

Title of Proposed Rule: Executive Director Rules – Certified Addiction Counselor (CAC) Clinical Training Program – Approved Trainer Fees

CDHS Tracking #: 18-03-27-02

Office, Division, & Program:
OBH, CBH

Rule Author:
Ryan Templeton

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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for new rule or rule change.

Explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule.

In order for the Office of Behavioral Health to be in compliance with Section 27-80-111, C.R.S., rules must be established by the executive director for the fees to be charged for addiction counselor training. These executive director rules will formalize the fees currently established in the Certified Addiction Counselor (CAC) Clinical Training Program – OBH Approved Trainer Program.

Executive Director Authority for Rule:

Code	Description
26-1-108(1.7), C.R.S. (2017)	(a) The executive director shall have authority to adopt "executive director rules" for programs administered and services provided by the state department as set forth in this title and in title 27, C.R.S.

Program Authority for Rule: *Give federal and/or state citations and a summary of the language authorizing the rule-making function AND authority.*

Code	Description
27-80-111(1), C.R.S. (2017)	The executive director shall establish by rule fees to be charged for addiction counselor training.

Does the rule incorporate material by reference?

Yes

No

Does this rule repeat language found in statute?

Yes

No

If yes, please explain.

Rule references Section 27-80-111, C.R.S.

Type of Rule: *(complete a and b, below)*

a. Board Executive Director

b. Regular Emergency

DOCUMENT 1

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REGULATORY ANALYSIS

1. List of groups impacted by this rule.

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Certified addiction counselors applying to become an OBH approved addiction counselor trainer bear the impact of the fees established by the current OBH Approved Trainer Program and the rules that will standardize these fees.

2. Describe the qualitative and quantitative impact.

How will this rule-making impact those groups listed above? How many people will be impacted? What are the short-term and long-term consequences of this rule?

Applicants applying to become an Office of Behavioral Health approved Certified Addiction Counselor Trainer are required to submit a one-time \$150 fee, for a single trainer, or a one-time \$200 fee, for co-trainers when they submit their training materials.

As of January 2018, there are 17 Certified Addiction Counselor Training Facilities in Colorado. Within these facilities, each of their trainings are administered by an OBH Approved Trainer. On average the Office of Behavioral Health receives 30 approved trainer applications per year.

No short-term or long-term consequences are expected from this rule as the rule does not make any changes to the fees that are currently being collected through the OBH Approved Trainer Program. The one-time fee to apply to become an OBH Approved Trainer (\$150/singer trainer; \$200/co-trainers) went into effective April 1, 2010.

3. Fiscal Impact

*For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources. **Answer should NEVER be just “no impact” answer should include “no impact because....”***

State Fiscal Impact (Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)

Pursuant to 27-80-111, C.R.S., the funds collected by the addiction counselor training fee must be sufficient to cover a portion of the costs of administering the certified addiction counselor training program within the Office of Behavioral Health.

No other state agencies are expected to be impacted by this rule. The Addiction Counselor Training Fund, where the collected fees are to be deposited, has already been created by the State Treasurer and appropriated to the Office of Behavioral Health.

County Fiscal Impact

No county fiscal impact is expected with this rule.

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Federal Fiscal Impact

No federal fiscal impact is expected with this rule.

Other Fiscal Impact (such as providers, local governments, etc.)

Applicants applying to become an Office of Behavioral Health approved Certified Addiction Counselor Trainer are required to submit a one-time \$150 fee, for an single trainer, or a one-time \$200 fee, for co-trainers when they submit their training materials.

4. Data Description

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

Pursuant to 27-80-111, C.R.S., the funds collected by the addiction counselor training fee must be sufficient to cover a portion of the costs of administering the certified addiction counselor training program within the Office of Behavioral Health. In early 2010, Colorado Department of Human Services Executive Management, Office of Behavioral Health Management and the OBH Manager of the Certified Addiction Counselor Training Program reviewed the costs associated with administering the Certified Addiction Counselor Training Program. The one-time fee to apply to become an OBH Approved Trainer was reviewed and the current fee (\$150/singer trainer; \$200/co-trainers) went into effective April 1, 2010.

5. Alternatives to this Rule-making

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative. Answer should NEVER be just “no alternative” answer should include “no alternative because...”

No alternatives were considered, as rules for the fees to be charged for addiction counselor training are required by Section 27-80-111, C.R.S.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

