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**3793:4-1-02 Driver intervention program requirements.**

- (A) The purpose of this rule is to state the requirements that an entity must meet to be certified as a driver intervention program by the Ohio department of alcohol and drug addiction services.
- (B) Except as otherwise provided in this rule, the provisions of this rule are applicable to all driver intervention programs in Ohio, public or private, regardless of whether they receive any state or federal funds.
- (C) Deemed status may be granted to waive provisions of agency-level 3793 of the Administrative Code if the driver intervention program is owned by an agency that has a treatment program(s) certified by the Ohio department of alcohol and drug addiction services. Deemed provisions include: paragraphs (E), (F), (G), (H), (I), (J), (K), (P), (R), (R)(1), (R)(2), (R)(3), (R)(6), (S), (V), (Y), and (BB) of this rule only if driver intervention program is held in the same physical location as an ODADAS certified treatment program, paragraph (CC) of this rule only if driver intervention program is held in the same physical location as an ODADAS certified treatment program, paragraph (DD) of this rule only if driver intervention program is held in the same physical location as an ODADAS certified treatment program, paragraphs (EE)(1)(a) to (EE)(1)(h), (FF), (GG), (HH), (II), (JJ), (NN), (OO), and (PP) of this rule.
- (D) Driver intervention programs granted deemed status under the provisions of paragraph (C) of this rule shall maintain records for driver intervention program activity in fiscal administration which identify driver intervention program-related revenues and expenditures and shall include driver intervention-specific activities in the agency's quality assurance and improvement plan.
- (E) Each program, except government owned programs, shall be registered to do business in Ohio with the Ohio secretary of state and shall have on file a copy of this registration.
  - (1) If the program is a non-profit organization, the program shall submit an application for continued existence to the Ohio secretary of state as required by statute. The program shall have on file a copy of the approved statement of continued existence for the corporation approved by the Ohio secretary of state.
  - (2) If the program is owned by an out-of-state corporation, the program shall have on file a copy of the license to do business in Ohio which is issued by the Ohio secretary of state.
- (F) Each driver intervention program shall have a governing authority that has overall responsibility for the operation of the driver intervention program.
  - (1) The governing authority for a corporation shall be a board of directors/trustees.
  - (2) The governing authority for a partnership shall be the partners as specified in their registration with the Ohio secretary of state.
  - (3) The governing authority for a limited liability company shall be the members as specified in their registration with the Ohio secretary of state.
  - (4) The governing authority for a government organization shall be the appointing authority of a department, division, bureau or other government office.
- (G) Each driver intervention program whose governing authority is a board of directors shall have written policies, code of regulations and/or by-laws that include, at a minimum, the following:

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- (1) Procedure for selecting members of the governing authority.
  - (2) Statement of the number or percentage of members of the board of directors needed for a quorum at board meetings.
  - (3) Provisions for guarding against the development of, and prohibiting the existence of, a conflict of interest between a member of the board of directors and the driver intervention program.
  - (4) Provisions for orienting new members of the board of directors.
- (H) A roster of the members of the board of directors and their professional affiliations shall be maintained.
- (I) Each driver intervention program (corporation, partnership, limited liability company, sole proprietorship and/or government organization) shall have written policies, code of regulations, articles of incorporation and/or by-laws stating the responsibilities of the governing authority and shall maintain documentation that includes, at a minimum, the following:
- (1) Establishing duties and responsibilities of the program director.
  - (2) Selecting a driver intervention program director to manage the day-to-day activities of the program.
  - (3) Conducting meetings of the governing authority at least quarterly and maintaining minutes of these meetings.
  - (4) Approving and revising, as necessary, the program's policies for operating the driver intervention program.
  - (5) Approving an annual budget for the driver intervention program.
  - (6) Approving the annual plan for operating the driver intervention program.
  - (7) Reviewing the annual audit report of the program conducted in accordance with this rule.
  - (8) Reviewing the findings of the quality assurance and improvement activities of the driver intervention program.
- (J) The governing authority is responsible for ensuring that the driver intervention program is operated in accordance with the following:
- (1) All applicable federal and state laws, regulations and rules, to include non-discrimination provisions for employment and services provided.
  - (2) Local ordinances and regulations.
  - (3) Local zoning regulations.
  - (4) Driver intervention program policies and procedures as required by this rule.
- (K) The governing authority shall be responsible for ensuring that there is protection through liability insurance, malpractice insurance and/or other insurance for the governing authority, the driver intervention program's staff and the driver intervention program.
- (L) Each driver intervention program shall establish an advisory board, unless the program has a governing

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authority that represents, for example, law enforcement officers, judges, prosecuting and defense attorneys and treatment center representatives.

