

FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

ORDINANCE #03/03, AMENDED

LICENSING OF CHEMICAL DEPENDENCY  
OUT-PATIENT PROGRAMS

Adopted by Resolution #1102/03 of the Fond du Lac Reservation  
Business Committee on May 8, 2003.

Amended by Resolution #1174/07 of the Fond du Lac Reservation  
Business Committee on May 31, 2007.

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CHAPTER 1

AUTHORITY, PURPOSE AND SCOPE

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Section 101 Authority

This Ordinance is enacted pursuant to the inherent sovereign authority of the Fond du Lac Reservation Business Committee, as the governing body of the Fond du Lac Band of Lake Superior Chippewa, as recognized under Section 16 of the Indian Reorganization Act, 25 U.S.C. § 476, the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450 et seq., the Indian Health Care Improvement Act, 25 U.S.C. § 1601 et seq., the Tribal Self-Governance Act of 1994, 25 U.S.C. § 458aa et al., and Article VI of the Revised Constitution of the Minnesota Chippewa Tribe.

Section 102 Purpose

The purpose of this Ordinance is to establish a system for licensing chemical dependency programs in order to foster excellence in chemical dependency patient care and in outpatient treatment programs on the Fond du Lac Reservation through the following:

- a. Establishment of uniform standards for chemical dependency out-patient services provided by the Fond du Lac Band which reflect the highest quality, professionalism, and appropriate cultural sensitivity to the community;
- b. Definition of the scope of practice of chemical dependency counselors in the total therapeutic management of the patient; and
- c. Establishment of required credentials for chemical dependency treatment providers who serve under the authority of the Fond du Lac Reservation Business Committee.

**Section 103      Scope**

The requirements and standards established by this Ordinance apply to any individual who provides chemical dependency counseling services as part of a rehabilitation program operated by the Fond du Lac Band which serves five or more chemically dependent clients at one time.

**Section 104      Reservation of Rights**

The Reservation Business Committee reserves the right to amend or repeal all or any part of this Ordinance at any time. There shall be no vested private right of any kind created by this Ordinance. All the rights, privileges, or immunities conferred by this Ordinance or by acts done pursuant thereto shall exist subject to the power of the Reservation Business Committee. Nothing in this Ordinance shall be construed to constitute a waiver of the sovereign immunity of the Fond du Lac Band or a consent to jurisdiction by any government or forum not expressly authorized to exercise jurisdiction under this Ordinance.

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## CHAPTER 2

### DEFINITIONS AND INTERPRETATION

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#### Section 201 General Definitions

The following terms have the meanings given them.

- a. Access Services. "Access Services" refers to the provision of childcare and transportation services which enable client participation in Fond du Lac out-patient chemical dependency treatment programs
- b. Accreditation and Evaluation Coordinator. "Accreditation and Evaluation Coordinator" shall mean the position within the Human Services Division that is assigned by the Reservation Business Committee to review and monitor compliance with Fond du Lac Reservation health care and human service law, ordinances, policies, procedures, accreditations, and licensure.
- c. Addiction. "Addiction" refers to the physical and psychological dependency on alcohol and/or other drugs. Further, it means that the person with an addiction has a history of abusing said chemical(s) to the degree that the addiction is causing problems in living for the addicted person and his/her significant others.
- d. Adolescent. "Adolescent" means an individual under 18 years of age.
- e. Applicant. "Applicant" means an individual, organization, partnership, voluntary association, corporation, or other public or private organization that submits an application for licensure.
- f. Behavioral Health Department. "Behavioral Health Department" shall mean the Behavioral Health Department of the Fond du Lac Human Services Division.
- g. Category II, III, and V Programs: A category II program provides at least 30 hours of out patient chemical dependency services per week per client - including group and individual counseling, client education and other services specific to chemical dependency rehabilitation. A category III program provides an average of 15 hours of out patient services per

week per client. The services include group and individual counseling and client education. This category is a combination of out-patient services and community ancillary resources. A category V program provides at least five hours of out patient services per week per client. The services include individual counseling, group counseling and community ancillary services. A category V program may be known as level III within an AODA program and/or Aftercare.

