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Behavioral Health Information Notice No: 23-XXX

TO: California Alliance of Child and Family Services  
California Association for Alcohol/Drug Educators  
California Association of Alcohol & Drug Program Executives, Inc.  
California Association of DUI Treatment Programs  
California Association of Social Rehabilitation Agencies  
California Consortium of Addiction Programs and Professionals  
California Council of Community Behavioral Health Agencies  
California Hospital Association  
California Opioid Maintenance Providers  
California State Association of Counties  
Coalition of Alcohol and Drug Associations  
County Behavioral Health Directors  
County Behavioral Health Directors Association of California  
County Drug & Alcohol Administrators

SUBJECT: Certification of Alcohol and Other Drug Programs

PURPOSE: To notify alcohol and other drug programs, also known as outpatient substance use disorder (SUD)<sup>1</sup> treatment programs of the mandatory certification requirements, and to provide guidance for SUD programs already certified by the Department of Health Care Service (DHCS).

REFERENCE: [Assembly Bill \(AB\) 118](#) (Health and Safety Code, Chapter 7.1 commencing with Section 11832)

**BACKGROUND:**

DHCS has the sole authority to license, certify, and monitor alcohol or other drug programs, also known as SUD treatment facilities (Health and Safety Code, Division 10.5, Chapter 7.5, Sections 11832, 11834.01, and 11834.30). DHCS is responsible for all activities associated with facility licensure and/or program certification<sup>2</sup>, compliance with statutory and regulatory requirements, and client-related health and safety issues

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<sup>1</sup> This BHIN uses “SUD” as preferred clinical terminology, consistent with the current edition of the Diagnostic and Statistical Manual of Mental Disorders, medical societies, professional organizations, recovery advocates, and [federal guidance](#) regarding the use of non-stigmatizing, person-centered language.

<sup>2</sup> For purposes of this BHIN the term “facility” applies to a licensed alcoholism or drug abuse recovery or treatment residential facility. The term “program” applies to an outpatient SUD facility.

Prior to AB 118, certification for both residential and outpatient SUD treatment facilities or programs was voluntary. Certification was obtained if a facility/program met requirements, as outlined, in the Alcohol and/or Other Drug Program Certification Standards. Many outpatient SUD treatment programs provide services without seeking voluntary certification from DHCS. These outpatient SUD treatment programs were not subject to any governmental oversight.

AB 118 amended HSC by removing Section 11830.1 which authorized DHCS to implement a voluntary certification. AB 118 added HSC Chapter 7.1 (commencing with Section 11832) that requires all outpatient SUD treatment programs which offer treatment, recovery, detoxification, or medication for addiction treatment (MAT) services to obtain a certification from DHCS. In addition, HSC 11832.23(b) authorizes DHCS to implement Chapter 7.1 by provider bulletin. In accordance with this authority DHCS is releasing the [DHCS Certification for Alcohol and Other Drug Programs 2.0](#) which requires all outpatient SUD treatment programs to comply with the requirements outlined. These certification requirements expand DHCS' oversight of outpatient SUD treatment programs to improve the health and safety of clients seeking SUD treatment.

AB 118 maintains a pathway for licensed residential SUD facilities to obtain a voluntary certification if they meet program requirements outlined in the enclosed [DHCS Certification for Alcohol and Other Drug Problems 2.0](#).

**POLICY:**

In accordance with HSC, Chapter 7.1 (commencing with Section 11832), DHCS has the sole authority to certify SUD treatment programs that provide one or more of the following services to clients: treatment services, recovery services, detoxification services and/or MAT services. Certification is issued to SUD treatment programs that meet the requirements outlined in [DHCS Certification for Alcohol and Other Drug Programs 2.0](#).

[DHCS Certification for Alcohol and Other Drug Programs 2.0](#) outlines the requirements specified in HSC, Chapter 7.1 (commencing with Section 11832). These provisions address numerous areas including the program certification and renewal process, evaluation, administrative action, detoxification, MAT, and client care. The following are key provisions, which were not included in the interim standards, are now included in the DHCS Certification for Alcohol and Other Drug Programs 2.0:

- a. An individual health care practitioner licensed and regulated under Division 2 (commencing with Section 500) of the Business and Professions Code, acting within the scope of their license or certificate, does not require certification from DHCS.