- (1) The advisory board shall meet annually.
  - (2) Minutes shall be maintained for advisory board meetings.
- (M) Each driver intervention program shall have a current table of organization that:
- (1) Reflects the relationship of the driver intervention program to the governing authority.
  - (2) Reflects the relationship of the services supervisor of the driver intervention program to the program director.
  - (3) Reflects each position of the driver intervention program, including employees, contract staff, student interns and volunteers conducting program activities.
  - (4) Includes the date and original signature of the program director.
- (N) Program administration:
- (1) Each driver intervention program shall have a program director who 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, or
    - (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

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alcohol and drug addiction services' driver intervention program certification standards.

(O) 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.

(P) Each driver intervention program serving adolescents shall have a policy which states the following:

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- (1) Each employee and/or contract staff hired after April 20, 2004 and/or volunteer and student intern utilized in positions which are responsible for direct care or supervision of adolescents shall:
    - (a) Be at least twenty-one years of age.
    - (b) Possess a high school diploma or equivalency certificate.
    - (c) Meet the policies set forth in rule paragraphs (P)(2) and (P)(3) of rule 3793:4-1-02 of the Administrative Code.
  - (2) The policy shall state that a prospective employee, volunteer, or student intern has not pled guilty to nor been convicted of any of the offenses listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code. A prospective employee, adult volunteer or student intern convicted of or who has pled guilty to an offense listed in paragraph (I) of rule 5101:2-5-09 of the Administrative Code may be hired by an agency if the conditions as provided in paragraph (H) of rule 5101:2-5-09 of the Administrative Code have been met.
  - (3) The policy shall state that the agency shall require that criminal records checks on employees, volunteers and student interns be conducted by the bureau of criminal identification and investigation (BCII) and, if the prospective employee does not demonstrate that he/she has been a resident of Ohio for the preceding five years, the federal bureau of investigation (FBI).
- (Q) Each driver intervention program shall prepare an annual plan for operating a driver intervention program that includes, at a minimum, the following:
- (1) Statement of the mission or purpose of the driver intervention program.
  - (2) Statement of the objectives of the driver intervention program.
  - (3) Statement of the type(s) (e.g., non-residential, forty-eight hour residential and/or seventy-two hour residential) of driver intervention program(s).
  - (4) Outline of education curriculum of the driver intervention program.
  - (5) Copy of the revenue and expenditure budget for the driver intervention program.
  - (6) Description of the means by which the program will evaluate the achievement of the objectives of the driver intervention program.
- (R) Each driver intervention program shall establish and implement a written quality improvement plan updated annually and approved by the governing authority that includes, at a minimum, the following:
- (1) Designation of a committee or staff member for coordinating the driver intervention program's quality assurance and improvement activities.
  - (2) Provisions for informing the driver intervention program's governing authority of the findings of quality assurance and improvement activities.
  - (3) Provisions for monitoring corrective actions directed by the governing authority.
  - (4) Provisions for conducting client satisfaction surveys to include, at a minimum, the following:

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- (a) Survey to be conducted on an annual basis.
  - (b) Satisfaction protocols, including provisions for the opportunity for all clients to participate and provisions for anonymity in survey participation, data collection, analysis and reporting of findings.
  - (c) Satisfaction measures, including accessibility, appropriateness, cultural competency of staff providing services, recommendation of services to others and overall satisfaction.
  - (d) Use of findings for improvement of the services provided by the program.
- (5) Provisions for conducting referral source satisfaction surveys which shall include, at a minimum, the following:
- (a) Survey to be conducted on an annual basis.
  - (b) Satisfaction protocols, including reasonable attempts to contact a sample of referral sources, data collection, analysis and reporting of findings.
  - (c) Satisfaction measures, including access (ease of referral), program information (general information about the program), client information (feedback about client) and overall satisfaction.
  - (d) Use of findings for improvement of the services provided by the program.
- (6) A description of how quality assurance and improvement activities are integrated into the overall management of the driver intervention program.
- (S) All major unusual incidents shall be reported in writing to the Ohio department of alcohol and drug addiction services within seventy-two hours of the reported incident or such other time as agreed upon between the parties. Each program shall have written criteria for conducting reviews of major unusual incidents that include, at a minimum, the following:
- (1) Death or serious injury of a client, employee, contract staff member, volunteer or student intern when the person is on the program's premises, performing tasks for the program or participating in program activities.
  - (2) All allegations of physical, sexual or verbal abuse of a client.
  - (3) Any allegation of staff neglect of a client.
- (T) Each driver intervention program shall maintain documentation of the quality assurance, risk management and quality improvement activities that it conducts.
- (U) Fiscal administration: driver intervention programs certified by the Ohio department of alcohol and drug addiction services under agency 3793 of the Administrative Code shall comply with the Ohio department of alcohol and drug addiction services' financial and compliance audit guidelines.
- (V) Each driver intervention program shall establish and maintain written personnel policies and procedures that comply with relevant federal, state and local statutes and regulations, including, at a minimum, the following:
- (1) Assurance of non-discrimination against any person or group of persons on the bases of race, ethnicity, age, color, religion, sex, national origin, sexual orientation, or disability in the recruitment, selection,

