



# Monterey County Behavioral Health Policy and Procedure

<b>Policy Number</b>	710
<b>Policy Title</b>	Alcohol and Other Drug Programs – Driving Under the Influence Programs
<b>References</b>	See each specific subsection for applicable references
<b>Effective</b>	May 22, 2014

## 1 **PURPOSE**

2 The purpose of Monterey County Behavioral Health (MCBH) Policy 710 – Alcohol and Other Drug  
3 (AOD) Programs – Driving Under the Influence (DUI) Programs is to ensure compliance with all  
4 pertinent Federal, State, and local laws and regulations pertaining to the operation of DUI  
5 treatment programs in Monterey County. This policy primarily references California Code of  
6 Regulations, Title 9, Division 4, Chapter 3 but is not meant to exclude any and all other laws,  
7 statutes, and regulations pertinent to the operation of DUI treatment programs.

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9 Policy 710 comprises of the following subsections:

- 10 I. [Definitions](#)
- 11 II. [County Responsibilities](#)
- 12 III. [DUI Program Responsibilities](#)
- 13 IV. [Requirements for Licensure](#)
- 14 V. [Approval to Provide Services At Satellite Location](#)
- 15 VI. [Application Process](#)
- 16 VII. [County Review and Recommendation](#)
- 17 VIII. [Verification of Licensure](#)
- 18 IX. [DUI Program Licensing Fees](#)
- 19 X. [Types of Compliance Deficiencies](#)
- 20 XI. [Investigation of Complaints](#)
- 21 XII. [Issuance of Notice of Deficiency](#)
- 22 XIII. [Development of A Corrective Action Plan](#)
- 23 XIV. [Investigations of Complaints](#)
- 24 XV. [Unlicensed Programs](#)
- 25 XVI. [Suspension or Revocation of Licensure](#)
- 26 XVII. [Administrative Review of Licensing Actions](#)
- 27 XVIII. [Contingency Service Plan](#)
- 28 XIX. [DUI Program Staff Qualification and Function](#)
- 29 XX. [Participant Enrollment](#)
- 30 XXI. [Assessment of Participant's Alcohol or Drug Problem](#)
- 31 XXII. [Program Services to be Provided](#)
- 32 XXIII. [Educational Sessions](#)
- 33 XXIV. [Group Counseling Sessions](#)
- 34 XXV. [Individual Counseling Sessions](#)
- 35 XXVI. [Face-to-Face Interviews](#)

- 36 XXVII. [Additional County Requirements](#)
- 37 XXVIII. [Referral to Ancillary Services](#)
- 38 XXIX. [Organization and Maintenance of DUI Program Participant Records](#)
- 39 XXX. [Notice of Completion Certificates](#)
- 40 XXXI. [Proof of Enrollment Certificates](#)
- 41 XXXII. [Program Sobriety](#)
- 42 XXXIII. [Participant Attendance](#)
- 43 XXXIV. [Participant Leave of Absence](#)
- 44 XXXV. [Participant Fees](#)
- 45 XXXVI. [Financial Assessments to Determine Participant's Ability to Pay Program Fees](#)
- 46 XXXVII. [Interprogram Transfer](#)
- 47 XXXVIII. [Dismissal of Participants](#)

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50 **I. DEFINITIONS**

51 **REFERENCES**

52 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 1, Section 9800

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54 **POLICY AND PROCEDURES**

55 It is the policy of MCBH AOD Programs to recognize and utilize definitions set forth in the California  
56 Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 1, Section 9800 regarding DUI  
57 programs.

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60 **II. COUNTY RESPONSIBILITIES**

61 **REFERENCES**

62 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 1, Section 9801.5

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64 **POLICY AND PROCEDURES**

65 It is the policy of MCBH AOD Programs to comply with the following:

- 66 1. Consistent with chapter 9, section 11837.6 of the Health and Safety Code, the County Board of  
67 Supervisors shall:
  - 68 a. Review, at its option, any new applications for licensure as DUI program and forward all  
69 applications recommended for licensure through the county alcohol and drug program  
70 administrator to the Department for final review and approval. As part of the  
71 recommendation, in accordance with California Code of Regulations, Title 9, Division 4,  
72 Chapter 3, Subchapter 1, Section 9805, the County Board of Supervisors shall include a  
73 statement assuring there is a need for a new DUI program in the County and assuring that  
74 the establishment of an additional DUI program will not jeopardize the fiscal integrity of  
75 existing licensed DUI programs.
  - 76 b. In conjunction with the County Board of Supervisors, Assure CA ADP in writing of the  
77 programmatic and fiscal integrity of the DUI programs the county has recommended for  
78 licensure.
- 79 2. The MCBH AOD administrator shall:
  - 80 a. Monitor to ensure compliance with the regulations contained in this chapter and the  
81 requirements in Chapter 9 (commencing with Section 11837.6), Division 10.5 of the Health  
82 and Safety Code.

- 83 b. Review any applications requested by the County for licensure as DUI program or  
84 proposed changes in the approved plan of operation and forward to the CA ADP all new  
85 applications or changes recommended for licensure by the board of supervisors.  
86 c. Monitor to ensure that approved DUI programs do not utilize other funds administered by  
87 the Department for program operations.  
88 d. Notify the Department when he/she determines that a DUI program is not in compliance  
89 with the regulations contained in this chapter.  
90 e. Monitor to ensure that service providers do not utilize participant fees for purposes other  
91 than DUI program activities, with the exception of allowable profit or surplus.  
92 f. Review and recommend approval or denial of DUI program fees and additional fees  
93 contained in the initial application for licensure and requests from existing DUI programs  
94 for increases in program fees and additional fees.  
95 g. Assure that each DUI program makes provision for persons who cannot afford to pay  
96 program participation fees.  
97 h. Carry out liaison activities with the courts, the County Probation Department, DUI  
98 programs, and interested parties at the county level.  
99 i. Develop and insure the implementation of a court referral system as described in Health  
100 and Safety Code Section 11837.2.  
101 j. Establish a mechanism for reimbursement from client fees of reasonable County costs  
102 which are incurred pursuant to California Code of Regulations, Title 9, Division 4, Chapter  
103  
104

### 105 **III. DUI PROGRAM RESPONSIBILITIES**

#### 106 **REFERENCES**

107 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 1, Section 9801.6  
108

#### 109 **POLICY AND PROCEDURES**

110 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
111 DUI programs it may operate directly in the future:

- 112 1. Maintain the program services in compliance with California Code of Regulations, Title 9,  
113 Division 4, Chapter 3, Subchapter 3 and with the DUI program's application for licensure which  
114 was approved by the County and the California Department of Alcohol and Drug Programs (CA  
115 ADP).
- 116 2. Provide the MCBH AOD administrator and CA ADP access to all programmatic and fiscal  
117 records necessary to conduct county monitoring and State approval activities, including  
118 evaluation. Said access shall not conflict with any local, state, or federal confidentiality  
119 regulations.  
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### 122 **IV. REQUIREMENTS FOR LICENSURE**

#### 123 **REFERENCES**

124 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 2, Section 9802  
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#### 126 **POLICY AND PROCEDURES**

127 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
128 DUI programs it may operate directly in the future comply with the following:

- 129 1. A separate license shall be required for each location where DUI program services are  
130 provided, except for satellite locations.

- 131 2. No DUI program shall accept participants until the program is licensed to provide DUI program  
132 services.
- 133 3. A new application for licensure pursuant to California Code of Regulations, Title 9, Division 4,  
134 Chapter 3, Subchapter 1, Article 1, Section 9804 shall be required to establish a new DUI  
135 program, whenever there is a sale or transfer of ownership from one legal entity to another, or  
136 whenever there is any proposed change in the ownership of a DUI program.

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139 **V. APPROVAL TO PROVIDE SERVICES AT SATELLITE LOCATION**

140 **REFERENCES**

141 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 2, Section 9807  
142

143 **POLICY AND PROCEDURES**

144 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
145 DUI programs it may operate directly in the future comply with the following:

- 146 1. A satellite location shall only be established to:
- 147 a. Improve access to services for participants located in areas where services are not  
148 accessible due to lack of population density, extensive distance from a licensed program  
149 or other satellite, or lack of public transportation. As used in this subsection, "extensive  
150 distance" means a distance of more than ten miles;
  - 151 b. Provide services in an area where it is not economically feasible for a fully licensed facility  
152 to operate; and/or
  - 153 c. Provide services for an ethnic population where the unique language needs of that  
154 population cannot be met by current licensees in the area served. The current licensee(s)  
155 within that area of the County shall be notified by the MCBH AOD administrator and given  
156 an opportunity to address the need prior to the approval of a satellite under this provision.
- 157 2. The licensee shall provide the same level of services (i.e., first offender services or multiple  
158 offender services) at the satellite location as provided at the state licensed DUI program.
- 159 3. The licensee shall only enroll participants and conduct face-to-face interviews, educational  
160 sessions, individual counseling sessions, and group counseling sessions, and collect fees at a  
161 satellite location. A separate license shall be required for provision of any other program  
162 services or administrative services.
- 163 4. The licensee shall not maintain participant records at a satellite site.
- 164 5. The licensee shall not provide services to more than 200 participants, enrolled during each  
165 fiscal year, at a satellite location.
- 166 6. MCBH AOD will not support the establishment of a satellite location located within ten miles of  
167 another state licensed DUI program if the satellite location is providing the same services and  
168 level of service (i.e. first offender or multiple offender services) primarily due to State  
169 regulations indicating the California Department of Alcohol and Drug Programs (CA ADP) shall  
170 not approve a satellite under these circumstances.
- 171 7. Satellite locations that serve more than 200 enrolled participants during a given fiscal year  
172 must apply for licensure as a treatment provider with the CA ADP.
- 173 8. A licensee may request to provide program services at a satellite location by submitting an  
174 amended application to CA ADP pursuant to the requirements of California Code of  
175 Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 2, Section 9807. The licensee  
176 shall submit a separate amended application for each proposed satellite location. Each  
177 amended application for approval to provide services at a satellite location shall include the  
178 following minimum information:

- 179 a. The address of the satellite location where the applicant will provide program services, and  
180 the level or levels of services (i.e. first offender or multiple offender services) the applicant  
181 is requesting approval to provide;
- 182 b. The type of program services (i.e., face-to-face interviews, educational sessions, group  
183 and individual counseling sessions) to be provided at the satellite location;
- 184 c. The frequency and duration of each program service to be provided; and
- 185 d. The hours the licensee plans to provide services at the satellite location.
- 186 e. A statement describing the need for services at a satellite location, consistent with  
187 subsection (a) of this regulation.
- 188 f. A written statement by the MCBH AOD administrator verifying the need for the satellite  
189 location, the services to be provided, and the specific geographic area to be served at the  
190 satellite site.
- 191 g. A statement by the licensee that he/she agrees to abide by the restrictions of this  
192 regulation and acknowledging that the Department shall withdraw approval for the satellite  
193 location if the licensee does not comply with the restrictions of this regulation.
- 194 9. The licensee shall notify MCBH AOD immediately of the outcome of the application for a  
195 satellite location and provide a copy of the CA ADP approval or denial letter as soon as  
196 reasonably possible.
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- 198

199 **VI. APPLICATION PROCESS**

200 **REFERENCES**

201 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 2, Section 9808

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203 **POLICY AND PROCEDURES**

204 It is the policy of MCBH AOD Programs to issue requests for proposals to, and accept applications  
205 from, all persons or organizations interested in providing drinking driver program services.

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208 **VII. COUNTY REVIEW AND RECOMMENDATION**

209 **REFERENCES**

210 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 2, Section 9810

211

212 **POLICY AND PROCEDURES**

213 It is the policy of MCBH AOD Programs to comply with the following:

214 1. The MCBH AOD administrator and the County Alcohol Advisory Board shall review  
215 applications for DUI Programs and shall submit their recommendations to the County Board of  
216 Supervisors.

217 2. The County Board of Supervisors shall review DUI Program applications and shall select  
218 applications to be submitted to CA ADP for final approval of licensure. The County Board of  
219 Supervisors shall include comments from the County Alcohol Advisory Board when it submits  
220 the application to CA ADP for review.

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223 **VIII. VERIFICATION OF LICENSURE**

224 **REFERENCES**

225 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 2, Section 9816

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227 **POLICY AND PROCEDURES**

228 It is the policy of MCBH AOD Programs to:

- 229 1. Have the MCBH AOD program administrator accompany the California Department of Alcohol  
230 and Drug Programs (CA ADP) for on-site licensure reviews whenever possible.
- 231 2. Verify the license of a DUI Program at MCBH AOD's discretion and without notice by reviewing  
232 the on-site license provided to the licensee by the CA ADP and/or utilizing the listing of  
233 licensed serviced providers published by CA ADP.

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236 **IX. DUI PROGRAM LICENSING FEES**

237 **REFERENCES**

238 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 4, Section 9822

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240 **POLICY AND PROCEDURES**

241 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
242 DUI programs it may operate directly in the future submit quarterly enrollment reports and pay  
243 quarterly license fees in accordance with California Code of Regulations, Title 9, Division 4,  
244 Chapter 3, Subchapter 2, Article 2, Section 9822 in order to avoid a notice of deficiency from the  
245 California Department of Alcohol and Drug Programs (CA ADP).

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248 **X. TYPES OF COMPLIANCE DEFICIENCIES**

249 **REFERENCES**

250 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 5, Section 9823

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252 **POLICY AND PROCEDURES**

253 It is the policy of MCBH AOD Programs to recognize and utilize definitions established by the  
254 California Department of Alcohol and Drug Programs (CA ADP) regarding types of compliance  
255 deficiencies for DUI Programs. The definitions utilized by CA ADP regarding types of compliance  
256 deficiencies are as follows:

- 257 1. "Deficiency" means failure by a driving-under-the-influence program to comply with any  
258 provision of Chapter 9 (commencing with Section 11836), Part 2, Division 10.5 of the Health  
259 and Safety Code or the requirements contained in California Code of Regulations, Title 9,  
260 Division 4, Chapter 3. Deficiencies shall be classed as Class A, B, or C deficiencies, as  
261 defined in this section.
- 262 2. A Class A deficiency is any deficiency which presents an imminent danger of death or severe  
263 harm to any participant of the program or a member of the general public. As used in this  
264 chapter, "imminent danger of death or severe harm" means that the more likely consequence  
265 of the deficiency is death or physical injury, which would:
  - 266 a. Render a part of the body functionally useless or temporarily or permanently reduced in  
267 capacity, or
  - 268 b. Inhibit any function of the body to such a degree as to shorten life or to reduce physical or  
269 mental capacity.
- 270 3. A Class B deficiency is any deficiency relating to the operation or maintenance of the program  
271 which has a direct or immediate relationship to the physical health, mental health, or safety of  
272 the program participants or the general public.

273 4. A Class C deficiency is a deficiency relating to the operation or maintenance of the program  
274 which has only a minimal relationship to the health or safety of program participants or the  
275 general public.  
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## 278 **XI. INVESTIGATION OF COMPLAINTS**

### 279 **REFERENCES**

280 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 5, Section  
281 9823.1

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### 283 **POLICY AND PROCEDURES**

284 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
285 DUI programs it may operate directly in the future cooperate with any investigation of complaints  
286 undertaken by the California Department of Alcohol and Drug Programs (CA ADP) regarding a DUI  
287 Program. CA ADP investigations of complaints may include:

- 288 1. Site investigations by a CA ADP complaint investigator with or without advance notice at any  
289 time the facility is open for business.
- 290 2. Interviews of program participants and/or program staff in private
- 291 3. Inspection of program records relevant to the complaint without consent of the licensee

292

293 It is also the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or  
294 any DUI programs it may operate directly in the future immediately inform the MCBH AOD program  
295 administrator both via verbal and written report of any notice of deficiencies issued by CA ADP.  
296 DUI Programs must also inform the MCBH AOD in writing as soon as reasonably possible of their  
297 plan to correct deficiencies.  
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## 300 **XII. ISSUANCE OF NOTICE OF DEFICIENCY**

### 301 **REFERENCES**

302 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 5, Section 9824  
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### 304 **POLICY AND PROCEDURES**

305 It is the policy MCBH AOD Programs to ensure that all of its contracted DUI programs or any DUI  
306 programs it may operate directly in the future shall correct deficiencies specified in the notice of  
307 deficiency in the manner stated below:

- 308 1. The licensee shall abate or eliminate all Class A deficiencies immediately upon receipt of the  
309 notice of deficiency.
- 310 2. The licensee shall correct all Class B deficiencies within 30 days of receipt of the notice of  
311 deficiency, unless the California Department of Alcohol and Drug Programs (CA ADP)  
312 determines, based on the on-site compliance review, that the deficiency is sufficiently serious  
313 to require correction within a shorter period of time. In that event, the CA ADP shall explain in  
314 the notice how the deficiency jeopardizes the health or safety of program participants or the  
315 general public.
- 316 3. The licensee shall correct all Class C deficiencies within 30 days of receipt of the notice of  
317 deficiency, unless CA ADP determines that the deficiency cannot be completely corrected  
318 within 30 days. In that event, the CA ADP shall specify in the notice of deficiency the time in  
319 which the deficiency shall be corrected and the reason why it cannot be corrected within 30

320 days.

