

# SERVICES TO PERSONS CONVICTED FOR DRIVING UNDER THE INFLUENCE (DUI) OF ALCOHOL AND OTHER DRUGS

## CALIFORNIA LICENSED DUI PROGRAMS

PRIMARY ROLES AND RESPONSIBILITIES BY ENTITY as per HEALTH AND SAFETY CODE (HSC) DIVISION 10.5, PART 2, CHAPTER 9 AND CALIFORNIA CODE OF REGULATIONS-TITLE 9

DEPARTMENT OF HEALTH CARE SERVICES

### Health & Safety Code Sections-11836-11838.11

- Sole authority to issue, deny, suspend, revoke DUI Program Licenses
- Require license renewal on a biennial basis
- Adopt regulations for DUI Programs and satellite locations
- Notify Department of Motor Vehicles (DMV) of persons who do not commence service in a subsequent licensed program within 21 days after termination of a DUI license in which person was initially enrolled in (DMV will suspend or revoke privilege to operate a motor vehicle if re-enrollment in program does not occur)
- Approve all fee schedules for programs and require programs be self-supporting from participant's fees
- Establish criteria and procedures for a person's inability to pay program costs
- Ensure fees are set at amounts that will enable programs to provide adequately for continuation of services
- Prescribe in regulations other services, at a minimum, in the treatment of participants to include lectures, classes, group discussion or individual counseling activity
- Approve county or program additional requirements
- Authorize each county Alcohol and Drug (AOD) Program Administrator to retain a portion of fees charged for DUI program participation sufficient to reimburse the county for the costs and expenses the administrator reasonably incurs in discharging his/her duties pursuant to Chapter 9
- Assess civil penalties (on DUI Programs) when warranted for non-compliance
- Work in cooperation with DMV and county AOD Program Administrators to ensure effective implementation of Chapter 9

### Title 9, California Code of Regulations

- Approve, renew, deny or revoke licensure of DUI programs
- Monitor DUI Programs for compliance with HSC and Title 9/Issue Notice of Deficiency when warranted/Review Corrective Action Plans
- Review DUI program as part of the County Alcohol Plan
- Provide counties and DUI programs, through information and technical expertise, assistance necessary to comply with program regulations
- Investigate DUI program complaints
- Ensure any unused portion of participant fees are returned to the participant
- Work with county representatives, the DUI programs, the judiciary, DMV and other interested parties to maintain quality assurance
- Gather relevant data and provide statewide information, reporting procedures and necessary forms
- Review and approve DUI program participant fee schedules
- Review DUI program financial assessments at the request of the DUI participant
- Publish the DUI Directory of Service Providers annually and make available to interested parties
- Establish a mechanism for reimbursement of actual administrative costs it incurs in carrying out these duties

**Health & Safety Code Sections (HSC) 11836-11838.11**

- Determine ability to establish a DUI program either public or private (Program authorized by county and licensed by Department)
- Review DUI program application and provide Board of Supervisor (BOS) recommendation for DUI program licensure
- Make provision for persons with documentation for inability to pay program costs
- Make recommendation (approve/deny) to the Department for DUI program fee increase requests
- Approve requests for 30 month programs based on confirmation applicant is capable and fiscal integrity is maintained by program
- Request Department approval for additional county requirements (self-help groups, victim impact panels)
- Responsible for assuring programmatic and fiscal integrity of DUI programs
- Monitor DUI programs within county at least once-every 6 months (coordinate with state licensing review when possible)
- Prepare and submit to the Department and DUI program a written report of findings regarding compliance with statute and regulations
- Inform the BOS if program is not meeting regulatory requirements and notify Department in writing
- Submit a description of each licensed program as part of the county plan
- May not use funds allocated by Department however, BOS may authorize use of other funds for any purpose set forth in Chapter 9

**Title 9, California Code of Regulations**

- Monitor DUI programs to ensure compliance/notify Department when not in compliance with statute or regulations
- Review new DUI program application requests or proposed changes in the approved plan of operation and forward to the Department following BOS approval
- Approve satellite operation requests and forward to Department for approval/licensure
- May assess up to five percent of gross program revenue per annum for administration and monitoring of the DUI program/upon Department approval, may exceed five percent
- Monitor to ensure service providers do not utilize participant fees for purposes other than DUI program activities with exception of allowable surplus (county run programs included)
- Provide current county general assistance benefit level (upon DUI program request) at least once a year on or before July 1
- Review and recommend approval/denial of DUI program fees and additional fees contained in the initial application
- Assure each DUI program makes provision for persons who cannot afford to pay program participation fees
- Carry out liaison activities with the courts, the county probation department, DUI programs, and interested parties at the county level
- Develop and insure the implementation of a court referral system
- Establish a mechanism for reimbursement from client fees of reasonable county costs which are incurred
- May mandate additional requirements, beyond the scope of program services only if the county has received prior approval to do so from the Department (from approved list)
- Require each program in the county to mandate the same additional county requirements for every participant

**Health & Safety Code Sections (HSC) 11836-11838.11**

- No person, firm, partnership, association, corporation, or local governmental entity shall operate, establish, manage, conduct, or maintain a DUI program in this state without a current and valid license
- Apply for DUI program licensure through submission of application to county AOD Program Administrator for BOS recommendation and Department approval
- Provide the court with periodic reports concerning the performance of each person referred to and participating in a program-if required by the court
- The program shall provide the court, the DMV and the person participating in a program with an immediate report of any failure of the person to comply with the program’s rules and policies
- Be self-supporting through fees collected from program participants.
- A DUI program shall report to the court, the name of any person who fails to successfully complete the program, as specified by court

**Title 9, California Code of regulations**

- Maintain program services in compliance with regulation and with the DUI program’s approved application for licensure
- Provide the county AOD Program Administrator and the Department access to all programmatic and fiscal records necessary to conduct county monitoring and State approval activities, including evaluation. Said access shall not conflict with any local, state, or federal confidentiality regulations
- Utilize registered/certified counselors for delivery of DUI program services
- Complete an assessment of each participant’s alcohol and drug use within the first 60 days of program participation/discuss with participant
- Include cost of additional county requirements in program fee
- Upon program completion (and all fees are paid), submit completion certificate to the DMV
- Issue a Proof of Enrollment Certificate to the DMV upon request of participant at any point during the period of enrollment
- Notify participants of their right to request a financial assessment
- Provide DUI program services to all participants regardless of financial assessment outcome
- Notify court of conviction about participant transfer, if required by court
- Program profit or surplus shall not exceed 10 percent of gross revenue from fees per annum
- Dismiss from program participants who do not engage in program activities within 21 days or enrollment, transfer, return from leave of absence, exceeds number of allowable absences, is physically or verbally abusive, fails to maintain sobriety, fails to pay program fees (unless person has completed all program requirements) etc.
- Upon participant dismissal, notify court If the participant was attending the program as a condition of probation or in accordance with a court order, and DMV if the participant has been issued a DL107 (enrollment certificate)
- If the participant is not attending the program as a condition of probation or in accordance with a court order, the DUI program may reinstate the participant in accordance with the DUI program’s written policy, which shall be included in the participant contract
- The DUI program may refuse to reinstate a participant if the participant was dismissed due to physical or verbal abusive
- The DUI program shall not give credit for services attended prior to dismissal if participant is absent for a period of two years or longer