

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS  
ADMINISTRATIVE JUDGE PROMULGATION # 4

QUALIFICATIONS FOR THE CERTIFICATION OF COMMUNITY BASED ALCOHOL  
AND DRUG SAFETY ACTION PROGRAMS PURSUANT TO K.S.A. 8-1008, AS  
AMENDED

Pursuant to K.S.A. 8-1008, as amended, ("the statute") the Administrative Judge of the Tenth Judicial District of the State of Kansas establishes the following qualifications and procedures, in addition to those contained in the statute, for certification, continuing certification, and recertification (referred to collectively as "certification") of community based alcohol and drug safety action programs. It is the responsibility of the programs to be aware of these qualifications and procedures, and of any changes.

I. ELIGIBILITY FOR CERTIFICATION.

To be eligible for certification, a program must demonstrate it is qualified to provide, and capable of providing, the services described in the statute, including but not limited to the following: evaluation, supervision and monitoring, alcohol and drug evaluation reports, the follow-up duties specified, and any other function or duty specified by law.

II. QUALIFICATIONS FOR CERTIFICATION.

In addition to any qualifications established by the Secretary of Social and Rehabilitation Services, the following qualifications are established:

A. Requirements for training, education and certification of personnel.

Any individual performing evaluation or testing, writing or signing any report, performing any supervision or monitoring and/or making any recommendation, shall be

currently (1) certified by KADACA, (2) registered by the Behavioral Sciences Regulatory Board (BSRB) as an Alcoholism and Drug Addiction Counselor, or (3) have a current Certificate of Proficiency in Treatment of Alcohol and Other Psychoactive Substance Use Disorders offered by the APA College of Professional Psychology.

Continuing professional education and training in the current knowledge and methods for diagnosis and referral of alcohol and drug abuse is required for qualification as an evaluator and program. The Administrative Judge relies on KADACA certification and/or BSRB registration of the individual performing the evaluation to establish compliance with this qualification.

The Administrative Judge may, from time to time, call conferences of certified programs, evaluators and interested parties for training and/or related purposes. Participation in these conferences is a part of the qualification of training and education.

#### B. Conflict of interest.

The Committee is aware of the appearance of, or potential for, a conflict of interest when participants - those persons who receive evaluation, monitoring and recommendations for treatment pursuant to the statute by certified programs - are also provided treatment by the certified program which provided the evaluation, monitoring or treatment recommendation. Therefore, to be qualified, a certified program may not offer or provide treatment for participants which the program has evaluated.

For the purpose of complying with this qualification, treatment includes, but is not limited to, individual counseling, family or group counseling, outpatient, intensive outpatient, or inpatient treatment; however treatment does not include purely educational

programs.

Within sixty days after the adoption of this promulgation, each certified program shall advise the Administrative Judge in writing, with ten copies, whether or not it offers or provides treatment for participants. If a program offers or provides such treatment, it shall simultaneously provide the Administrative Judge in writing, with ten copies, a description of the treatment offered or provided participants, and a plan and time schedule to eliminate offering or providing treatment to participants for whom it has also provided the evaluation, monitoring or treatment recommendation. This plan is subject to the written approval of the Administrative Judge.

Failure to timely submit a plan and/or failure to provide written proof of the completion of an approved plan within the time approved by the Administrative Judge, shall result in the withdrawal of certification or denial of recertification, without further action by the Administrative Judge.

C. Other qualifications relating to the quality and delivery of services by the program.

To achieve consistency in the interpretation and use of evaluation reports by the courts and others, to be qualified a program shall after June 1, 1996, utilize the ADSAP evaluation report form attached. The report shall include, but not be limited to, a history of the client participant's prior traffic record, characteristics and alcohol or drug problems, together with a recommendation concerning the amenability of the person to education and rehabilitation, and shall include a recommendation concerning the alcohol and drug driving safety education and treatment for the client participant.

The evaluation providing the basis for the report shall, at a minimum, utilize the results of a psychosocial history and the SASSI 2. Individuals performing an evaluation must be qualified to administer, score, and interpret the test instrument(s) used.

The person who performs the evaluation shall prepare and sign the report, and shall be certified by KADACA or registered with BSRB as an alcoholism and drug addiction counselor.