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322

323 **XIII. DEVELOPMENT OF A CORRECTIVE ACTION PLAN**

324 **REFERENCES**

325 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 6, Section 9825

326

327 **POLICY AND PROCEDURES**

328 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
329 DUI programs it may operate directly in the future will comply with the following:

- 330 1. Within the number of days specified for submission of a corrective action plan, the licensee  
331 shall submit a written corrective action plan to the manager of the DUI Program Branch,  
332 California Department of Alcohol and Drug Programs (CA ADP), 1700 K Street, Sacramento,  
333 CA 95814. The written corrective action plan shall be postmarked no later than the date  
334 specified in the notice of deficiency.
- 335 2. The written corrective action plan shall:
  - 336 a. Specify what steps the licensee has taken to correct each deficiency identified in the notice  
337 of deficiency;
  - 338 b. Substantiate that the deficiency has been corrected as specified in the notice of deficiency;  
339 and
  - 340 c. Specify when the deficiency was corrected.
- 341 3. If the licensee cannot correct a Class B or C deficiency by the date specified in the notice of  
342 deficiency, the written corrective action plan shall:
  - 343 a. Specify what steps the licensee has taken to correct the deficiency;
  - 344 b. Substantiate why the deficiency cannot be corrected as specified in the notice of  
345 deficiency; and
  - 346 c. Specify when the deficiency will be corrected.
- 347 4. Within ten working days of receipt by the CA ADP of the corrective action plan, the CA ADP  
348 shall notify the licensee, in writing by first class mail, whether the corrective action plan has  
349 been approved or denied based on a review of the corrective action plan and documentation  
350 submitted with the corrective action plan.

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353 **XIV. INVESTIGATIONS OF COMPLAINTS**

354 **REFERENCES**

355 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 6, Section 9827

356

357 **POLICY AND PROCEDURES**

358 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
359 DUI programs it may operate directly in the future will comply with any civil penalties imposed by  
360 the California Department of Alcohol and Drug Programs (CA ADP) for failure to correct  
361 compliance deficiencies. However, this policy shall not be construed as preventing DUI Programs  
362 from seeking any and all administrative reviews/appeals afforded to them by all pertinent laws,  
363 statutes, and regulations regarding civil penalties

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366 **XV. UNLICENSED PROGRAMS**

367 **REFERENCES**



368 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 6, Section 9829

369

370 **POLICY AND PROCEDURES**

371 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
372 DUI programs it may operate directly in the future to inform the California Department of Alcohol  
373 and Drug Programs (CA ADP) of any DUI Program operating within the County unlicensed by CA  
374 ADP.

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376

377 **XVI. SUSPENSION OR REVOCATION OF LICENSURE**

378 **REFERENCES**

379 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 6, Section 9834

380

381 **POLICY AND PROCEDURES**

382 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
383 DUI programs it may operate directly in the future to comply with any license suspension or  
384 revocation imposed by the California Department of Alcohol and Drug Programs (CA ADP).  
385 However, this policy shall not be construed as preventing DUI Programs from seeking any and all  
386 administrative reviews/appeals afforded to them by all pertinent laws, statutes, and regulations  
387 regarding license suspension or revocation.

388

389 CA ADP may seek suspension or revocation of a DUI Program's license when in accordance with  
390 Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code,  
391 when:

- 392 1. The licensee is issued a notice of deficiency for any alleged action which has resulted in death,  
393 serious physical harm, or imminent danger to a participant or the general public;
- 394 2. The licensee has been convicted of selling DL 101, Notice of Completion certificates;
- 395 3. The licensee has been found to have given credit to a participant for program services not  
396 attended and subsequently issued DL 101, Notice of Completion certificate;
- 397 4. The licensee fails to correct any Class A deficiency by the date specified in the notice of  
398 deficiency;
- 399 5. The licensee demonstrates a pattern of noncompliance by a chronic failure to correct the same  
400 Class B or C deficiencies cited in prior compliance reviews;
- 401 6. The licensee fails to pay licensing fees assessed in accordance with Section 9822; or
- 402 7. The licensee fails to pay civil penalties assessed in accordance with California Code of  
403 Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 6, Section 9827 and  
404 adjudicated in accordance with California Code of Regulations, Title 9, Division 4, Chapter 3,  
405 Subchapter 2, Article 6, Section 9830.

406

407 CA ADP shall deliver to the licensee, in person or by certified mail, an accusation and notice of  
408 suspension or revocation, which shall:

- 409 1. Inform the licensee that the program's license is being suspended or revoked and the effective  
410 date of the suspension or revocation,
- 411 2. Explain the reason(s) for the suspension or revocation,
- 412 3. Order the licensee to suspend operation of the program as of the date specified on the notice,  
413 and
- 414 4. Explain the licensee's right to an administrative review in accordance with California Code of  
415 Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 6, Section 9836.

416 The licensee shall make a verbal report immediately to the MCBH AOD program administrator  
417 upon receiving the accusation and notice of suspension or revocation.

418

419 Expiration, forfeiture, or surrender of a license shall not prohibit CA ADP from taking action to deny,  
420 suspend, or revoke licensure in accordance with the provisions of Chapter 9 (commencing with  
421 Section 11836) of Part 2, Division 10.5 of the Health and Safety Code or this California Code of  
422 Regulations, Title 9, Division 4, Chapter 3.

423

424 CA ADP may suspend operation of a licensed program prior to a hearing, when such action is  
425 necessary to protect participants or the general public from physical or mental abuse,  
426 abandonment, or any other substantial threat to the participants' health or safety. If the Department  
427 takes such action, the notice of suspension shall specify the licensee's legal right to petition the  
428 court to enjoin closure of the program in accordance with Chapter 3 (commencing with Section  
429 525) of Title 7, Part 2 of the Code of Civil Procedure, in addition to the requirements of California  
430 Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 6, Section 9834(b)(4).

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### 433 **XVII. ADMINISTRATIVE REVIEW OF LICENSING ACTIONS**

#### 434 **REFERENCES**

435 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 6, Section 9836

436

#### 437 **POLICY AND PROCEDURES**

438 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
439 DUI programs it may operate directly in the future will comply with the following:

- 440 1. Applicants for licensure and licensees may appeal a notice of licensing actions by forwarding a  
441 written request for review to the Director, Department of Alcohol and Drug Programs, 1700 K  
442 Street, Sacramento, CA 95811. As used in this regulation, "licensing action" means denial of  
443 an application, denial of a request for renewal of licensure, denial of a request to open a  
444 satellite location, assessment of a civil penalty, or suspension or revocation of licensure.
- 445 2. The written request for review shall be postmarked within 15 working days of receipt of the  
446 written notice of licensing action. The written request for review shall:
  - 447 a. Identify the statute(s) or regulation(s) at issue and the legal basis for the licensee's appeal;
  - 448 b. State the facts supporting the licensee's position; and
  - 449 c. State whether the applicant for licensure or licensee waives an informal conference and  
450 prefers to proceed directly with an administrative hearing pursuant to Chapter 5  
451 (commencing with Section 11500) of Part 1, Division 3, Title 2 of the Government Code.
- 452 3. Failure to submit the written request for review, pursuant to California Code of Regulations,  
453 Title 9, Division 4, Chapter 3, Subchapter 2, Article 6, Section 9836(b) of this regulation, shall  
454 be deemed a waiver of administrative review and the action shall be deemed final.
- 455 4. The California Department of Alcohol and Drug Programs (CA ADP) shall schedule an informal  
456 conference with the licensee, unless the CA ADP and the licensee agree to settle the matter  
457 based upon the information submitted with the request for review. The informal conference  
458 shall be scheduled within 15 working days and held within 45 working days of receipt of the  
459 request for review.
- 460 5. Failure to schedule the informal conference within 15 working days or hold the informal  
461 conference within 45 working days of the receipt of the request shall be deemed a withdrawal  
462 of the licensing action by the CA ADP unless the licensee:

- 463 a. Fails to attend the conference as scheduled, in which case the appeal shall be considered  
464 withdrawn and the action shall be deemed final;
- 465 b. Waives the 15 or 45 working day requirement; or  
466 c. Waives informal conference.
- 467 6. The licensee shall have the following rights at the informal conference:  
468 a. The right to be represented by legal counsel.  
469 b. The right to present oral and written evidence.  
470 c. The right to explain any mitigating circumstances.
- 471 7. The representatives of the CA ADP who issued the notice of licensing action shall attend the  
472 informal conference and present evidence and information, oral or written, in substantiation of  
473 the alleged violation.
- 474 8. The conference shall be conducted as an informal proceeding, and shall not be conducted in  
475 the manner of a judicial hearing under the Administrative Procedure Act [Chapter 5  
476 (commencing with Section 11500), Part 1, Division 3, Title 2 of the Government Code], and  
477 need not be conducted according to the technical rules relating to evidence and witnesses.
- 478 9. Neither the licensee nor the CA ADP shall have the right to subpoena any witness to attend the  
479 informal conference. However, both the licensee and the CA ADP may present any witness to  
480 present evidence and information on its behalf at the conference.
- 481 10. The proceedings at the informal conference may be recorded by either party on audio tape.
- 482 11. If the licensing action, discussed at the informal conference, was assessed for failure to correct  
483 a Class A violation, the decision made at the informal conference shall be deemed final and  
484 not subject to further review.
- 485 12. If the licensing action is not a Class A violation the decision from the informal conference shall  
486 include a statement from the CA ADP notifying the licensee of the right of further administrative  
487 appeal to the decision made at the informal conference. A hearing may be requested in  
488 accordance with Chapter 5 (commencing with Section 11500) Part 1, Division 3, Title 2 of the  
489 Government Code.
- 490 a. The licensee may appeal the decision made at the informal conference or waive the  
491 informal conference and proceed directly to administrative hearing by submitting a written  
492 request to the Director of the Department of Alcohol and Drug Programs, 1700 K Street,  
493 Sacramento, CA 95811, postmarked no later than 15 working days from the date of receipt  
494 by the applicant for licensure or licensee of the informal conference decision or the notice  
495 of licensing action, as appropriate. Upon receipt of the request for appeal, the CA ADP  
496 shall initiate administrative review and request that the matter be set for hearing. The CA  
497 ADP shall notify the licensee of the time and place of the hearing.
- 498 b. Failure of the licensee to timely submit the written request for an administrative hearing  
499 shall be deemed a waiver of further administrative review and the decision of the CA ADP  
500 shall be deemed final.
- 501 c. In the event the licensee appeals the CA ADP's proposed assessment of civil penalties,  
502 collection of the civil penalties shall be subject to the outcome of the final administrative  
503 appeal.
- 504 d. A licensing action shall be deemed final if:  
505 i. The licensee fails to appeal the licensing action in a timely manner, pursuant to  
506 Subsections (c) and (m)(2) of this regulation; or  
507 ii. A final determination is made in accordance with this regulation or, if applicable, with  
508 Section 11517 of the Government Code.
- 509 e. After deemed final, the civil penalty shall be paid to the Department within 60 days of  
510 receipt of the notice of final adjudication. Failure to pay the civil penalty within 60 days of

511 receipt of the notice of final adjudication shall result in automatic termination of the license.  
512  
513

514 **XVIII. CONTINGENCY SERVICE PLAN**

515 **REFERENCES**

516 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 2, Article 7, Section 9838  
517

518 **POLICY AND PROCEDURES**

519 It is the policy of MCBH AOD Programs to comply with the following:

- 520 1. The MCBH AOD program administrator shall notify the California Department of Alcohol and  
521 Drug Programs (CA ADP) by certified mail within seven days if a DUI program is unable to  
522 provide services to program participants. The MCBH AOD program administrator shall provide  
523 CA ADP with an interim plan for continuing services for participants and for supervising such  
524 participants.
- 525 2. Emergency service providers shall not accept new enrollments until they have become  
526 licensed by the CA ADP pursuant to the provisions of this chapter.
- 527 3. CA ADP shall approve emergency services for no longer than six months from the date  
528 approval was granted.

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530

531 **XIX. DUI PROGRAM STAFF QUALIFICATION AND FUNCTION**

532 **REFERENCES**

533 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9846  
534

535 **POLICY AND PROCEDURES**

536 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
537 DUI programs it may operate directly in the future will comply with the following:

- 538 1. The DUI program administrator shall have the following minimum experience and/or education:
  - 539 a. Two years of experience providing alcohol and/or other drug treatment or recovery  
540 services;
  - 541 b. One year of experience supervising personnel; and
  - 542 c. One year of experience managing an accounting system, or preparing or directing the  
543 preparation of budgets or cost reports. Satisfactory completion of two college-level courses  
544 in accounting may be substituted for the one year of experience required in this  
545 subsection. As used in this regulation, "satisfactory completion" means attainment of a  
546 grade of "C" or better.
- 547 2. DUI program staff who conduct educational sessions shall have a minimum of two years of  
548 experience in providing alcohol and/or drug education and information to persons with alcohol  
549 and/or other drug problems in a classroom setting or meet the staff qualifications required in  
550 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section  
551 9846(c) or California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article  
552 1, Section 9846(f).
- 553 3. All DUI program staff who provide counseling services (as defined in California Code of  
554 Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13005(a)(4)) shall be  
555 licensed, certified, or registered to obtain certification pursuant to California Code of  
556 Regulations, Title 9, Division 4, Chapter 8 (commencing with Section 13000) or meet the  
557 qualifications required in California Code of Regulations, Title 9, Division 4, Chapter 3,  
558 Subchapter 3, Article 1, Section 9846(f).

- 559 4. DUI program staff who provide counseling services (as defined in California Code of  
560 Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13005(a)(4)) shall comply  
561 with the code of conduct, pursuant to California Code of Regulations, Title 9, Division 4,  
562 Chapter 8, Subchapter 3, Section 13060, developed by the organization by which they were  
563 certified or registered.
- 564 5. Volunteers may assist in conducting educational sessions, group counseling sessions, intake  
565 interviews, face-to-face interviews, or assessments of alcohol and/or other drug problems.  
566 a. Volunteers assisting in the provision of educational sessions shall be under the direct  
567 supervision of a staff member who meets the requirements of California Code of  
568 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9846(b) and (c)  
569 of this regulation. Volunteers assisting in the provision of counseling services shall be  
570 under the direct supervision of a certified counselor and shall adhere to the code of  
571 conduct specified in California Code of Regulations, Title 9, Division 4, Chapter 8,  
572 Subchapter 3, Section 13060.  
573 b. Volunteers shall not provide services unless the supervising staff member is present in the  
574 room during the provision of services.
- 575 6. The DUI program may employ interns to conduct counseling or educational sessions. As used  
576 in this regulation, an "intern" is an entry level, paid staff member who does not have a minimum  
577 of 2,080 hours of experience in providing educational or counseling services to persons with  
578 alcohol and/or other drug problems. Prior to employing interns, the DUI program shall provide  
579 the Department with a description of its intern program, which shall comply with the following  
580 requirements:  
581 a. Interns may not comprise more than 20 percent of the DUI program's counseling staff.  
582 b. The DUI program shall designate a staff member who is licensed or certified pursuant to  
583 California Code of Regulations, Title 9, Division 4, Chapter 8 (commencing with Section  
584 13000) as the coordinator of its intern program.  
585 c. Prior to conducting services without direct supervision, each intern shall observe at least  
586 three hours of face-to-face interviews, 12 hours of educational classes conducted by staff  
587 who meet the requirements of Subsection (b) of this regulation, and 20 hours of group  
588 counseling sessions conducted by a certified counselor. The DUI program shall document  
589 the sessions in the intern's personnel record.  
590 d. The intern coordinator shall provide individual progress reviews with each intern on a  
591 weekly basis as long as the intern is employed as an intern or until the intern meets the  
592 requirements of subdivisions (b) and (c). The DUI program shall document individual  
593 progress reviews in the intern's personnel record.  
594 e. Administration and associated costs of interns may be allocated over as many alcohol and  
595 drug treatment programs within a given agency as use interns, proportionate to the  
596 number of interns used by each program.
- 597 7. As used in this regulation, "a year of experience" means 2,080 total hours of full or part time,  
598 compensated or uncompensated, work experience.
- 599 8. The DUI program shall maintain personnel records for all staff, including DUI program  
600 administrators, containing:  
601 a. Name, address, telephone number, position, duties, and date of employment;  
602 b. Resumes, applications, and/or transcripts documenting work experience and education  
603 used to meet the requirements of this regulation; and  
604 c. Personnel records for staff who provide counseling services (as defined in California Code  
605 of Regulations, Title 9, Division 4, Chapter 8, Subchapter 2, Section 13005) shall also  
606 contain:

- 607 i. Written documentation of licensure, certification, or registration to obtain certification  
608 pursuant to California Code of Regulations, Title 9, Division 4, Chapter 8 (commencing  
609 with Section 13000); and
- 610 ii. A copy of the code of conduct of the registrant's or certified AOD counselor's certifying  
611 organization pursuant to California Code of Regulations, Title 9, Division 4, Chapter 8,  
612 Subchapter 3, Section 13060.