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promotion, evaluation or retention of employees or volunteers.

- (2) Provisions for providing cultural sensitivity training to staff to be conducted at least once every certification period.
- (3) Policy prohibiting sexual harassment.
- (4) Employment recruitment and selection process.
- (5) Provisions for promotion, discipline and termination of employment or contract.
- (6) Annual performance evaluation of each employee/contract staff.
- (7) Program employee grievance procedure.
- (8) Staff development.
- (9) Employee benefits (e.g., retirement plans, annuities, insurance, sick leave, vacation leave and other leave).
- (10) Standards of acceptable behavior for all program employees.
- (11) Overtime and compensatory time policies and/or procedures.
- (12) Policy ensuring that a copy of the driver intervention program's personnel policies and procedures is available to each employee/contract staff.
- (13) Procedure for notifying employees/contract staff of changes in personnel policies and procedures.
- (14) Policy permitting each employee/contract staff the right to review his/her own personnel file and procedures for doing this.
- (15) Procedure that states that employment applicants shall be informed that the driver intervention program follows the rules and regulations governing fair employment practices, that the applicant's right to privacy shall be respected, and that the results of inquiries shall be treated in confidence by the driver intervention program.
- (16) Policy prohibiting an individual from supervising any person closely related by blood, marriage or other significant relationship including business associates.
  - (a) "Closely related by blood or marriage" is defined to include, but is not limited to, spouse, children (whether dependent or independent), parents, grandparents, siblings, aunts, uncles, in-laws, steps and other persons related by blood or marriage who reside in the same household.
  - (b) "Significant relationship" means persons living together as a spousal or family unit when not legally married or related where the nature of the relationship may impair the objectivity or independence of judgment of one individual working with the other.
  - (c) "Business associates" are defined as parties who are joined together in a relationship for business purposes or acting together to pursue a common business purpose or enterprise.
  - (d) "Supervision" means the direct ability or power to effectively recommend the hire, suspension, layoff, promotion, discharge, reward or discipline of a person.

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- (W) A personnel file shall be maintained for each employee, contract staff, student intern and volunteer working as staff conducting program activities. Personnel files shall contain, at a minimum, the following when applicable:
- (1) Employment application and/or resume.
  - (2) Copy of notification of hiring, to include starting date, position and starting salary or wage for those employees hired after April 20, 2004.
  - (3) Verification or copies of current professional licenses, certifications and/or registration from professional regulatory boards in Ohio for credentialed staff members of the driver intervention program. If verification by a staff member of the organization is used in lieu of a copy of the credential, each verification must include the applicant's name, social security number, name of regulatory board in Ohio which issued the certification/license, certification/license number and expiration date of the license.
  - (4) The personnel file of the services supervisor and the program director, when applicable, shall include documentation of education, training and experience to demonstrate competency in providing and/or supervising alcohol and drug addiction services.
  - (5) Position description.
  - (6) Annual performance evaluation.
  - (7) Documentation that the employee/contract staff has reviewed and agreed to abide by the federal regulations on the confidentiality of alcohol and drug abuse patient records (Title 42, Code of Federal Regulations, part 2).
  - (8) Documentation to reflect that the employee/contract staff has received a copy of the following and has agreed to abide by each of them:
    - (a) Driver intervention program's personnel policies and procedures.
    - (b) Driver intervention program's client abuse/neglect policy.
    - (c) Driver intervention program's client rights policy.
    - (d) Driver intervention program's client grievance procedure.
  - (9) For contract staff, a signed copy of his/her contract with the driver intervention program.
- (X) A position description shall be established for each employee, contract staff, student intern and volunteer conducting program activities of the driver intervention program. Each position description shall include, at a minimum, the following when applicable:
- (1) Job title.
  - (2) Supervisor to whom the person holding this position is responsible.
  - (3) Duties/responsibilities.
  - (4) Minimum qualifications for the position (knowledge/skills).
  - (5) Credentials and academic requirements, if applicable.

