

## ARTICLE 4.4. ADDICTION TREATMENT SERVICES PROVIDER CERTIFICATION

### Rule 1. Definitions

#### 440 IAC 4.4-1-1 Definitions

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-7-2-11; IC 12-7-2-73

Sec. 1. The following definitions apply throughout this article:

- (1) "Accreditation" means an accrediting agency has granted approval to an entity to provide specific services after the entity has met specific requirements of the accrediting agency.
- (2) "Accrediting agency" means an agency, included on a list of accrediting agencies approved by the division, that:
  - (A) has developed clinical, financial, and organizational standards for the operation of a provider of addiction treatment services; and
  - (B) evaluates compliance with its established standards on a regularly scheduled basis.
- (3) "Addiction treatment services" means a broad range of planned and continuing care, treatment, and rehabilitation, including, but not limited to, counseling, psychological, medical, and social service care designed to influence the behavior of individual alcohol abusers or drug abusers, based on an individual treatment plan.
- (4) "Alcohol abuser" means an individual who has had repeated episodes of intoxication or drinking that impair the individual's health or interfere with the individual's effectiveness on the job, at home, in the community, or in operating a motor vehicle.
- (5) "Certification" means the process used by the division to document an organization's compliance with the statutory and regulatory requirements for operating as a provider of addiction treatment services, including the issuance of a certificate if the entity is found to comply with this article.
- (6) "Credentialing body" means an organization approved by the division that:
  - (A) has developed training, knowledge, and skills requirements for individuals who practice the treatment of addictions problems; and
  - (B) certifies that an individual meets those requirements.
- (7) "Direct services provider" means an individual, a contractor, employee, or volunteer who provides counseling, psychological, medical, or social services on behalf of a provider of addiction treatment services.
- (8) "Division" means the division of mental health and addiction.
- (9) "Drug abuser" means an individual who:
  - (A) has developed a psychological or physical dependence on the effect of drugs or harmful substances; or
  - (B) abuses the use of drugs or harmful substances;so that the individual or society is harmed or endangered.
- (10) "Entity" means any:
  - (A) individual;
  - (B) firm;
  - (C) corporation;
  - (D) partnership;
  - (E) association;
  - (F) foundation;
  - (G) governmental unit; or
  - (H) agency;whether public or private.
- (11) "Incidental service" means a minor service provided to an individual in conjunction with other nonaddiction primary services by an entity that does not hold itself out as an addiction treatment services provider.
- (12) "Intensive outpatient services" means a milieu of treatment, with a combination of counseling and education activities consisting of sessions at least two (2) hours in length, occurring at least three (3) days per week for a minimum duration of four (4) weeks per consumer.
- (13) "Opioid addiction treatment provider" means an entity that runs a program that furnishes a comprehensive range of assessment, rehabilitation, and treatment services using Levo-Alpha-Acetyl-Methadone (LAAM), methadone, or other narcotic substances approved by the federal government, for the detoxification and maintenance of persons addicted to heroin or other opiate-like substances.

(14) "Outpatient services" means the provision of therapeutic activities, either to the individual or in a group/conjoint session, that are related to the outcomes described in the individual treatment plan.

*(Division of Mental Health and Addiction; 440 IAC 4.4-1-1; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2400; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2220; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

## **Rule 2. Certification of Addiction Service Providers**

### **440 IAC 4.4-2-1 Certification by the division**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-23-14

Sec. 1. (a) Every provider of addiction treatment services in Indiana must have either regular certification or outpatient certification issued by the division to provide addiction treatment services.

(b) This rule does not apply to the following:

- (1) Addiction treatment services programs operated by the federal government.
- (2) Prevention, education, or intervention services.
- (3) Voluntary self-help groups.
- (4) Any entity that provides addiction treatment services to alcohol abusers or drug abusers only as an incidental service.
- (5) Programs run by the Indiana department of correction.
- (6) Programs run in child caring institutions licensed by the division of family and children.

(c) An addiction treatment services provider who offers twenty-four (24) hour care must have one (1) of the following:

- (1) Regular certification under this article.
- (2) Residential care provider certification under 440 IAC 6 and outpatient certification under this article.
- (d) An entity with a regular certification under this article is deemed a certified residential care provider under 440 IAC 6.

