31

Law Implemented: NDCC 50-31

SECTION 2: Article 75-09.2 is created as follows:

ARTICLE 75-09.2
SUBSTANCE USE DISORDER EARLY INTERVENTION

Chapter

75-09.2-12 Alcohol and Drug Early Intervention Program

SECTION 3: Chapter 75-09.2-01 is created as follows:

CHAPTER 75-09.2-01
ALCOHOL AND DRUG EARLY INTERVENTION PROGRAM

Section

75-09.2-01-01 Definitions

75-09.2-01-02 Application for MIP Certification

<u>75-09.2-01-03</u>	<u>MIP Certification Required</u>
<u>75-09.2-01-04</u>	<u>Provider Criteria</u>
<u>75-09.2-01-05</u>	<u>Background Check - Investigation</u>
<u>75-09.2-01-06</u>	<u>Criminal Conviction – Effect on Provider Status</u>
<u>75-09.2-01-07</u>	<u>Program Criteria</u>
<u>75-09.2-01-08</u>	<u>Information Management</u>
<u>75-09.2-01-09</u>	<u>Suspension</u>
<u>75-09.2-01-10</u>	<u>Program Denials and Revocations</u>

75-09.2-01-01. Definitions.

As used in this chapter, unless the context or subject matter otherwise requires:

1. “Department” means the North Dakota department of human services.
2. “Division” means the behavioral health division.
3. “MIP certification” means a certification provided to a provider by the division to provide an evidence-based alcohol and drug early intervention program for individuals who violate North Dakota Century Code section 5-01-08.
4. “Provider” means a MIP certified instructor or implementer of an evidence-based alcohol and drug early intervention program.
5. “Program” means an evidence-based alcohol and drug early intervention program.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-01-08, 50-06-44

75-09.2-01-02. Application for MIP certification.

1. Applicants shall submit to the division a signed application and all required information and documentation for MIP certification in the form and manner prescribed by the department.
2. The department shall consider an application for MIP certification complete when it has received all of the required information and documents in accordance with 75-09.2-01-04. The division shall notify an applicant if an application is incomplete.
3. The department may declare an application for MIP certification withdrawn if an applicant fails to submit all required information and documentation within thirty days of the department’s notification to the applicant that the application is incomplete.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-08-01, 50-06-44

75-09.2-01-03. MIP Certification required.

1. A MIP certification may not be transferred and is valid only for those providers and programs indicated on the MIP certification.
2. A provider must make available or display its MIP certification in a place that is conspicuous to the public.
3. A provider shall be recertified by the division every three years, resubmitting all information under 75-09.2-01-04.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-08-01, 50-06-44

75-09.2-01-04. Provider criteria.

1. To receive a MIP certification or MIP recertification, a provider must submit proof of the following:
 - a. A bachelor degree. The requirement of a bachelor degree can be waived for DUI seminar instructors licensed under 75-09.1-09 prior to December 31, 2017;
 - b. Successfully pass a background check;
 - c. Be certified in department-approved program;
2. If recertifying, provider must have submitted required information in accordance with 75-09.2-01-08; and
3. Provider's fees must be reasonable.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-01-08, 50-06-44

75-09.2-01-05. Background check - Investigation.

1. Each applicant and provider shall disclose to the department if they have been found guilty of, pled guilty to, or pled no contest to a criminal offense.

2. The applicant and provider shall disclose to the department the type of offense and dates and location of having been found guilty of, pled guilty to, or pled no contest to a criminal offense. Such disclosure must not disqualify the applicant or provider, unless having been found guilty of, pled guilty to, or pled no contest to a crime having direct bearing on the capacity of the applicant or provider to provide a service under this chapter or the applicant or provider is not sufficiently rehabilitated.
3. The department may conduct criminal background check on an applicant or provider.
4. The department shall determine the effect of an applicant or provider having been found guilty of, pled guilty to, or pled no contest to a criminal offense.
5. The department may investigate and inspect the applicant's or provider's activities, program, qualifications, and proposed standards of care.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-01-08, 50-06-44

75-09.2-01-06. Criminal conviction – effect on provider status.

