DEPARTMENT OF HEALTH

Amendments and Compilation of Chapter 11-177.1
Hawaii Administrative Rules

December 3, 2010

SUMMARY

1. §11-177.1-1, 11-177.1-2, 11-177.1-3, 11-177.1-4, 11-177.1-9, 11-177.1-10, 11-177.1-11, 11-177.1-12, 11-177.1-13, 11-177.1-14, 11-177.1-15, 11-177.1-16, 11-177.1-17, 11-177.1-18, 11-177.1-19, 11-177.1-20, 11-177.1-21, 11-177.1-33, 11-177.1-35, 11-177.1-37, 11-177.1-41, 11-177.1-47, 11-177.1-48 are amended.

2. §11-177.1-26, 11-177.1-27, 11-177.1-28, 11-177.1-29 are added.

3. Chapter 11-177.1 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 11

DEPARTMENT OF HEALTH

CHAPTER 177.1

CERTIFICATION STANDARDS FOR SUBSTANCE ABUSE COUNSELORS, PROGRAM ADMINISTRATORS, PREVENTION SPECIALISTS, CLINICAL SUPERVISORS, CRIMINAL JUSTICE ADDICTIONS PROFESSIONALS, AND CO-OCCURRING DISORDERS PROFESSIONAL DIPLOMATE

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Historical note: This chapter is based substantially upon Chapter 11-177, Hawaii Administrative Rules. [Eff January 28, 1985]

SUBCHAPTER 1

GENERAL PROVISIONS

§11-177.1-1 Purpose. The purpose of this chapter is to establish standards for the certification of substance abuse counselors, substance abuse program administrators, prevention specialists, clinical supervisors, criminal justice addictions professionals, and co-occurring disorders professionals diplomate. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-2 Definitions. As used in this chapter:

"Advisory board" means the board established pursuant to these rules and authorized by the department to review reported violations of the code of ethics and of misconduct and to make recommendations to the department regarding action to be taken.

"AIDS" means acquired immunodeficiency syndrome.

"Applicant" means any person who has applied for a category of certification named in this chapter.

"Assessment" means the procedures by which a substance abuse counselor or program identifies and evaluates an individual's strengths, weaknesses, problems, and needs for the development of a treatment or service plan.

"ATOD" means alcohol, tobacco, and other drugs.

"Certification" means a process to approve qualified individuals as substance abuse counselors, prevention specialists, clinical supervisors, criminal justice addictions professionals, co-occurring disorders professionals diplomate, and substance abuse program administrators.

"Certified clinical supervisor" means a person, who through both education and demonstrated experience, is capable of and directly provides counselor development, program development and quality assurance, performance evaluation, administration, and treatment knowledge as these relate to substance abuse treatment.

"Client" means an individual who has applied for, has participated in, or received an interview,

counseling, or any other service from a substance abuse program. The term "client" is synonymous with patient, resident, consumer, or recipient.

"Clinical supervision" means on-the-job teaching, training, guidance, direction, and review of an applicant's client-related activities by a qualified health professional. Supervision includes monitoring the applicant's development and use of knowledge and skills relevant to professional practice.

"Clinical supervisor" means a qualified health professional or certified clinical supervisor who provides clinical supervision.

"Code of ethics" means those behavioral guidelines established by the department to govern the conduct of persons certified.

"Contact hours" means courses in psychology, educational psychology, community planning, social work, human services, or substance abuse from an accredited university, college, or other institute of higher education, or training courses which have been approved by the department. Contact hours is synonymous with continuing education.

"Co-occurring disorders professional diplomate" means a person, who through both education and demonstrated experience, is capable of and directly provides screening, assessment, crisis prevention and management, treatment and recovery planning, counseling, management and coordination of care, and education of the client and community as these relate to substance abuse treatment for persons with additional mental disorders.

"Counseling" means the utilization of special skills to assist individuals, families, or groups in achieving objectives through the exploration of problems and their ramifications, examination of attitudes and feelings, consideration of alternative solutions, and decision-making.

"Crime" means an act or omission that would constitute an offense against the person under the Penal Code of the State of Hawaii.

"Criminal justice professional" means a person, who through both education and demonstrated experience, is capable of and directly provides clinical evaluation, treatment planning, case management,

monitoring, counseling, and documentation as these relate to substance abuse treatment taking into account criminal behavior, the criminal justice system, and its processes.

"Department" means the department of health, State of Hawaii.

"Deputy director" means the department deputy director for behavioral health or a designee.

"Director" means the director of health, State of Hawaii, or a designee.

"Division chief" means the chief of the alcohol and drug abuse division, State of Hawaii.

"Hearing officer" means the director or a person appointed by the director to convene, preside over, and adjudicate investigative hearings involving violations of this chapter and other administrative proceedings by applicants for certification and certified individuals.

"HIV" means human immunodeficiency virus.

"IC&RC" means the International Certification and Reciprocity Consortium,Inc., a not-for-profit, voluntary membership organization whose members are substance abuse certification boards and whose mission is to establish, monitor, and advance reciprocal competency standards for substance abuse professionals.

"Official transcript" means a record of courses taken and grades received by an individual that is sent directly from the university, college, or other institute of higher education to the department.

"Performance domains" means the domains, skills, and tasks of a substance abuse counselor, certified clinical supervisor, criminal justice addictions professional, co-occurring disorders professional diplomate, or prevention specialist identified in a role delineation study recognized by the department.

"Preceptor" means the individual who is responsible for providing training and supervision to the applicant for prevention certification. This individual may be a certified prevention specialist or a person with a bachelor's or master's degree and at least one year experience providing substance abuse prevention services.

"Preceptorship" means the process used to assist a prevention specialist applicant in becoming familiar with the knowledge and skills needed to be certified.

"Prevention" means a planned process of approaches and activities designed to impede the onset of alcohol and other drug problems and addiction.

"Prevention specialist" means a person, who through both education and demonstrated experience, is capable of and directly provides planning and evaluation, education and skill development, community organization, public policy, and environmental change as these relate to substance abuse prevention.

"Program administrator" means any person whose job description primarily consists of organization planning and development, program management, human resources management, and financial management.