Rule Section Number	Issue	Old Language	New Language or Response	Reason / Example / Best Practice	Public Comment No / Detail
20.000 through 20.600	Rule Volume 2 CCR 502-5 needs to be renumbered to accommodate the new CAC Trainer Fees Rule section.	Section 20.000 through Section 20.600.	Section 20.100 through Section 20.100.6.	Renumber Rule Volume 2 CCR 502-5 in order to accommodate the new CAC Trainer Fees rule section.	No
20.200	Title Only	New rule	Executive Director Rules – Certified Addiction Counselor (CAC) Clinical Training Program Approved Trainer Fees	New title	No
20.200.1	Creates a new definitions section	New rule	<p>“Co-trainers” means an application contains information on (2) trainers; both trainers must be in attendance for the full approved training; each has specific approved curriculum sections to teach, and neither is approved to teach the class independently of the other.</p> <p>“Single trainer” means the trainer is responsible for training the entire approved curriculum.</p>	Establishes definitions for new CAC Trainer Fees rule section.	No
20.200.2	Create a general provision section	New rule	An applicant applying for CAC clinical training program approved trainer status shall submit a complete application with required documentation and a one-time fee established pursuant to 27-80-111, C.R.S.	Provides general guidance on the CAC Trainer Fees rule section.	No
20.200.3	Sets CAC Trainer Fees	New Rule	<p>A. An applicant applying as a single trainer shall submit a one-time fee of one hundred fifty dollars (\$150.00).</p> <p>B. An applicant applying as co-trainers shall submit a one-time application fee of two hundred dollars (\$200.00).</p>	Sets a fee for CAC training as required by 27-80-111, C.R.S.	Yes

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STAKEHOLDER COMMENT SUMMARY

Development

The following individuals and/or entities were included in the development of these proposed rules (such as other Program Areas, Legislative Liaison, and Sub-PAC):

The Office of Behavioral Health Workforce Development and Innovation Unit in collaboration with the Office of Behavioral Health’s regulatory staff created an initial rule draft. This initial rule draft was created to meet the Office of Behavioral Health’s statutory requirement of establishing rules for the fees to be charged for addiction counselor training. The rule draft also aligns with the fees currently established in the Certified Addiction Counselor (CAC) Clinical Training Program – OBH Approved Trainer Program.

This Rule-Making Package

The following individuals and/or entities were contacted and informed that this rule-making was proposed for consideration by the State Board of Human Services:

The Certified Addiction Counselor (CAC) Clinical Training Program Approved Trainer Fees rule draft, along with a feedback survey was posted on Colorado Department of Human Services website. The Office of Behavioral Health informed behavioral health stakeholders through direct contact and through the OBH monthly newsletter that the rule draft was available for review and feedback. Stakeholders specifically targeted for review and feedback on the proposed rule included current OBH approved CAC trainers and certified addiction counselors.

Other State Agencies

Are other State Agencies (such as HCPF or CDPHE) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

If yes, who was contacted and what was their input?

Not applicable

Sub-PAC

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Name of Sub-PAC	Not applicable		
Date presented	Not applicable		
What issues were raised?	Not applicable		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	n/a	n/a	n/a
If not presented, explain why.	There is not a Behavioral Health Sub-PAC, this rule-making packet was presented to PAC on April 5, 2018 without a Sub-PAC review.		

PAC

Have these rules been approved by PAC?

Yes No

Date presented	April 5, 2018		
What issues were raised?	No		
Vote Count	<i>For</i>	<i>Against</i>	<i>Abstain</i>
	Unanimous	0	0

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If not presented, explain why.

Other Comments

Comments were received from stakeholders on the proposed rules:

Yes No

If “yes” to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

General Feedback	
<i>Feedback</i>	<i>Response</i>
<p>There is a distinct quality difference in trainers, which I do not believe would be reflected in standardized rates for trainings. I think it is appropriate for trainers with higher ratings/skills to be able to determine their fee for the time they spend training. Without a way to evaluate the trainer to determine fees and the lack of current industry standards, what would guide the fee schedule for services? Also, with the workforce shortage why would you eliminate the opportunity to be competitive with private practice, facility work, etc. by limiting a trainer’s potential growth?</p>	<p>The one-time fee for becoming an Office of Behavioral Health (OBH) approved trainer is currently the standard for the OBH Approved Trainer Program. This rule allows the Office of Behavioral Health to be in compliance with Section 27-80-111, C.R.S. by establishing the fee for addiction counselor training in rule.</p> <p>The Office of Behavioral Health sets the one-time fee to become an OBH approved trainer. The Office of Behavioral Health does not set the fees for how much the OBH approved trainer can charge for their training.</p>

Section 21.200.3 CAC Clinical Training Program Approved Trainer Fees	
<i>Feedback</i>	<i>Response</i>
<p>My feedback is: if the state of CO NEEDS these CAC trainers to certify others to improve the quality of care for the state, it seems indulgent to charge these providers TWICE - first to obtain their independent CAC, then second to help others obtain theirs. Additionally, the CAC trainers must provide their own curriculum, without compensation, the state will utilize in the training of others. In essence, the CAC trainer does the work for the state of CO, then the state charges them fees to complete training the state does not offer for its practitioners. The additional fee is unreasonable.</p>	<p>The Office of Behavioral Health (OBH) in the Colorado Department of Human Services oversees the CAC Clinical Training Program. Within this program is included the OBH Approved Trainer Program. The purpose of this program is to approve qualified trainers to provide required training classes for certification as an addiction counselor in Colorado. Individual trainers develop training curriculums, agendas, PowerPoint presentations, and examinations for each of the classes they wish to train based on the Core Competencies developed by the CAC Clinical Training Program. The approved CAC trainer program was established to ensure consistency across the trainings needed for certification as an addiction counselor. The one-time fee is statutorily required and the funds collected by the fee are expected to</p>