613  
614

615 **XX. PARTICIPANT ENROLLMENT**

616 **REFERENCES**

617 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9848  
618

619 **POLICY AND PROCEDURES**

620 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
621 DUI programs it may operate directly in the future will comply with the following:

- 622 1. The DUI program may enroll any person who presents documentation from the court or the  
623 Department of Motor Vehicles verifying his/her arrest or conviction for one of the DUI violations  
624 specified in Health and Safety Code Section 11836 (a). Such documentation shall indicate  
625 whether the offense is a first, second or third DUI violation.
- 626 2. The DUI program may enroll and provide services to persons referred from another state for  
627 conviction of a DUI offense. The person must provide documentation from the state making the  
628 referral, indicating the requirement to attend and either the number of hours of program  
629 services or the program type required.
- 630 3. The DUI program may accept a participant for enrollment after the date specified by the court,  
631 provided that the DUI program notifies the court of the enrollment through an established court  
632 referral and tracking system.
- 633 4. Before a potential participant receives services from a DUI program, the DUI program shall  
634 conduct an intake interview and enroll the participant in the program.
  - 635 a. DUI program counseling staff, who meet the requirements of California Code of  
636 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9846(c) and (d)  
637 shall complete the intake interview, which shall consist of:
    - 638 i. A discussion of goals and objectives for participation in the program, including  
639 abstinence from the use of alcohol and/or illicit drugs as a goal during the duration of  
640 participation in the program.
    - 641 ii. Providing the participant with materials which describe how abstinence contributes to a  
642 healthy lifestyle.
    - 643 iii. Explaining the counseling, education, and face-to-face interview requirements;  
644 attendance requirements; procedures for requesting a leave of absence; and reasons  
645 for dismissal from the program.
    - 646 iv. Completing a participant contract listing the services to be provided, program rules,  
647 grievance procedures, program fees, additional fees, payment schedule and reasons  
648 for dismissal from the program, as stated in California Code of Regulations, Title 9,  
649 Division 4, Chapter 3, Subchapter 4, Article 1, Section 9886. The contract shall include  
650 a statement that the participant may request the DUI program to conduct a financial  
651 assessment to determine the participant's ability to pay the program fee. The  
652 counselor shall:
      - 653 1) Explain and date the contract;
      - 654 2) Sign the contract and require the participant to sign the contract; and

- 655                   3) Give a copy of the signed, dated contract to the participant and retain a copy in the  
656                   participant's record.
- 657           b. DUI program staff shall enroll the participant by:
- 658           i. Completing administrative forms required by the DUI program, the Department,  
659           county, and Department of Motor Vehicles;
- 660           ii. Scheduling program services; and
- 661           iii. Providing the participant with a written list of the date, time, and location of program  
662           activities the participant is scheduled to attend.
- 663   5. The DUI program shall provide the contract, and all documents that require participant  
664   signature in all languages in which the DUI program provides services.
- 665   6. The DUI program shall begin providing services (i.e. face-to-face interviews, educational  
666   sessions, and group counseling sessions) within 21 days of the date that it enrolls a  
667   participant.

668

669

670 **XXI. ASSESSMENT OF PARTICIPANT'S ALCOHOL OR DRUG PROBLEM**

671 **REFERENCES**

672 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9849  
673

674 **POLICY AND PROCEDURES**

675 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
676 DUI programs it may operate directly in the future will comply with the following:

- 677   1. Within the first 60 days of participation, the DUI program shall complete an assessment of  
678   each participant's alcohol or drug use. The assessment shall address patterns and history of  
679   alcohol and other drug use, addiction treatment history, gender, age, work status, family  
680   substance abuse history, legal history, and current health status.
- 681   2. Alcohol and drug assessments shall be conducted by DUI program counselors who meet the  
682   staff qualification standards listed in California Code of Regulations, Title 9, Division 4, Chapter  
683   3, Subchapter 3, Article 1, Section 9846(c).
- 684   3. The counselor conducting the assessment shall discuss the results of the alcohol or drug  
685   assessment with the participant.
- 686   4. As part of the assessment, the counselor shall recommend any ancillary services he/she thinks  
687   would be potentially beneficial to the participant. Ancillary services recommended should be  
688   appropriate to the individual participant and available nearby. The counselor shall record the  
689   results of the participant's alcohol or drug assessment, the follow up discussion, and the  
690   recommendations for ancillary services in the participant's case record. The referral process for  
691   ancillary services must be in accordance with California Code of Regulations, Title 9, Division  
692   4, Chapter 3, Subchapter 3, Article 1, Section 9862.
- 693   5. The participant and the counselor shall sign and date the results of the assessment and follow  
694   up discussion.

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696

697 **XXII. PROGRAM SERVICES TO BE PROVIDED**

698 **REFERENCES**

699 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9851  
700

701 **POLICY AND PROCEDURES**

- 702 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
703 DUI programs it may operate directly in the future will comply with the following:
- 704 1. The DUI program shall require a participant enrolled in a program pursuant to Vehicle Code  
705 Section 23103.5(e) or 23140 to complete 12 hours of educational sessions, provided in  
706 accordance with California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3,  
707 Article 1, Section 9852.
  - 708 2. The DUI program shall require a participant enrolled in a three-month first offender program to  
709 complete the following:
    - 710 a. Twelve hours of educational sessions, provided in accordance with California Code of  
711 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9852.
    - 712 b. Ten hours of group counseling sessions, provided in accordance with California Code of  
713 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9854.
    - 714 c. Eight additional hours of program services, consisting of educational sessions, group  
715 counseling sessions, or a combination of the two, at the option of the DUI program and as  
716 approved by the MCBH AOD program administrator.
    - 717 d. A minimum of three face-to-face interviews, provided in accordance with California Code of  
718 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9858. The DUI  
719 program shall conduct the initial face-to-face interview within 21 days of enrollment, and  
720 the second face-to-face interview at the mid-point of the program. The final face-to-face  
721 interview shall serve as the exit interview. At the DUI program's option, more than three  
722 face-to-face interviews may be provided so long as the participant is not charged for the  
723 additional face-to-face interviews.
    - 724 e. Any additional county requirements approved in accordance with California Code of  
725 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860.
  - 726 3. The DUI program shall require a first offender with court-ordered duration of participation to  
727 participate in the program for six months or longer as ordered by the court. During that time the  
728 DUI program shall require the participant to complete the following:
    - 729 a. A minimum of 12 hours of educational sessions, provided in accordance with California  
730 Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9852.
    - 731 b. A minimum of 28 hours of group counseling sessions, provided in accordance with  
732 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1,  
733 Section 9854.
    - 734 c. A minimum of four face-to-face interviews, provided in accordance with California Code of  
735 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9858. The DUI  
736 program shall conduct the initial face-to-face interview within 21 days of enrollment. The  
737 DUI program shall conduct one face-to-face interview at the end of the second month, and  
738 one at the end of the fourth month. The final face-to-face interview shall serve as the exit  
739 interview.
    - 740 d. Four additional hours of program services, consisting of educational sessions, group  
741 counseling sessions, face-to-face interviews or a combination of the three, at the option of  
742 the DUI program and as approved by the county alcohol and drug program administrator.
    - 743 e. Any additional county requirements approved in accordance with California Code of  
744 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860.
  - 745 4. The DUI program shall require a first offender with court-ordered duration of participation to  
746 participate in the program for nine months or longer as ordered by the court. During that time  
747 the DUI program shall require the participant to complete the following:
    - 748 a. A minimum of 12 hours of educational sessions provided in accordance with California  
749 Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9852.



- 750 b. A minimum of 44 hours of group counseling sessions provided in accordance with  
751 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1,  
752 Section 9854.
- 753 c. A minimum of five face-to-face interviews provided in accordance with California Code of  
754 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9858. The DUI  
755 program shall conduct the first face-to-face interview within 21 days of the enrollment and  
756 one interview every other month thereafter. The DUI program shall conduct the final face-  
757 to-face interview as an exit interview at the end of the program.
- 758 d. Four additional hours of program services, consisting of educational sessions, group  
759 counseling sessions, face-to-face interviews or a combination of the three as approved by  
760 the county alcohol and drug program administrator.
- 761 e. Any additional requirements approved in accordance with California Code of Regulations,  
762 Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860.
- 763 5. The DUI program shall require a participant enrolled in an 18-month multiple offender program  
764 to complete the following:
- 765 a. During the first 12 months of participation in a 18-month program, the DUI program shall  
766 require the participant to complete a core program consisting of:
- 767 i. Twelve hours of alcohol and other drug related educational sessions in accordance  
768 with California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3,  
769 Article 1, Section 9852.
- 770 ii. Fifty-two hours of group counseling sessions in accordance with Section 9854.
- 771 iii. One face-to-face interview every other week from the initial date of enrollment until  
772 completion of the educational and group counseling sessions required in (e)(1)(A) and  
773 (B) immediately above. In either instance, the DUI program shall require each  
774 participant to attend a minimum of 24 face to face interviews. Face-to-face interviews  
775 shall be provided in accordance with Section 9858. If the participant takes longer than  
776 12 months to complete the educational and group counseling sessions required in  
777 (e)(1)(A) and (B) immediately above, the DUI program may charge for any additional  
778 face-to-face interviews provided based on the approved unit of service fee for face-to-  
779 face interviews.
- 780 iv. Any additional county requirements approved pursuant to California Code of  
781 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860.
- 782 b. During the last six months of participation in an 18-month program, the DUI program shall  
783 require the participant to complete a community re-entry phase, consisting of participation  
784 in self-help groups, employment, family, and other areas of self-improvement.
- 785 i. The DUI program shall monitor the participant's progress during the community re-  
786 entry phase.
- 787 ii. The DUI program shall provide no more than six hours of monitoring.
- 788 iii. The DUI program shall not allow the participant to begin the community re-entry phase  
789 until the participant has completed the core program requirements specified in (e)(1) of  
790 this regulation.
- 791 6. The DUI program shall require a participant enrolled in a 30-month multiple offender program  
792 to complete the following:
- 793 a. During the first 18 months of participation in a 30-month program, the DUI program shall  
794 require the participant to complete a core program consisting of:
- 795 i. A minimum of 12 hours of educational sessions, provided in accordance with California  
796 Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section  
797 9852.

- 798 ii. A minimum of 78 hours of group counseling sessions, provided in accordance with  
799 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1,  
800 Section 9854.
- 801 iii. One face-to-face interview provided every other week from the initial date of enrollment  
802 until completion of the educational and group counseling sessions specified in  
803 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1,  
804 Section 9851 (f)(1)(A) and (B) immediately above. In either instance, the DUI program  
805 shall require each participant to attend a minimum of 39 face to face interviews. Face-  
806 to-face interviews shall be conducted in accordance with Section 9858. The DUI  
807 program may charge for additional face-to-face interviews based on the approved unit  
808 of service fee for face-to-face interviews.
- 809 iv. A compendium of evidence, on a tri-monthly basis, of performance of voluntary  
810 community service for one-half of the time served (not less than 120 hours and not  
811 more than 300 hours, as determined by the court) demonstrating:
- 812 1) The prevention of driving-under-the-influence, promotion of safe driving, and  
813 responsible attitude toward the use of chemicals of any kind.
- 814 2) Significant improvement in occupational performance (including efforts to obtain  
815 gainful employment), physical and mental health, family relations, and financial  
816 affairs and economic stability.
- 817 v. Any additional county requirements approved pursuant to California Code of  
818 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860.
- 819 b. During the last 12 months of participation in a 30-month program, the DUI program shall  
820 require the participant to maintain a compendium of evidence of performance of voluntary  
821 community service for one-half of the time served, on a tri-monthly basis, demonstrating:
- 822 i. The prevention of driving-under-the-influence, promotion of safe driving, and  
823 responsible attitude toward the use of chemicals of any kind;
- 824 ii. Significant improvement in occupational performance (including efforts to obtain  
825 gainful employment), physical and mental health, family relations, and financial affairs  
826 and economic stability.
- 827 iii. The DUI program shall, unless prohibited by the court, make provisions for a  
828 participant to voluntarily enter a licensed chemical dependency recovery hospital or  
829 residential treatment program, licensed by the State of California, and to receive three  
830 weeks of program participation credit for each week of treatment not to exceed 12  
831 weeks of credit, but only if the treatment is at least two weeks in duration. The DUI  
832 program shall document evidence of the treatment in the participant's record.

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834  
835 **XXIII. EDUCATIONAL SESSIONS**

836 **REFERENCES**

837 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9852

838  
839 **POLICY AND PROCEDURES**

840 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
841 DUI programs it may operate directly in the future will comply with the following:

- 842 1. Educational sessions shall be no less than one hour and no more than two hours in length.  
843 Time allowed for breaks shall not be counted toward meeting the number of hours for  
844 educational sessions in accordance with California Code of Regulations, Title 9, Division 4,  
845 Chapter 3, Subchapter 3, Article 1, Section 9851.

- 846 2. DUI program staff who conduct educational sessions shall meet the staff qualifications required  
847 in California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1,  
848 Section 9846(b).
- 849 3. Educational sessions shall be informational in content and instructional in manner of  
850 presentation. Educational sessions may consist of lectures, seminars, films, audio tapes,  
851 written exercises, or any combination thereof. Educational sessions shall include information  
852 regarding the following topics:
- 853 a. The use and effects of alcohol and other drugs.
  - 854 b. The nature of addiction to alcohol and other drugs.
  - 855 c. Impairment of driving abilities, skills, and judgment caused by consumption of alcohol or  
856 other drugs.
  - 857 d. Alternatives to the abuse of alcohol and the use of illicit drugs, including discussion of how  
858 abstinence, additional county requirements, ancillary services, and participation in self-help  
859 groups, assist the participant to recognize the effects of chemical dependency and  
860 understand the recovery process.
  - 861 e. The effects of alcohol or other drug use on the individual, the family, and society.
- 862 4. The DUI program shall encourage participant discussion during educational sessions.
- 863 5. A participant shall not attend more than one educational session per calendar day.
- 864 6. The DUI program shall limit attendance at educational sessions to a maximum of 35 program  
865 participants.
- 866 7. The instructor must be present during the entire educational session.
- 867 8. A DUI program licensed as an 18- or 30-month program shall not allow an outside person,  
868 except an interpreter, family member, or significant other of a participant to attend educational  
869 sessions conducted for a participant. If the DUI program allows a family member or significant  
870 other of a participant to attend educational sessions, all of the following conditions shall apply:
- 871 a. Each family member or significant other shall attend educational sessions only on a  
872 voluntary basis. A signed copy of the agreement confirming voluntary attendance by the  
873 family member or significant other shall be maintained in the appropriate participant  
874 record.
  - 875 b. The DUI program shall provide participant's family member or significant other, who attend  
876 educational sessions, with a copy of the program rules (including maintaining  
877 confidentiality) and shall inform the participant's family member and significant other, in  
878 writing, that they may be prohibited from attending future educational sessions if they fail to  
879 comply with program rules. The DUI program shall retain in the participant's record a copy  
880 of the program rules and the consequences of noncompliance, signed by the family  
881 member or significant other.
  - 882 c. Attendance by a family member or significant other shall not result in an increased cost to  
883 the participant. The DUI program may charge fees to the family member or significant  
884 other for attending educational sessions.
- 885 9. The DUI program shall require each participant to sign a roster at each educational session in  
886 order to verify attendance. The DUI program shall maintain attendance rosters for each  
887 educational session. The attendance roster for each educational session shall list the following  
888 information:
- 889 a. Date of the session,
  - 890 b. Starting and ending time,
  - 891 c. Topics presented or session number,
  - 892 d. Printed and signed names of participants in attendance, and
  - 893 e. Signature of the program staff who conducted the session.