"Qualified health professional" means any of the following individuals who have at least one year of experience in the treatment or prevention of substance abuse, and whose formal training includes treatment or prevention of substance abuse:

(1) A certified substance abuse counselor, certified prevention specialist, or certified criminal justice addictions professional who has a current valid certificate issued by the department in accordance with these rules;
(2) A clinical social worker currently licensed in the State of Hawaii;
(3) A physician currently licensed in the State of Hawaii;
(4) A psychologist currently licensed in the State of Hawaii;
(5) A marriage and family therapist currently licensed in the State of Hawaii;
(6) An advanced practice registered nurse currently licensed in the State of Hawaii;
(7) A licensed professional mental health counselor currently licensed in the State of Hawaii;
(8) A certified clinical supervisor who has a current valid certificate issued by the department in accordance with this chapter.

"Reciprocity" means the mutual recognition of valid certifications among member boards of the IC&RC.

"Revocation" means the permanent loss of certification.

"Substance" means alcohol, any drug listed on

schedules I through IV of chapter 329, Hawaii Revised Statutes, or any substance which includes in its composition volatile organic solvents.

"Substance abuse" means the misuse of a substance or the use of a substance to an extent deemed deleterious or detrimental to the user, to others, or to society.

"Substance abuse counselor" means a person, who through both education and demonstrated experience, is capable of providing the twelve-core functions and, at a minimum, directly provides assessment, treatment planning and implementation, counseling, and discharge planning, as they relate to substance abuse treatment. Substance abuse counselor is synonymous with alcohol and drug counselor and chemical dependency counselor.

"Substance abuse program" means a program concerned with education, prevention, or treatment directed towards achieving the prevention of substance abuse, or the social, mental, and physical restoration of substance abusers. The term "program" is synonymous with facility, agency, unit, and organization.

"Substance abuser" means any person who is unable to manage the person's self or affairs, or to function adaptively in society due to the use of a substance.

"Supervised experience" means paid or voluntary work experience in substance abuse counseling or substance abuse prevention during which the applicant receives clinical supervision or supervision from a preceptor.

"Suspension" means the temporary loss of certification.

"Training courses" means seminars or workshops approved by the department which focus on substance abuse, substance abuse prevention, or related issues.

"Treatment planning" means the process by which the counselor and the client clearly identify and rank problems needing resolution, establish agreed upon immediate and long-term goals, and decide upon a treatment process and the resources to be utilized.

"Treatment services" means interventions based on a current and accepted therapeutic model.

"Twelve-Core functions" means the tasks and skills of screening, intake, orientation, assessment, referral, treatment planning, counseling, crisis intervention, client education, case management,

report and record keeping, and consultation as applied to substance abuse clients. [Eff 6/4/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-3 Advisory board. (a) The division chief shall appoint five members to serve on the advisory board.

(b) The members shall be certified in a category defined in subchapter 2.

(c) Membership terms. Members shall serve for terms of three years each. No person shall serve more than two consecutive terms. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-4 Categories of certification. Applicants may receive certification in one or all of the following categories:

(1) Certified substance abuse counselor - licensed physician (specialty);
(2) Certified substance abuse counselor - licensed physician (general);
(3) Certified substance abuse counselor - licensed psychologist (specialty);
(4) Certified substance abuse counselor - licensed psychologist (general);
(5) Certified substance abuse counselor - licensed social worker;
(6) Certified substance abuse counselor - advanced practice registered nurse;
(7) Certified substance abuse counselor;
(8) Certified substance abuse counselor - bachelor degree;
(9) Certified substance abuse counselor - masters degree or higher;
(10) Certified substance abuse program administrator;
(11) Certified prevention specialist;
(12) Certified clinical supervisor;
(13) Certified criminal justice addictions professional; and
(14) Certified co-occurring disorders professional diplomate. [Eff 6/04/01; am and comp

](Auth: HRS §321-196) (Imp: HRS §321-193)

§§11-177.1-5 to 8 (Reserved)

SUBCHAPTER 2

REQUIREMENTS FOR CERTIFICATION

§11-177.1-9 Qualifications of certified substance abuse counselors. The department may issue a substance abuse counselor certificate to any applicant who has successfully completed education, training, supervised practical training, work experience, and written [~~and oral~~] examinations, which address a body of knowledge, work behavior, and skills related to substance abuse counseling as determined by the department. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-10 Certified substance abuse counselor - licensed physician (specialty). (a) The applicant shall be a physician certified by the American Society of Addiction Medicine or board certified in addiction psychiatry by the American Board of Psychiatry and Neurology.

(b) The applicant shall submit to the department:

(1) A completed application for certification;

(2) A copy of the applicant's current certificate;

(3) A copy of the applicant's current license to practice medicine in the State of Hawaii; and

(4) The appropriate application fee pursuant to subchapter 4.

(c) Individuals may apply for recertification up to sixty days prior to the expiration date of their current certification. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification;

(2) A copy of the applicant's certification, as

described in subsection (b)(2), and the applicant's current license to practice in Hawaii, as described in subsection (b)(3).

(d) Individuals certified pursuant to this section are not eligible for reciprocity. Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-11 Certified substance abuse counselor - licensed physician (general). (a) The applicant shall be a physician without a specialty in addiction psychiatry or addiction medicine.

(b) The applicant shall submit to the department:

(1) A completed application for certification;

(2) A copy of the applicant's current license to practice medicine in the State of Hawaii;

(3) A minimum of fifty hours of substance abuse specific education documented on a form to be provided by the department. At least six hours of education shall be on Title 42 Code of Federal Regulations, Part 2;

(4) One thousand hours of clinically supervised work experience providing direct alcohol and drug treatment services, documented on a form to be provided by the department; and

(5) The appropriate application fee pursuant to subchapter 4.

(c) The applicant shall successfully complete the examination requirements established by the department.

(d) Individuals may apply for recertification up to sixty days prior to the expiration date of their current certificate. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification;

(2) A copy of the applicant's current license to practice in Hawaii, as described in subsection (b)(2); and

(3) Documentation of the completion of sixteen contact hours which shall be completed within the current certification period.

(e) Individuals certified pursuant to this section are not eligible for reciprocity. [Eff

6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-12 Certified substance abuse counselor - licensed psychologist (specialty). (a) The applicant shall be a psychologist with a certificate of proficiency in the treatment of alcohol and other psychoactive substance use disorders from the American Psychological Association College of Professional Psychology.

