

DAY CARE EVALUATOR MANUAL

RESIDENTIAL CARE EVALUATOR MANUAL

TRANSMITTAL SHEET

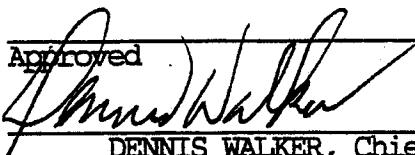
Number
96APX-07
Date Issued
February 1996

Distribution All Day Care Evaluator Manual Holders
X All Residential Care Evaluator Manual Holders

Subject

APX tab E - Memorandum of Understanding between Department of Alcohol and Drug Programs (DADP) and the Department of Social Services (DSS)

Approved



DENNIS WALKER, Chief

Type of Change

Temporary Permanent

REASON FOR CHANGE

This revised Memorandum of Understanding (MOU) between DADP and DSS is to establish a process to certify adolescent community care facilities that provide alcoholism or drug use recovery or treatment services under Section 11831.5(g) of the Health and Safety Code.

FILING INSTRUCTIONS

REMOVE the existing MOU between DADP and DSS filed behind Tab E in the Appendix section of the EM - issue 91APX-07 dated December 1991

INSERT the attached pages to replace the above.

Contact Person

Claudia Cox

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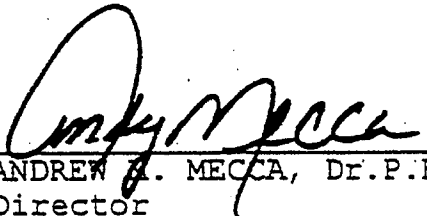
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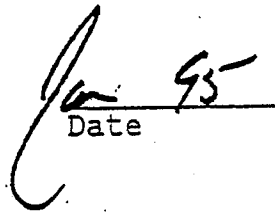
MEMORANDUM OF UNDERSTANDING

Between the
DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS
and the
DEPARTMENT OF SOCIAL SERVICES
for


Establishment of a process to certify adolescent community care facilities that provide alcoholism or drug abuse recovery or treatment services under Section 11831.5(g) of the Health and Safety Code.



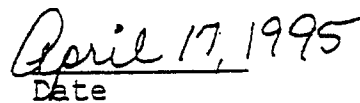
ANDREW E. MECCA, Dr.P.H.
Director
Department of Alcohol and Drug Programs



Date



ELOISE ANDERSON
Director
Department of Social Services



Date

I. Memorandum of Understanding Purpose

The purpose of this memorandum is to document compliance with Subdivision (g) of Section 11831.5 of the Health and Safety Code which was added by SB 990 (Watson), Chapter 919, Statutes of 1989. This subdivision requires the Department of Alcohol and Drug Programs (ADP) and the Department of Social Services (DSS) to enter into an agreement. The purpose of this agreement is to establish a process by which ADP can certify residential facilities or programs serving primarily adolescents that provide alcoholism or drug abuse recovery or treatment services.

II. Individual Department Responsibilities

ADP has the sole authority in state government to license nonmedical alcoholism or drug abuse recovery or treatment facilities serving adults (Health & Saf. Code Sec. 11834.01 & 9 CCR, Div. 4, Ch. 5 commencing with Sec. 10500). ADP also certifies residential and nonresidential alcohol and drug programs meeting state standards for quality service on a voluntary basis.

DSS - Community Care Licensing (CCL) is a regulatory program (22 CCR, Div. 6 commencing with Sec. 80000), which establishes, assures compliance with, and enforces regulations relating to the health, safety, care, supervision, legal, and human rights of children and adults in community care facilities.

III. Confidentiality of Patient Records

ADP, DSS and its licensed programs seeking certification, must adhere to the requirements of Title 42 Code of Federal Regulations (CFR), Part 2 and Article 7 (commencing with Section 5325) of Subchapter 2, Part 1 of Division 5 of the Welfare and Institution Code. Title 42, CFR, Part 2 requires that records of the identity, diagnosis, prognosis, or treatment of any patient which are maintained in connection with the performance of any drug abuse prevention function, or any education, training, treatment, rehabilitation, or research, which are conducted, regulated, or directly or indirectly assisted by any department or agency of the United States shall be confidential and be disclosed only for the purposes and under the circumstances expressly authorized by regulation. Title 42, CFR, Part 2 applies to minor patients in accordance with Section 2.14.

IV. Shared General Responsibilities

1. ADP will convene a work group to develop program standards specific to adolescent alcoholism or drug abuse recovery or treatment programs. When the standards are developed, current DSS licensed programs which have voluntarily applied for and received alcohol and/or drug program certification may have up to two years to comply with the new standards. In the interim, ADP will certify the programs using current approved standards for alcohol and drug programs.

DSS may, if staff is available, provide representatives to the work group to develop program standards specific to adolescent alcoholism or drug abuse recovery or treatment programs.

2. Upon request of the DSS licensee, ADP shall certify any group home licensed by DSS that serves primarily adolescents and provides alcoholism or drug abuse recovery or treatment services and is in substantial compliance with ADP program certification standards.

Upon request, DSS will provide to ADP a listing of its group homes which provide nonmedical, out-of-home care to children.

3. ADP will verify the current DSS licensing status prior to issuing an initial or renewal alcoholism or drug abuse recovery or treatment program certification to a DSS licensee.

When requested, DSS will verify by phone the current licensing status of a provider that has applied for an alcoholism or drug abuse recovery or treatment program certification.

4. Upon request, ADP will provide DSS a listing of group homes providing alcoholism or drug abuse recovery or treatment services that have applied and met certification. ADP will offer these facilities the opportunity to be included in its annual Directory of Community Resources in California. The current facilities licensed by DSS and certified by ADP will be sent a questionnaire and placed in next year's Directory.

DSS may update their current directory to include coding to signify a group home has applied for and met

ADP alcoholism or drug abuse recovery or treatment program certification standards.

V. Shared Monitoring Responsibilities

1. Upon request, ADP will cooperate and participate with DSS on announced and unannounced visits.

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2. In conjunction with the requirements of 42 Code of Federal Regulations (CFR), Part 2 and Article 7 (commencing with Section 5325) of Subchapter 2, Part 1 of Division 5 of the Welfare and Institution Code, ADP will maintain strict confidentiality of information shared by DSS, to include:

Strict confidentiality of information shared by DSS in any cases where legal action is being contemplated or is in progress.

In conjunction with the requirements of 42 Code of Federal Regulations (CFR), Part 2 and Article 7 (commencing with Section 5325) of Subchapter 2, Part 1 of Division 5 of the Welfare and Institution Code, DSS will maintain strict confidentiality of information shared by ADP, to include:

Strict confidentiality of information shared by ADP in any cases where legal action is being contemplated or is in progress.

3. Upon request, ADP will provide DSS copies of its certification site visit reports.

Upon request, DSS will provide ADP copies of its licensing site visit reports.

4. ADP agrees to communicate relevant findings to the DSS Legal Division pursuant to an administrative action, and to participate to the extent necessary in the administrative action.

DSS agrees to communicate relevant findings to the ADP Legal Division pursuant to an administrative action, and to participate to the extent necessary in the administrative action.

VI. Amendment/Cancellation Clause

This document is in effect until canceled with 30 days written notice or replaced by a revised Memorandum of Understanding signed by both parties.