

5122-29-12

Driver intervention program.

(A) A driver intervention program is a program of screening, education, and referral for individuals who are arrested or convicted of operation of a vehicle or water craft under the influence of alcohol or a drug of abuse under section 4511.19 or 1547.11 of the Revised Code or a substantially similar municipal ordinance or other alcohol-related traffic statute or ordinance.

(B) No entity may operate, or purport to operate, a driver intervention program in Ohio unless it has received driver intervention program certification from the Ohio department of alcohol and drug addiction services.

(C) Except as otherwise provided in this rule, the provisions of this rule are applicable to all driver intervention programs in Ohio, public or private.

The provisions do not negate the necessity of driver intervention programs to be certified programs in accordance with the provisions of Chapter 5122-25 of the Administrative Code.

(D) Each driver intervention program shall have either representatives from law enforcement officers, judges, prosecuting and defense attorneys, and treatment center representatives on its governing authority or establish an advisory board with such representatives.

If an advisory board is established, it shall:

(1) Meet annually; and,

(2) Minutes shall be maintained for advisory board meetings.

(E) Program administration:

(1) Each driver intervention program shall have a program director that is responsible for the overall day-to-day operation of the driver intervention program. The driver intervention program director shall be responsible to the governing authority of the organization. If the driver intervention program is a component of a larger organization, the driver intervention program director may report to the executive director/chief executive officer of the organization, who would report to the governing authority. A program director hired on or after April 20, 2004 shall meet the following qualifications:

(a) The program director shall have a bachelor's degree and two years' experience in alcohol and other drug addiction services or an allied profession to include one year as a supervisor;

(b) Three years' experience in alcohol and other drug addiction services or an allied profession to include a minimum of one year as a supervisor; or,

(c) Three years' experience in business administration to include a minimum of one year as a supervisor.

(2) The position description of the driver intervention program director shall include, at a minimum, the following responsibilities:

(a) Overseeing the day-to-day operations of the driver intervention program.

(b) Developing and implementing the policies and procedures of the driver intervention program.

(c) Developing and revising as necessary, the driver intervention program's education curriculum.

(d) Preparing an annual plan for the operation of the driver intervention program.

(e) Implementing the driver intervention program's quality assurance and improvement activities and findings.

(f) Hiring and terminating driver intervention program staff.

(g) Ensuring that the driver intervention program is operating in accordance with the Ohio department of alcohol and drug addiction services' driver intervention program certification standards.

(F) Services supervisor:

(1) Each driver intervention program shall have a services supervisor. The driver intervention program director can also be the services supervisor of the driver intervention program if he/she meets the qualifications of a services supervisor as stated in this rule.

(2) An individual hired as the services supervisor of a driver intervention program on or after April 20, 2004 shall have one or more of the following current licenses and/or certifications issued by a professional regulatory board in Ohio:

(a) Licensed physician who is licensed by the state of Ohio medical board.

(b) Licensed psychologist who is licensed by the state of Ohio psychology board.

(c) Professional clinical counselor who is licensed by the state of Ohio counselor, social worker, and marriage & family therapist board.

- (d) Licensed independent social worker who is licensed by the state of Ohio counselor, social worker, and marriage & family therapist board.
 - (e) Licensed chemical dependency counselor III who is licensed by the state of Ohio chemical dependency professionals board.
 - (f) Licensed independent chemical dependency counselor licensed by the state of Ohio chemical dependency professionals board.
 - (g) A nurse registered with the Ohio board of nursing.
 - (h) Licensed social worker who is licensed by the state of Ohio counselor, social worker, and marriage & family therapist board.
 - (i) Professional counselor who is licensed by the state of Ohio counselor, social worker, and marriage & family therapist board.
 - (j) Certified prevention specialist I who is certified by the Ohio chemical dependency professionals board.
 - (k) Certified prevention specialist II who is certified by the Ohio chemical dependency professionals board.
 - (l) Licensed marriage and family therapist who is licensed by the state of Ohio counselor, social worker, and marriage & family therapist board.
 - (m) Licensed independent marriage and family therapist who is licensed by the state of Ohio counselor, social worker, and marriage & family therapist board.
- (3) The services supervisor's personnel file shall contain copies or verification of current licenses, certifications, and registrations issued to the individual from professional regulatory boards in Ohio.
- (G) Each driver intervention program shall maintain the following:
- (1) Outline of the current education curriculum of the driver intervention program.
 - (2) Copy of the revenue and expenditure budget for the driver intervention program.
- (H) Each driver intervention program shall meet, at a minimum, the following handicapped accessibility requirements:
- (1) Entrances, hallways and spaces where services are provided and office space for employees shall be handicapped accessible.