(b) The applicant shall submit to the department:

(1) A completed application for certification;

(2) A copy of the applicant's current certificate;

(3) A copy of the applicant's current license to practice as a psychologist in the State of Hawaii; and

(4) The appropriate application fee pursuant to subchapter 4.

(c) Individuals may apply for recertification up to sixty days prior to the expiration date of their current certificate. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification;

(2) A copy of the applicant's proficiency certificate, as described in subsection (b)(2), and the applicant's current license to practice in Hawaii, as described in subsection (b)(3).

(d) Individuals certified pursuant to this section are not eligible for reciprocity. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-13 Certified substance abuse counselor - licensed psychologist (general). (a) The applicant shall be a licensed psychologist without a certificate of proficiency in the treatment of alcohol and other psychoactive substance use disorders.

(b) The applicant shall submit to the department:

(1) A completed application for certification;

(2) A copy of the applicant's current license to practice as a psychologist in the State of Hawaii;
(3) A minimum of fifty hours of substance abuse specific education documented on a form to be provided by the department. At least six hours of education shall cover Title 42 Code of Federal Regulations, Part 2;
(4) One thousand hours of clinically supervised work experience providing direct alcohol and drug treatment services, documented on a form to be provided by the department; and
(5) The appropriate application fee pursuant to subchapter 4.

(c) The applicant shall successfully complete the examination requirements established by the department.

(d) Individuals may apply for recertification up to sixty days prior to the expiration date of their current certificate. Applicants for recertification shall provide the following documents to the department:
(1) A completed application for recertification;
(2) A copy of the applicant's current license to practice in Hawaii, as described in subsection (b)(2); and
(3) Documentation of the completion of sixteen contact hours which shall be completed within the current certification period.

(e) Individuals certified pursuant to this section are not eligible for reciprocity.
[Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-14 <u>Certified substance abuse counselor - licensed clinical social worker, licensed marriage and family therapist, or licensed professional mental health counselor.</u> (a) The applicant shall be a licensed clinical social worker, licensed marriage and family therapist, or licensed professional mental health counselor.

(b) The applicant shall submit to the department:
(1) A completed application for certification;
(2) A copy of the applicant's current license to

practice in the applicant's profession in the State of Hawaii;

(3) A minimum of one hundred eighty hours of substance abuse specific education documented on a form to be provided by the department. At least six hours of education shall cover Title 42 Code of Federal Regulations, Part 2, and six hours shall pertain to HIV and AIDS education including issues related to confidentiality of records; and

(4) One thousand hours of clinically supervised work experience providing direct alcohol and drug treatment services, documented on a form to be provided by the department; and

(5) The appropriate application fee pursuant to subchapter 4.

(c) The applicant shall successfully complete the examination requirements established by the department.

(d) Applicants may apply for recertification up to sixty days prior to the expiration date of their current certificate. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification;

(2) A copy of the applicant's current license to practice in Hawaii, as described in subsection (b)(2); and

(3) Documentation of the completion of sixteen contact hours which shall be completed within the current certification period.

(e) Individuals certified pursuant to this section are not eligible for reciprocity. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-15 <u>Certified substance abuse counselor - advanced practice registered nurse.</u> (a) The applicant shall be an advanced practice registered nurse.

(b) The applicant shall submit to the department:

(1) A completed application for certification;

(2) A copy of the applicant's current license to practice as a registered nurse in the State

of Hawaii, and evidence of recognition as an advanced practice registered nurse in accordance with section 457-8.5, Hawaii Revised Statutes;

(3) A minimum of one hundred eighty hours of substance abuse specific education documented on a form to be provided by the department. At least six hours of education shall cover Title 42 Code of Federal Regulations, Part 2, and six hours of education shall pertain to HIV and AIDS education including issues related to confidentiality of records;

(4) One thousand hours of clinically supervised work experience providing direct alcohol and drug treatment services, documented on a form to be provided by the department; and

(5) The appropriate application fee pursuant to subchapter 4.

(c) The applicant shall successfully complete the examination requirements established by the department.

(d) Individuals may apply for recertification up to sixty days prior to the expiration date of their current certificate. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification;

(2) A copy of the applicant's current license to practice in Hawaii, and recognition as an advanced practice registered nurse as described in subsection (b)(2); and

(3) Documentation of the completion of sixteen contact hours which shall be completed within the current certification period.

(e) Individuals certified pursuant to this section are not eligible for reciprocity. [Eff 6/04/01;am and comp DEC 16 2010] (Auth: HRS §321-196)(Imp: HRS §321-193)

§11-177.1-16 Certified substance abuse counselor. (a) The applicant shall have a high school diploma or its equivalent and shall have completed six thousand hours of clinically supervised work experience providing direct alcohol and drug treatment services.

(1) The experience shall be documented by the clinical supervisor on a form to be provided by the department. The clinical supervisor must be employed or contracted by the program or agency in which the work experience is gained;

(2) A certificate in substance abuse counseling from an accredited school may be substituted for two thousand hours of experience providing direct alcohol and drug treatment services.

(b) The applicant shall provide documentation showing the following information:

(1) A minimum of two hundred seventy hours of substance abuse specific education;

(2) Six hours of education on professional ethics;

(3) Six hours of education on Title 42 Code of Federal Regulations, Part 2; and

(4) Six hours of education on HIV and AIDS including issues related to confidentiality of records.

(c) The applicant shall document on a form to be provided by the department four hundred hours of supervised practical training in the Twelve-Core function areas.

(1) A minimum of twenty hours shall be completed in each of the Twelve-Core function areas;

(2) The four hundred hours may be included in the six thousand hours of experience required in subsection (a);

(3) The four hundred hours shall be completed under the supervision of a certified substance abuse counselor certified in a category which is eligible for reciprocity.

(d) The applicant shall submit a completed application form with the appropriate application fee pursuant to subchapter 4.

(e) The applicant shall successfully complete the examination requirements established by the department.

