

1 SB282
2 127558-1
3 By Senators Reed, Blackwell, Waggoner, Pittman, Keahey,
4 Taylor, Whatley, Marsh, Dial, Beason, Williams and Glover
5 RFD: Health
6 First Read: 24-MAR-11

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8 SYNOPSIS: Under existing law, certain persons and
9 entities are required to have a certificate or
10 license to operate a facility or institution for
11 the care or treatment of any kind of mental or
12 emotional illness or services to individuals with
13 an intellectual disability.

14 This bill would exempt from certification or
15 licensure a program for the operation of a facility
16 for the care or treatment of any kind of mental or
17 emotional illness or services to individuals with
18 an intellectual disability if the program is
19 operated under the authority of a legally
20 established church or other religious nonprofit
21 organization.

22
23 A BILL
24 TO BE ENTITLED
25 AN ACT
26

1 To amend Section 22-50-17, Code of Alabama 1975,
2 relating to the care or treatment of mental or emotional
3 illness or intellectual disability; to exempt from
4 certification by the Department of Mental Health a program or
5 facility that exclusively provides inherently religious
6 services for the care of individuals who have substance
7 related disorders and operates under the authority of an
8 established church or other religious nonprofit organization.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 22-50-17, Code of Alabama 1975,
11 is amended to read as follows:

12 "§22-50-17.

13 ~~No~~ (a) Except as provided in subsection (c), no
14 person, partnership, corporation, or association of persons
15 shall operate a facility or institution for the care or
16 treatment of any kind of mental or emotional illness,
17 substance related disorder, or intellectual disability or
18 services to the mentally retarded as defined in this chapter,
19 without being certified by the department or licensed by the
20 State Board of Health; provided that nothing in this section
21 shall be construed so as to require a duly authorized
22 physician, psychiatrist, psychologist, social worker, or
23 Christian Science practitioner to obtain a license for
24 certification by the department as an individual practitioner
25 in order to provide treatment of patients in his or her
26 private office, unless the services provided exceed the scope
27 of practice consistent with the professional's license to

1 practice or he or she keeps two or more patients in his or her
2 office for continuous periods of 24 hours or more in one week,
3 or both.

4 "(b) For the purpose of subsection (c), the
5 following terms shall have the following meanings:

6 "(1) CARE. The provision of assistance and services
7 that attend to clearly identified needs of individuals
8 enrolled in a program.

9 "(2) CLINICAL. Relating to, based on, or
10 characterized by observable, diagnosable symptoms and course
11 of a disease.

12 "(3) ENTITY. A person, partnership, corporation, or
13 association of persons.

14 "(4) EVIDENCE-BASED PRACTICES AND PROCEDURES.
15 Effective approaches for prevention and treatment of substance
16 related disorders that have been validated through
17 professionally endorsed processes that include clinical trials
18 and other scientific studies, professional consensus, or
19 demonstrated efficacy over an acceptable period of time.

20 "(5) FACILITY. The physical structure in which
21 programs operate and services are provided.

22 "(6) INHERENTLY RELIGIOUS. Based exclusively upon
23 established beliefs, precepts, doctrine, practices, or
24 teachings, regarding the existence, nature, and worship of a
25 deity or deities, and of associated divine involvement in the
26 universe and human life.

1 "(7) INHERENTLY RELIGIOUS SERVICES. Interventions,
2 strategies, and techniques used to provide care for
3 individuals who have substance related disorders that are
4 based exclusively on the beliefs, precepts, doctrine,
5 practices, and teachings of a church or other nonprofit
6 religious organization. These services shall consist of
7 prayer, moral guidance, spiritual counseling, worship, study
8 of sacred and other religious texts, religious instruction,
9 proselytizing, and other exclusively religious activities.

10 "(8) PROGRAM. An organized system of services made
11 available to the general public for the care of individuals
12 who have substance related disorders.

13 "(9) SERVICES. Specific interventions, strategies,
14 and techniques used to provide treatment or care for
15 individuals who have substance related disorders.

16 "(10) SUBSTANCE RELATED DISORDER. A set of symptoms
17 related to the intake or use of alcohol or other drugs, to the
18 side effects of a medication, or to toxin exposure, that
19 incorporates the specific diagnostic criteria for
20 Substance-Induced Disorders, Substance Abuse, and Substance
21 Dependence, as defined by the most recent edition of the
22 Diagnostic and Statistical Manual of Mental Disorders of the
23 American Psychiatric Association.

24 "(11) TREATMENT. The application of professionally
25 planned, managed, administered, or monitored evidence-based
26 practices and procedures to identify, stabilize, minimize, or
27 alleviate the harmful consequences of substance related

1 disorders, and to restore impaired health and functionality
2 relative to the disorders.

3 "(c) Any program or facility operated by an
4 established entity that exclusively utilizes inherently
5 religious services to provide care for individuals who have
6 substance related disorders shall be exempt from certification
7 by the department as specified in subsection (a), subject to
8 the department's assurance of compliance with the following
9 requirements:

10 "(1) The entity's services are conducted under the
11 authority of an established church or other religious
12 nonprofit organization of which the primary purpose is the
13 propagation of inherently religious principles.

14 "(2) The program and services provided by the entity
15 are acknowledged as being inherently religious in the entity's
16 articles of incorporation, charter, partnership agreement,
17 bylaws, mission statement, goals and objectives, program
18 description, or other official document.

19 "(3) The program provides only inherently religious
20 services in the provision of care for individuals with
21 substance related disorders.

22 "(4) The program does not employ a disease model of
23 care and does not provide any treatment services for substance
24 related disorders.

25 "(5) Although the program provides services for
26 substance related disorders as may be defined by the latest
27 edition of the Diagnostic and Statistical Manual of Mental

1 Disorders of the American Psychiatric Association, no program
2 shall knowingly provide services to any person who has
3 otherwise been diagnosed with a mental illness as defined in
4 the most current edition of the Diagnostic and Statistical
5 Manual of Mental Disorders of the American Psychiatric
6 Association.

7 "(6) The program does not conduct clinical
8 assessments or assign clinical diagnoses for program
9 participants.

10 "(7) The program does not keep clinical records.

11 "(8) The entity does not hold its programs or
12 facilities out to be treatment programs or facilities for
13 individuals with substance related disorders or otherwise
14 market the care provided in its programs or facilities as
15 treatment services for substance related disorders.

16 "(d) Nothing in this section prohibits an employee
17 of the department from carrying out the duties of the
18 department as provided for in this title.

19 "(e) Nothing in this section shall be construed so
20 as to exempt any program or facility operated by an
21 established entity that exclusively utilizes inherently
22 religious services to provide care for individuals who have
23 substance related disorders from licensure, certification, or
24 compliance with any other requirements that are within the
25 scope of authority of the State Board of Health or any other
26 state or local regulatory body."

1 Section 2. No part of this act shall be construed as
2 a mandate for an insurance policy, plan, or contract to offer
3 or provide new or additional coverage benefits, or require any
4 payment or prepayment to any person by any insurer or health
5 care service plan.

6 Section 3. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.