- (2) Facility shall have at least one handicapped accessible bathroom.
- (3) Facility shall have designated handicapped parking space(s) based on the Americans with disabilities act accessibility guidelines.
- (4) Facility shall have at least one drinking fountain that is handicapped accessible.
- (5) Facility shall have at least one telephone that is handicapped accessible.
- (6) Each residential driver intervention programs shall have at least one handicapped accessible shower facility.

(I) Emergency medical plan and first aid supplies:

- (1) Each driver intervention program shall have a written emergency medical plan that includes, at a minimum, the following:
 - (a) Current emergency telephone numbers for fire, emergency squad, police and poison control.
 - (b) Location of first aid supplies at the program site during operation of the driver intervention program.
 - (c) General instructions for medical emergencies including supervision of clients during the emergency.
 - (d) General instructions in case of illness of a client.
 - (e) Procedure for documenting unusual incidents and notifying families.
- (2) A copy of the emergency medical plan shall be conspicuously posted at the program site during the operation of each driver intervention program.

(J) Client records:

- (1) Each driver intervention program shall have written policies and/or procedures for maintaining a uniform client records system that include, at a minimum, the following:
 - (a) Statement that program staff, contract employees, volunteers and student interns shall not convey to a person outside of the program that an individual attends or receives services from the driver intervention program, or disclose any information identifying a client as an alcohol or other drug services client unless the client consents in writing for the release of information; the disclosure is allowed by a court order; the disclosure is to entities with which the provider has entered into a

qualified service organization agreement (QSOA) pursuant to 42 CFR Part 2; or the disclosure is made to qualified personnel for a medical emergency, research, audit or program evaluation purposes. The driver intervention program has the authority to deny services if a client refuses consent to the release of information.

- (b) Statement that the federal laws and regulations do not protect any threat to commit, any information about a crime committed by a client, either at the program or against any person who works for the driver intervention program.
 - (c) Statement that the federal laws and regulations do not protect any information about suspected child abuse or neglect from being reported under state law to appropriate state or local authorities.
 - (d) Each disclosure made with the client's written consent must be consistent with 42 C.F.R., part 2, by including the following written statement: "This information has been disclosed to you from records protected by federal confidentiality rules. The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R., part 2. A general authorization for the release of medical or other information is not sufficient for this purpose. The federal rules restrict any use of information to criminally investigate or prosecute any alcohol or drug abuse client."
 - (e) Policy on the access of client records by clients, staff, and others.
 - (f) Components of client records and time lines, when applicable, for completing each component.
 - (g) Policy on the storage of client records that requires records be maintained in accordance with 42 C.F.R., part 2, confidentiality of alcohol and drug abuse client records.
 - (h) Policy on the destruction of client records to include the requirement that records be maintained for at least six years after clients have been discharged from the program. Client records shall be destroyed to maintain client confidentiality as required by state and federal law.
- (2) A record shall be maintained for each client of a driver intervention program. Each record shall include, at a minimum, the following components:
- (a) Identification of client (name of client and/or client identification number).