(f) Applicants may apply for recertification up to sixty days prior to the expiration date of their current certificate. Applicants for recertification shall provide the following documents to the

department:

(1) A completed application for recertification; and

(2) Documentation of the completion of forty contact hours completed within the current certification period. A minimum of six hours shall be in professional ethics.

(g) A counselor in good standing with an International Certification & Reciprocity Consortium member board, who desires to practice in the State of Hawaii, may apply for reciprocity. Upon approval by the department, the counselor shall receive a State of Hawaii certification which shall not exceed the current expiration date of the counselor's original certificate issued by an International Certification & Reciprocity Consortium member board. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-17 Certified substance abuse counselor - bachelor degree. (a) The applicant shall have completed a bachelor's degree from an accredited school with a major in social work, psychology, counseling psychology, substance abuse counseling, or other counseling or mental health field.

(b) The applicant shall have completed four thousand hours of clinically supervised work experience providing direct alcohol and drug treatment services. The experience shall be documented by the clinical supervisor on a form to be provided by the department. The clinical supervisor must be employed or contracted by the program or agency in which the work experience is gained.

(c) The applicant shall provide documentation showing the following information:

(1) A minimum of two hundred seventy hours of substance abuse specific education;

(2) Six hours of education on professional ethics;

(3) Six hours of education on Title 42 Code of Federal Regulations, Part 2; and

(4) Six hours of education on HIV and AIDS including issues related to confidentiality of records.

(d) The applicant shall document on a form to be provided by the department four hundred hours of supervised practical training in the Twelve-Core function areas.

(1) A minimum of twenty hours shall be completed in each of the Twelve-Core function areas;

(2) The four hundred hours may be included in the four thousand hours of experience required in subsection (b);

(3) The four hundred hours shall be completed under the supervision of a certified substance abuse counselor certified in a category which is eligible for reciprocity.

(e) The applicant shall submit a completed application for certification.

(f) The applicant shall submit the appropriate application fee pursuant to subchapter 4.

(g) The applicant shall successfully complete the examination requirements established by the department.

(h) Applicants may apply for recertification up to sixty days prior to the expiration date on their current certification. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification; and

(2) Documentation of the completion of forty contact hours which shall be completed within the current certification period. A minimum of six hours shall be in professional ethics.

(i) A counselor with a bachelor's degree, in good standing with an International Certification & Reciprocity Consortium member board, who desires to practice in the State of Hawaii may apply for reciprocity. Upon approval by the department, the counselor shall receive a State of Hawaii certification which shall not exceed the current expiration date of the counselor's original certificate issued by an International Certification & Reciprocity Consortium member board. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-18 <u>Certified substance abuse counselor</u>

- master degree or higher. (a) The applicant shall have completed a master's degree or higher from an accredited school with a major in social work, psychology, counseling psychology, substance abuse counseling, or other counseling or mental health field.

(b) The applicant shall have completed two thousand hours of clinically supervised work experience providing direct alcohol and drug treatment services. The experience shall be documented by the clinical supervisor on a form to be provided by the department. The clinical supervisor must be employed or contracted by the program or agency in which the work experience is gained.

(c) The applicant shall provide documentation showing the following information:

(1) A minimum of two hundred seventy hours of substance abuse specific education;
(2) Six hours of education on professional ethics;
(3) Six hours of education on Title 42 Code of Federal Regulations, Part 2; and
(4) Six hours of education on HIV and AIDS including issues related to confidentiality of records.

(d) The applicant shall document on a form to be provided by the department four hundred hours of supervised practical training in the Twelve-Core function areas.

(1) A minimum of twenty hours shall be completed in each of the Twelve-Core function areas;
(2) The four hundred hours may be included in the two thousand hours of experience required in subsection (b);
(3) The four hundred hours shall be completed under the supervision of a certified substance abuse counselor certified in a category which is eligible for reciprocity.

(e) The applicant shall submit a completed application for certification.

(f) The applicant shall submit the appropriate application fee pursuant to subchapter 4.

(g) The applicant shall successfully complete the examination requirements established by the department.

(h) Applicants may apply for recertification up

to sixty days prior to the expiration date on their current certification. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification; and

(2) Documentation of the completion of forty contact hours which shall be completed within the current certification period. A minimum of six hours shall be in professional ethics.

(i) A counselor with a master's degree or higher, in good standing with an International Certification & Reciprocity Consortium member board, who desires to practice in the State of Hawaii may apply for reciprocity. Upon approval by the department, the counselor shall receive a State of Hawaii certification which shall not exceed the current expiration date of the counselor's original certificate issued by an International Certification & Reciprocity Consortium member board. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-19 Certified substance abuse program administrator. (a) The applicant shall have completed, and documented on a form to be provided by the department, six thousand hours of clinically supervised work experience in a substance abuse program, in an administrative position which requires, at a minimum, organizational planning and development, program management, human resources management, financial management, and professional responsibility.

(b) The applicant shall submit to the department a completed application for certification.

(c) The applicant shall submit the appropriate application fee pursuant to subchapter 4.

(d) The applicant shall successfully complete the examination requirements established by the department.

(e) Individuals may apply for recertification up to sixty days prior to the expiration date on their current certification. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification;

and

(2) Documentation of the completion of forty contact hours which shall be completed within the current certification period.

(d) A certified substance abuse program administrator, in good standing with an International Certification & Reciprocity Consortium member board, who desires to practice in the State of Hawaii may apply for reciprocity. Upon approval by the department, the certified substance abuse program administrator shall receive a State of Hawaii certification which shall not exceed the current expiration date of the original certificate issued by an International Certification & Reciprocity Consortium member board. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-20 Examination. (a) An applicant for certification shall be eligible for examination after the application, fees, and other required documents have been received, reviewed, and approved by the department.

(b) Applicants shall not have had a certificate permanently revoked in any category during the previous five years.

(c) A criminal history check shall be conducted on all applicants. A general application, or an application for examination or recertification, may be refused due to a conviction for a crime when the crime directly relates to the applicant's possible performance as a substance abuse counselor, program administrator, prevention specialist, clinical supervisor, criminal justice addictions professional, or co-occurring disorders professional diplomate.

(d) Upon approval of the application, the applicant shall be required to complete the examination process established by the department.

(e) There shall be at least one examination cycle annually for each category.