- 894 10. The DUI program shall document attendance at educational sessions in each participant's  
895 case record.  
896 11. No credit shall be given for attendance unless the participant attended the entire educational  
897 session as scheduled.

898

899

900 **XXIV. GROUP COUNSELING SESSIONS**

901 **REFERENCES**

902 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9854

903

904 **POLICY AND PROCEDURES**

905 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
906 DUI programs it may operate directly in the future will comply with the following:

- 907 1. Group counseling sessions shall be no less than one hour and no more than two hours in  
908 length.
- 909 a. The DUI program may substitute one hour of individual counseling sessions for every two  
910 hours of group counseling sessions if the participant is unable to participate in or benefit  
911 from group counseling sessions because of a language barrier, an emotional problem, or  
912 other difficulty.
- 913 b. Time allowed for breaks shall not be counted as part of the minimum time required for  
914 group counseling in California Code of Regulations, Title 9, Division 4, Chapter 3,  
915 Subchapter 3, Article 1, Section 9851.
- 916 2. Group counseling sessions shall be conducted by DUI program counselors in a manner that:
- 917 a. Encourages the participants to talk and share ideas and information in order to identify and  
918 resolve alcohol or drug related problems;
- 919 b. Provides an opportunity for participants to examine their own personal attitudes and  
920 behavior; and
- 921 c. Provides support for positive changes in life style to facilitate reduction or elimination of  
922 alcohol or drug problems.
- 923 3. Group counseling sessions may emphasize a specific topic or may be less structured in  
924 nature.
- 925 4. The DUI program shall not use films or lectures to meet the number of hours of group  
926 counseling sessions required in California Code of Regulations, Title 9, Division 4, Chapter 3,  
927 Subchapter 3, Article 1, Section 9851.
- 928 5. The licensee of a first offender program shall not allow an outside person, except an  
929 interpreter, to participate in group counseling sessions conducted for participants.
- 930 6. A DUI program licensed as an 18-month or 30-month program shall not allow an outside  
931 person, except an interpreter, a participant's family member, or a significant other to attend  
932 group counseling sessions conducted for the participant. If the DUI program allows a  
933 participant's family member and significant other to attend group counseling sessions, the  
934 following shall apply:
- 935 a. Each family member or significant other shall attend group counseling sessions only on a  
936 voluntary basis. A signed copy of the agreement confirming voluntary attendance by a  
937 family member or significant other shall be maintained in the respective appropriate  
938 participant's record.
- 939 b. The family member or significant other who attend group counseling sessions shall be at  
940 least 18 years old.

- 941 c. The DUI program shall provide a participant's family member or significant other, who  
942 attend group counseling sessions, with a copy of the program rules (including maintaining  
943 confidentiality) and shall inform the family member or significant other, in writing, of the  
944 consequences of failure to comply with program rules. The DUI program shall retain in the  
945 participant's record a copy of the program rules and the consequences of noncompliance,  
946 signed by the family member or significant other.
- 947 d. Attendance by a family member or significant other shall not result in an increased cost to  
948 the participant. The DUI program may charge fees to the family member or significant  
949 other for attending group counseling sessions.
- 950 7. Except as noted in (1) and (2) below, group counseling sessions shall be limited to 15 persons,  
951 including participants, their family members, and significant others.
- 952 a. On an emergency basis, as defined in (b) below, 17 participants may be included in group  
953 counseling sessions. The DUI program shall not include more than 17 participants per  
954 group counseling session for any reason.
- 955 b. As used in this policy, "emergency" means a sudden, unexpected occurrence or set of  
956 circumstances which could not have been avoided, prevented, or planned for by either the  
957 DUI program or the participant.
- 958 c. Whenever a participant is added to a group counseling session on an emergency basis,  
959 the DUI program shall document the nature of the emergency in the participant's case  
960 record and on the attendance roster.
- 961 8. DUI programs may be innovative in developing additional group counseling sessions (e.g.,  
962 involving family and significant others) beyond the minimum requirements contained in this  
963 section.
- 964 9. The DUI program shall require each participant to sign a roster at each group counseling  
965 session in order to verify attendance. The DUI program shall maintain attendance rosters for all  
966 group counseling sessions. The attendance roster for each group counseling session shall list  
967 the following information:
- 968 a. Date of the session,  
969 b. Starting and ending time,  
970 c. Topics discussed or session number,  
971 d. Written exercise to be conducted, if any, the purpose and desired outcome, and the  
972 amount of time allocated for participants to complete the exercise.  
973 e. Printed and signed names of participants in attendance, and  
974 f. Signature of the program staff who conducted the session.
- 975 10. The DUI program shall document attendance and participation at group counseling sessions in  
976 each participant record.
- 977 11. No credit shall be given for attendance unless the participant attended the entire group  
978 counseling session as scheduled.
- 979  
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## 981 **XXV. INDIVIDUAL COUNSELING SESSIONS**

### 982 **REFERENCES**

983 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9856

### 985 **POLICY AND PROCEDURES**

986 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
987 DUI programs it may operate directly in the future will comply with the following:

- 988 1. Each drinking driver program shall provide, or shall have the capability of referring to other  
989 alcohol programs, without additional charge to the participant, individual counseling services  
990 when the participant is not able to benefit from group counseling sessions (e.g., because of a  
991 language barrier or special problems which preclude group participation).
- 992 2. One hour of individual counseling may be substituted for two hours of group counseling under  
993 these circumstances. The reasons for individual counseling shall be documented in the  
994 participant's case record.
- 995 3. Participation and progress in individual counseling shall be documented in the participant's  
996 case record.
- 997 4. No credit for attendance shall be given unless the participant attended the entire individual  
998 counseling session as scheduled.

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1001 **XXVI. FACE-TO-FACE INTERVIEWS**  
1002 **REFERENCES**

1003 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9858  
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1005 **POLICY AND PROCEDURES**

1006 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1007 DUI programs it may operate directly in the future will comply with the following:

- 1008 1. Each DUI program shall conduct private, face-to-face interviews with each participant to:
  - 1009 a. Monitor payment of fees;
  - 1010 b. Discuss and encourage participant attendance in educational sessions and counseling  
1011 sessions;
  - 1012 c. Discuss and identify problems which may be barriers to program completion, including  
1013 progress in group and other counseling sessions; and
  - 1014 d. Evaluate the participant's need for referral to ancillary services.
- 1015 2. Face-to-face interviews shall be at least 15 minutes in length and shall be longer whenever the  
1016 interviewer or the participant determines that additional time is needed.
- 1017 3. The DUI program shall conduct face-to-face interviews on a regularly scheduled basis, rather  
1018 than on a drop-in basis.
  - 1019 a. For three month first offender programs, face-to-face interviews shall be conducted  
1020 pursuant to California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3,  
1021 Article 1, Section 9851(b)(4).
  - 1022 b. For six-month programs for first offenders with court ordered duration of participation, face-  
1023 to-face interviews shall be conducted pursuant to California Code of Regulations, Title 9,  
1024 Division 4, Chapter 3, Subchapter 3, Article 1, Section 9851(c)(3).
  - 1025 c. For nine-month programs for first offenders with court ordered duration of participation,  
1026 face-to-face interviews shall be conducted pursuant to California Code of Regulations, Title  
1027 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9851(d)(3).
  - 1028 d. For 18-month multiple offender programs, the required number of face-to-face interviews,  
1029 including make-ups, shall be conducted for the first 12 months or until completion of the  
1030 core program requirements pursuant to California Code of Regulations, Title 9, Division 4,  
1031 Chapter 3, Subchapter 3, Article 1, Section 9851(e)(1)(C).
  - 1032 e. For 30-month multiple offender programs, the required face-to-face interviews, including  
1033 make-ups, shall be conducted for the first 18 months or until completion of the core  
1034 program requirements pursuant to California Code of Regulations, Title 9, Division 4,  
1035 Chapter 3, Subchapter 3, Article 1, Section 9851(f)(1)(C).

- 1036 4. Whenever possible, face-to-face interviews shall be conducted by the same interviewer for the  
1037 duration of the program.
- 1038 5. The interviewer shall document the following information in each participant's record:  
1039 a. The date, time, and length of each face-to-face interview.  
1040 b. The counselor's assessment of the participant's progress regarding participation in  
1041 program activities and any increased awareness in understanding his/her alcohol and/or  
1042 drug related problems. For DUI programs that require participants to document their own  
1043 progress at the end of group sessions, the DUI program shall ensure that program staff  
1044 review and provide feedback to the participant.
- 1045 6. No credit for attendance shall be given unless the participant attended the entire face-to-face  
1046 interview as scheduled.
- 1047 7. The DUI program may only charge for additional face-to-face interviews as provided in  
1048 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section  
1049 9851. Charges for additional face-to-face interviews shall be based on the approved unit of  
1050 service fee for face-to-face interviews determined in accordance with Section 9878.

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1053 **XXVII. ADDITIONAL COUNTY REQUIREMENTS**

1054 **REFERENCES**

1055 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860

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1057 **POLICY AND PROCEDURES**

1058 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1059 DUI programs it may operate directly in the future will comply with the following:

- 1060 1. The County may mandate additional requirements, beyond the scope of DUI Program services  
1061 required in California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, only if  
1062 the County has received prior approval to do so from the California Department of Alcohol and  
1063 Drug Programs in accordance with this regulation. Such requirements shall be known as  
1064 "additional county requirements".
- 1065 2. If the County elects to mandate additional county requirements, the County shall select one or  
1066 more activities from the following list of activities as the additional county requirements for all  
1067 programs in the County:
- 1068 a. Attending alcohol- and other drug-related self-help group meetings.  
1069 b. Completing alcohol- and other drug-related community service;  
1070 c. Attending victim impact panel presentations by members of a nationally recognized  
1071 organization that advocates against driving-under-the-influence;  
1072 d. Completing institutional visits (e.g. tours of prisons, jails, hospitals, or county morgues);  
1073 e. Maintaining a scrapbook of articles related to alcohol abuse or use of illicit drugs;  
1074 f. Completing reports on books, videotapes, or audiotapes related to the abuse of alcohol  
1075 and the use of illicit drugs; or  
1076 g. Personal growth and development workshops related to the use of alcohol and other  
1077 drugs.
- 1078 3. If the County selects participation at self-help groups as an additional County requirement, the  
1079 County shall develop a list of self-help groups available for participant attendance.
- 1080 a. If the list includes sectarian groups, such as Alcoholics Anonymous or Narcotics  
1081 Anonymous, the list shall also include non-sectarian groups.  
1082 b. The County shall select an alternative activity if:  
1083 i. The only self-help groups available in the county are sectarian in nature; or

- 1084           ii. Non-sectarian groups are not available or accessible to the participant.
- 1085 4. The County shall not require the licensee to require the participant to read, watch, or listen to  
1086 material about or provided by a self-help group if the participant informs the licensee that  
1087 he/she disagrees with sectarian principles advocated by the self-help group. The County shall  
1088 require the licensee to allow the participant to complete an alternate activity from the list of  
1089 activities shown in California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3,  
1090 Article 1, Section 9860(b)(2) through (7).
- 1091 5. The County shall not mandate any additional county requirements not listed in Subsection (b)  
1092 of California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1,  
1093 Section 9860.
- 1094 6. The County shall require each licensee in the county to mandate the same additional county  
1095 requirements for every participant, except as specified in Subsection (c) of California Code of  
1096 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860.
- 1097 7. Time shall be credited as follows:
- 1098     a. On an hour for hour basis for the activities listed in California Code of Regulations, Title 9,  
1099       Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860(b)(1) through (b)(4) and (b)(7).
- 1100     b. The county shall determine the specifications for a completed scrapbook, such as number  
1101       of articles to be included, number of pages, types of articles, format, and the number of  
1102       hours to be credited.
- 1103     c. Four hours per book, videotape, or audiotape for the activity listed in Subsection (b)(6) of  
1104       this regulation.
- 1105 8. Except as specified in Subsection (i) of California Code of Regulations, Title 9, Division 4,  
1106 Chapter 3, Subchapter 3, Article 1, Section 9860, the County shall mandate no more than:
- 1107     a. 12 hours of additional county requirements for a participant of a three-month first offender  
1108       program;
- 1109     b. 39 hours of additional county requirements for a participant of a six-month first offender  
1110       program;
- 1111     c. 59 hours of additional county requirements for a participant of a nine-month first offender  
1112       program;
- 1113     d. 78 hours of additional county requirements for a participant of a 12-month first offender  
1114       program;
- 1115     e. 78 hours of additional county requirements for a participant of a 12-month multiple offender  
1116       program.
- 1117     f. 117 hours of additional county requirements for a participant of an 18-month multiple  
1118       offender program;
- 1119     g. 208 hours of additional county requirements for a participant of a 30-month multiple  
1120       offender program.
- 1121 9. The County may increase the number of hours of additional county requirements the  
1122 participant is required to complete if the participant is reinstated following dismissal from the  
1123 program. Each time the participant is reinstated, the number of hours of additional county  
1124 requirements may be increased by one hour per week for the remaining time the participant is  
1125 enrolled in the program, so long as the participant is not required to complete a total of more  
1126 than five hours of additional county requirements per week.
- 1127 10. The costs of additional county requirements (to the extent that there are any costs) shall be  
1128 included in the program fee approved in accordance with California Code of Regulations, Title  
1129 9, Division 4, Chapter 3, Subchapter 4, Section 9878. The licensee shall not impose any  
1130 additional fee for additional county requirements.



- 1131 11. The licensee shall not require the participant to complete any additional county requirements  
1132 unless they have been selected by the County and approved by CA ADP in accordance with  
1133 this regulation.
- 1134 12. The licensee shall not require the participant to complete any additional county requirements  
1135 mandated before the effective date California Code of Regulations, Title 9, Division 4, Chapter  
1136 3, Subchapter 3, Article 1, Section 9860 which are inconsistent with this regulation.
- 1137 a. The County shall rescind any additional county requirements mandated prior to the  
1138 effective date of this regulation which are inconsistent with this regulation.
- 1139 b. The County shall have 90 days from the effective date of California Code of Regulations,  
1140 Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860 to request approval for  
1141 any additional county requirements which are consistent with California Code of  
1142 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860. The  
1143 County may continue to enforce additional county requirements which are consistent with  
1144 this regulation until they are approved by CA ADP.
- 1145 c. Until the Department approves additional county requirements pursuant to this regulation:  
1146 i. The licensee shall immediately upon the effective date of this regulation amend  
1147 existing participant contracts to remove any additional county requirements mandated  
1148 prior to the effective date of California Code of Regulations, Title 9, Division 4, Chapter  
1149 3, Subchapter 3, Article 1, Section 9860 which are inconsistent with this regulation.
- 1150 ii. The licensee shall further amend the contract to state that subsequent amendments to  
1151 the contract may be required at a later date to include additional county requirements  
1152 when those requirements have been approved by the CA ADP in accordance with this  
1153 regulation.
- 1154 d. New participant contracts shall contain an attachment stating that the contract may be  
1155 amended at a later date to include additional county requirements when those  
1156 requirements have been approved by the CA ADP in accordance with this California Code  
1157 of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860. As  
1158 used in this subsection, "new participant contracts" means contracts for participants  
1159 enrolled after the effective date of California Code of Regulations, Title 9, Division 4,  
1160 Chapter 3, Subchapter 3, Article 1, Section 9860, but before the CA ADP has approved  
1161 additional county requirements.
- 1162 e. When CA ADP has approved additional county requirements pursuant to this regulation,  
1163 the licensee shall amend the participant contract to include the additional county  
1164 requirements, prorated over the balance of time the participant is enrolled in the program.
- 1165 f. If the participant notifies the licensee that he/she voluntarily chooses to complete additional  
1166 county requirements mandated prior to the effective date of California Code of  
1167 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9860 which are  
1168 inconsistent with this regulation or exceed the additional county requirements approved in  
1169 accordance with this regulation, the licensee may allow the participant to do so. The  
1170 licensee shall amend the participant contract to reflect the participant's decision.