D. Fee reimbursement procedures.

Consistency and fairness in fees and fee reimbursement procedures is a qualification. It is the intent of the Administrative Judge to establish fee reimbursement procedures as a qualification by amendment to this promulgation. Until such amendment, for continued certification, a program shall, within sixty days of the adoption of this promulgation, submit to the Administrative Judge, in writing, with ten copies, a description of its fees for all services it performs pursuant to statute and certification, its procedure for reimbursement from the Courts, and its procedure for reimbursement to its client participants. Failure to submit this information in timely fashion will automatically, without further action from the Administrative Judge, terminate the certification of a program.

III. PROCEDURE FOR CERTIFICATION.

A. Application for certification.

Application for certification is made by submitting to the Administrative Judge an original and fifty copies of an Application in the form provided together with the required supporting documentation. The Application shall be signed under oath by the person

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responsible for the administration and supervision of (1) the program, and (2) the evaluator(s). The Administrative Judge or designee may request further information, personal meetings, or on site visits.

To demonstrate the capability to provide the required services, a program shall show by the Application (1) its history of practical experience in the diagnosis and referral of alcohol and drug abuse, and (2) that the person(s) actually performing the statutorily mandated services including evaluations, supervision and monitoring (the evaluator(s)) is qualified to provide those services, has had substantial prior practical experience in the diagnosis of alcohol and drug abuse, is knowledgeable of, and capable in accordance with, the current professional knowledge and education in the evaluation of alcohol and drug abuse, and is certified by KADACA or registered with BSRB as an alcoholism and drug addiction counselor.

Certification of a program shall be evidenced by a letter to the program, dated and signed by the Administrative Judge. Certification is for a period of four years and expires automatically on the 31st day of May preceding the fourth anniversary of such certification.

In the event an evaluator shall cease acting for such program or is no longer qualified, the program shall immediately notify the Administrative Judge in writing, and unless the program was certified with additional qualified evaluators, the program's certification shall then terminate and be revoked without further action by the Administrative Judge.

B. Evidence of continuing capability.

Continuing capability of a program is a qualification. Evidence thereof shall be submitted by an annual Report to the Administrative Judge, in writing, together with ten copies, not later than the 31st day of May, on a form designated by the Administrative Judge. It shall be signed under oath by the person responsible for the administration and supervision of (1) the program and (2) the evaluator(s).

The Administrative Judge reserves the right to review and revoke any certification if the appropriate capability or qualification is lacking after consultation with the program.

#### C. Recertification.

It is the responsibility of a program to be aware of the expiration of its certification and to take timely steps to achieve recertification. Application for recertification is made by submitting to the Administrative Judge an Application for recertification, together with fifty copies, on the form provided, which must be received by the Administrative Judge not less than sixty days prior to the 31st day of May preceding the fourth anniversary of certification. Failure to timely submit such application for recertification automatically terminates the certification of a program without further steps by the Administrative Judge. Recertification shall be evidenced by a letter to the program, dated and signed by the Administrative Judge.

#### IV. COMMITTEES.

##### A. ADSAP Advisory Committee.

The Administrative Judge may act by designee, and may from time to time designate an ADSAP Advisory Committee, or others, to assist with the duties of

certification or related matters, as the Judge may direct.

B. ADSAP Judges Committee.

The Administrative Judge may designate an ADSAP Judges Committee to assist in training and education, to advise and consult regarding qualifications and procedures or such other matters as the Judge may direct.

C. ADSAP Program Committee.


In order to assure and facilitate cooperation among the Administrative Judge, the ADSAP Advisory Committee, the ADSAP Judges Committee, the courts served, the certified programs and the evaluators, there is hereby created an ADSAP Program Committee, consisting of all programs certified at any given time. The committee shall promptly denominate a representative of one of its members as chair for a rotating one year term and advise the Administrative Judge. The committee shall meet and carry out such activities as may be reasonably directed by the Administrative Judge and may carry out other activities as are not inconsistent with this promulgation.

V. POLICY OF CERTIFICATION.

It is the policy of this District, in accordance with the statute, that in the certification of programs, preference is given to those which have had practical experience in the diagnosis and referral of alcohol and drug abuse prior to July 1, 1982.

It is further the policy that meeting the qualifications set out does not automatically entitle a program to certification. The Administrative Judge will consult with the judges of courts within the district and will exercise discretion, taking into account the needs of the courts and the community, and the history of the program and its capabilities.

Adopted and effective this 6 day of March, 1998.

  
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Larry McClain  
Administrative Judge