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	<p>cover a portion of the costs associated with the administration of the Certified Addiction Counselor Training Program.</p> <p>The Office of Behavioral Health sets the one-time fee to become an OBH approved trainer. The Office of Behavioral Health does not set the fees for how much the OBH approved trainer can charge for their training.</p>
This change appears appropriate.	This rule establishes fees for the training of addiction counselors as required by statute. The fees established in this rule are the fees that are currently being collected when an applicant applies to be an Office of Behavioral Health Approved Trainer.
I am good with it.	The Office of Behavioral Health appreciates your input.
The fees seem reasonable and equitable.	This rule establishes fees for the training of addiction counselors as required by statute. The fees established in this rule are the fees that are currently being collected when an applicant applies to be an Office of Behavioral Health Approved Trainer.
Trainer and co-trainer should have the same fees.	The Office of Behavioral Health feels that having two separate fees based on the applying entity is appropriate. Co-trainers apply for approval as one applicant. Each co-trainer must be appropriately credentialed to be an OBH approved trainer and the higher fee covers of the cost of the additional confirmation requirements.

(2 CCR 502-5)

~~20.000~~ 20.100 EXECUTIVE DIRECTOR RULES – THE PROCEDURE FOR AWARDING GAMBLING ADDICTION GRANTS

~~20.100~~ 20.100.1 DEFINITIONS

~~20.110~~ 20.100.11 GENERAL PROVISIONS

~~20.200~~ 20.100.2 GRANT ADMINISTRATION

~~20.300~~ 20.100.3 GAMBLING ADDICTION COUNSELING GRANT CRITERIA

- B. Gambling Addiction Counseling Grant Application Procedure
 - 2. Gambling Addiction Counseling Grant Application Contents
 - a. Proof that the criteria in Section ~~20.300~~ 20.100.3, A, is met; and,

~~20.310~~ 20.100.31 AWARDING GAMBLING ADDICTION COUNSELING GRANTS

~~20.320~~ 20.100.32 GAMBLING ADDICTION COUNSELING GRANT AWARDEE DATA REPORTING REQUIREMENTS

~~20.400~~ 20.100.4 GAMBLING ADDICTION TRAINING GRANTS AND CRITERIA FOR GRANT AWARDEES

- B. Gambling addiction training grant applicants must meet the following requirements:
 - 2. Certified Addiction Counselor II or higher and/or a behavioral health professional as defined in Section ~~20.100~~ 20.100.1; and,
- C. Gambling Addiction Training Grant Application Procedure
 - 2. Gambling Addiction Training Grant Application Contents
 - a. Proof that the criteria in Section ~~20.400~~ 20.100.4, B, is met; and,

~~20.410~~ 20.100.41 **GAMBLING ADDICTION TRAINING GRANT AWARDING PROCEDURE**

~~20.420~~ 20.100.42 **GAMBLING ADDICTION TRAINING GRANT VERIFICATION PROCEDURE**

~~20.500~~ 20.100.5 **APPEALS PROCESS FOR GAMBLING ADDICITON COUNSELING GRANTS AND
GAMBLING ADDICTION TRAINING GRANTS**

~~20.600~~ 20.100.6 **REPORTING**

**20.200 EXECUTIVE DIRECTOR RULES – CERTIFIED ADDICTION COUNSELOR (CAC) CLINICAL TRAINING
PROGRAM APPROVED TRAINER FEES**

20.200.1 DEFINITIONS

“CO-TRAINERS” MEANS AN APPLICATION CONTAINS INFORMATION ON TWO (2) TRAINERS; BOTH TRAINERS MUST BE IN ATTENDANCE FOR THE FULL APPROVED TRAINING; EACH HAS SPECIFIC APPROVED CURRICULUM SECTIONS TO TEACH, AND NEITHER IS APPROVED TO TEACH THE CLASS INDEPENDENTLY OF THE OTHER.

“SINGLE TRAINER” MEANS THE TRAINER IS RESPONSIBLE FOR TRAINING THE ENTIRE APPROVED CURRICULUM.

20.200.2 GENERAL PROVISIONS

AN APPLICANT APPLYING FOR CAC CLINICAL TRAINING PROGRAM APPROVED TRAINER STATUS SHALL SUBMIT A COMPLETE APPLICATION WITH REQUIRED DOCUMENTATION AND A ONE-TIME FEE ESTABLISHED PURSUANT TO 27-80-111, C.R.S.

20.200.3 CAC CLINICAL TRAINING PROGRAM APPROVED TRAINER FEES

- A. AN APPLICANT APPLYING AS A SINGLE TRAINER SHALL SUBMIT A ONE-TIME FEE OF ONE HUNDRED FIFTY DOLLARS (\$150.00).
- B. AN APPLICANT APPLYING AS CO-TRAINERS SHALL SUBMIT A ONE-TIME APPLICATION FEE OF TWO HUNDRED DOLLARS (\$200.00).