

IN THE DISTRICT COURT OF JOHNSON COUNTY, KANSAS

ADMINISTRATIVE ORDER NO. 11-10

(Replaces Administrative Order 09-09)

Re: Qualifications and Procedure for Certification of
Community Based Alcohol and Drug Safety Action Programs
Pursuant to K.S.A. 20-342 and Kan. Sup. Ct. R. 105.

I. REQUIREMENTS AND QUALIFICATIONS

In addition to any requirements or qualifications established by the Secretary of Social and Rehabilitation Services for the State of Kansas, each community based alcohol and drug safety action program (“ADSAP program”) must satisfy the following requirements and qualifications in order to be certified, to be recertified, or to continue to be certified.

This Order shall apply to DUI-related alcohol and drug abuse treatment and supervision services, but shall not apply to DUI-related alcohol and drug abuse evaluation services pursuant to K.S.A.2010 Supp. 8-1008. K.S.A.2010 Supp. 8-1008 provides that such DUI-related alcohol and drug abuse evaluation Providers shall be monitored by the Secretary of Social and Rehabilitation Services for the State of Kansas, and shall no longer be monitored by the courts.

1. **The ADASP Program.** The ADSAP program must demonstrate that it will provide competent and professional services. The ADSAP program must also provide services in compliance with all applicable law, the referring judge’s order, and the court’s Private Provider Standards. A service provider organization or agency accepting referrals from the court may apply for the certification of multiple ADSAP programs.

2. **The Providers.** Any individual (a) preparing or signing any report relating to, (b) providing supervision, education, treatment or monitoring of, or (c) making any recommendation regarding, a person referred to the ADSAP program by a judge of the court is a “Provider.”

Every Provider shall be currently certified by the Kansas Alcoholism and Drug Addiction Counselors' Association or registered by the Behavioral Sciences Regulatory Board of the State of Kansas as an Alcoholism and Drug Addiction Counselor. Every agency shall be licensed by AAPS.

Every Provider employed by or affiliated in any way with the ADSAP program shall be qualified to administer, score, and interpret any test or assessment instrument or tool used in the treatment or monitoring process.

Every Provider and manager of the ADSAP program shall attend and participate in any conference as directed by the Chief Judge for the purpose of training on matters relating to the providing of services to persons referred by the court.

No ADSAP program shall be permitted to use any personnel who are under criminal court supervision during the period of ADSAP program certification and registration. Nor shall any personnel possess criminal convictions within five years prior to providing services for the court.

3. Reports. All client treatment or monitoring reports shall be submitted to the appropriate judge or to court services in a timely fashion and in the form, and with all required attachments, as approved and as required by the Chief Judge from time to time.

4. Conflict of Interest. When a Provider has performed an evaluation, made a recommendation for treatment, or provided any testing pursuant to K.S.A.2010 Supp. 8-1008, neither the ADSAP program that the Provider is employed by or affiliated with, nor any other ADSAP program which is under the common ownership or control with the Provider's ADSAP program shall provide treatment absent an informed and voluntary waiver by the person of this conflict of interest in the form approved by the Chief Judge. Treatment includes, but is not

limited to, individual counseling; family or group counseling; monitoring service; and outpatient, intensive outpatient, or inpatient treatment. Treatment does not include purely educational ADSAP programs.

5. Other Requirements. To assure the quality of services provided to the court and to persons subject to the court's orders, the Chief Judge may, from time to time, specify other additional requirements for ADSAP programs in specific disciplines and for applicants for certification and registration, including a requirement that a specific Provider or employee of a Provider provide breath, bodily fluid, or hair samples upon order of the Chief Judge based upon a recommendation of the monitor and for good cause shown.

II. PROCEDURE

1. Application. The original application for ADSAP program certification, together with all supporting documents, shall be submitted to the Chief Judge on the form approved by the Chief Judge. The applicant shall submit such further information, permit such site visits, and attend such meetings as the Chief Judge or his designee may require to evaluate the application's merits.

2. Notice of Certification. Notice of certification and notice of a renewal of certification of an ADSAP program shall be in the form of a document of certification from the Chief Judge.

3. Annual Report. On or before each May 31, after notice of certification, the person responsible for the administration and supervision of the ADSAP program and of the Providers shall submit the original of the completed annual report to the Chief Judge on the form approved by the Chief Judge.

4. Duration of Certification. Certification of an ADSAP program is from the date of the notice from the Chief Judge until the first to occur of any of the following:

- A. The 31st day of May preceding the fourth anniversary of the certification notice.
- B. No Provider identified in the application continues to be employed by or affiliated with the ADSAP program. Should this occur, the ADSAP program shall immediately notify the Chief Judge in writing.
- C. Failure of a certified ADSAP program to comply with such other or additional requirements specified by the Chief Judge pursuant to ¶ I.5. of this Order.
- D. Revocation of the ADSAP program's certification by the Chief Judge upon the Chief Judge's determination that it reasonably appears the ADSAP program, its Providers, or its supervision and management lacks the ongoing expertise, capability or willingness to provide quality services to the court and to the persons referred by the court.

5. Renewal of Certification. At least 60 days before the expiration of the certification period, the ADSAP program shall submit the completed application for renewal of certification, together with all supporting documents, to the Chief Judge on the form approved by the Chief Judge. The applicant shall submit such further information, permit such site visits, and attend such meetings as the Chief Judge or his designee may require to evaluate the merits of the application for renewal of certification.

An ADSAP program's certification shall automatically expire if a notice of renewal of certification is not sent to the ADSAP program by the Chief Judge before the certification expiration date.

6. Fees. The two-year registration fee for each managing organization or agency seeking certification or renewal of certification of any number of ADSAP programs for court referrals is \$300.00. In addition, the certification and renewal of certification fee for each ADSAP program

offered by the registered organization is \$100.00. An organization or agency submitting multiple applications for ADSAP program certification will pay only one Provider registration fee of \$300.00 plus \$100.00 for each type of ADSAP program offered. The fees are due with the application for certification and registration, and with any application for renewal of registration and certification. Fees are not prorated. If Provider certification is revoked, fees will not be refunded. Governmental agencies offering ADSAP programs are exempt from these fees. Organizations or agencies providing substantial indigent services or showing special circumstances may apply to the Chief Judge for full or partial exemption from the required fees.

Registration and ADSAP program certification fees under this Order shall be deposited by the Clerk of the District Court in a Program Fees Fund, which fund shall be administered by the Chief Judge. Moneys in the Program Fees Fund shall be expended by the court, pursuant to vouchers signed by the Chief Judge, only for the costs of administering the provisions of this Order.

7. Discretion of Chief Judge. The certification, renewal of certification, revocation of certification, and establishment of the qualifications for certification or renewal of certification are within the discretion of the Chief Judge, upon consultation with the Judges of the District Court. In exercising that discretion, the Chief Judge will take into account the needs of the court and of the community; the history of the ADSAP program; the capability of the ADSAP program's Providers, supervisors, managers and other support personnel; and such other factors that bear upon the qualifications of the applicant or ADSAP program to provide appropriate services to the court and to the community.

III. OTHER MATTERS