(f) Applicants shall be notified in writing of the date, time, and location for examinations not less than twenty-one days prior to the beginning of the examination cycle.

(g) The passing score for examinations shall be determined by the department.

(h) Applicants shall be notified in writing by the department of examination results within thirty days of receipt of those results by the department.

(i) The application, examination fee, and other materials shall be valid for a period of three years from the date of receipt by the department. If no action has been taken, the department shall make at least one documented attempt to contact the applicant before destroying the application. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-21 Re-examination. An applicant who has failed an examination shall be eligible to retake the failed examination within the valid three year period of the original application upon submitting the application and appropriate fee for the examination to be retaken. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-22 Period of certification. Certification for each category shall be granted for a period of two years to an individual who satisfactorily meets all of the requirements specific to the category applied for and all other requirements of this chapter. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-23 Inactive certificates. (a) A request to inactivate a certificate shall be submitted in writing to the department. The department shall respond to the request in writing within fifteen calendar days of receipt of the request.

(b) If the department grants a request to inactivate the certificate, the inactive certificate shall be returned to the department.

(c) Any request to reinstate an inactive certificate shall be submitted in writing to the department. The department shall respond to the request

in writing within fifteen calendar days of receipt of the request. An inactive certificate may be reinstated by meeting the recertification requirements in this subchapter.

(d) An inactive certificate must be reinstated within a period of two years from the expiration date of the inactivated certificate. If no reinstatement occurs within that time, certification can only be accomplished by following the procedures for initial certification as provided in this subchapter. [Eff 6/04/01; comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-24 Expired certificates. Certificates shall expire two years from the date they are granted. An expired certificate shall not be valid. The certification file shall be kept for a period of two years from the date of expiration by the department. If no action has been taken, the file shall be destroyed. [Eff 6/04/01; comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-25 Reinstatement of expired certificate. (a) If less than one year has passed since the expiration of a certificate, reinstatement may be requested.

(b) The individual requesting reinstatement shall submit to the department:

(1) An application for reinstatement;

(2) The regular renewal fee; and

(3) Documentation of the required department approved contact hours (if any) for the category of renewal.

(c) The reinstated certificate shall expire two years from the expiration date of the original expired certificate. [Eff 6/04/01; comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-26 Certified prevention specialist. (a) The applicant shall have a high school diploma or its equivalent and shall have completed two thousand

hours of preceptor-supervised work experience in the performance domains of planning and evaluation, education and skill development, community organization, public policy and environmental change, and professional growth and responsibility. The experience shall be documented by the preceptor on a form to be provided by the department. The preceptor must be employed or contracted by the program or agency in which the work experience is gained.

(b) The applicant shall provide documentation showing the following information:

(1) A minimum of one hundred hours of prevention specific education;

(A) Fifty hours of prevention education must be specific to alcohol, tobacco, and other drugs; and

(B) Six hours of prevention education must be on prevention ethics.

(c) The preceptor shall document on a form to be provided by the department one hundred twenty hours of preceptorship in the performance domains listed in subsection(a) to include:

(1) Observation—preceptor must review and provide feedback to the applicant on two examples of the applicant's work. The applicant's work may include direct service delivery to a prevention target audience or written materials developed by the applicant for a programmatic purpose or both;

(2) A minimum of ten hours of direct supervision in each of the performance domains in subsection (a). The hours of direct supervision must total one hundred twenty. The remaining hours may be completed in any domain deemed appropriate by the applicant and preceptor;

(3) A minimum of ten hours of experience in each performance domain in subsection(a). The hours of experience must total two thousand. The remaining hours may be completed in any domain as deemed appropriate by the applicant and preceptor;

(4) The one hundred twenty hours of preceptor supervision is included in the total two

thousand hours of preceptor supervised experience requirement.

(d) The applicant shall submit a completed application form with the appropriate application fee pursuant to subchapter 4.

(e) The applicant shall successfully complete all examination requirements established by the department.

(f) An applicant may apply for recertification up to sixty days prior to the expiration date of the applicant's current certificate. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification; and

(2) Documentation of the completion of forty contact hours completed within the current certification period. A minimum of six hours shall be in prevention ethics.

(g) A prevention specialist in good standing with an International Certification & Reciprocity Consortium member board, who desires to practice in the State of Hawaii, may apply for reciprocity. Upon approval by the department, the prevention specialist shall receive a State of Hawaii certification which shall not exceed the current expiration date of the prevention specialist's original certificate issued by an International Certification & Reciprocity Consortium member board. [Eff and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-27 Certified clinical supervisor. (a) The applicant must hold and maintain a certification as a Certified Substance Abuse Counselor (CSAC), a certified Criminal Justice Addictions Professional (CCJP), or a Certified Co-Occurring Disorders Professional (CCDP) and shall have completed ten thousand hours of alcohol and other drug counseling specific work experience including four thousand hours of alcohol and other drug supervisor work experience (the four thousand hours must include two hundred hours of face-to-face clinical supervision). An associate's degree in behavioral science may substitute for one thousand hours; a bachelor's degree in behavioral

science may substitute for two thousand hours; a master's degree in behavioral science may substitute for four thousand hours.

(b) The experience shall be documented on a form to be provided by the department and endorsed by the clinical director of the program or agency in which the work experience is gained.

(c) The applicant shall provide documentation showing a minimum of thirty hours of education specific to the clinical supervision domains of counselor development, professional and ethical standards, program development and quality assurance, performance evaluation, and administration. A minimum of five hours of education is required in each of these domains. No further education is required in the domain of treatment knowledge.

(d) The applicant shall submit a completed application form with the appropriate application fee pursuant to subchapter 4.

(e) The applicant shall successfully complete all examination requirements established by the department.

(f) An applicant may apply for recertification up to sixty days prior to the expiration date of an applicant's current certificate. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification; and

(2) Documentation of the completion of six contact hours completed within the current certification period. The six hours may be a part of the forty hours obtained for the CSAC, CCJP, or CCDP.