(e) In addition to regular certification, a provider must have specific approval by the division to be a opiod *[sic., opioid]* treatment provider. The provider must comply with 21 CFR 291, 42 CFR 8, and all other applicable federal laws, regulations, and guidelines.

(f) Detoxification services must be provided under the supervision of:

- (1) a physician; or
- (2) clinical nurse specialist;

licensed to practice in Indiana.

(g) An entity that has applied for certification or has been certified as an addiction treatment services provider must provide information related to services or the operation of the organization as required by the division.

(h) The division shall provide annually a list of approved accrediting agencies and a list of approved credentialing bodies.

(i) A copy of the most recent certification issued by the division must be available to the public upon request. *(Division of Mental Health and Addiction; 440 IAC 4.4-2-1; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2401; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2221; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

### **440 IAC 4.4-2-2 Requirements for certification**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-27

Sec. 2. Before commencing services, an entity must be certified for regular certification or outpatient certification. The entity shall file an application with the division. The application shall contain the following:

- (1) The legal name of the applicant.
- (2) A description of the organizational structure and mission statement of the applicant, including the services to be provided and the populations to be served.
- (3) The location of all operational sites of the applicant.
- (4) A copy of the applicant's procedures to ensure protection of consumer rights under IC 12-27 and confidentiality under 42 CFR 2.

(5) All materials requested by the division.

*(Division of Mental Health and Addiction; 440 IAC 4.4-2-2; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2401; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2221; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

#### **440 IAC 4.4-2-3 Regular certification**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-23-1-6

Sec. 3. (a) To be certified and to maintain regular certification as an addiction treatment services provider, the entity must maintain accreditation from an accrediting agency approved by the division.

(b) The application for regular certification as an addiction treatment services provider must include the following:

(1) Proof of accreditation.

(2) Site survey recommendations from the accrediting agency.

(3) The applicant's responses to the site survey recommendations.

(c) The provider must take any action deemed to be necessary by the division in response to the site survey issued by the accrediting agency.

(d) When the division determines that the provider meets the requirements for regular certification as set forth in this article, the division shall issue a regular certification to the provider.

(e) The regular certification expires ninety (90) days after the expiration of the entity's accreditation. *(Division of Mental Health and Addiction; 440 IAC 4.4-2-3; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2401; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2222; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

#### **440 IAC 4.4-2-3.5 Temporary certification**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-23-1-6

Sec. 3.5. (a) If the entity that has applied for regular certification is not yet accredited as an addiction treatment services provider, the entity must meet the requirement that at least one (1) of the direct service providers must be specifically credentialed in addictions counseling by a credentialing body approved by the division.

(b) Temporary certification may be issued for twelve (12) months. Prior to the expiration of the temporary certification, the entity must provide proof of application to an accrediting body approved by the division.

(c) If the applicant fails to provide proof of application to an accrediting body, or fails to maintain at least one (1) direct service provider credentialed in addictions counseling, the applicant may not reapply for regular certification until twelve (12) months after the temporary certification ends.

(d) Upon the verification of the application for accreditation, and continuing to meet the requirements set forth in this section, the temporary certification may be extended for no more than twelve (12) additional months.

(e) Before the extended temporary certification expires, the applicant must forward to the division the following:

(1) Proof of accreditation.

(2) Site survey recommendations from the accrediting agency.

(3) The applicant's responses to the site survey recommendations.

(4) Any other materials requested by the division as a part of the application process.

(f) If the applicant fails to achieve accreditation within twenty-four (24) months:

(1) the applicant may not reapply for regular certification until twelve (12) months after the extended temporary certification ends; and

(2) the applicant may choose to apply for outpatient certification, if the applicant meets the criteria for outpatient certification.

*(Division of Mental Health and Addiction; 440 IAC 4.4-2-3.5; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2222; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

**440 IAC 4.4-2-4 Outpatient certification**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 25-22.5-2; IC 25-23-1; IC 25-23.6; IC 25-33

Sec. 4. (a) If an entity has ten (10) or fewer, full-time or part-time, direct service providers, and meets the other criteria in this article, the entity may receive an outpatient certification from the division.

