



State of California—Health and Human Services Agency
Department of Health Care Services



EDMUND G. BROWN JR.
GOVERNOR

DATE: October 16, 2017

MHSUDS INFORMATION NOTICE NO.: 17-056

TO: COUNTY BEHAVIORAL HEALTH DIRECTORS
COUNTY DRUG & ALCOHOL ADMINISTRATORS
COUNTY BEHAVIORAL HEALTH DIRECTORS ASSOCIATION OF CALIFORNIA
CALIFORNIA COUNCIL OF COMMUNITY BEHAVIORAL HEALTH AGENCIES
COALITION OF ALCOHOL AND DRUG ASSOCIATIONS
CALIFORNIA ASSOCIATION OF ALCOHOL & DRUG PROGRAM EXECUTIVES, INC.
CALIFORNIA ALLIANCE OF CHILD AND FAMILY SERVICES
CALIFORNIA OPIOID MAINTENANCE PROVIDERS
CALIFORNIA ASSOCIATION FOR ALCOHOL/DRUG EDUCATORS
CALIFORNIA CONSORTIUM OF ADDICTION PROGRAMS & PROFESSIONALS
CALIFORNIA ASSOCIATION OF DUI TREATMENT PROGRAMS

SUBJECT: SUBSTANCE USE DISORDER COUNSELORS MANDATED TO REPORT ELDER AND DEPENDENT ADULT ABUSE

PURPOSE

This Department of Health Care Services (DHCS) Information Notice provides guidance on the requirements of Assembly Bill (AB) 575, which was chaptered on October 2, 2017. The law goes into effect January 1, 2018.

BACKGROUND

AB 575 broadens the definition of “health practitioner” in the elder and dependent adult abuse reporter law to include “substance use disorder counselor.” This inclusion makes a substance use disorder (SUD) counselor a mandated reporter of elder and dependent adult abuse pursuant to Welfare and Institutions Code, Division 9, Part 3, Chapter 11, Section 15610.37. A SUD counselor is defined as a person providing counseling services in an alcoholism or drug abuse (AOD) recovery and treatment program licensed, certified, or funded under Part 2 (commencing with Section 11760) of Division 10.5 of the Health and Safety Code.

With the addition of SUD counselor to the Welfare and Institutions Code, SUD counselors are provided with protection from being sued for violating confidentiality when reporting suspected elder and dependent abuse, just as it does other professions.

Prior to the enactment of AB 575, DHCS approved Certifying Organizations (COs), which register and certify SUD counselors to work in licensed AOD facilities, narcotic treatment programs and driving under the influence programs, required SUD counselors to abide by a uniform code of conduct (UCC). The UCC has included provisions regarding elder abuse, child abuse, and public safety. By adding SUD counselors to the definition of mandated reporters, AB 575 has solidified the reporting requirements for elder and dependent abuse, as well as elevated the consequences of a violation of the mandatory reporting provisions to ensure compliance.

POLICY

Welfare and Institutions Code, Division 9, Part 3, Chapter 11, Section 15610.37 mandates certain individuals, including SUD counselors report known or suspected instances of elder or dependent adult abuse and failure to do so is a crime. As a result, a SUD counselor who has observed or has knowledge of an incident that reasonably appears to be physical abuse, abandonment, abduction, isolation, financial abuse, or neglect, or is told by an elder or dependent adult he or she has experienced these behaviors, is required to report the abuse immediately or as soon as practicably possible.

DHCS' enforcement role remains the same under the provisions of this AB 575. As noted above, COs are currently responsible for having each registered and certified counselor sign and adhere to the UCC, which currently contains responsibilities for reporting elder and dependent adult abuse. DHCS will continue to investigate any allegations made to DHCS that a CO was not requiring the UCC to be signed or if a SUD counselor has violated the UCC in any way, which includes the elder and dependent abuse reporting.

If you have questions regarding this Information Notice, please contact Crystal Sanchez, Counselor and Medication Assisted Treatment Section at (916) 327-3148 or by email at crystal.sanchez@dhcs.ca.gov.

Sincerely,

Original signed by

Karen Baylor, Ph.D., LMFT, Deputy Director
Mental Health & Substance Use Disorder Services