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(6) Subordinates (positions supervised by person holding this position).

(Y) Each driver intervention program shall:

- (1) Have policies and procedures for providing communication assistance for limited-English proficient clients, family members or significant others as required by state and federal law.
- (2) Have policies and procedures regarding auxiliary aids for sensory-impaired clients, family members or significant others, including the sight and hearing impaired as required by state and federal law.
- (3) Have a plan that includes the stated goal that the driver intervention program will address the need for culturally-specific and relevant driver intervention programming for ethnic minorities, deaf or hearing impaired and others.
- (4) Have a written policy or procedure for handling cases of client abuse and/or neglect by employees, contract staff, student interns and volunteers that includes notifying appropriate professional regulatory boards and law enforcement authorities when applicable.
- (5) Comply with the Federal Department of Transportation Omnibus Transportation Testing Act of 1991 and the Drug-Free Workplace Act of 1988 regarding federal drug-free workplace regulations, when applicable.
- (6) Maintain a client information system which meets specifications established by the Ohio department of alcohol and drug addiction services for collecting socio-demographic information and data on the services provided by the driver intervention program.
- (7) Enroll all public pay clients through the information system according to specifications established by the Ohio department of alcohol and drug addiction services.
- (8) Participate in information surveys conducted or sponsored by the Ohio department of alcohol and drug addiction services.

(Z) Each organization that owns and/or operates a driver intervention program shall be in compliance with all applicable federal, state and local laws and regulations in addition to the requirements of Chapter 3793-4 of the Administrative Code.

(AA) All personnel, including contract staff and volunteers, shall be qualified by education, training, experience and/or registration/certification/licensure to function in their assigned positions.

(BB) Physical plant and safety:

- (1) Each driver intervention program shall designate a safety officer who will be responsible for ensuring that each program site is in compliance with the physical plant and safety requirements of this rule.
- (2) Each driver intervention program shall have on file a copy of a "certificate of use and occupancy" for each program site where services are provided in accordance with the Ohio basic building code and rule 4101:2-1-27 of the Administrative Code unless the program site is a camp, hotel or motel.
- (3) The program shall have on file a copy of the report of an annual fire inspection by a certified fire authority, or where none is available, by the division of the state fire marshal of the Ohio department of commerce, for each program site certified by the Ohio department of alcohol and drug addiction services.

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- (4) If a driver intervention program operates at a camp, the program shall have on file a copy of a certificate to operate a camp from the Ohio department of health. This certificate will meet the Ohio department of alcohol and drug addiction services' requirement for a certificate of occupancy and use.
  - (5) If a driver intervention program operates at a hotel or motel, the program shall have on file a copy of a hotel/motel license issued by the division of state fire marshal of the Ohio department of commerce. This certificate will meet the Ohio department of alcohol and drug addiction services' requirement for a certificate of occupancy and use.
  - (6) Each program site shall have equipment for fire detection, warning and suppression which is in working order, that includes, at a minimum:
    - (a) Smoke detectors
    - (b) Fire extinguishers
  - (7) Each program shall have a fire evacuation procedure for each program site.
  - (8) The program shall have documentation to reflect that employees, contract staff, volunteers, student interns and clients have been trained in the fire evacuation procedures for the program site.
  - (9) A fire evacuation route shall be posted at each program site.
  - (10) Fire exit doors shall be clearly marked.
  - (11) Fire exit doors shall be unlocked unless the program has on file a variance granted by a certified fire authority of the division of state fire marshal of the Ohio department of commerce.
  - (12) Each program site shall be maintained in a clean and orderly manner. Storage areas, basements, attics and stairwells are to remain uncluttered.
  - (13) All rooms, corridors and stairwells within the program certified by the Ohio department of alcohol and drug addiction services shall be equipped with operable electric illumination.
  - (14) Each driver intervention program shall provide adequate space for the comfort and security of its clients in accordance with local occupancy rules and regulations.
- (CC) Each driver intervention program shall meet, at a minimum, the following handicapped accessibility requirements, or have on file a copy of a plan for meeting these requirements that has been approved by the Ohio department of alcohol and drug addiction services' equal employment opportunity regional program administrator.
- (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.