(b) The entity must provide a list of all direct service providers, including name, educational level, any degrees obtained, proof of current individual licensure or endorsement from a division approved credentialing body.

(c) At least fifty percent (50%) of the direct service providers must be licensed or credentialed as follows:

(1) A licensed clinical social worker, a licensed mental health counselor, or a licensed marriage and family therapist.

(2) A psychologist (IC 25-33).

(3) A physician (IC 25-22.5-2).

(4) An advanced practice nurse or certified nursing specialist (IC 25-23-1).

(5) An individual credentialed in addictions counseling by a credentialing body approved by the division.

(d) In addition, at least one (1) of the direct service providers must be specifically credentialed in addictions counseling by a credentialing body approved by the division.

(e) Applicants for outpatient certification must meet all requirements at the time of application in order to be certified.

(f) The division may require the applicant to resolve any problems identified by the division or the credentialing bodies.

(g) The division may issue an outpatient certification as an addiction treatment services provider to the applicant, after the division has determined that the applicant meets all of the criteria for outpatient certification set forth in this article.

(h) The outpatient certification shall expire two (2) years from the date it is issued. (*Division of Mental Health and Addiction; 440 IAC 4.4-2-4; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2402; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2223; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA*)

**440 IAC 4.4-2-4.5 Uniform criteria for programs that are certified as outpatient under section 4 of this rule**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-23-4-5

Sec. 4.5. (a) Each outpatient certified program shall provide at least outpatient treatment services and may provide intensive outpatient treatment services to those individuals whose assessments indicate a need for these services.

(b) If an outpatient certified program has or holds itself out as having intensive outpatient treatment services, it shall meet the requirements at 440 IAC 4.4-1-1(12).

(c) Each program shall have specific minimum admission criteria, including the following:

(1) The consumer has a documented history of current excessive use of alcohol or other drugs.

(2) The individual is experiencing significant functional impairments in one (1) or more of the following areas:

(A) Activities of daily living.

(B) Interpersonal functioning.

(C) Psychological functioning.

(D) Ability to live without recurrent abuse of chemicals.

(3) The program shall consider whether the consumer has adequate support systems to foster recovery.

(4) There are no presenting medical or unstable psychiatric conditions that would preclude the consumer's participation in this level of treatment.

(5) A more intensive level of treatment is not indicated from the intake and assessment.

(d) The program shall have a written policy and procedure for conducting consumer intake assessments meeting the following criteria:

(1) The consumer intake assessment shall take place within two (2) weeks of the consumer's first contact with the agency.

(2) The intake assessment shall include, but not be limited to, the following items of information:

(A) A psychosocial history.

(B) Emotional and behavioral functioning.

(C) Alcohol and other drug use history.

(D) Medical conditions.

- (3) The individual shall be screened for co-occurring disorders.
  - (e) The program shall refer the individual to appropriate treatment, or link with another program with special expertise if:
    - (1) there are medical or unstable psychiatric conditions that would preclude the consumer's participation in this level of treatment; or
    - (2) a more intensive level of treatment is indicated from the assessment.
  - (f) The program shall have written policies and procedures for the development of a treatment plan, which includes, at a minimum, the following:
    - (1) Each consumer shall have an individualized treatment plan.
    - (2) Each consumer shall have the opportunity to participate in developing the treatment plan.
    - (3) The comprehensive treatment plan shall be completed by the third session.
    - (4) Each treatment plan shall be reviewed as appropriate with the consumer, but at least every sixty (60) calendar days, and revised as necessary.
    - (5) The review of the treatment plan shall address the attainment of treatment goals.
    - (g) Each individual treatment plan shall include, at a minimum, the following:
      - (1) Consumer problems to be addressed.
      - (2) Specific goals written in terms of measurable criteria for proposed outcomes of each identified problem.
      - (3) Therapeutic activities and their frequency.
      - (4) Referrals for needed services that are not provided by the program.
      - (5) Staff persons responsible for working with each identified goal.
      - (6) Plans for involvement in appropriate support groups.
      - (7) The consumer's signature indicating that he or she has reviewed and understands the contents of the service plan and any revisions thereafter.
    - (h) The program shall have a policy and procedure for recording consumer progress that addresses, at a minimum, the following:
      - (1) A consumer record shall be completed for each therapeutic activity and its relationship to the service plan.
      - (2) The date and identity of the person making the entry.
      - (3) Entries shall be made after each consumer contact.
    - (i) The program shall have written policies and procedures for discharge planning that shall include, but not be limited to, the following criteria:
      - (1) The discharge plan shall be reviewed by the consumer.
      - (2) The discharge summary shall include, at a minimum, indicators of the following:
        - (A) The consumer's progress in achieving outcomes for each goal of the treatment plan.
        - (B) A final evaluation.
        - (C) Recommendations for care after discharge.
      - (3) The discharge summary shall be completed within thirty (30) calendar days following discharge.
- (Division of Mental Health and Addiction; 440 IAC 4.4-2-4.5; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2223; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