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1173 **XXVIII. REFERRAL TO ANCILLARY SERVICES**

1174 **REFERENCES**

1175 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 1, Section 9862  
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1177 **POLICY AND PROCEDURES**

- 1178 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1179 DUI programs it may operate directly in the future will comply with the following:
- 1180 1. The DUI program may refer participants to ancillary services, such as family counseling,  
1181 residential treatment, mental health treatment and outpatient services.
  - 1182 2. Such referrals shall be voluntary, and the DUI program shall document the reasons for referral  
1183 in the participant's record.
  - 1184 3. The cost of ancillary services shall not be part of the County administrative fee, but may be  
1185 part of the funds allocated to the County by the California Department of Alcohol and Drug  
1186 Programs pursuant to section 11818 of the Health and Safety Code.
  - 1187 4. Referral to ancillary services shall not result, directly or indirectly, in increased revenues for the  
1188 referring DUI program. Exceptions for good cause may be granted by the MCBH AOD program  
1189 administrator on a case-by-case basis.
  - 1190 5. Exceptions to voluntary referral to ancillary services and/or any referrals to services which  
1191 require any additional fees, regardless of funding source, shall be made only on an individual  
1192 basis with the approval of the MCBH AOD program administrator.

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1195 **XXIX. ORGANIZATION AND MAINTENANCE OF DUI PROGRAM PARTICIPANT RECORDS**  
1196 **REFERENCES**

1197 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 3, Section 9866  
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1199 **POLICY AND PROCEDURES**

- 1200 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1201 DUI programs it may operate directly in the future will comply with the following:
- 1202 1. The DUI program shall establish a participant case folder which contains all relevant material  
1203 and documentation for each participant.
  - 1204 2. The DUI program shall maintain participant records including completed copies of all required  
1205 forms and records, for a minimum of 48 months after the:
    - 1206 a. date of transfer to another DUI program;
    - 1207 b. date of dismissal from the program; or
    - 1208 c. date of issuance of a Notice of Completion Certificate.
  - 1209 3. The DUI program shall ensure confidentiality of participant records and information in  
1210 accordance with Sections 2.1-2.67(1); Title 42, Code of Federal Regulations. A copy of those  
1211 federal regulations shall be available at each DUI program and can be obtained from:  
1212 Superintendent of Documents, U.S. Government Printing Office, Washington D.C. 20402.

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1215 **XXX. NOTICE OF COMPLETION CERTIFICATES**  
1216 **REFERENCES**

1217 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 3, Section 9867  
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1219 **POLICY AND PROCEDURES**

- 1220 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1221 DUI programs it may operate directly in the future will comply with the following:
- 1222 1. When the DUI program determines that a participant has completed all program requirements  
1223 and has paid all program fees, the DUI program shall electronically submit the completion  
1224 certificate to the Department of Motor Vehicles, or complete, by typewriter or by printing in ink,  
1225 a Notice of Completion Certificate (Form DL 101, Revised 7/2006).

- 1226 a. The Notice of Completion Certificate shall have a unique, pre-printed number, assigned by  
1227 the Department of Motor Vehicles, and shall be completed pursuant to Title 13, California  
1228 Code of Regulations, Section 120.00.
- 1229 b. The program director may sign the Notice of Completion Certificate or designate  
1230 employees to sign pursuant to Section 120.00 of Title 13.
- 1231 i. If the program director authorizes a designee to sign a Notice of Completion Certificate  
1232 on his/her behalf, the DUI program shall retain in its files a copy of the written  
1233 authorization.
- 1234 ii. The Notice of Completion Certificate shall not be signed until the individual signing has  
1235 verified that the participant has completed all program services and paid all program  
1236 fees assessed in accordance with Section 9878.
- 1237 c. The DUI program may charge a fee for issuing a Notice of Completion Certificate. The DUI  
1238 program may charge the amount established by the Department of Motor Vehicles. If there  
1239 are additional costs for preparation, the DUI program may submit a request for a general  
1240 program fee increase in accordance with Section 9878(c).
- 1241 2. The DUI program may withhold the Notice of Completion Certificate in accordance with Section  
1242 9878(i) until the participant has paid in full his/her assessed program fee and any additional  
1243 fees.
- 1244 3. The DUI program shall maintain a program log, typed or printed in ink, to record the receipt,  
1245 issuance, and/or other disposition of each numbered Notice of Completion Certificate. At the  
1246 DUI program's option this program log may be in electronic format if a certificate is issued  
1247 electronically. The log shall contain, at a minimum, the information listed in subdivision (g)(5).
- 1248 4. If the DUI program makes an error while completing the Notice of Completion Certificate, the  
1249 DUI program shall:
- 1250 a. Write "VOID" in large letters across all copies of the Notice of Completion Certificate;  
1251 b. Store the voided copies of the Notice of Completion Certificate in sequential order in the  
1252 program log;  
1253 c. Note in the program log that the Notice of Completion Certificate was voided; and  
1254 d. Inform the Department of Motor Vehicles of the Notice of Completion Certificate numbers  
1255 voided. The DUI program shall report all voided Notices of Completion Certificates to the  
1256 Department of Motor Vehicles on a monthly basis.
- 1257 5. When the DUI program receives a book of Notices of Completion Certificates that contains one  
1258 or more notices that were damaged during manufacturing or shipping, the DUI program shall  
1259 either void the individual damaged notices and use the remaining notices in the book, or  
1260 immediately return the entire book of 50 to the Department of Motor Vehicles pursuant to  
1261 Section 120.00 of Title 13.
- 1262 6. The DUI program shall destroy a voided Notice of Completion Certificate only after Department  
1263 staff have reviewed the Notice of Completion Certificate during an on-site compliance review,  
1264 and given written authorization for its destruction.
- 1265 a. The method of destruction shall render the voided Notice of Completion Certificate  
1266 useless.
- 1267 b. The written authorization for destruction shall contain the following information:  
1268 i. The DUI program name and license number;  
1269 ii. The date of review;  
1270 iii. The period reviewed;  
1271 iv. The printed number of a Notice of Completion Certificate reviewed;  
1272 v. The printed number of the voided Notice of Completion Certificate authorized for  
1273 destruction;

- 1274 vi. The name, title, and signature of the Department or county staff person conducting the  
1275 on-site compliance review.
- 1276 vii. The printed numbers of voided Notice of Completion Certificate destroyed;
- 1277 viii. The date of destruction;
- 1278 ix. The method of destruction; and
- 1279 x. The name, title, and signature of program director.
- 1280 c. The DUI program shall retain the written authorization for destruction with the program log  
1281 for four years from the date of destruction.
- 1282 7. Within ten days after the date that a participant completes all program services and has paid  
1283 his/her assessed program fee and any additional fees, the DUI program shall:
- 1284 a. Issue the original Notice of Completion Certificate in the name of the participant and  
1285 immediately submit it to the Department of Motor Vehicles pursuant to Section 120.00 of  
1286 Title 13.
- 1287 b. Provide the court copy to the court of conviction (if the participant was referred by the court  
1288 and the court requires a copy);
- 1289 c. Provide the participant copy to the participant. If the DUI program electronically transmits  
1290 the Notice of Completion Certificate directly to the Department of Motor Vehicles, or  
1291 provide a receipt to the participant;
- 1292 d. Retain the program copy of the Notice of Completion Certificate in the participant's record;  
1293 and
- 1294 e. Enter the following information into the program log in sequential order by printed Notice of  
1295 Completion Certificate number or by the number assigned by the Department of Motor  
1296 Vehicles if submitted electronically to the DMV.
- 1297 i. The printed number of the Notice of Completion Certificate;
- 1298 ii. The name of the participant for whom the Notice of Completion Certificate was issued;
- 1299 iii. The length and type of DUI program completed;
- 1300 iv. The date the Notice of Completion Certificate was issued;
- 1301 v. The name of the DUI program staff person who issued the Notice of Completion  
1302 Certificate; and
- 1303 vi. The participant record identification number, if applicable.
- 1304 8. If the Department of Motor Vehicles copy of a Notice of Completion Certificate has been lost or  
1305 destroyed, the DUI program shall issue a duplicate Notice of Completion Certificate to the  
1306 Department of Motor Vehicles under the following circumstances:
- 1307 a. A duplicate Notice of Completion Certificate shall be issued only by the DUI program that  
1308 issued the original Notice of Completion Certificate;
- 1309 b. Before issuing the duplicate Notice of Completion Certificate, the DUI program shall verify  
1310 from its records that the participant actually completed all program services;
- 1311 c. The DUI program shall type or print the words "duplicate Notice of Completion Certificate"  
1312 and the number of the original Notice of Completion Certificate on the top of all copies of  
1313 the duplicate Notice of Completion Certificate;
- 1314 d. The DUI program may charge the participant a fee for issuing a duplicate Notice of  
1315 Completion Certificate to the Department of Motor Vehicles on behalf of the participant.  
1316 The DUI program may charge the cost of the notice established by the Department of  
1317 Motor Vehicles. If there are additional costs for preparation, the DUI program may submit a  
1318 request for a general program fee increase in accordance with Section 9878(c).
- 1319 9. At the time the DUI program receives a book of blank copies of the Notice of Completion  
1320 Certificate from the Department of Motor Vehicles, the DUI program shall inspect the book of  
1321 notices to ensure the full order is included and undamaged and record the sequential numbers

- 1322 of the certificates received and secure the blank Notices of Completion Certificates and the  
1323 record of blank certificates received in a locked desk, file, or cabinet which is not accessible to  
1324 program participants.
- 1325 10. The DUI program shall issue a Notice of Completion Certificate only for participants who have  
1326 completed all program requirements, including payment in full of program fees, contained in  
1327 Article 1 (commencing with Section 9848), Subchapter 3 of this Chapter.
- 1328 11. The DUI program shall issue a Notice of Completion Certificate only for the type of program  
1329 specified on the license issued by the Department.
- 1330 12. The licensee shall not sell or transfer Notice of Completion Certificate to another DUI program  
1331 or to any other entity.
- 1332 13. If the DUI program discovers that a blank Notice of Completion Certificate has been lost,  
1333 stolen, or otherwise misplaced, by the close of business of the day following the date the DUI  
1334 program discovers the loss, the DUI program shall report the loss pursuant to Section 120.02  
1335 of Title 13.
- 1336 a. The DUI program shall identify in the written report the following information:  
1337 i. The printed numbers of the lost, stolen, or misplaced Notices of Completion  
1338 Certificates, and  
1339 ii. The date the loss was discovered.
- 1340 b. The DUI program shall retain in its business records a copy of the written report and a  
1341 copy of the police or sheriff's department report until Department staff or county staff have  
1342 reviewed the reports during an on-site compliance review, and authorized in writing their  
1343 destruction.
- 1344 14. Within ten days of the date that the DUI program ceases program operation or the date that the  
1345 program's license is revoked, the DUI program shall return to the Department of Motor  
1346 Vehicles by certified mail its unused supply of blank Notice of Completion Certificates.
- 1347 15. When a participant is eligible for a Notice of Completion Certificate, but the DUI program  
1348 ceases program operation or the program's license is revoked, and the program's records are  
1349 transferred to the county, the county alcohol and drug program administrator shall prepare a  
1350 letter to the Department of Motor Vehicles, stating that the participant has completed all  
1351 program services.
- 1352 a. The letter shall take the place of a Notice of Completion Certificate.
- 1353 b. The letter shall contain the following information:  
1354 i. The participant's name, address, birth date, and driver's license number;  
1355 ii. The date the participant enrolled in the program;  
1356 iii. The date the participant completed all program services;  
1357 iv. The name, primary business address, and Department's license number of the DUI  
1358 program which would have issued the Notice of Completion if the DUI program were  
1359 still in business;  
1360 v. The length and type of program completed; and  
1361 vi. The court case number or docket number, if applicable.
- 1362 16. If the DUI program fails to account for all Notices of Completion Certificates, as set forth in  
1363 subdivisions (c), (d)(3), (g)(5), (i), (j), (k), (l), or (m) of this regulation, the Department shall  
1364 assess a fine against the DUI program of \$150 per day up to a total of \$1,500 for each missing  
1365 Notice of Completion Certificate.  
1366 The maximum fine for all missing certificates shall not exceed \$5,000.
- 1367 a. The fine shall accrue from the date the certificates are determined to be missing until the  
1368 missing certificates have been accounted for and shall be payable upon receipt of written  
1369 notice from the Department.

- 1370 b. The DUI program may appeal the assessed fine as specified in Section 9836.  
1371 17. The DUI program shall post a notice in a prominent location in the program reception area,  
1372 informing program participants and staff that soliciting or accepting a bribe, or selling a Notice  
1373 of Completion Certificate, is illegal and punishable by law.  
1374 18. CA ADP may initiate administrative action pursuant to Section 9834 to suspend or revoke the  
1375 license of any DUI program who is found responsible for the sale of a Notice of Completion  
1376 Certificate or whose failure to exercise diligence to control, track, and document the issuance  
1377 of a Notice of Completion Certificate has contributed to the sale of a Notice of Completion  
1378 Certificate. The DUI program may appeal such administrative action pursuant to Section 9836  
1379 and the provisions of Chapter 5 (commencing with Section 11500), Part 1, Division 3, Title 2 of  
1380 the Government Code.  
1381 19. To the extent possible, any appeal of a fine or civil penalty assessed pursuant to this regulation  
1382 and an appeal of any related administrative action shall be joined in a single proceeding.  
1383  
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1385 **XXXI. PROOF OF ENROLLMENT CERTIFICATES**

1386 **REFERENCES**

1387 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 3, Section 9867  
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1389 **POLICY AND PROCEDURES**

1390 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1391 DUI programs it may operate directly in the future will comply with the following:

- 1392 1. The DUI program shall issue a Proof of Enrollment Certificate (Form DL 107, Revised 7-06) to  
1393 the California Department of Motor Vehicles (CA DMV) upon request at any point during the  
1394 period of enrollment. The DUI program shall complete the certificate in electronic format, or by  
1395 typewriter or by printing legibly in ink. The Proof of Enrollment shall have a unique, pre-printed  
1396 number, assigned by the CA DMV, and shall be completed and issued pursuant to Section  
1397 120.01 of Title 13.
- 1398 a. The program director may sign the Proof of Enrollment Certificates and may designate up  
1399 to two employees to sign the certificates.
- 1400 i. If the program director authorizes a designee to sign Proof of Enrollment Certificate on  
1401 his/her behalf, the DUI program shall retain a copy of the written authorization in its  
1402 files.
- 1403 ii. The Proof of Enrollment Certificate shall not be signed until the individual signing has  
1404 verified that the participant has completed enrollment forms including a participant  
1405 contract and fee payment agreement.
- 1406 2. The DUI program shall maintain a program log, typed or printed in ink, to record the receipt,  
1407 issuance and/or other disposition of each numbered Proof of Enrollment Certificate. At the DUI  
1408 program's option this program log may be in electronic format if a certificate is issued  
1409 electronically. The log shall contain, at a minimum, the information listed in California Code of  
1410 Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Article 3, Section 9867(f)(5).
- 1411 3. If the DUI program makes an error while completing the Proof of Enrollment Certificate, the  
1412 DUI program shall:
- 1413 a. Write "VOID" in large letters across the original and all copies of the Proof of Enrollment  
1414 Certificate;
- 1415 b. Store the voided copies of the Proof of Enrollment Certificate in sequential order in the  
1416 program log;
- 1417 c. Note in the program log that the Proof of Enrollment Certificate was voided; and