(g) A clinical supervisor in good standing with an International Certification & Reciprocity Consortium member board, who desires to practice in the State of Hawaii, may apply for reciprocity. Upon approval by the department, the clinical supervisor shall receive a State of Hawaii certification which shall not exceed the current expiration date of the clinical supervisor's original certificate issued by an International Certification & Reciprocity Consortium member board. [Eff and comp DEC 16 2010] (Auth: HRS

§321-196) (Imp: HRS §321-193)

§11-177.1-28 Certified criminal justice addictions professional. (a) The applicant shall have completed six thousand hours of supervised work experience specific to the criminal justice addictions professional domains of dynamics of addiction and criminal behavior; legal, ethical, and professional responsibility; criminal justice system and processes; clinical evaluation: screening and assessment; treatment planning; case management, monitoring, and participant supervision; counseling; and documentation. An associate's degree in behavioral science may substitute for one thousand hours; a bachelor's degree in behavioral science or certified substance abuse counselor certification may substitute for two thousand hours; a master's degree in behavioral science or certified clinical supervisor certification may substitute for four thousand hours. Work experience must have been obtained within the ten years prior to application.

(b) The applicant shall have completed two hundred hours of supervision specific to the criminal justice domains in subsection (a) with a high school diploma; one hundred fifty hours with an associate's degree; one hundred hours with a bachelor's degree or certified substance abuse counselor credential; eighty hours with a master's degree or certified clinical supervisor credential. A minimum of ten hours of supervision in each domain is required.

(c) The experience and supervision shall be documented by the clinical supervisor on a form to be provided by the department.

(d) The applicant shall provide documentation showing a minimum of two hundred seventy hours of education specific to the criminal justice domains in subsection (a) with a high school diploma; two hundred hours with an associate's degree; one hundred fifty hours with a bachelor's degree or certified substance abuse counselor certification; one hundred hours with a master's degree or certified clinical supervisor certification. Six hours of education must be in ethics.

(e) The applicant shall submit a completed application form with the appropriate application fee pursuant to subchapter 4.

(f) The applicant shall successfully complete all examination requirements established by the department.

(g) An applicant may apply for recertification up to sixty days prior to the expiration date of the applicant's current certificate. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification; and

(2) Documentation of the completion of forty contact hours completed within the current certification period.

(h) A criminal justice addictions professional in good standing with an International Certification & Reciprocity Consortium member board, who desires to practice in the State of Hawaii, may apply for reciprocity. Upon approval by the department, the counselor shall receive a State of Hawaii certification which shall not exceed the current expiration date of the criminal justice addictions professional's original certificate issued by an International Certification & Reciprocity Consortium member board. [Eff and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-29 <u>Certified co-occurring disorders professional diplomate.</u> (a) The applicant must hold a master's degree or higher in co-occurring disorder or behavioral science with a clinical application from a college or university that is accredited by the U.S. Department of Education or Council on Higher Education Accreditation or an international equivalent if the degree is from an international institution.

(b) The applicant must have completed two thousand hours of co-occurring specific work experience in the last ten years. One hundred hours of supervision must be provided in the domains of screening and assessment; crisis prevention and management; treatment and recovery planning;

counseling; management and coordination of care; education of the client, client's support system and the community; and professional responsibility. At least ten hours of supervision must be documented in each domain. The experience shall be documented by the clinical supervisor on a form to be provided by the department.

(c) The applicant shall provide documentation showing a minimum of one hundred forty hours of education specific to co-occurring disorders that includes a focus on both substance use and mental disorders and considers the interactive relationship between the disorders. Six hours of education must be in counselor ethics.

(d) The applicant shall submit a completed application form with the appropriate application fee pursuant to subchapter 4.

(e) The applicant shall successfully complete all examination requirements established by the department.

(f) An applicant may apply for recertification up to sixty days prior to the expiration date of the applicant's current certificate. Applicants for recertification shall provide the following documents to the department:

(1) A completed application for recertification; and

(2) Documentation of the completion of forty contact hours completed within the current certification period.

(g) A co-occurring disorders professional diplomate in good standing with an International Certification & Reciprocity Consortium member board, who desires to practice in the State of Hawaii, may apply for reciprocity. Upon approval by the department, the counselor shall receive a State of Hawaii certification which shall not exceed the current expiration date of the counselor's original certificate issued by an International Certification & Reciprocity Consortium member board. [Eff and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§§11-177.1-30 to 32 (Reserved)

SUBCHAPTER 3

CODE OF ETHICS, MISCONDUCT, AND DISCIPLINARY PROCEDURES

§11-177.1-33 Code of ethics. (a) All substance abuse counselors, clinical supervisors, criminal justice addictions professionals, and co-occurring disorders professionals diplomate certified under subchapter 2 shall adhere to the following ethical principles adapted from the National Association of Alcoholism and Drug Abuse Counselors Ethical Standards of Alcoholism and Drug Abuse Counselors:

(1) Principle 1: Non-Discrimination. The substance abuse counselor shall not discriminate against clients or professionals based on race, religion, age, gender, disability, national ancestry, sexual orientation or economic condition.

(2) Principle 2: Responsibility. The substance abuse counselor shall espouse objectivity and integrity, and maintain the highest standards in the services the counselor offers.

(3) Principle 3: Competence. The substance abuse Counselor shall recognize that the profession is founded on national standards of competency which promote the best interests of society, of the client, of the counselor and of the profession as a whole. The substance abuse counselor shall recognize the need for ongoing education as a component of professional competency.

(4) Principle 4: Legal and Moral Standards. The substance abuse counselor shall uphold the legal and accepted moral codes which pertain to professional conduct.

(5) Principle 5: Public Statements. The substance abuse counselor shall honestly respect the limits of present knowledge in public statements concerning alcoholism and drug abuse.

(6) Principle 6: Publication Credit. The substance abuse counselor shall assign credit to all who have contributed to the published

material and for the work upon which the publication is based.

(7) Principle 7: Client Welfare. The substance abuse counselor shall promote the protection of the public health, safety, and welfare, and the best interest of the client as a primary guide in determining the conduct of all substance abuse counselors.

(8) Principle 8: Confidentiality. The substance abuse counselor working in the best interest of the client shall embrace, as a primary obligation, the duty of protecting client's rights under confidentiality and shall not disclose confidential information acquired in teaching, practice, or investigation without appropriately executed consent.