- (b) Client fee agreement.
 - (c) Consent for services.
 - (d) Documentation reflecting receipt of the schedule for the driver intervention program being attended by the client.
 - (e) Documentation reflecting receipt of the driver intervention program rules and/or expectations of clients.
 - (f) Documentation reflecting receipt of the program's policy on client rights that lists the client rights required by this rule.
 - (g) Documentation reflecting receipt of the program's client grievance procedure.
 - (h) Documentation reflecting receipt of a written summary of the federal laws and regulations that indicate the confidentiality of client records are protected as required by 42 CFR, part 2.
 - (i) Intake report.
 - (j) Identification of at least two screening instruments that were administered to the client and documentation of the results of both tests.
 - (k) Results and recommendations of the screening.
 - (l) Recommendations for alcohol and/or drug assessment.
 - (m) Assessment, if completed by the driver intervention program.
 - (n) Any recommendations made to a court or other organization.
 - (o) Date of each group session provided.
 - (p) Length of each group session provided.
 - (q) Topic/content of each group session provided.
 - (r) Client's response/feedback during each group session.
 - (s) Disclosure of client information forms, when applicable.
- (3) Disclosure of client information forms shall include the following information as required by 42 C.F.R., part 2:
- (a) Name of program making the disclosure.

- (b) Name or title of the individual or the name of the organization to which the disclosure is to be made.
 - (c) Name of the client.
 - (d) Purpose of the disclosure.
 - (e) Type and amount of information to be disclosed.
 - (f) Original signature of the client or person authorized to give consent.
 - (g) Date client or other authorized person signed the form.
 - (h) Statement that the consent is subject to revocation at any time except to the extent the program or person who is to make the disclosure has already acted in reliance on it.
 - (i) The date, event, or condition upon which the consent will expire, unless revoked before that specified time.
- (4) Each client record shall include a program completion report which shall include, at a minimum, the following documentation. A copy of the report shall be sent to the court or organization that referred the client to the driver intervention program.
- (a) Results and recommendations of the screening.
 - (b) Any recommendations for alcohol and/or drug assessment.
 - (c) Any recommendations made to a court or other organization.
 - (d) Number of hours of driver intervention programming the client attended.
 - (e) Any referrals made to alcohol and drug addiction treatment programs and any referrals made to other organizations.
 - (f) Date, signature, and credentials of the program director, services supervisor or program staff of the driver intervention program who makes the recommendation.
 - (g) Summary of client's participation.
 - (h) Disclosure of client information form that is prepared in accordance with 42 CFR, part 2, confidentiality of alcohol and drug abuse patient records, for information released to courts, organizations and/or individuals and for management information reports to the Ohio

department of alcohol and drug addiction services.

- (5) A policy and procedure, in accordance with 42 CFR, part 2, confidentiality of alcohol and drug abuse patient records, for tracking clients for a reasonable time following program completion.
- (6) If a program maintains electronic client records, the program must be able to produce hard copies of client records upon legally valid requests and have a written policy and procedure indicating how client original signatures and staff original signatures are obtained and verified for documentation.
- (7) If a program discontinues operations or is taken over or acquired by another entity, it shall comply with 42 C.F.R., part 2, subsection 2.19 which governs the disposition of records by discontinued programs.

(K) Intake report:

- (1) An intake report shall be completed for each client at the beginning of the first day of the driver intervention program. Documentation shall include, at a minimum, the following:
 - (a) Client identification number and name.
 - (b) Prescription and over-the-counter drugs being taken by the client.
 - (c) Type and amount of any medications brought to the program.
 - (d) Special dietary requirements.
 - (e) Known allergies, including but not limited to food and drug reactions.
 - (f) Pregnancy status of women.
 - (g) Special needs of clients.
 - (h) Name, address, and telephone number of a person who is to be contacted in the event of an emergency.
- (2) Baggage and materials brought to the driver intervention program shall be inspected to ascertain that they do not contain contraband, which includes, at a minimum, illegal drugs, alcohol, or firearms. Documentation shall appear in the intake report.
- (3) The intake report shall be dated and signed by the staff member completing the intake report.

(L) Screening:

- (1) Screening means a preliminary gathering and sorting of information used to determine whether a comprehensive assessment is appropriate.
- (2) Each client of a driver intervention program shall be administered at least two screening instruments. The results shall be recorded in the client's record.
- (3) Screening interviews shall include, at a minimum, the following:
 - (a) Client identification.
 - (b) Presenting problem and/or precipitating factors leading to the need for screening.
 - (c) Past and present use of alcohol and other drugs.
 - (d) History of treatment for alcohol and other drug abuse.
 - (e) Medical problems.
 - (f) Legal history.
 - (g) Recommendations for referral, if applicable, for a comprehensive assessment to determine the extent and severity of alcohol and other drug abuse problems and need for treatment.
 - (h) Date, signature, and credentials of program staff who completed the screening.