- 1418 d. Inform the Department of Motor Vehicles of the Proof of Enrollment Certificate numbers  
1419 voided. The DUI program shall report the voided Proofs of Enrollment Certificates to the  
1420 Department of Motor Vehicles on a monthly basis.
- 1421 4. The DUI program shall destroy voided Proof of Enrollment Certificates only after California  
1422 Department of Alcohol and Drug Programs (CA ADP) staff or MCBH AOD staff have reviewed  
1423 the Proof of Enrollment Certificates during an on-site compliance review, and have authorized,  
1424 in writing, their destruction. The method of destruction shall render the Proof of Enrollment  
1425 Certificates useless.
- 1426 5. When the DUI program receives a book containing one or more Proof of Enrollment  
1427 Certificates that were damaged during manufacturing or shipping, the DUI program shall either  
1428 immediately return the entire book of 50 to the Department of Motor Vehicles or void the  
1429 individual damaged Proof of Enrollment Certificates and use the remaining ones in the book.
- 1430 a. To return the entire book to the Department of Motor Vehicles the DUI program shall:
- 1431 i. Submit the entire book to the Department of Motor Vehicles, with a written request for  
1432 free replacement; and
- 1433 ii. Note in the program log that the Proof of Enrollment Certificates were damaged and  
1434 returned to the Department of Motor Vehicles.
- 1435 b. To void and destroy the damaged certificates, the DUI program shall:
- 1436 i. Write "void" through the damaged certificates; and
- 1437 ii. Obtain a signed written authorization for destruction from a CA ADP or MCBH AOD  
1438 staff person during an on-site review. The authorization for destruction shall contain  
1439 the following information:
- 1440 1) The DUI program name and license number;
- 1441 2) The date of review;
- 1442 3) The period reviewed;
- 1443 4) The printed numbers of the Proof of Enrollment Certificates that were reviewed;
- 1444 5) The printed numbers of void Proof of Enrollment Certificates that were authorized  
1445 for destruction;
- 1446 6) The name, title, and signature of the Department or county staff person conducting  
1447 the on-site compliance review;
- 1448 7) The printed numbers of the void Proof of Enrollment Certificates that were  
1449 destroyed;
- 1450 8) The proposed date of destruction;
- 1451 9) The method of destruction to be used; and
- 1452 10) The name, title, and signature of the DUI program director.
- 1453 c. The DUI program shall destroy the damaged certificates after a CA ADP or MCBH AOD  
1454 staff person reviews and signs the authorization for destruction.
- 1455 d. The DUI program shall retain the written authorization for destruction with the program log  
1456 for four years from the date of destruction.
- 1457 6. If an eligible participant requests a Proof of Enrollment Certificate because the participant was  
1458 referred by the court and the court requires a copy, the DUI program shall:
- 1459 a. Issue the original copy of the Proof of Enrollment Certificate to the CA DMV;
- 1460 b. Issue the court copy to the court of conviction;
- 1461 c. Provide the participant copy to the participant or a receipt, if submitted electronically;
- 1462 d. Retain the program copy in the participant's record; and
- 1463 e. Enter the following information into the program log in sequential order by printed Proof of  
1464 Enrollment Certificate number or by date if submitted electronically:
- 1465 i. The printed number of the Proof of Enrollment Certificate;

- 1466 ii. The name of the participant to whom the Proof of Enrollment Certificate was issued;  
1467 iii. The date the Proof of Enrollment Certificate was issued;  
1468 iv. The name of the DUI program staff person who issued the Proof of Enrollment  
1469 Certificate; and  
1470 v. The participant record identification number, if applicable.
- 1471 7. If a Proof of Enrollment Certificate issued to the CA DMV has been lost or destroyed, the DUI  
1472 program shall issue a duplicate Proof of Enrollment to the CA DMV.
- 1473 8. At the time the DUI program receives a book of blank copies of the Proof of Enrollment  
1474 Certificates from the CA DMV, the DUI program shall inspect the book of certificates to ensure  
1475 the full order is included and undamaged and record the sequential numbers of the certificates  
1476 received. The DUI program shall maintain a record of certificates received in a separate  
1477 location from the Proof of Enrollment Certificates and shall secure the blank Proof of  
1478 Enrollment Certificates in a locked desk, file, or cabinet which is not accessible to program  
1479 participants.
- 1480 9. The DUI program shall issue a Proof of Enrollment Certificate exclusively to participants who  
1481 have enrolled pursuant to California Code of Regulations, Title 9, Division 4, Chapter 3,  
1482 Subchapter 3, Article 1, Section 9848.
- 1483 10. The DUI program shall issue a Proof of Enrollment Certificate only for the type of program  
1484 specified on the license issued by the Department.
- 1485 11. The DUI program shall not sell or transfer Proof of Enrollment Certificate to another DUI  
1486 program or to any other entity.
- 1487 12. If the DUI program discovers that a blank Proof of Enrollment Certificate has been lost, stolen,  
1488 or otherwise misplaced, the DUI program shall report the serial numbers of the lost certificates  
1489 to the CA DMV pursuant to Section 120.02 of Title 13.
- 1490 a. The DUI program shall identify the following information in the written report and program  
1491 log:  
1492 i. The printed serial numbers of the lost, stolen, or misplaced Proof of Enrollment  
1493 Certificates; and  
1494 ii. The date the loss was discovered.
- 1495 b. The DUI program shall retain in its business records a copy of the written report and a  
1496 copy of the police or sheriff's department report until CA DMV staff or MCBH AOD staff  
1497 have reviewed the reports during an on-site compliance review, and they have authorized  
1498 in writing the destruction of the reports.
- 1499 13. Within ten days of the date that the DUI program ceases program operation or the date that the  
1500 DUI program's license is revoked, the DUI program shall return to the Department of Motor  
1501 Vehicles by certified mail its unused supply of blank Proof of Enrollment Certificates.

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## 1504 **XXXII. PROGRAM SOBRIETY**

### 1505 **REFERENCES**

1506 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9874

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### 1508 **POLICY AND PROCEDURES**

1509 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1510 DUI programs it may operate directly in the future will comply with the following:

- 1511 1. The DUI program shall require a program participant to maintain program sobriety. As used in  
1512 this chapter, "program sobriety" means that participants shall not attend program services or  
1513 activities or be on the DUI program premises while under the influence of any amount of



- 1514 alcohol or drugs as defined in this regulation, or be convicted of a subsequent DUI offense  
1515 while enrolled in a DUI program.
- 1516 2. If a participant is sleeping, disruptive, belligerent, or otherwise appears unable to pay attention  
1517 and participate in program services or activities, or a participant smells of alcohol or any  
1518 alcoholic beverage, the DUI program shall determine whether the participant is under the  
1519 influence of alcohol or drugs as specified in California Code of Regulations, Title 9, Division 4,  
1520 Chapter 3, Subchapter 4, Section 9874(c) and (d).
- 1521 3. The DUI program shall determine whether the participant is under the influence of alcohol  
1522 either by (a) or (b) below:
- 1523 a. The DUI program may require the participant to submit to testing with a breathalyzer or  
1524 other similar chemical screening device designed to measure alcohol on the breath.
- 1525 i. The DUI program shall only use an alcohol screening device if the packaging for the  
1526 screening device indicates approval for such use by the U.S. Department of  
1527 Transportation. If the screening device indicates an alcohol level higher than .01  
1528 percent, the participant shall be determined to be under the influence of alcohol.
- 1529 ii. Two or more staff members may document in writing in the participant's program  
1530 record that the participant is sleeping, disruptive, belligerent, or otherwise appears  
1531 unable to pay attention and participate in program services or activities, or the  
1532 participant smells of alcohol or any alcoholic beverage.
- 1533 4. The DUI program shall determine that the participant is under the influence of drugs either by  
1534 one (a) or (b) below:
- 1535 a. The DUI program may require the participant to submit to testing with a chemical device  
1536 designed to determine if an individual is under the influence of drugs. The DUI program  
1537 shall only use a chemical drug screening device if the packaging indicates that the device  
1538 has been approved for such use by the National Institute of Drug Abuse. If the chemical  
1539 drug screening device indicates a positive for use of drugs, the participant shall be  
1540 determined to be under the influence of drugs.
- 1541 b. Two or more DUI program staff document in writing in the participant's program record that  
1542 the participant exhibits a combination of appearance, behavior, and speech indicating that  
1543 the participant is under the influence of drugs. Such symptoms may include the following,  
1544 as listed in the most current version of Chapter 3 of the Driving under the Influence  
1545 Enforcement Manual developed by the California Highway Patrol: constricted or dilated  
1546 pupils; slurred or rapid speech; impaired coordination; body tremors; green coating on the  
1547 tongue; paranoid hallucinations; muscle rigidity; confused, disordered, or dizzy  
1548 appearance; agitated behavior; or lethargy, stupor, or blank stare. The Driving under the  
1549 Influence Enforcement Manual is available from the Publications Unit of the California  
1550 Highway Patrol.
- 1551 5. If the DUI program determines that the participant is under the influence of drugs, as specified  
1552 in California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9874(d)  
1553 of this regulation, the DUI program shall:
- 1554 a. Advise the participant that he/she may obtain a drug test at his/her own expense in order  
1555 to refute the determination of illicit drug use. The DUI program shall accept the test results  
1556 provided:
- 1557 i. The drug screening test was conducted by a clinical laboratory licensed by the  
1558 California Department of Health Services pursuant to Section 1265 of the Business  
1559 and Professions Code; and

- 1560           ii. The drug screening test was conducted within 24 hours of the time that the DUI  
1561           program or his/her staff determined that the participant was under the influence of  
1562           drugs.
- 1563       b. Ask the participant to leave the DUI program premises.
- 1564           i. The DUI program shall advise the participant not to drive him/herself home.
- 1565           ii. The DUI program shall offer to call a friend or relative of the participant or a taxi cab (at  
1566           the participant's expense) to drive the participant home.
- 1567   6. The DUI program shall document in the participant's record how the DUI program determined  
1568   that the participant was under the influence of alcohol or drugs, including staff observations of  
1569   the indicators listed in California Code of Regulations, Title 9, Division 4, Chapter 3,  
1570   Subchapter 4, Section 9874 (c)(2) and (d)(2).
- 1571   7. Except as specified in California Code of Regulations, Title 9, Division 4, Chapter 3,  
1572   Subchapter 4, Section 9874 (h) of this regulation, the DUI program shall dismiss the participant  
1573   pursuant to California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4,  
1574   Section 9886 if the DUI program determines that the participant has used alcohol or illicit drugs  
1575   based on the criteria contained in California Code of Regulations, Title 9, Division 4, Chapter 3,  
1576   Subchapter 4, Section 9874(c) and (d).
- 1577   8. The DUI program shall not dismiss a participant from the program for using medication  
1578   prescribed by a licensed physician and used in accordance with the prescription unless the  
1579   participant is unable to participate in program services due to the effects of the medication (e.g.  
1580   falling asleep, unable to pay attention, etc.).  
1581   The DUI program shall not conduct testing on a random basis.

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### 1584 **XXXIII. PARTICIPANT ATTENDANCE**

#### 1585 **REFERENCES**

1586 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876

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#### 1588 **POLICY AND PROCEDURES**

1589 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1590 DUI programs it may operate directly in the future will comply with the following:

- 1591   1. The DUI program shall require each participant to attend all scheduled activities unless the  
1592   participant has:
- 1593       a. Contacted the DUI program and arranged to attend an activity at an alternate time, or  
1594       b. Been granted an approved leave of absence, pursuant to California Code of Regulations,  
1595       Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876.5.
- 1596   2. The DUI program shall document all absences in the participant's record.
- 1597   3. The DUI program shall require each participant to make up all absences before issuing the  
1598   participant a Notice of Completion Certificate (California Department of Motor Vehicles Form  
1599   DL 101).
- 1600   4. The DUI program may allow a participant to be absent from scheduled activities as specified  
1601   below:
- 1602       a. A participant required by the court pursuant to Vehicle Code Sections 23103.5(e) or 23140  
1603       to attend the educational component of a licensed program shall not be allowed more than  
1604       two absences per period of enrollment. For purposes of this regulation, "period of  
1605       enrollment" means the period from initial enrollment to completion or termination. A  
1606       transfer from one DUI program to another, with no break in enrollment, counts as one  
1607       period of enrollment;

- 1608 b. A participant of a first offender program shall not be allowed more than five total absences  
1609 per period of enrollment;
- 1610 c. A first offender, who has been ordered by the court to participate in a DUI program for six  
1611 months or longer, shall not be allowed more than seven absences per period of  
1612 enrollment;
- 1613 d. A participant of an 18-month DUI program shall not be allowed more than ten total  
1614 absences per period of enrollment; and
- 1615 A participant of a 30-month DUI program shall not be allowed more than fifteen total absences  
1616 per period of enrollment.

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#### 1619 **XXXIV. PARTICIPANT LEAVE OF ABSENCE**

#### 1620 **REFERENCES**

1621 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876.5

1622

#### 1623 **POLICY AND PROCEDURES**

1624 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1625 DUI programs it may operate directly in the future will comply with the following:

- 1626 1. The DUI program shall require the participant to request a leave of absence whenever the  
1627 participant is unable to attend any scheduled program activities for 21 days or longer.  
1628 Participants may request a leave of absence for less than 21 days.
- 1629 2. To request a leave of absence, the participant shall submit to the DUI program a written  
1630 request for leave of absence, and any documentation substantiating the need for a leave of  
1631 absence. The written request shall specify:
- 1632 a. The name of the participant;
- 1633 b. The reason for requesting the leave of absence; and
- 1634 c. The dates of the requested leave of absence.
- 1635 3. The DUI program shall require the participant to request prior approval for all leaves of  
1636 absence, unless unable to do so due to circumstances beyond the participant's control. If the  
1637 participant requests retroactive approval for a leave of absence, in addition to the information  
1638 listed in California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 3, Section  
1639 9876.5(b) of this section, the request for leave of absence shall explain the circumstances that  
1640 prevented the participant from requesting prior approval.
- 1641 4. The DUI program administrator or designee shall review the request.
- 1642 5. The DUI program director/administrator or designee shall approve a leave of absence only for:
- 1643 a. Military personnel whose orders or responsibilities require an extended absence;
- 1644 b. Participants whose work requires travel for an extended period of time;
- 1645 c. Participants who are absent due to their own extended illness or medical treatment or that  
1646 of a family member;
- 1647 d. Participants who are incarcerated or participating in a residential alcoholism or drug abuse  
1648 recovery or treatment program;
- 1649 e. Participants who cannot participate in program services due to an extreme personal  
1650 hardship or family emergency. The DUI program shall document in the participant's record  
1651 the nature of the personal hardship or family emergency; and
- 1652 f. Participants who have requested a leave of absence for a vacation. A leave of absence  
1653 shall be granted for a vacation only if the participant has made up all absences and paid all  
1654 outstanding fees, assessed by the DUI program in accordance with the participant's ability

- 1655 to pay, pursuant to California Code of Regulations, Title 9, Division 4, Chapter 3,  
1656 Subchapter 3, Section 9878 and 9879, prior to the leave of absence.
- 1657 6. Prior to program completion, the DUI program shall require the participant to make up all  
1658 scheduled program activities missed while on a leave of absence.
- 1659 7. Time missed while on a leave of absence shall not be counted as participation time.

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1662 **XXXV. PARTICIPANT FEES**  
1663 **REFERENCES**

1664 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9878  
1665

1666 **POLICY AND PROCEDURES**

1667 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1668 DUI programs it may operate directly in the future will comply with the following:

- 1669 1. For purposes of this regulation, the term "participant" includes both individuals who are  
1670 enrolled and are participating in the DUI program and individuals who are in the process of  
1671 enrolling in the DUI program.
- 1672 2. Except as specified in (4) below, the DUI program shall set participant fees at a level sufficient  
1673 to cover the cost of program services, including each participant's share of personnel and  
1674 operating expenses incurred by the DUI program in providing program services.
- 1675 3. The DUI program shall charge only the program fee or any additional fee that has been  
1676 approved by the California Department of Alcohol and Drug Programs (CA ADP) pursuant to  
1677 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876.5.  
1678 The DUI program shall not increase program fees or additional fees unless a request has been  
1679 submitted to the MCBH AOD program administrator and submitted to and approved by CA  
1680 ADP.
- 1681 a. In order to request to increase program fees or additional fees, the DUI program shall  
1682 submit the following to CA ADP and MCBH AOD in writing:
- 1683 i. A cover letter indicating the proposed program fee and the rationale for the increase.  
1684 ii. A line item revenue and expenditure report for the prior fiscal year.  
1685 iii. A projected line item budget reflecting the proposed fee increase for the next fiscal  
1686 year.  
1687 iv. A breakdown of the proposed program fee by unit of service.  
1688 v. A revised payment agreement that includes the proposed fee increase.  
1689 vi. A standardized payment schedule in accordance with California Code of Regulations,  
1690 Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876.5(d)(1) of this regulation.
- 1691 b. The MCBH AOD program administrator shall have 30 days from receipt of a request to  
1692 review the request and forward it to CA ADP along with a recommendation to approve or  
1693 disapprove the request to increase program fees based on the following criteria:
- 1694 i. The DUI program's rationale for requesting the fee increase, such as increases in staff  
1695 salaries or rent, facility improvements, etc.;
- 1696 ii. The accuracy of the DUI program's representation of revenues and expenses  
1697 provided, based on the county's last review and/or audit of the DUI program's records,  
1698 and;
- 1699 iii. Whether the proposed increase results in exceeding the profit or surplus limit  
1700 established by CA ADP pursuant to California Code of Regulations, Title 9, Division 4,  
1701 Chapter 3, Subchapter 4, Section 9876.5(o).

