

1 SB342  
2 118298-4  
3 By Senator Little (T)  
4 RFD: Fiscal Responsibility and Accountability  
5 First Read: 02-FEB-10

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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11 To amend Section 22-50-17, Code of Alabama 1975,  
12 relating to the care or treatment of mental or emotional  
13 illness or services to mentally challenged persons; to exempt  
14 from certification by the Department of Mental Health a  
15 program or facility that exclusively provides inherently  
16 religious services for the care of individuals who have  
17 substance related disorders and operates under the authority  
18 of an established church or other religious nonprofit  
19 organization.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§22-50-17.

24 ~~No~~ (a) Except as provided in subsection (c) of this  
25 section, no person, partnership, corporation, or association  
26 of persons shall operate a facility or institution for the  
27 care or treatment of any kind of mental or emotional illness.

1 substance related disorder, or intellectual disability or  
2 services to the mentally retarded as defined in this chapter,  
3 without being certified by the department or licensed by the  
4 State Board of Health; provided that nothing in this section  
5 shall be construed so as to require a duly authorized  
6 physician, psychiatrist, psychologist, social worker, or  
7 Christian Science practitioner to obtain a license for  
8 certification by the department as an individual practitioner  
9 in order to provide treatment of patients in his or her  
10 private office, unless the services provided exceed the scope  
11 of practice consistent with the professional's license to  
12 practice or he or she keeps two or more patients in his or her  
13 office for continuous periods of 24 hours or more in one week,  
14 or both.

15 "(b) For the purpose of subsection (c) of this  
16 section, the following terms shall have the following  
17 meanings:

18 "(1) CARE. The provision of assistance and services  
19 that attend to clearly identified needs of individuals  
20 enrolled in a program.

21 "(2) CLINICAL. Relating to, based on, or  
22 characterized by observable, diagnosable symptoms and course  
23 of a disease.

24 "(3) ENTITY. A person, partnership, corporation, or  
25 association of persons.

26 "(4) EVIDENCE-BASED PRACTICES AND PROCEDURES.  
27 Effective approaches for prevention and treatment of substance

1 related disorders that have been validated through  
2 professionally endorsed processes that include clinical trials  
3 and other scientific studies, professional consensus, or  
4 demonstrated efficacy over an acceptable period of time.

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

7 "(6) INHERENTLY RELIGIOUS. Based exclusively upon  
8 established beliefs, precepts, doctrine, practices, and/or  
9 teachings, regarding the existence, nature, and worship of a  
10 deity and deities, and of associated divine involvement in the  
11 universe and human life.

12 "(7) INHERENTLY RELIGIOUS SERVICES. Interventions,  
13 strategies, and techniques used to provide care for  
14 individuals who have substance related disorders that are  
15 based exclusively on the beliefs, precepts, doctrine,  
16 practices, and teachings of a church or other nonprofit  
17 religious organization. These services shall consist of  
18 prayer, moral guidance, spiritual counseling, worship, study  
19 of sacred and other religious texts, religious instruction,  
20 proselytizing, and other exclusively religious activities.

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

24 "(9) SERVICES. Specific interventions, strategies,  
25 and techniques used to provide treatment and/or care for  
26 individuals who have substance related disorders.

1           "(10) SUBSTANCE RELATED DISORDER. A set of symptoms  
2 related to the intake or use of alcohol and/or other drugs, to  
3 the side effects of a medication, or to toxin exposure, that  
4 incorporates the specific diagnostic criteria for  
5 Substance-Induced Disorders, Substance Abuse, and Substance  
6 Dependence, as defined by the most recent edition of the  
7 Diagnostic and Statistical Manual of Mental Disorders of the  
8 American Psychiatric Association.

9           "(c) Any program or facility operated by an  
10 established entity that utilizes, exclusively, inherently  
11 religious services to provide care for individuals who have  
12 substance related disorders shall be exempt from certification  
13 by the department as specified in subsection (a) of this  
14 section, subject to the department's assurance of compliance  
15 with the following requirements:

16           "(1) The entity's services are conducted under the  
17 authority of an established church or other religious  
18 nonprofit organization of which the primary purpose is the  
19 propagation of inherently religious principles.

20           "(2) The program and services provided by the entity  
21 are acknowledged as being inherently religious in the entity's  
22 articles of incorporation, charter, partnership agreement,  
23 bylaws, mission statement, goals and objectives, program  
24 description, or other official document.

25           "(3) The program provides only inherently religious  
26 services in the provision of care for individuals with  
27 substance related disorders.

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

4           "(5) The program does not conduct clinical  
5 assessments or assign clinical diagnoses for program  
6 participants.

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

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

13           "(d) Nothing in this section prohibits an employee  
14 of the department from carrying out the duties of the  
15 department as provided for in this title.

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

24           Section 2. This act shall become effective on the  
25 first day of the third month following its passage and  
26 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Fiscal Responsibility and Account-  
ability ..... 02-FEB-10

Read for the second time and placed on the calen-  
dar with 1 substitute and ..... 11-FEB-10

Read for the third time and passed as amended ... 06-APR-10

Yeas 24  
Nays 0

McDowell Lee  
Secretary