#### **440 IAC 4.4-2-5 Maintenance of certification**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-23-1-6

Sec. 5. Maintenance of certification is dependent upon the following:

- (1) For regular certification, the entity shall maintain accreditation from an approved accrediting agency.
- (2) For temporary certification, the entity shall do the following:
  - (A) Fulfill the requirements regarding direct service provider credentials.
  - (B) If, for more than thirty (30) days, there is no direct service provider who has a specific addictions counseling credential the entity must immediately notify the division with a plan of correction.
  - (C) The division may continue the certification for another sixty (60) days while the entity comes into compliance with the requirements.
- (3) For outpatient certification, the entity shall do the following:

- (A) Fulfill the requirements regarding direct service provider credentials.
- (B) Maintain a file containing documentation of current licensure or certification for each direct service provider.
- (C) If, for more than thirty (30) days:
  - (i) the number of licensed or certified direct service providers drops below fifty percent (50%) of the direct service providers; or
  - (ii) there is no direct service provider who has a specific addictions counseling credential;the entity must immediately notify the division with a plan of correction.
- (D) The division may continue the certification for another sixty (60) days while the entity comes into compliance with the requirements.

(4) If the number of direct service providers in an entity with outpatient certification increases to eleven (11) or more, the entity must immediately notify the division and begin the process for regular certification as set forth in this article.

(5) For either regular certification or outpatient certification, the entity shall do the following:

- (A) Have written policies and enforce these policies to support and protect the fundamental human, civil, constitutional, and statutory rights of each consumer. The entity shall give a written statement of rights to each consumer and, in addition, the entity shall document that staff provides an oral explanation of these rights to each consumer.
- (B) Maintain compliance with required health, fire, and safety codes as prescribed by federal and state law.

*(Division of Mental Health and Addiction; 440 IAC 4.4-2-5; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2402; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2224; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

#### **440 IAC 4.4-2-6 Notification of changes**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-27

Sec. 6. (a) An entity which is certified under this article must notify the division, in writing, of any of the following:

- (1) Change in location of any of the addiction treatment services operational sites, including additions, deletions, and expansion.
- (2) Changes in the addiction treatment services provided or changes in the populations served.
- (3) Change in ownership.
- (4) The violation of health, fire, or safety codes as prescribed by federal and state laws.
- (5) Documented violation of a consumer's rights under IC 12-27 and under 42 CFR 2.

(b) If an entity has outpatient certification, the entity must notify the division of changes in the number of direct service providers when any of the following occurs:

- (1) The direct service providers number eleven (11) or more.
- (2) For more than thirty (30) days, the number of licensed or credentialed direct service providers drops below fifty percent (50%).
- (3) For more than thirty (30) days, there is no direct service provider who is specifically credentialed in addictions counseling.

(c) If an entity has a temporary certification, the entity must notify the division if, for more than thirty (30) days, there is no direct service provider who is specifically credentialed in addictions counseling.

(d) If an entity has a regular certification, the entity must notify the division of the following:

- (1) Change in the accrediting agency to provide accreditation.
- (2) Change in the accreditation status of the entity.

*(Division of Mental Health and Addiction; 440 IAC 4.4-2-6; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2402; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2225; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

#### **440 IAC 4.4-2-7 Renewal of certification**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-23-1-6

Sec. 7. (a) To renew certification under this article, the provider shall submit a request for certification thirty (30) days prior

to the expiration of the application on a form prepared by the division, which shall consist of all materials requested by the division, including the following:

(1) For regular certification, proof of accreditation, including the most recent site survey recommendations and the entity's response to these recommendations.