- b. SUD treatment facilities operating in the following settings are exempt from certification by DHCS, but may voluntarily seek certification:
- (1) Adult alcoholism or drug abuse recovery or treatment facilities, driving-under-the-influence programs, and narcotic treatment programs licensed by DHCS.
  - (2) Clinics licensed by the State Department of Public Health in accordance with Chapter 1 (commencing with Section 1200) of Division 2.
  - (3) Health facilities licensed by the State Department of Public Health in accordance with Chapter 2 (commencing with Section 1250) of Division 2.
  - (4) Community care facilities licensed by the State Department of Social Services in accordance with Chapter 3 (commencing with Section 1500) of Division 2.
  - (5) Residential care facilities for persons with chronic, life-threatening illness licensed by the State Department of Social Services in accordance with Chapter 3.01 (commencing with Section 1568.01) of Division 2.
  - (6) Residential care facilities for the elderly licensed by the State Department of Social Services in accordance with Chapter 3.2 (commencing with Section 1569) of Division 2.
  - (7) Adult day health care center's licensed by the State Department of Social Services in accordance with Chapter 3.3 (commencing with Section 1570) of Division 2.
  - (8) Public elementary and secondary schools as defined in the Education Code.
  - (9) County jails and state correctional institutions, including juvenile justice facilities.
- c. Applicants/providers are required to complete the following specified forms to obtain or renew certification. The following forms are incorporated by reference in the DHCS Certification for Alcohol and Other Drug Programs 2.0:
- Initial Application for Certification form DHCS XXXX (XX/XX)
  - Request for Voluntary Certification form DHCS XXXX (XX/XX)
  - Disclosure to the Department of Health Care Services (DHCS) form DHCS XXXX (XX/XX)
  - Staff and Health Care Practitioner (HCP) Information form DHCS XXXX (XX/XX)
  - Program Director Information form DHCS XXXX (XX/XX)
  - Administrative Organization – Corporation, Nonprofit Corporation, Limited Liability Company, General Partnership or Limited Partnership form DHCS XXXX (XX/XX)
  - Administrative Organization – Public Agency or Sole Proprietor form DHCS XXXX (XX/XX)

- Designation of Administrative Responsibility form DHCS XXXX (XX/XX)
  - Schedule of Recovery and Treatment Services form DHCS XXXX (XX/XX)
  - Application for Certification Amendment(s) form DHCS XXXX (XX/XX)
  - Application for Certification Renewal form DHCS XXXX (XX/XX)
  - Health Questionnaire and Screening form DHCS XXXX (XX/XX)
  - Detoxification Observation – Physical Check Log form DHCS XXXX (XX/XX)
  - Detoxification Observation – Vital Signs Check Log form DHCS XXXX (XX/XX)
- d. In accordance with HSC Section 11832.11, certified SUD treatment programs are required to report the following events to DHCS within one (1) working day:
- (1) Death of any person that occurs at the program.
  - (2) Injury of any client at the program that requires emergency medical treatment.
  - (3) Cases of communicable disease reportable under Sections 2500 and 2502 of Title 17, California Code of Regulations. These cases shall also be reported to the local health officer.
  - (4) Catastrophes such as flooding, tornado, earthquake, or any other natural disaster.
  - (5) Fires or explosions which occur in or on the premises.
- e. In accordance with HSC Section 11832.20, DHCS can impose civil penalties on SUD treatment programs that violate the provisions outlined in the DHCS Certification for Alcohol and Other Drug Programs 2.0.

**COMPLIANCE:**

Pursuant to HSC Section 11832.24, all residential facilities and outpatient SUD treatment programs certified by DHCS pursuant to section 11830.1 as it read on June 30, 2023, are deemed certified under HSC Chapter 7.1 until the expiration date set forth on their current certification. All existing certified SUD treatment facilities and programs and initial applicants are subject to HSC Chapter 7.1 and the requirements of this BHIN.

Any SUD treatment facility that is not exempt from certification pursuant to HSC Section 11832.3 must submit an Initial Application for Certification form DHCS XXXX (XX/XX) for certification by January 1, 2024, and must obtain certification by January 1, 2025. SUD treatment facilities that are not exempt from certification and fail to obtain certification may be subject to an assessment of civil penalties of two thousand (\$2,000) dollars per day pursuant to HSC 11832.18.

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More information on DHCS Licensing and Certification functions may be found at [https://www.dhcs.ca.gov/provgovpart/Pages/Licensing\\_and\\_Certification\\_Division.aspx](https://www.dhcs.ca.gov/provgovpart/Pages/Licensing_and_Certification_Division.aspx). Questions regarding this information notice should be directed the Substance Use Disorder Licensing and Certification Section by email at [LCDQuestions@DHCS.CA.gov](mailto:LCDQuestions@DHCS.CA.gov).

Sincerely,

Janelle Ito-Orille, Chief  
Licensing and Certification Division

DRAFT