- 1702 c. If the MCBH AOD program administrator fails to forward the request and his/her  
1703 recommendation to the Department within 30 days from receipt of the request, the DUI  
1704 program may submit the request directly to the CA ADP for approval.  
1705 CA ADP shall have 30 days from receipt of the request to either approve or deny the requested  
1706 program fee increase. In making the decision, CA ADP shall consider criteria described in  
1707 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876.5 (c). If  
1708 CA ADP approves a fee increase request that is contrary to the recommendation made by the  
1709 MCBH AOD program administrator, CA ADP shall address each of the County's objections in the  
1710 approval letter. In the event that the MCBH AOD program administrator fails to forward the request  
1711 as described in California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4,  
1712 Section 9876.5(c)(3), CA ADP may act without the MCBH AOD program administrator's  
1713 recommendation.
- 1714 4. The DUI program shall establish and use a standardized payment schedule, approved by the  
1715 CA ADP in accordance with this California Code of Regulations, Title 9, Division 4, Chapter 3,  
1716 Subchapter 4, Section 9876.5 to determine each participant's assessed program fee and  
1717 schedule for payment of fees.
- 1718 a. The standardized payment schedule shall specify:
- 1719 i. The program fee and additional fees, broken out by cost of unit of service;  
1720 ii. The monthly income level at which the DUI program shall require the participant to pay  
1721 a maximum program fee of no more than \$5.00 per month, in accordance with  
1722 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section  
1723 9876.5(f)(1);  
1724 iii. The monthly income level at which the DUI program shall allow the participant to  
1725 extend payment of the program fee or shall reduce the participant's assessed program  
1726 fee through one of the options described in California Code of Regulations, Title 9,  
1727 Division 4, Chapter 3, Subchapter 4, Section 9876.5(f)(3);  
1728 iv. The option the DUI program has elected to use, in accordance with Subsection  
1729 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section  
1730 9876.5 (f)(3);  
1731 v. A schedule for payment of fees, including the amount of down payment and the  
1732 amount and frequency of payments required; and  
1733 vi. A sample of the participant contract containing the terms and conditions for a fee  
1734 assessment and a payment schedule.
- 1735 b. The DUI program shall apply the standardized payment schedule equally in determining  
1736 the participant's assessed program fee and payment schedule.
- 1737 c. The DUI program shall submit the standardized payment schedule to the Driving Under the  
1738 Influence Program Branch (DUIPB), Department of Alcohol and Drug Programs, 1700 K  
1739 Street, Sacramento, CA 95811, for review and approval:
- 1740 i. Prior to using the standardized payment schedule, and  
1741 ii. Whenever the DUI program modifies the standardized payment schedule.
- 1742 d. The DUIPB shall review the standardized payment schedule developed by the DUI  
1743 program to determine if it complies with the requirements of California Code of  
1744 Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876.5 and Section  
1745 11837.4 of the Health and Safety Code. Within 30 days of the date of the Department  
1746 receives the standardized payment schedule, the DUIPB shall:
- 1747 i. Notify the DUI program that the standardized payment schedule was approved and the  
1748 date of approval, or  
1749 ii. Notify the DUI program that the standardized payment schedule was not approved.

- 1750 e. If the DUIPB disapproves the standardized payment schedule submitted by the DUI  
1751 program, the notice of disapproval shall inform the DUI program how the standardized  
1752 payment schedule must be amended in order to be approved and shall explain the DUI  
1753 program's right of appeal in accordance with this regulation.
- 1754 f. Within 15 days of the date shown on the written notice of disapproval, the DUI program  
1755 shall submit:
- 1756 i. An amended standardized payment schedule to the DUIPB, or  
1757 ii. A written request for appeal of the DUIPB's decision to the Director, Department of  
1758 Alcohol and Drug Programs, 1700 K Street, Sacramento, CA 95811.
- 1759 g. If the DUI program submits an amended standardized payment schedule, the DUIPB shall  
1760 review it in accordance with Subsection California Code of Regulations, Title 9, Division 4,  
1761 Chapter 3, Subchapter 4, Section 9876.5 (d)(4).
- 1762 h. If the DUI program submits a written request for appeal, within 15 days of the receipt of the  
1763 request CA ADP shall:
- 1764 i. Review the DUIPB's decision and any subsequent documentation regarding the  
1765 appeal, which was submitted by the DUI program, and  
1766 ii. Notify the DUI program in writing of the CA ADP's decision.
- 1767 i. Pending approval of the DUI program's standardized payment schedule, the DUI program  
1768 shall collect the program fees using the most recent standardized payment schedule  
1769 approved by the DUIPB. This requirement shall not preclude the right of any participant to  
1770 have his/her program fee modified in accordance with subdivision (f).
- 1771 5. The DUI program shall document the participant's assessed program fee and payment  
1772 schedule in the participant contract signed at enrollment. The DUI program shall amend the  
1773 contract to reflect any subsequent increase or decrease in the assessed program fee or the  
1774 payment schedule.
- 1775 6. If the participant notifies the DUI program that he/she is unable to pay the fee shown on the  
1776 standardized payment schedule, the DUI program shall perform a financial assessment, in  
1777 accordance with California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4,  
1778 Section 9879, and shall allow participation in the program as follows:
- 1779 a. If the participant's monthly income is equal to or less than the general assistance benefit  
1780 level for one person, established by the County Board of Supervisors pursuant to Part 5  
1781 (commencing with Section 17000) of the Welfare and Institutions Code, the DUI program  
1782 shall assess the participant a maximum program fee of no more than \$5.00 per month for  
1783 each month in which the participant's income is equal to or less than the general  
1784 assistance benefit level for the county in which the DUI program is licensed to provide  
1785 services. The assessed program fee shall be applicable for each month in which the  
1786 participant is enrolled in the DUI program for one or more calendar days.
- 1787 i. At least once a year, on or before July 1, the DUI program shall request written  
1788 notification of the current general assistance benefit level from the county alcohol and  
1789 drug program administrator or the county board of supervisors. The DUI program shall  
1790 retain a copy of the notification in its files and shall send a copy of the notification to  
1791 the Department by October 1 of the same year.
- 1792 ii. If the county board of supervisors has not established a general assistance benefit  
1793 level, the DUI program shall assess the participant a maximum program fee of no  
1794 more than \$5.00 per month for each month in which the participant's monthly income  
1795 is \$300 or less.
- 1796 iii. If the participant is eligible for a maximum program fee of no more than \$5.00 per  
1797 month, the DUI program shall assess only the following additional fees:

1798 The DUI program may assess a maximum additional fee of no more than \$5.00 each time it must  
1799 reschedule a program service because the participant failed to attend or reschedule in advance, in  
1800 accordance with the requirements of California Code of Regulations, Title 9, Division 4, Chapter 3,  
1801 Subchapter 4, Section 9876.  
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1803 The program may assess a maximum additional fee of no more than \$10.00 each time it reinstates  
1804 a participant who was dismissed from the program, in accordance with Section California Code of  
1805 Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9886, or who voluntarily withdrew  
1806 from the program.  
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1808 The DUI program may assess a maximum fee of \$5.00 for processing a transfer to another  
1809 licensed DUI program.

1810 b. If the participant's monthly income is greater than the general assistance benefit level for  
1811 the county, the DUI program shall determine if it is equal to or less than 35 percent of the  
1812 monthly median family income for the County, as shown on the most recent decennial  
1813 census obtained from the County Planning Department or from the State Census Data  
1814 Center, Department of Finance, 915 L Street, Sacramento, CA 95814.

1815 c. If the participant's monthly income is greater than the general assistance benefit level for  
1816 the county but equal to or less than 35 percent of the monthly median family income for the  
1817 county, the DUI program shall allow the participant to extend payment of the program fee  
1818 [i.e. the extended payment option, described in subdivision California Code of Regulations,  
1819 Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876.5(f)(3)(D)] or shall reduce the  
1820 participant's assessed program fee [i.e. the reduced fee option, described in subdivision  
1821 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 34 Section  
1822 9876.5 (f)(3)(E)].

1823 i. The DUI program shall elect to use either the extended payment option or the reduced  
1824 fee option and shall use the option it has elected for all participants whose monthly  
1825 income is greater than the general assistance benefit level for the county but equal to  
1826 or less than 35 percent of the monthly median family income for the county.

1827 ii. The DUI program shall notify CA ADP and MCBH AOD in writing of which option it  
1828 elects to use.

1829 iii. A DUI program may change its election of an option any time. To do so the DUI  
1830 program shall submit a written request for approval to the Driving-Under-the-Influence  
1831 Program Branch (DUIPB), Department of Alcohol and Drug Programs, 1700 K Street,  
1832 Sacramento, CA 95811, at least 30 days prior to the effective date of a proposed  
1833 change. In accordance with subdivision California Code of Regulations, Title 9,  
1834 Division 4, Chapter 3, Subchapter 4, Section 9876.5 (d)(4), the DUIPB shall review the  
1835 request to determine that it complies with the requirements of this California Code of  
1836 Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876.5. The DUIPB  
1837 shall notify the DUI program, in writing, of its decision. The DUI program shall not  
1838 implement the change until it receives approval from the DUIPB.

1839 iv. The DUI program shall inform MCBH AOD via verbal report and in writing as soon as  
1840 reasonably possible when it receives the approval from the DUIPB.

1841 v. If the DUI program elects to use the extended payment option, the DUI program shall  
1842 assess the participant the full program fee shown on the DUI program's standardized  
1843 payment schedule. The DUI program shall allow the participant to extend payment of  
1844 his/her assessed program fee as follows:

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- The DUI program shall allow a participant in a three-month program no less than six months from the date of enrollment to pay the program fee.
  - The DUI program shall allow a participant in a six-month program no less than nine months from the date of enrollment to pay the program fee.
  - The DUI program shall allow a participant in a nine-month program no less than 12 months from the date of enrollment to pay the program fee.
  - The DUI program shall allow a participant in a 12-month program no less than 15 months from the date of enrollment to pay the program fee.
  - The DUI program shall allow a participant in a 18-month program no less than 18 months from the date of enrollment to pay the program fee.
  - The DUI program shall allow a participant in a 30-month program no less than 30 months from the date of enrollment to pay the program fee.
- vi. If the DUI program elects to use the reduced fee option, the DUI program shall assess the participant's program fee as follows:
- The DUI program shall divide the participant's annual gross income by 35 percent of the county median family income to determine the percentage of the program fee to be paid by the participant.
  - The DUI program shall multiply the resulting percentage by the program fee, shown on the DUI program's standardized payment schedule, to determine the dollar amount of the participant's assessed program fee.
  - For example:  
If the county median family income is \$39,035, the DUI program would multiply \$39,035 by 0.35 to determine that 35 percent of the county median family income is \$13,662.  
If the participant's income is \$10,930, the DUI program would divide \$10,930 by \$13,662 to determine that the participant would be required to pay 80 percent of the program fee.  
If the DUI program fee is \$1,081, the DUI program would multiply \$1,081 by 80 percent to determine that the participant's assessed program fee would be \$865.
- At its option, the DUI program may require the participant to pay his/her assessed program fee in accordance with the provisions of subdivision (f)(4) of this regulation, or the DUI program may allow the participant to extend payments as specified in subdivision (f)(3)(D) of this regulation.
- vii. If the participant's income is greater than the general assistance benefit level for the county but equal to or less than 35 percent of the monthly median family income for the county, the DUI program shall not require the participant to pay a down payment that exceeds the cost of enrolling the participant in the program.
- d. If the participant's monthly income is greater than 35 percent of the monthly median family income for the county, the DUI program shall assess the participant the full program fee shown on the DUI program's standardized payment schedule. The DUI program shall allow the participant to pay his/her assessed program fee as follows:
- i. The DUI program shall allow a participant in a three-month program no less than three months from the date of enrollment to pay the program fee.
  - ii. The DUI program shall allow a participant in a six-month program no less than six months from the date of enrollment to pay the program fee.



- 1891           iii. The DUI program shall allow a participant in a nine-month program no less than nine  
1892           months from the date of enrollment to pay the program fee.
- 1893           iv. The DUI program shall allow a participant in a 12-month program no less than 12  
1894           months from the date of enrollment to pay the program fee.
- 1895           v. The DUI program shall allow a participant in a 18-month program no less than 12  
1896           months from the date of enrollment to pay the program fee.
- 1897           vi. The DUI program shall allow a participant in a 30-month program no less than 18  
1898           months from the date of enrollment to pay the program fee.
- 1899           vii. The DUI program may require the participant to pay a down payment not to exceed 50  
1900           percent of the program fee for first offenders, or 20 percent of the program fee for  
1901           multiple offenders.
- 1902 7. Except for participants who are eligible for a minimum fee of \$5.00 per month (as specified in  
1903 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9876.5(f)  
1904 immediately above), the DUI program may charge for the following additional services:
- 1905           a. Leave of Absence;
- 1906           b. Returned check (excluding bank charge);
- 1907           c. Missed Activity;
- 1908           d. Rescheduling;
- 1909           e. Transfer-Out (excluding transfer of non-enrolled participants and administrative referrals);
- 1910           f. Transfer-In;
- 1911           g. Reinstatement;
- 1912           h. Duplicate DL 101 (research);
- 1913           i. Late Payment Fee; and
- 1914           j. Alcohol/Drug Screening (positive result);
- 1915           The DUI program shall charge only for additional services shown in (g) immediately above.
- 1916           The DUI program shall provide justification in writing to the Department for any additional  
1917           service it proposes to charge pursuant to California Code of Regulations, Title 9, Division 4,  
1918           Chapter 3, Subchapter 4, Section 9878(c). Such justification shall include the activity and time  
1919           involved to perform the task, and the classification and hourly rate of pay for the staff  
1920           performing the tasks.
- 1921 8. The DUI program may allow a participant to voluntarily pay in advance for program services to  
1922           be provided.
- 1923 9. The DUI program may withhold the participant's Notice of Completion certificate until the  
1924           assessed program fee, and any additional fees assessed have been paid in full. Withholding of  
1925           the participant completion certificate shall require an agreement between the parties, to be  
1926           reflected in the participant contract or an amendment to that contract. (As used in this  
1927           regulation, the term "completion certificate" means the California Department of Motor  
1928           Vehicles' Form DL 101.)
- 1929           a. The contract or amendment shall state that the participant has been informed of (and by  
1930           signing the contract shows that he/she understands) the terms and conditions of the  
1931           contract, and he/she agrees that the program Notice of Completion certificate may be  
1932           withheld until the participant has paid the assessed program fee and any additional fees  
1933           assessed.
- 1934           b. The contract or amendment shall be signed by the participant and by a DUI program  
1935           representative.
- 1936           c. The DUI program shall retain a copy of the signed contract or amendment in the  
1937           participant's record.

- 1938 10. The DUI program may allow the participant, at the DUI program's option, to pay the program  
1939 fee on a weekly, bi-weekly, or monthly basis. If the DUI program requires the participant to pay  
1940 the program fee on a weekly or bi-weekly basis, the total amount charged shall not exceed the  
1941 total amount which would be required if payment were made in equal monthly payments.
- 1942 11. The DUI program shall refund to the participant any program fee paid in advance for services  
1943 the participant did not receive. Refunds to participants who have been dismissed from the  
1944 program shall be issued within ninety days from the date of dismissal. In calculating the  
1945 amount to be refunded to the participant, the DUI program shall use the program fee per unit of  
1946 service approved pursuant to this regulation.
- 1947 12. Prior to processing a participant's request for a transfer to another state licensed DUI program,  
1948 the DUI program may require the participant to pay his/her assessed program fee due for  
1949 services provided by the DUI program and any additional fees assessed in accordance with  
1950 the provisions of this regulation.
- 1951 13. Prior to processing a participant's request for reinstatement to the program following a  
1952 dismissal, voluntary withdrawal, or transfer, the DUI program may require the participant to pay  
1953 his/her assessed program fee due for services provided by the DUI program, and any  
1954 additional fees assessed in accordance with the provisions of this regulation.
- 1955 14. The County may assess an amount not to exceed five percent of gross program revenue per  
1956 annum for its administration and monitoring of the DUI program, in accordance with California  
1957 Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9801.5. The County  
1958 may assess an amount in excess of five percent of gross program revenue per annum only  
1959 with approval by the CA ADP. Such approval shall require the County to provide justification of  
1960 actual costs and services. Approval shall be valid only for the fiscal year for which it is granted.
- 1961 15. DUI program profit or surplus shall not exceed 10 percent of gross revenue from fees per  
1962 annum.
- 1963 16. The DUI program shall maintain for CA ADP review the current and previous fiscal year  
1964 program budget and revenue and expenditure reports.

