

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**NEW YORK STATE**  
**DEPARTMENT OF CORRECTIONAL SERVICES**  
**AND**  
**NEW YORK STATE**  
**OFFICE OF ALCOHOLISM AND SUBSTANCE ABUSE SERVICES**  
**REGARDING THE CERTIFICATION OF**  
**CHEMICAL DEPENDENCE SERVICES OPERATED BY THE NYS DEPARTMENT**  
**OF CORRECTIONAL SERVICES**

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This **MEMORANDUM OF UNDERSTANDING** ("MOU") is made by and between the New York State Office of Alcoholism and Substance Abuse Services (hereinafter referred to as "OASAS"); a New York State agency with offices at 1450 Western Avenue, Albany, New York 12203-3526; the New York State Department of Correctional Services (hereinafter referred to as "DOCS"), a New York State agency with offices at 1220 Washington Ave. Albany, New York 12226-2050.

**WHEREAS** DOCS and OASAS, each being an agency of the State of New York, and OASAS having responsibilities under Chapter 19.07(h) of the Laws of 2009 to "*monitor programs providing care and treatment to inmates in correctional facilities operated by the department of correctional services who have a history of alcohol or substance abuse or dependence. The office shall also develop guidelines for the operation of alcohol and substance abuse treatment programs in such correctional facilities*", have mutually determined that it is in the best interest of both agencies that a joint agreement be developed to facilitate the certification of chemical dependency treatment services provided to offenders housed in facilities operated by DOCS.

**IT IS THEREFORE AGREED**, by and between DOCS and OASAS, that a cooperative partnership shall be initiated for the certification of chemical dependence services operated by DOCS at their Correctional Facilities (hereinafter referred to as "CF's"). It is further agreed that:

1. OASAS shall develop, in co-operation with DOCS, operating guidelines for DOCS programs under the Part 1045 Specialized Program Regulations. Such guidelines will delineate the standards for program operation in the following areas:
  - a. Definitions
  - b. Program Goals
  - c. Service Description
    - i. Evaluation and Assessment

- ii. Individual Counseling
    - iii. Group Counseling
    - iv. Information/educational sessions
      - v. Chemical abuse and dependence awareness and relapse prevention
      - vi. Education, risk assessment, supportive counseling and referral concerning HIV, AIDS and other communicable diseases.
  - d. Policies and Procedures regarding service provision
  - e. Record Keeping
  - f. Quality Improvement Plan
  - g. Program staffing, including staff to offender ratios and requirements for sufficient Credentialed Alcohol and Substance Abuse Counselors (CASACs) and/or other Qualified Health Professionals (as defined in Part 800.2.a.15) (NOTE: See #8).
  - h. Participant Case Records
    - i. Assessment and Evaluation
    - ii. Diagnosis or determination of risk factors
    - iii. Description of services provided
    - iv. Provision of programmatic information
    - v. Treatment planning and review
    - vi. Documentation
    - vii. Continuing Recovery Plan
  - i. Severability
  - j. Incorporation by Reference
2. OASAS recognizes the authority of DOCS to ensure for the security of facilities, safety of staff and offenders, as well as the processes of classification and movement. OASAS will defer to DOCS rules and regulations with regard to issues related to participant rights within the OASAS certified program.
  3. OASAS shall work with DOCS to implement these regulations at five (5) DOCS CF's in CY 2010, continuing thereafter until all CF's providing substance abuse services are certified. All initial certifications shall be for a period of one year.
  4. OASAS shall be responsible for providing technical assistance to DOCS and the various CF's as part of the certification process. OASAS will conduct a preliminary program review at each facility at approximately 6 months prior to their first re-certification review. The purpose of this preliminary review is to give DOCS staff experience with the OASAS re-certification process, identify any problems that would impact re-certification, and provide technical assistance to deal with those problems.
  5. DOCS shall be responsible for providing OASAS Criminal Justice, Certification, and Technical Assistance staff access to DOCS identified facilities, DOCS staff, offenders and records.

6. OASAS will ensure that all OASAS staff who will have regular visits to DOCS facilities are screened by DOCS and complete the DOCS volunteer program.
7. OASAS agrees that DOCS shall have all rights and responsibilities pursuant to possessing valid operating certificates for Chemical Dependency programs.
8. OASAS, in the event that some DOCS facilities may not meet the required staffing levels specified in the guidelines, will issue waivers, identifying the staffing issues (including QHP signatures on documentation) needing to be addressed. Waivers are granted for the period of each certification. When a facility is re-certified, the waiver may also be re-issued, pending achievement of the specified staffing levels. OASAS agrees to grant waivers for the first three (3) to five (5) years of each program's certification. If a program achieves the specified staffing pattern within the certification period, DOCS should inform OASAS so that the Waiver may be vacated. If the staffing problem is only temporary (e.g. staff vacancy, etc.) OASAS may issue a certification requiring DOCS to submit a Corrective Action Plan (CAP) to address the issue within a reasonable time period. If, after five (5) years, there are still staffing issues, OASAS and DOCS will assess the situation and determine a method to resolve the situation. (NOTE: When a program/track does not have sufficient QHP's to provide co-signing of evaluations and treatment plans, the waiver shall authorize non-QHP supervisors to co-sign documentation)
9. OASAS agrees to develop training resources for DOCS staff to facilitate increasing the numbers of CASAC's at the various facilities.
10. OASAS and DOCS agree to work to establish a clinical supervision model using state employees that will comply with OASAS regulations regarding the Credentialing of counselors (Part 853 - Credentialing of Alcoholism and Substance Abuse Counselors).
11. In regards to Section VII (C), upon approval by the OASAS Commissioner, the DOCS Commissioner can designate a person as clinical director with appropriate equivalent experience. OASAS will work with DOCS to assist the person in obtaining QHP status.
12. DOCS agrees to determine the mechanism for payment of the fees for credentialing in accordance with NYS Civil Service and Union Contract compliance.
13. DOCS and OASAS shall each be solely responsible for any, and all, damage or injury to the extent that such damage or injury may arise out of the negligent acts or omissions of their respective officers, employees or subcontractors.
14. **IN WITNESSETH WHEREOF**, the parties hereto have signed this MEMORANDUM OF UNDERSTANDING on the day and year appearing below their respective signatures.

The New York State  
Department of Correctional  
Services

The New York State  
Office of Alcoholism and  
Substance Abuse Services



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Brian Fischer  
Commissioner

Date: NOV 12, 2010

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Karen M. Carpenter-Palumbo  
Commissioner

Date:

**Attachment A**  
**(Part 1045 Operating Guidelines for Chemical Dependence Services operated  
by the New York State Department of Correctional Services)**