(9) Principle 9: Client Relationships. The substance abuse counselor shall safeguard the integrity of the counseling relationship and ensure that the client has reasonable access to effective treatment. The substance abuse counselor shall provide the client and the client's guardian, where applicable, with accurate and complete information regarding the extent of the potential professional relationship.

(10) Principle 10: Interprofessional Relationships. The substance abuse counselor shall treat colleagues and other professionals with respect, courtesy, fairness, and good faith.

(11) Principle 11: Remuneration. The substance abuse counselor shall establish financial arrangements in professional practice in accord with professional standards that safeguard the best interests of the client first, and then of the counselor, the agency, and the profession.

(12) Principle 12: Societal Obligations. The substance abuse counselor shall to the best of his or her ability actively engage the legislative processes, educational institutions, and the general public to make possible opportunities and services for all

human beings of any ethnic or social background whose lives are impaired by alcoholism and drug abuse.

(b) All prevention specialists certified under subchapter 2 of these rules shall adhere to the following ethical principles adapted from the International Certification & Reciprocity Consortium.

(1) Non-Discrimination. Prevention specialists shall not discriminate against service recipients or colleagues based on race, religion, national origin, sex, age, sexual orientation, economic condition, or physical, medical, or mental disability. Prevention specialists should broaden the specialist's understanding and acceptance of cultural and individual differences, and in so doing, render services and provide information sensitive to those differences;

(2) Competence. A Prevention specialist shall adhere to the profession's technical and ethical standards, strive continually to improve personal competence and quality of service delivery, and discharge professional responsibility to the best of the specialist's ability. Competence is derived from a synthesis of education and experience; and begins with the mastery of a body of knowledge and skill competencies. The maintenance of competence requires a commitment to learning and professional improvement that must continue throughout the specialist's life;

(3) Integrity. To maintain and broaden public confidence, prevention specialists should perform all professional responsibilities with the highest sense of integrity. Personal gain and advantage should not subordinate service and the public trust. Integrity can accommodate the inadvertent error and the honest difference of opinion. It cannot accommodate deceit or subordination of principle;

(4) Nature of Services. Practices shall do no harm to service recipients. Services

provided by prevention specialists shall be respectful and non-exploitive;

(5) Confidentiality. Confidential information acquired during service delivery shall be safeguarded from disclosure, including but not limited to, verbal disclosure, unsecured maintenance of records, or recording of an activity or presentation without appropriate releases. A prevention specialist is responsible for knowing the confidentiality regulations relevant to the specialist's prevention specialty;

(6) Ethical Obligations for Community and Society. According to the specialist's conscience, a prevention specialist should be proactive on public policy and legislative issues. The public welfare and the individual's right to services and personal wellness should guide the efforts of prevention specialists to educate the general public and policy makers. Prevention specialists should adopt a personal and professional stance that promotes health.

[Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-34 Grounds for refusal, denial, reprimand, suspension, or revocation. (a) The department shall deny an application for a certificate when the applicant fails to meet all of the requirements for certification specified in subchapter 2.

(b) The department shall refuse renewal of a certificate if the certificate holder fails to meet the requirements specified in subchapter 2.

(c) The department may issue an administrative reprimand or deny, refuse renewal of, suspend, or revoke certification on any of the following grounds:

(1) Failure to uphold ethical standards as defined in section 11-177.1-33.

(2) Obtaining the Certified Substance Abuse Counselor or Certified Substance Abuse Prevention Specialist certificate

fraudulently.

(3) Conviction of a misdemeanor or felony under state law, federal law, or the law of another jurisdiction which has a rational connection with the applicant's or certificate holder's fitness or capacity to practice the profession.

(4) Practice of the profession in a manner showing an inability to maintain a minimum level of competence.

(5) Using alcohol or other drugs in a manner that interferes with the performance or credibility of professional services provided.

(6) Practicing the profession while the individual's certificate is inactive, revoked, or suspended, or practicing in violation of any limitation placed upon the individual's certificate.

(7) Cheating on or attempting to subvert a certification examination.

(8) Receiving a disciplinary action from another jurisdiction denying, refusing renewal, limiting, suspending, or revoking a license or certificate to practice substance abuse counseling.

(9) Distributing intoxicating liquors, controlled substances, or drugs for any other than lawful purposes.

(10) Obtaining any fee for professional services by fraud, deceit, or misrepresentation including, but not limited to, falsification of third party claim documents.

(11) Delegating to other personnel those client related services for which the clinical skills of a certificate holder are required.

(12) Falsification of or unauthorized destruction of client records.

(13) Refusal of an applicant for certification or of a certificate holder to submit to a physical, mental or substance abuse examination requested by the department to determine qualifications to practice or to continue in the practice of substance abuse

counseling, or failure to provide such examination results to the department.

(d) Violation of any portion of this chapter may result in the forfeiture of all fees paid, refusal of application for examination or recertification, administrative reprimand, suspension, or revocation of certification. [Eff 6/04/01; am and comp DEC 16 2010] Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-35 Report of violation, investigation, or appeal. (a) A violation as specified under section 11-177.1-34 may be discovered by the department or may be based on a complaint made by any person.

(b) When a complaint originates from a person, the complainant shall submit a written statement to the department which must include:

(1) The exact nature of the complaint outlining what professional or ethical standards the certificate holder is alleged to have violated;

(2) Information and facts supporting the complaint including dates, times, locations, names and addresses of witnesses or other individuals with knowledge about the situation, and any other supporting information;

(3) The signature of the complainant, address, and a day-time phone number; and

(4) If the complainant prefers to remain anonymous, a written request for anonymity must be included in the statement.

(c) The department shall notify the complainant, in writing, that the letter has been received within fifteen working days of receiving the initial complaint.

(d) The department shall notify the respondent, in writing, within fifteen working days of discovery of an alleged violation or receipt of a complaint. This notice shall include, at a minimum, the nature of the alleged violation, date of the alleged violation, and a description of the investigation process established by the department as set forth in this section.

(e) The respondent shall have thirty days after

receipt of the notice of complaint during which to respond to the department in writing.

(f) Upon receipt of the respondent's statement, the department shall initiate an investigation which shall be coordinated by the division chief or designated department representative.

(g) The advisory board may be convened by the department. If convened, this board shall review the facts gathered during the investigation and make any appropriate recommendations to the department.

