

1 SB342  
2 117408-2  
3 By Senator Little (T)  
4 RFD: Fiscal Responsibility and Accountability  
5 First Read: 02-FEB-10

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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  
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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 services to mentally challenged persons; to exempt  
4 a program from certification or licensure for the operation of  
5 a facility or institution for the care or treatment of any  
6 kind of mental or emotional illness or services to individuals  
7 with an intellectual disability if the program is operated  
8 under the authority of a legally established church or other  
9 religious nonprofit organization.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

13 "\$22-50-17.

14 ~~No~~ (a) Except as provided in subsection (c) of this  
15 section, no person, partnership, corporation, or association  
16 of persons shall operate a facility or institution for the  
17 care or treatment of any kind of mental or emotional illness  
18 or services to ~~the mentally retarded~~ individuals with an  
19 intellectual disability as defined in this chapter, without  
20 being certified by the department or licensed by the State  
21 Board of Health; provided that nothing in this section shall  
22 be construed ~~so as~~ to require a duly authorized physician,  
23 psychiatrist, psychologist, social worker, or Christian  
24 Science practitioner to obtain a license for treatment of  
25 patients in his private office, unless he or she keeps two or  
26 more patients in his or her office for continuous periods of  
27 24 hours or more in one week.

1           "(b) For the purpose of subsection (c) of this  
2 section, the following terms shall have the following  
3 meanings:

4           "(1) CLINICAL. Relating to observable, diagnosable  
5 symptoms and course of a disease based on medical,  
6 psychological, or scientific protocols, practices, and  
7 procedures.

8           "(2) CLINICAL TREATMENT OR CARE. Treatment or care  
9 based on clinical interventions, strategies, or techniques  
10 provided by clinically trained personnel.

11           "(3) NON-CLINICAL RELIGIOUS TREATMENT OR CARE.  
12 Treatment or care based on religious and not clinical  
13 interventions, strategies, or techniques. This treatment or  
14 care shall consist of prayer, moral guidance, spiritual  
15 counseling, worship, study of sacred and other religious  
16 texts, religious instruction, proselytizing, or other  
17 religious activity.

18           "(4) PROGRAM. An organized system of services made  
19 available to the general public for the treatment or care of  
20 individuals who self-report maladaptive, destructive, or  
21 injurious use of alcohol, drugs, or other addictive life  
22 controlling problem.

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

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

9           "(7) TREATMENT or CARE. The application and  
10 provision of planned, managed, administered, or monitored  
11 procedures within a program for the purposes of stabilizing,  
12 minimizing, or alleviating the effects of maladaptive,  
13 destructive, or injurious use of alcohol or drugs, or other  
14 addictive life controlling problems, and to restore  
15 functionality relative to such.

16           "(c) Any program operated by a person, partnership,  
17 corporation, association of persons, or other legally  
18 established entity, that utilizes, exclusively, non-clinical  
19 religious treatment or care for individuals who self-report  
20 maladaptive, destructive, or injurious use of alcohol or  
21 drugs, or other addictive life controlling problems, shall be  
22 exempt from subsection (a) of this section with the following  
23 requirements:

24           "(1) The entity's services are conducted under the  
25 authority of a legally established church or other religious  
26 nonprofit organization.

1           "(2) The treatment or care provided by the entity is  
2 acknowledged as being religious in the articles of  
3 incorporation, charter, partnership agreement, bylaws, mission  
4 statement, goals and objectives, program description, or other  
5 officially authorized document of the entity.

6           "(3) Treatment or care provided by the entity is  
7 based exclusively on the religious beliefs, precepts, and  
8 doctrine of the authorizing church or religious organization  
9 and do not include the provision of clinical treatment or  
10 care.

11           "(4) The entity does not employ a disease model of  
12 treatment or care.

13           "(5) Program participants do not receive clinical  
14 assessments and are not assigned clinical diagnoses by the  
15 entity.

16           "(6) The program does not keep records of clinical  
17 treatment or care.

18           "(7) The entity does not hold its program out to be  
19 or otherwise market its services as providing clinical  
20 treatment or care for substance related disorders."

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