- h. Chemical. "Chemical" means alcohol, solvents, and other mood altering substances, including controlled substances.
- i. Chemical abuse. "Chemical abuse" means a pattern of inappropriate and harmful chemical use. Chemical abuse includes inappropriate and harmful patterns of chemical use that are linked to specific situations in an individual's life such as loss of a job, death of a loved one, or sudden change in life circumstances. Chemical abuse does not involve a pattern of pathological use, but it may progress to pathological use.
- j. Chemical dependency. "Chemical dependency" means a pattern of pathological use as defined in subpart 18, accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal syndrome following cessation of chemical use. Chemical dependency includes a pattern of pathological use. Accompanied by the physical manifestations of increased tolerance to the chemical or chemicals being used or withdrawal, which has been interrupted by a period of incarceration or hospitalization.
- k. Chemical dependency counselor. "Chemical dependency counselor" means a staff person of a rehabilitation program who meets the qualifications.
- l. Chemical Dependency Services. "Chemical dependency services" refers to access services, individual and group counseling, individual and group education on chemical use and co-existing mental health conditions, addiction, relapse and other aspects of chemical dependency, as well as education on a healthy lifestyle - such as education on nutrition, exercise, and community services.
- m. Chemical Dependency Treatment Providers. "Chemical Dependency Treatment Providers" refers to five types of providers within Fond du Lac Chemical Dependency Treatment Programs:
  - (1) Licensed Alcohol and Other Drug Counselor/Supervisor. This is a licensed alcohol and drug counselor with additional experience in supervising other licensed alcohol and drug counselors.

- (2) Licensed Alcohol and Drug Counselor. A licensed alcohol and drug counselor (LADC) licensed per Minnesota Statutes; per Fond du Lac Reservation Chemical Dependency Program Licensing Board; or per any other licensing board approved by the Fond du Lac Reservation Business Committee.
  - (3) Indigenous Alcohol and Drug Counselor. A chemical dependency counselor with many years of practice prior to the requirement of a college education for the position and who has been exempted from the education requirement by the authority of the Fond du Lac Reservation Chemical Dependency Program Licensing Board.
  - (4) Case Manager. A case manager assists the client and the client's treatment tech by linking the client to the resources needed to fulfill the clients treatment plan.
  - (5) Technician. A technician is a chemical dependency program employee who performs tasks in support of the provision of services, especially arranging access services.
- n. Client. "Client" means an individual who seeks or obtains chemical dependency rehabilitation services.
- o. Client Property: "Client property" means those items that are privately owned or in the possession of a FDL Chemical Dependency Program client. The FDL chemical dependency program Policy and Procedures Manual shall describe action to be taken by staff when a client brings personal property that holds the potential to do harm to self or others. Procedures must address:
- (1) Whether staff can accept client property;
  - (2) What staff members are to do if a client brings a gun/firearm, knife or other weapon on program premises. This includes weapons stored in client vehicles.
  - (3) When and how Client notification of this policy occurs and how the policy will be clearly posted on the program premises.
- p. Collaboration Process. "Collaboration Process" refers to a working relationship within and between departments of the Fond du Lac Reservation Human Services Division in order to provide holistic treatment of chemically dependent clients. Further, it refers to a working relationship between the FDL Human Services Division and other FDL Divisions, so as to promote holistic treatment of chemically dependent clients.

Finally, it refers to a working relationship between FDL Reservation Divisions and non-FDL agencies to promote holistic treatment and recover for FDL Chemical Dependency Program clients.

- q. Co-Morbid Condition. A "co-morbid" condition means a client has been diagnosed with both chemical dependency and a mental health problem. Co-morbid conditions are also referred to as co-occurring or dual disorders.
- r. Credentials. "Credentials" refer to professional licensure/certification; the assurances that the license holder has successfully completed the required course work, internship(s); and has passed professional board licensing/certification exams, and is thereby competent to provide chemical dependency treatment services.
- s. Cultural Sensitivity and Competence. "Cultural Sensitivity" and "Cultural Competence" refers to a serious commitment to cultural learning, skill development, and cognitive understanding so that services are more sensitive and thus more effective when they are provided within the cultural context of the people being served.
- t. Detoxification program. "Detoxification program" has the meaning given it in Minnesota Statutes § 254A.08, subdivision 2. It may also be known as a Category I program.
- u. Fond du Lac Band "Fond du Lac Band" shall mean the Fond du Lac Band of Lake Superior Chippewa.
- v. Fond du Lac Reservation "Fond du Lac Reservation" shall mean all land owned by the Fond du Lac Band or lying within the boundaries of the Fond du Lac Reservation.
- w. Fond du Lac Reservation Business Committee. "Fond du Lac Reservation Business Committee" shall mean the governing body of the Fond du Lac Reservation.
- x. Fond du Lac Reservation Chemical Dependency Program Licensing Board "Fond du Lac Reservation Chemical Dependency Program Licensing Board" shall mean the Fond du Lac Reservation Business Committee or other body designated by the Reservation Business Committee to undertake inspections, evaluations and issue licensure under this Ordinance.
- y. Health assessment. "Health assessment" means the process of evaluating a client's physical condition to determine the level and type of care required and the immediacy of service needs.