1. An applicant or provider may not be an individual who is known to have been found guilty of, pled guilty to, or pled no contest to:
 - a. An offense described in North Dakota Century Code chapters 12.1-16, homicide; 12.1-18, kidnapping; 12.1-27.2 sexual performances by children; or 12.1-41, Uniform Act on Prevention of and Remedies for Human Trafficking; or in North Dakota Century Code sections 12.1-17-01, simple assault; 12.1-17-01.1, assault; 12.1-17-02, aggravated assault; 12.1-17-03, reckless endangerment; 12.1-17-04, terrorizing; 12.1-17-06, criminal coercion; 12.1-17-07.1, stalking; 12.1-17-12, assault or homicide while fleeing a police officer; 12.1-20-03, gross sexual imposition; 12.1-20-03.1, continuous sexual abuse of a child; 12.1-20-04, sexual imposition; 12.1-20-05, corruption or solicitation of minors; 12.1-20-05.1, luring minors by computer or other electronic means; 12.1-20-06, sexual abuse of wards; 12.1-20-07, sexual assault; 12.1-21-01, arson; 12.1-22-01, robbery; or 12.1-22-02, burglary, if a class B felony under subdivision b of subsection 2 of that section; 12.1-29-01, promoting prostitution; 12.1-29-02, facilitating prostitution; ~~or~~ 12.1-31-05, child procurement; 14-09-22, abuse of child; or 14-09-22.1, neglect of child; or an offense under the laws of another jurisdiction which requires proof of substantially similar elements as required

for conviction under any of the enumerated North Dakota statutes;
or

- b. An offense, other than an offense identified in subdivision a, if the department determines that the individual has not been sufficiently rehabilitated.
2. For purposes of subdivision b of subsection 1, an offender's completion of a period of five years after final discharge or release from any term of probation, parole, or other form of community correction, or imprisonment, without subsequent conviction, is prima facie evidence of sufficient rehabilitation.
3. The department has determined that the offenses enumerated in subdivision a of subsection 1 have a direct bearing on the individual's ability to serve the public in a capacity involving the provision of services under this chapter.
4. In the case of a misdemeanor offense described in North Dakota Century Code sections 12.1-17-01, simple assault; 12.1-17-03, reckless endangerment; 12.1-17-06, criminal coercion; 12.1-17-07.1, stalking; or equivalent conduct in another jurisdiction which requires proof of substantially similar elements as required for conviction, the department may determine that the individual has been sufficiently rehabilitated if five years have elapsed after final discharge or release from any term of probation, parole, or other form of community corrections or imprisonment, without subsequent conviction.
5. An individual is known to have been found guilty of, pled guilty to, or pled no contest to an offense when it is:
 - a. Common knowledge in the community;
 - b. Acknowledged by the individual;
 - c. Reported to the department as the result of a background check; or
 - d. Discovered by the department.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-01-08, 50-06-44

75-09.2-01-07. Program criteria.

1. Program provided through the MIP certification must be selected from a list of pre-approved evidence-based programs identified by the division.

- a. Provider is responsible to become and remain certified or credentialed in selected pre-approved evidence-based program.
 - b. Provider must meet all requirements for the selected program.
2. A Provider may request an exception to the pre-approved list. Exceptions will be reviewed by the division on a case-by-case basis. The provider shall submit to the division the program title, sample material, and evidence of effectiveness. The department may deny an exception granted under this subsection. The decision to deny an exception is not an appealable decision.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-01-08, 50-06-44

75-09.2-01-08. Information management.

Providers shall report annually to the division the following information:

1. Confirmation of program certification;
2. Number of individuals served through the program;
3. Number of repeat individuals served by the program; and
4. The number of classes provided.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-01-08, 50-06-44

75-09.2-01-09. Suspension.

The division may suspend a provider's MIP certification at any time after the onset of an investigation. The department shall post all suspensions and revocations for at least one year.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-01-08, 50-06-44

75-09.2-01-10. Program denials and revocations.

1. An applicant's application may be denied if:
 - a. The applicant fails to comply with section 75-09.2-01-02; or

b. The applicant fails to meet the provider criteria pursuant to section 75-09.2-01-04.

2. A program's MIP certification may be revoked for failure to comply with sections 75-09.2-01-03, 75-09.2-01-04, 75-09.2-01-07, and 75-09.2-01-08.

History: Effective April 1, 2018.

General Authority: NDCC 50-06-44

Law Implemented: NDCC 5-01-08, 50-06-44