

DATE: October 16, 2023

Behavioral Health Information Notice No: 23-058

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)¹ treatment programs of the interim 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, Division 10.5, Part 2, 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 (HSC), Division 10.5, Chapter 7.5, Sections 11832, 11834.01, and 11834.30). DHCS is responsible for facility licensure and/or program certification², compliance oversight, and client-related health and safety issues.

¹ 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.

² 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. AB 118 also maintains a pathway for licensed residential SUD facilities to obtain a voluntary certification. These certification requirements expand DHCS' oversight of outpatient SUD treatment programs to improve the health and safety of clients seeking SUD treatment.

HSC 11832.23(b) authorizes DHCS to implement Chapter 7.1 by provider bulletin. In accordance with this authority DHCS is releasing the attached interim certification standards. These interim certification standards are effective immediately and will remain in place while DHCS engages stakeholders for feedback on new standards that align with current industry best practices. New standards will be issued via a subsequent BHIN.

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.³ Certification is issued to SUD treatment programs that meet the requirements outlined in the [DHCS Certification for Alcohol and Other Drug Programs 1.0](#).

The [DHCS Certification for Alcohol and Other Drug Programs 1.0](#) outlines the requirements specified in HSC, Chapter 7.1. These provisions address numerous areas including the program certification and renewal process, evaluation, administrative action, detoxification services, MAT, and client care. The following are key provisions from HSC, Chapter 7.1 that are not set forth in the DHCS Certification for Alcohol and Other Drug Program 1.0, but will be included in forthcoming new standards:

³ See HSC Section 11832.2.

- 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.

COMPLIANCE:

Pursuant to HSC Section 11832.24, all residential facilities and outpatient SUD treatment programs certified by DHCS pursuant to HSC 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 by January 1, 2024, and obtain certification by January 1, 2025. SUD treatment facilities that are not exempt

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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.

More information on DHCS Licensing and Certification functions may be found at 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.

Sincerely,

Janelle Ito-Orille, Chief
Licensing and Certification Division