- z. Health Monitoring: All FDL chemical dependency outpatient programs will coordinate with the client's Health Care Provider, Public Health Nurse, Nutritionist, and Physical Trainer to assure the highest level of care. At intake all clients will complete a comprehensive intake assessment before his or her medical physical. The intake assessment will include a history of high-risk behaviors that put the client at risk for HIV/AIDS, Hepatitis, or other communicable diseases. All information will be forwarded to the medical physician. Any high-risk behaviors identified after intake requires referral of the client to his/her Physician, Public Health Nurse or Other Qualified Professional. The intake assessor will complete and forward the Patient Referral Form to the referral source and place a copy in the client file. Health Monitoring may require the client's participation in physical exercise and nutrition sessions.
- aa. Holistic Therapeutic Treatment. "Holistic therapeutic treatment" shall mean a comprehensive approach to treatment that addresses the physical, psychological, emotional, behavioral, social and spiritual well-being of chemically dependent clients.
- bb. Human Service Division. "Human Services Division" shall mean the Fond du Lac Human Services Division, through which the FDL Reservation Business Committee administers the health care and human/social services provided by the Fond du Lac Band of Ojibwe.
- cc. Individual treatment plan. "Individual treatment plan" means a written plan of treatment developed by a chemical dependency counselor, in consultation with the client, on the basis of the client's evaluation results and reviewed at scheduled intervals.
- dd. Inappropriate and harmful use. "Inappropriate and harmful use" means use of a chemical that exceeds social or legal standards of acceptability, the outcome of which is characterized by three or more of the following:
- (1) Weekly use to intoxication;
  - (2) Inability to function in a social setting without becoming intoxicated;
  - (3) Driving after consuming sufficient chemicals to be considered legally impaired under applicable law, whether or not an arrest takes place;
  - (4) Excessive spending on chemicals that results in an inability to meet financial obligations;

- (5) Loss of friends due to behavior while intoxicated; or
- (6) Chemical use that prohibits the individual from meeting work, school, family, or social obligations.
- ee. Intoxicated individual. "Intoxicated individual" means an individual who has a blood alcohol content of 0.10 or greater, or whose mental or physical functioning is substantially impaired as a result of the physiological presence of a chemical.
- ff. License. "License" has the meaning given it by Fond du Lac Board.
- gg. License holder. "License holder" means the individual, corporation, partnership, voluntary association, or other public or private organization legally responsible for and licensed to operate a rehabilitation program.
- hh. Licensed Alcohol and Drug Counselor. A "Licensed Alcohol and Drug Counselor" (LADC) means a chemical dependency treatment provider has met the licensing criteria of the State of Minnesota and/or the Fond du Lac Reservation Chemical Dependency Program Licensing Board.
- ii. Program design. "Program design" means the number and type of client services a program provides, the methods used to achieve desired client outcomes, and the schedule of program services.
- jj. Program director. "Program director" means the Behavioral Health Department Coordinator, as designated by the license holder to be responsible for all operations of a FDL Reservation chemical dependency rehabilitation program.
- kk. Program supervisor. This is a licensed alcohol and drug counselor with additional experience in supervising other licensed alcohol and drug counselors.
- ll. Rehabilitation program. "Rehabilitation program" means a program of chemical dependency rehabilitation provided in a residential facility and offering a program of rehabilitation services to five or more chemically dependent clients on a 24 hour basis. A rehabilitation program must be at least one of the following four types of programs:
- (1) A Category I rehabilitation program is a licensed detoxification program that provides short-term care for the purpose of detoxifying and evaluating intoxicated clients and that provides clients access into appropriate