(2) For outpatient certification, the following:

(A) Proof of current licensure or credential of individual direct service providers.

(B) Proof of compliance with the uniform criteria for outpatient programs, set forth at section 4.5 of this rule.

(b) The division may require the applicant to resolve any problems identified by the division, a credentialing body, or the accrediting agency before the division issues a renewal certificate.

(c) When a request for the renewal of certification is deemed to be complete by the division and the applicant has taken any action which is deemed necessary by the division, the division shall issue a new certificate.

(d) If the entity has a regular certification, this certification shall expire ninety (90) days after the expiration of the entity's accreditation from the accrediting agency.

(e) If the entity has an outpatient certification, this certification shall expire two (2) years from the date it is issued. (*Division of Mental Health and Addiction; 440 IAC 4.4-2-7; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2403; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2225; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA*)

#### **440 IAC 4.4-2-8 Conditional status for regular and outpatient certification**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-23-1-6

Sec. 8. (a) The division shall issue a conditional status under this article upon the division's investigation and determination of any of the following conditions:

(1) A substantive change in the entity's accreditation status other than revocation of the accreditation.

(2) Failure of the entity to renew accreditation within ninety (90) days following expiration of the entity's current accreditation by the entity's accrediting agency.

(3) Failure to comply with this article.

(4) Any conduct or practice in the operations of the entity that is found by the division to be detrimental to the welfare of persons served by the organization.

(5) The physical safety of the consumers or staff of the entity is compromised by a physical or sanitary condition of a physical facility of the entity.

(6) Violation of a federal or state statute, rule, or regulation in the course of the operation of the entity.

(b) The time period of a conditional status is determined by the division, but may not exceed twelve (12) months from the date the conditional status was effective.

(c) The division shall notify the entity of the following:

(1) The requirements not met and the intermediate steps required by the division that the entity must take to meet those requirements.

(2) The time period granted by the division for the entity to meet the requirements.

(d) The division shall terminate the entity's certification if the entity fails to meet the requirements within the allotted time period. (*Division of Mental Health and Addiction; 440 IAC 4.4-2-8; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2403; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2225; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA*)

#### **440 IAC 4.4-2-9 Termination of certification**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-23-1-6

Sec. 9. (a) The division shall terminate the certification of the entity if the following occurs:

(1) The entity's accreditation is revoked.

(2) The entity that has a conditional status does not meet the requirements of the division within the period of time required.

(3) The entity fails to provide proof of application for accreditation prior to the expiration of the initial temporary certification.

(4) The entity fails to become accredited within twenty-four (24) months of receiving a temporary certification.

(b) The division shall notify the Indiana family and social services administration and the department of administration that the entity's certification has been terminated.

(c) An entity whose regular certification is terminated may not reapply for regular certification as an addiction services treatment provider until the lapse of one (1) year from the date of termination.

(d) An entity whose outpatient certification is terminated may not reapply for regular certification as an addiction services treatment provider until the lapse of one (1) year from the date of termination. *(Division of Mental Health and Addiction; 440 IAC 4.4-2-9; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2403; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2226; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

**440 IAC 4.4-2-10      Transfer of certification**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 12-23-1-6

Sec. 10. An entity certified under this article may not transfer its certification to another legal entity. *(Division of Mental Health and Addiction; 440 IAC 4.4-2-10; filed Apr 17, 1997, 10:00 a.m.: 20 IR 2404; readopted filed May 10, 2001, 2:30 p.m.: 24 IR 3235; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

**440 IAC 4.4-2-11      Appeals**

Authority: IC 12-8-8-4; IC 12-23-1-6

Affected: IC 4-21.5-3

Sec. 11. A party who is aggrieved by any adverse action taken under this rule may appeal under IC 4-21.5-3. *(Division of Mental Health and Addiction; 440 IAC 4.4-2-11; filed Feb 11, 2002, 4:30 p.m.: 25 IR 2226; readopted filed Apr 7, 2008, 3:40 p.m.: 20080507-IR-440070745RFA)*

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