(M) Referral for assessment:

- (1) Each driver intervention program shall have a written procedure for making referrals for assessment which requires that a completed release of information shall be obtained prior to contacting a program.
- (2) Each driver intervention program shall have a written policy stating that the basis for making a recommendation to a court or other organization for alcohol and drug addiction comprehensive assessment shall include, at a minimum, the following:
 - (a) Results of the two screening instruments and screening interview.
 - (b) Observations of the client during screening, client education on alcohol and drug abuse and addiction and group sessions.
- (3) Each driver intervention program shall have a written policy for submitting a copy of the report to the court or organization that referred the client to the

driver intervention program, as requested by the referral source.

(N) A driver intervention program may conduct client assessments. Assessments shall be conducted in accordance with rules set forth by the Ohio department of mental health and addiction services.

(O) Dietary services:

Each driver intervention program that prepares and/or serves meals as part of its daily scheduled activities shall operate its dietary services in accordance with laws, regulations, or ordinances of the Ohio board of dietetics, Ohio department of health and/or local health department.

(P) Pharmaceutical services:

(1) Driver intervention programs are prohibited from dispensing and/or administering medications.

(2) Clients who take prescription medications and/or over-the-counter medications may "self-medicate" at driver intervention programs. Each driver intervention program that permits clients to self-medicate shall have written policies and/or procedures for client self-medication that include, at a minimum, the following:

(a) Policy prohibiting clients from having prescription medication in their possession at the program site or while involved in program activities off site, unless required by a physician for medical necessity.

(b) Procedures for obtaining and accounting for controlled substances from clients at the time of admission to or upon entering the program and return of same, as appropriate, at the time of discharge/departure.

(c) Procedures for storing medications in a locked cabinet.

(d) Procedures for reporting theft or loss of over the-counter medications or prescription medication.

(e) Procedures for self-medication.

(3) Clients shall not be denied driver intervention services due solely to their use of prescribed psychotropic medication(s).

(Q) Non-residential driver intervention programs:

(1) Each non-residential driver intervention program shall consist of at least thirteen hours of alcohol and drug addiction programming that includes, at a minimum, the following:

- (a) One hour of screening and individual contact.
 - (b) Eight hours of client education on alcohol and drug abuse and addiction including traffic safety education.
 - (c) Four hours of small group discussion sessions.
 - (2) Each non-residential driver intervention program is prohibited from delivering more than eight hours of alcohol and drug addiction programming to clients each day.
 - (3) Each client shall be administered at least two screening instruments.
 - (4) An individual screening interview shall be done with each client to discuss the screening findings, recommendations and referrals made to a referring court or other organization.
 - (5) A program completion report shall be prepared for each client.
 - (6) Small group discussion sessions:
 - (a) Small group discussion sessions shall not exceed a staff to client ratio of one to fifteen.
 - (b) The total number of clients in a group session shall not exceed fifteen, regardless of the number of staff.
 - (7) If a non-residential driver intervention program is operated within a residential driver intervention program, its programmatic content must be the same as that of the residential driver intervention program, and shall include the mid-day and evening meals.
 - (8) If a non-residential driver intervention program operates its program for five hours or more on any day, the program shall have provisions for a mid-day meal of at least thirty minutes. This mid-day meal shall be included in the program's schedule that is available to clients upon request. Time for meals may not supplant any of the minimum thirteen-hour alcohol and drug programming.
 - (9) The program shall have at least one staff member who is on-site and actively supervising and/or monitoring clients at all times during the program.
- (R) Forty-eight hour residential driver intervention programs:
- (1) Each forty-eight hour residential driver intervention program shall consist of at least sixteen hours of alcohol and drug addiction programming that includes,

at a minimum, the following:

(a) One hour of screening and individual contact.

(b) Ten hours of client education on alcohol and drug abuse and addiction including traffic safety education.

(c) Five hours of small group discussion sessions.

(2) Each client shall be administered at least two screening instruments.