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1966

1967 **XXXVI. FINANCIAL ASSESSMENTS TO DETERMINE PARTICIPANT'S ABILITY TO PAY**  
1968 **PROGRAM FEES**

1969 **REFERENCES**

1970 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9879  
1971

1972 **POLICY AND PROCEDURES**

1973 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
1974 DUI programs it may operate directly in the future will comply with the following:

- 1975 1. For purposes of this regulation, the term "participant" includes both program participants and  
1976 potential participants, who have not yet been enrolled in accordance with California Code of  
1977 Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9848.
- 1978 2. The DUI program shall post a notice at each location at which program services are provided,  
1979 in a location visible to all participants and to the general public, stating that:
- 1980 a. A participant may request the DUI program to conduct a financial assessment, in  
1981 accordance with this regulation, to determine his/her ability to pay the program fee.
- 1982 b. The DUI program shall not deny services to a participant if, based on the results of a  
1983 financial assessment, the DUI program determines that the participant is unable to pay the  
1984 full program fee as shown on the standardized payment schedule.

- 1985 c. A participant may request the California Department of Alcohol and Drug Programs (CA  
1986 ADP) to review a financial assessment conducted by the DUI program, in accordance with  
1987 this regulation. To do so, the participant shall submit a written request to the Driving-  
1988 Under-the-Influence Program Branch, Department of Alcohol and Drug Programs, 1700 K  
1989 Street, Sacramento, CA 95811.
- 1990 i. CA ADP shall review the financial assessment conducted by the DUI program only if  
1991 the participant has provided documentation of income to the DUI program in  
1992 accordance with the requirements of this regulation.
- 1993 ii. CA ADP's review shall be limited to determining whether the DUI program has  
1994 complied with the requirements of this regulation. If CA ADP determines that the DUI  
1995 program has not complied with the requirements of this regulation, the CA ADP shall  
1996 issue a written notice of deficiency in accordance with California Code of Regulations,  
1997 Title 9, Division 4, Chapter 3, Subchapter 4, Section 9824.
- 1998 3. The DUI program shall assess the program fee and set the payment schedule based on the  
1999 participant's documentation of income and a standardized payment schedule developed in  
2000 accordance with California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4,  
2001 Section 9878(d).
- 2002 4. Prior to conducting a financial assessment, the DUI program shall:
- 2003 a. Schedule a financial assessment interview with the participant, and
- 2004 b. Notify the participant that he/she:
- 2005 i. Is required to provide documentation of his/her income, as specified in subdivisions (e)  
2006 and (f) of this regulation, at the time of the financial assessment interview, and
- 2007 ii. Will be assessed the full program fee, as shown on the standardized payment  
2008 schedule, if he/she fails to provide documentation of income at the time of the financial  
2009 assessment interview.
- 2010 5. The DUI program shall consider as income any of the following, when earned or received by  
2011 the participant or any person legally required to support the participant:
- 2012 a. Gross wages, salaries, bonuses, commissions, and tips;
- 2013 b. Compensation for work-related expenses in excess of the actual expense;
- 2014 c. Net profits from self employment;
- 2015 d. Net income from real or personal property;
- 2016 e. Spousal support;
- 2017 f. Regular payments from Social Security, retirement, unemployment compensation,  
2018 strike benefits from union funds, workers' compensation, veterans' payments, public  
2019 assistance [including Aid to Families with Dependent Children (AFDC), Supplemental  
2020 Security Income (SSI), emergency assistance money, non-federally funded general  
2021 assistance or general relief money payments], educational grants, or training stipends;  
2022 and
- 2023 g. Gross personal income as reported on the federal income tax return.
- 2024 6. The DUI program shall require any participant, who has requested a financial assessment, to  
2025 provide the following documentation of income:
- 2026 a. If the participant provides an award letter from the county welfare department, confirming  
2027 eligibility for general assistance, the DUI program shall require no further documentation of  
2028 income;
- 2029 b. If the participant does not provide a general assistance award letter, the DUI program shall  
2030 require him/her to provide the following documentation:

- 2031 i. An award letter from the county welfare department, or other governmental agency,  
2032 documenting eligibility for other public assistance and indicating the income level on  
2033 which eligibility was based; or  
2034 ii. Pay vouchers or pay stubs documenting salary for the prior two months; or  
2035 iii. Income tax returns for the prior calendar year. The DUI program may require the  
2036 participant to provide a transcript or letter from the Internal Revenue Service or the  
2037 State Franchise Tax Board verifying the income reported on the prior year's tax return.
- 2038 c. The DUI program may require the participant to sign a release of information authorizing  
2039 the DUI program to obtain income and wage verification from the State Employment  
2040 Development Department.
- 2041 d. The DUI program may accept other documentation of income at its option.
- 2042 e. The DUI program shall not require documentation of income other than that specified in  
2043 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section  
2044 9879(f)(1), (f)(2), or (f)(3) of this regulation.
- 2045 7. If the income documentation the participant provides shows weekly income rather than monthly  
2046 income, the DUI program shall compute the participant's monthly income by multiplying the  
2047 weekly income by 4.33 weeks per month. If the income documentation the participant provides  
2048 shows annual income rather than monthly income, the DUI program shall compute the  
2049 participant's monthly income by dividing the annual income by 12 months per year.
- 2050 8. The DUI program shall conduct a financial assessment interview within five days of any of the  
2051 following circumstances:
- 2052 a. At the request of the participant or the DUI program, but no more frequently than every 30  
2053 days. At the time of the request, the participant shall provide:
- 2054 i. Documentation of a change in financial condition which may make the participant  
2055 eligible for an adjustment of the program fee or payment schedule, or  
2056 ii. A written statement describing the need for a financial assessment.  
2057 iii. If the participant fails to attend a financial assessment interview scheduled at his/her  
2058 request, the DUI program may require the participant to wait 30 days before  
2059 scheduling a subsequent financial assessment.
- 2060 9. If the participant is 15 or more days delinquent in payment of program fees approved by the  
2061 Department, the DUI program may suspend educational sessions, individual counseling  
2062 sessions, and group counseling sessions for 15 days as shown below:
- 2063 a. At least ten days prior to the period of suspension, the DUI program shall provide the  
2064 participant with a delinquency notice that contains the following information:
- 2065 i. The amount of program fees currently past due;  
2066 ii. A statement that failure to pay the delinquent amount will result in suspension of  
2067 education, individual and group counseling services;  
2068 iii. A statement that failure to pay the delinquent amount by the end of the suspension  
2069 period may result in an additional 30 day suspension or dismissal from the program;  
2070 iv. The procedure for disputing the accuracy of the delinquency;  
2071 v. A statement notifying the participant of his/her right to request a financial assessment  
2072 as specified in subdivision (h) of this regulation; and  
2073 vi. A statement that failure to schedule and appear for a financial assessment may result  
2074 in dismissal from the program.
- 2075 b. The suspension shall remain in effect for a maximum of 15 days or until the participant  
2076 pays the delinquent amount in full, whichever occurs first.
- 2077 c. When the DUI program suspends education, individual and group counseling activities for  
2078 15 days, the DUI program shall concurrently issue a notification of pending suspension of

- 2079 all program activities or dismissal if the delinquent fees are not paid in full by the end of the  
2080 15 day suspension period.
- 2081 i. The DUI program shall not assess fees for the services missed as a result of the 15-  
2082 day suspension.
- 2083 ii. The DUI program shall continue to conduct face-to-face interviews as specified in  
2084 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section  
2085 9858.
- 2086 d. If the participant fails to pay the delinquent fees in full by the end of the initial 15-day  
2087 suspension period, the DUI program may either suspend all program activities for a  
2088 maximum of 30 days or dismiss the participant from the program.
- 2089 i. The DUI program shall not assess fees for services missed as a result of the 30-day  
2090 suspension.
- 2091 ii. The DUI program may dismiss a participant who was suspended and failed to pay the  
2092 delinquent fees by the end of the 30-day suspension period.
- 2093 e. Program activities missed during the period of suspension shall not be considered as  
2094 failure to attend program services without a leave of absence, pursuant to California Code  
2095 of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Sections 9876.5(a) and  
2096 9886(a)(5). The suspension time does not count as active time in the program and the 21  
2097 day attendance requirement in California Code of Regulations, Title 9, Division 4, Chapter  
2098 3, Subchapter 4, Section 9886(a)(5) does not apply.
- 2099 10. Following a financial reassessment, the DUI program shall require the participant to pay for  
2100 services provided by the DUI program as shown below:
- 2101 a. When a financial reassessment determines that the participant is eligible for a maximum  
2102 program fee of no more than \$5.00 per month, the DUI program may require the  
2103 participant to pay for services provided by the DUI program prior to the date of the financial  
2104 reassessment at the rate of payment which was assessed prior to the date of the  
2105 reassessment.
- 2106 b. When a financial reassessment determines that the participant is no longer eligible for a  
2107 maximum program fee of no more than \$5.00 per month, the DUI program shall not require  
2108 the participant to pay the program fee in excess of \$5.00 per month for services provided  
2109 by the DUI program during the period of eligibility and prior to the date of the  
2110 reassessment.
- 2111 c. When a financial reassessment determines that the participant is eligible to pay the  
2112 program fee through the extended payment option or the reduced fee option, described in  
2113 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section  
2114 9878(f)(3), the DUI program may require the participant to pay for services provided by the  
2115 DUI program prior to the financial reassessment at the rate of payment which was  
2116 assessed prior to the date of the financial reassessment.
- 2117 d. When a financial reassessment determines that the participant is no longer eligible to pay  
2118 the program fee through the extended payment option or the reduced fee option, described  
2119 in California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section  
2120 9878(f)(3), the DUI program shall allow the participant to pay for services provided by the  
2121 DUI program prior to the date of the financial reassessment, at the reduced rate of  
2122 payment.
- 2123 11. If a participant re-enrolls in the program following dismissal or voluntary withdrawal from the  
2124 program, the DUI program may assess the program fee at the time of re-enrollment based on  
2125 the approved program fee as shown on the standardized payment schedule in effect at the  
2126 time of re-enrollment, except as follows:

- 2127 a. Any increase or decrease in the assessed program fee the participant is required to pay as  
2128 the result of a financial assessment shall apply only to the remaining services to be  
2129 provided.
- 2130 b. The DUI program shall not increase a participant's assessed program fee when a  
2131 participant returns to active participant status following a temporary absence due to an  
2132 approved leave of absence.
- 2133 12. The DUI program shall amend the participant contract to reflect increases or decreases in the  
2134 participant's fee resulting from a financial reassessment conducted in accordance with the  
2135 provisions of this regulation.
- 2136 13. The DUI program shall maintain in the participant record a copy of all financial assessments  
2137 and documentation of income provided by the participant.
- 2138 14. A participant may request CA ADP to review a financial assessment conducted by the DUI  
2139 program, in accordance with this regulation. To do so, the participant shall submit a written  
2140 request to the Driving-Under-the-Influence Program Branch, Department of Alcohol and Drug  
2141 Programs, 1700 K Street, Sacramento, CA 95811.
- 2142 a. CA ADP shall review the financial assessment conducted by the DUI program only if the  
2143 participant has provided documentation of income to the program in accordance with the  
2144 requirements of this regulation.
- 2145 b. CA ADP review shall be limited to determining whether the DUI program has complied with  
2146 the requirements of this regulation. If the Department determines that the DUI program has  
2147 not complied with the requirements of this regulation, the Department shall issue a written  
2148 notice of deficiency in accordance with California Code of Regulations, Title 9, Division 4,  
2149 Chapter 3, Subchapter 2, Section 9824.

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## 2152 **XXXVII. INTERPROGRAM TRANSFER**

### 2153 **REFERENCES**

2154 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9884

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### 2156 **POLICY AND PROCEDURES**

2157 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
2158 DUI programs it may operate directly in the future will comply with the following:

- 2159 1. The DUI program shall inform a participant transferring to another licensed DUI program that  
2160 he/she shall enroll and attend a face-to-face interview, an educational session, or a group  
2161 counseling session in the new DUI program within 21 days from the date of transfer from the  
2162 sending DUI program.
- 2163 2. The following requirements apply to interprogram transfers:
- 2164 a. If required by the Court, written notice of transfer shall be provided to the court of  
2165 conviction by the sending DUI program.
- 2166 b. The sending DUI program shall provide the receiving DUI program with a written history for  
2167 the transferee, indicating the number of program activities completed. Any additional  
2168 program information relevant to the participant shall be sent under separate cover marked  
2169 "confidential."
- 2170 c. The receiving DUI program shall not accept any transferee who cannot enroll and  
2171 commence services within 21 days following the date of transfer from the sending DUI  
2172 program.

- 2173 d. The receiving DUI program shall provide the sending DUI program written notice of the  
2174 transferee's enrollment or non-enrollment in the receiving DUI program within 10 days of  
2175 the transfer deadline specified in (c) above.  
2176 e. The sending DUI program shall notify the California Department of Motor Vehicles and the  
2177 court of conviction if the transferee does not enroll in the receiving DUI program.  
2178 The receiving DUI program shall notify the court of conviction and the California Department of  
2179 Motor Vehicles of the participant's subsequent completion of or dismissal from the program.  
2180

2181  
2182 **XXXVIII. DISMISSAL OF PARTICIPANTS**

2183 **REFERENCES**

2184 California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter 4, Section 9886

2185  
2186 **POLICY AND PROCEDURES**

2187 It is the policy of MCBH AOD Programs to ensure that all of its contracted DUI programs or any  
2188 DUI programs it may operate directly in the future will comply with the following:

- 2189 1. The DUI program shall dismiss from the program any participant who:  
2190 a. Fails to participate in required program activities within 21 days of transfer to another DUI  
2191 program licensed by the Department;  
2192 b. Fails to maintain program sobriety in accordance with California Code of Regulations, Title  
2193 9, Division 4, Chapter 3, Subchapter 4, Section 9874;  
2194 c. Fails to comply with DUI program rules;  
2195 d. Fails to comply with additional county requirements which have been established by the  
2196 county alcohol and drug program administrator and approved by the Department in  
2197 accordance with California Code of Regulations, Title 9, Division 4, Chapter 3, Subchapter  
2198 3, Section 9860;  
2199 e. Fails to attend program services for 21 days or longer without obtaining a leave of absence  
2200 in accordance with California Code of Regulations, Title 9, Division 4, Chapter 3,  
2201 Subchapter 4, Section 9876.5. This section shall not apply to multiple offenders in the last  
2202 six months of the 18-month program or the last twelve months of the 30-month program;  
2203 f. Exceeds the number of absences allowed in California Code of Regulations, Title 9,  
2204 Division 4, Chapter 3, Subchapter 4, Section 9876(d);  
2205 g. Fails to resume attending program activities within 21 days of the scheduled return from a  
2206 leave of absence; or  
2207 h. Is physically or verbally abusive or acts in a threatening manner to DUI program staff or  
2208 DUI program participants.  
2209 2. The DUI program may dismiss a participant who fails to pay his/her program fee assessed in  
2210 accordance with the requirements of California Code of Regulations, Title 9, Division 4,  
2211 Chapter 3, Subchapter 4, Section 9879 or fails to reschedule and attend a financial  
2212 assessment interview in accordance with the provisions of California Code of Regulations, Title  
2213 9, Division 4, Chapter 3, Subchapter 4, Subsection 9879(j). However, the DUI program shall  
2214 not dismiss a participant, who has completed all required program services, for failure to pay  
2215 program fees.  
2216 3. If the participant was attending the program as a condition of probation or in accordance with a  
2217 court order, the DUI program shall notify the court that the participant was dismissed from the  
2218 program. The DUI program shall also notify the California Department of Motor Vehicles if the  
2219 participant has been issued a DL 107 (Proof of Enrollment Certificate).

- 2220 4. If the participant is not attending the program as a condition of probation or in accordance with  
2221 a court order, the DUI program may reinstate the participant in accordance with the DUI  
2222 program's written policy, which shall be included in the participant contract.
- 2223 5. The DUI program may refuse to reinstate a participant if the participant was dismissed  
2224 because he/she was physically or verbally abusive to DUI program staff or other DUI program  
2225 participants. The DUI program shall document in the participant's record the circumstances  
2226 under which the participant was dismissed.
- 2227 6. The DUI program shall not give credit for services attended prior to dismissal if the participant  
2228 has not been enrolled in a DUI program for a period of two years or longer. The DUI program  
2229 shall give credit for services attended prior to dismissal if:
- 2230 a. The dismissal occurred less than two years prior to re-enrollment; and  
2231 b. The DUI program who provided the services verifies in writing that the services were  
2232 provided to the participant.  
2233