(h) The department shall render a decision within ninety days of receipt of the respondent's written response as defined in subsection (e). If the department determines, based on the complete record and other relevant information provided during the investigation, that the respondent has engaged in misconduct or has violated ethical standards, the department may issue:

(1) An administrative reprimand;

(2) A suspension; or

(3) A revocation.

(i) The notice of decision shall be sent by certified or registered mail within thirty days of issuance to the respondent and the complainant.

(j) Any appeal involving the decision shall be directed in writing to the director or director's designee pursuant to the department of health's rules of practice and procedure.

(k) If no request for an appeal is received by the director or director's designee within forty-five days of the mailing of the written decision to the respondent, the decision shall become final. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-36 Refusal of application. An application for certification, the examination, recertification, or an application for a category not requiring an examination may be refused for any of the reasons specified in section 11-177.1-34. The refusal shall:

(1) Be in writing;

(2) State the reason for the refusal;

(3) State the duration of time that must pass before an application may be resubmitted; and
(4) State the conditions for resubmission of the application. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-37 Administrative reprimand. A certificate holder may receive an administrative reprimand from the department for an initial violation of any of the grounds specified in section 11-177.1-34, which are of a minor or technical nature. The reprimand shall:
(1) Be in writing;
(2) State the reason for the reprimand; and
(3) May include instructions to obtain any of the following: remedial education, training, or supervision. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-38 Suspension. (a) A certificate may be suspended for any of the reasons specified in section 11-177.1-34. The suspension shall:
(1) Be in writing;
(2) State the reason for the suspension;
(3) State the duration of the suspension; and
(4) State the conditions for reinstatement.
(b) At the conclusion of the suspension period, the individual may apply for reinstatement, in writing, and provide documentation of compliance with any conditions for reinstatement. If there is no application for reinstatement within ninety days, the department may revoke the certificate.
(c) Reinstated certificates shall not exceed the period of the original certificate. If the certificate expires while it is in suspension, the individual shall be allowed up to ninety days to apply for recertification. [Eff 6/04/01; comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-39 Revocation. (a) A certificate may

be revoked for any of the reasons specified in section 11-177.1-34. The letter of revocation shall:

(1) Be in writing; and

(2) State the reason for the revocation and the effective date of revocation. [Eff 6/04/01; comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-40 Determination of suspension or revocation. The determination of whether a suspension or revocation will be imposed shall be consistent with the seriousness of the misconduct based upon consideration of the following:

(1) Actual or potential patient harm;
(2) Severity of actual or potential harm;
(3) Presence or absence of a pattern of misconduct;
(4) Previous instance(s) of misconduct;
(5) Intent;
(6) Impairment and willingness to address such impairment;
(7) Level of continued risk to patients and the certified substance abuse counselor profession as a whole;
(8) Actions taken by the counselor and other parties to mitigate actual or potential harm;
(9) Extenuating circumstances or contributing factors; and
(10) Ability to provide or continue to provide competent substance abuse counseling services. [Eff 6/04/01; comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-41 Reinstatement following revocation. (a) A certificate holder who has had his or her certificate revoked may submit a written request to the department to have eligibility for certification reinstated. If such permission is granted, the revoked certificate holder shall be allowed to apply for certification.

(b) A request to apply for reinstatement of eligibility shall not be submitted until five years or

more after the effective date of the initial revocation.

(c) A request to apply for reinstatement of eligibility shall include a statement detailing the reasons why permission to apply for certification should be granted.

(d) Upon receipt of a request for reinstatement of eligibility, the department shall forward the request and any supporting documentation to the advisory board for review.

(e) The advisory board shall review the request and supporting documentation, if any, and shall prepare a written recommendation for the department regarding reinstatement of eligibility.

(f) The department shall review the request for reinstatement of eligibility, the submitted basis therefor, and the recommendation of the advisory board and shall grant or deny reinstatement of eligibility based on the following:

(1) The presence or absence of demonstrated evidence that clearly shows that the misconduct which formed the basis of the revocation has been actively addressed;

(2) The seriousness and nature of the misconduct which formed the basis of the revocation;

(3) If appropriate and requested by the department, an evaluation submitted by a qualified health professional with expertise in the identified area of impairment; and

(4) The likelihood that client safety and quality of care would not be jeopardized in any way by reinstatement.

(g) The revoked certificate holder shall be notified by mail of a decision on reinstatement of eligibility within sixty days of receipt of the initial written request. If reinstatement of eligibility is granted, the notice of decision shall include information detailing the procedures that must be followed by the revoked certificate holder in order to apply for certification, as well as any additional training or education that may be required by the department.

(h) Denial of reinstatement under this section is not subject to appeal. [Eff 6/04/01; am and comp

DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193) §§11-177.1-42 to 46 (Reserved)

SUBCHAPTER 4

OTHER PROVISIONS

§11-177.1-47 Fees. The department shall collect a non-refundable fee for each of the following:

(1) Twenty-five dollars for initial application for certification.
(2) One hundred dollars for each administration of the written examination.
(3) Twenty-five dollars for certification renewal.
(4) Twenty-five dollars for inactive status.

[Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-48 General appeals. Appeals other than for violations as specified under section 11-177.1-34, shall be directed, in writing, to the department pursuant to the department of health's rules of practice and procedure. [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

§11-177.1-49 Severability. If any provision of this chapter or application thereof to any person or circumstances is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected thereby." [Eff 6/04/01; am and comp DEC 16 2010] (Auth: HRS §321-196) (Imp: HRS §321-193)

DEPARTMENT OF HEALTH

Amendments to and compilation of chapter 11-177.1, title 11, Hawaii Administrative Rules, on the Summary Page dated DEC 3 2010 were adopted on following a public hearing held on November 18, 2010, after public notice was given in the Honolulu Star-Advertiser on August 6, 2010.

The amendments shall take effect ten days after filing with the office of the Lieutenant Governor.

CHIYOME LEINAALA FUKINO, M.D.
Director
Department of Health

APPROVED AS TO FORM:

MICHELLE NAKATA
Deputy Attorney General

APPROVED:

LINDA LINGLE
Governor, State of Hawaii

DATE: _____

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Filed

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LIEUTENANT GOVERNOR OFFICE

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