(3) An individual screening interview session shall be done with each client to discuss the screening findings, recommendations and referrals to a referring court or other organization.

(4) A program completion report shall be prepared for each client.

(5) Small group discussion:

(a) Small group discussion sessions shall not exceed a staff to client ratio of one to fifteen.

(b) The total number of clients in a small group discussion session shall not exceed fifteen, regardless of the number of staff.

(6) The program shall have at least one staff member who is on-site and actively supervising and/or monitoring clients at all times during the program.

(S) Seventy-two hour residential driver intervention programs:

(1) Each seventy-two hour residential driver intervention program shall consist of at least twenty-one hours of alcohol and drug addiction programming that includes, at a minimum, the following:

(a) One hour of screening and individual contact.

(b) Fifteen hours of client education on alcohol and drug abuse and addiction including traffic safety education.

(c) Five hours of small group discussion sessions.

(2) Each client shall be administered at least two screening instruments.

(3) An individual screening interview shall be conducted with each client to discuss the screening findings, recommendations, referrals, and recommendations made.

(4) Small group discussion:

(a) Small group discussion sessions staff to client ratio shall not exceed one to fifteen.

(b) The total number of clients in a group session shall not exceed fifteen, regardless of the number of staff.

(5) A program completion report shall be prepared for each client.

(6) The program shall provide morning, mid-day, and evening meals of at least thirty minutes duration.

(7) The program shall have at least one staff member who is on-site and actively supervising and/or monitoring clients at all times during the program.

(T) Each driver intervention program shall have a written educational curriculum that includes, at a minimum, the following:

(1) Traffic safety education as it relates to alcohol and drug use.

(2) Client education on alcohol and drug abuse and addiction.

(3) Small group discussion topics.

(U) Each program shall prepare an educational curriculum for its driver intervention program that shall be approved by the program's governing authority that includes, but is not limited to, the following:

(1) Time table for conducting the program.

(2) Instructional outline for each topic/module.

(3) Method of instruction, including audio/visual aids.

(V) Each program shall have a program schedule that can be given to clients upon request.

(W) Traffic safety education:

(1) Traffic safety education shall include, at a minimum, the following information on the criminal justice system and relevant law.

(a) Blood alcohol content (BAC), drugs and impairment.

(b) Levels of license suspension and revocation.

(c) Fines and levels of incarceration.

(2) The driving task and the specific psychomotor skills required.

(3) The physiological and psychological effects of alcohol and other drugs on driving performance.

(4) Traffic safety education sessions shall not exceed an instructor to client ratio of one to forty eight.

(X) Client education on alcohol and drug abuse and addiction:

(1) Client education on alcohol and drug abuse and addiction shall include, at a minimum, the following:

(a) Physical and psychological aspects of the use of alcohol and other drugs.

(b) Combining the use of alcohol with other drugs.

(c) Social consequences of the use of alcohol and other drugs.

(d) Signs and symptoms of abuse and dependence of alcohol and other drugs.

(e) Dysfunctional behavior resulting from the use of alcohol and other drugs.

(f) Progressive nature of alcohol and drug abuse and dependence.

(g) Abstinence as a life-style and self-help programs such as alcoholics anonymous and narcotics anonymous.

(h) Treatment alternatives and local resources.

(2) Programming does not include the following:

(a) Individual and/or group counseling.

(b) Self-help study sessions.

(c) Anger management and stress reduction therapies.

(3) Staffing for client education group sessions on alcohol and drug abuse and addiction shall not exceed an instructor to client ratio of one to forty eight.

(Y) Indigent clients:

(1) A driver intervention program that receives funds that originate and/or pass through the Ohio department of mental health and addiction services shall

have a policy and procedure which states that admission to the driver intervention program shall not be denied because an individual is indigent as long as public funds are available to cover the cost of the program.

- (2) Indigent individuals are persons who have in their possession at the beginning of a driver intervention program a document which indicates the client is a recipient of public assistance, including, but not limited to, supplemental security income, social security disability income, medicaid, temporary assistance for needy families or other category of assistance as defined by the Ohio department of mental health and addiction services.
- (3) The client record of indigent individuals shall include a photocopy of the documentation that was used to verify indigent status.

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