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- (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.

(DD) 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.

(EE) 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 and/or other drug services client unless the client consents in writing for the release of information, the disclosure is allowed by a court order, 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."

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- (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.

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- (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.

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- (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.

(FF) Client rights:

- (1) Each program shall have the following policies and procedures for client rights and grievances:
  - (a) Client rights policy that lists all of the client rights identified in this rule.
  - (b) Client grievance procedure.
  - (c) Policy for maintaining client grievance records for at least two years from resolution.
- (2) Each client grievance record shall include, at a minimum, the following:
  - (a) Copy of the grievance.
  - (b) Documentation reflecting process used and resolution/remedy of the grievance.
  - (c) Documentation, if applicable, of extenuating circumstances for extending the time period for resolving the grievance beyond twenty-one calendar days.

(GG) The rights of clients for each program shall include, at a minimum, the following:

- (1) The right to be treated with consideration and respect for personal dignity, autonomy and privacy.
- (2) The right to be informed of one's own condition.
- (3) The right to be informed of available program services.
- (4) The right to give consent or to refuse any service.
- (5) The right of freedom from unnecessary physical restraint or seclusion.
- (6) The right to be advised and the right to refuse observation by others and by techniques such as one-way mirrors, tape recorders, video recorders, television, movies or photographs.
- (7) The right to consult with an independent specialist or legal counsel at one's own expense.
- (8) The right of confidentiality of communications and personal identifying information within the limitations and requirements for disclosure of client information under state and federal laws and regulations.
- (9) The right to have access to one's own client record in accordance with program procedures.
- (10) The right to be informed of the reason(s) for terminating participation in a program.
- (11) The right to be informed of the reason(s) for denial of a service.
- (12) The right not to be discriminated against for receiving services on the basis of race, ethnicity, age, color, religion, sex, national origin, sexual orientation, socio-economic status, disability or hiv infection,

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whether asymptomatic or symptomatic, or aids.

(13) The right to know the cost of services, if applicable.

(14) The right to be informed of all client rights.

(15) The right to exercise one's own rights without reprisal.

(16) The right to file a grievance in accordance with program procedures.

(17) The right to have oral and written instructions concerning the procedure for filing a grievance.

(HH) The program's client rights policy and the program's client grievance procedure shall:

(1) Be posted in a place accessible by clients at each program site.

(2) Be given to each client at admission, with documentation of same included in the client record.

(II) All staff involved with the operation of the driver intervention program shall be familiar with the program's client rights policy and client grievance procedure. There shall be documentation in the personnel file of each employee, contract staff, volunteer and student intern that he/she has received a copy of the clients rights policy and the client grievance procedure and has agreed to abide by them.

(JJ) Each driver intervention program shall have a client grievance procedure that has provisions for, at a minimum, the following:

(1) Requirement that the grievance must be in writing.

(2) Requirement that the grievance must be dated and signed by the client or the individual filing the grievance on behalf of the client.

(3) Requirement that the grievance include the date, approximate time, description of the incident and names of individuals involved in the incident/situation being grieved.

(4) Statement identifying to whom the client is to give the grievance.

(5) Statement that the program will make a resolution decision on the grievance within twenty-one calendar days of receipt of the grievance. Any extenuating circumstances indicating that this time period will need to be extended must be documented in the grievance file and written notification given to the client.

(6) Designation of staff who will be available to assist a client in filing a grievance.

(7) Statement that a client has the option to file a grievance with outside organizations, that include, at a minimum, the following. The mailing address and telephone numbers for each shall be stated:

(a) Ohio department of alcohol and drug addiction services.

(b) Ohio legal rights services.

(c) U.S. department of health and human services, civil rights regional office in Chicago.

(8) Requirement that a written acknowledgment of receipt of the grievance be provided to each grievant. Such

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acknowledgment shall be provided within three working days from receipt of the grievance. The written acknowledgment shall include, at a minimum, the following:

- (a) Date grievance was received.
- (b) Summary of grievance.
- (c) Overview of grievance investigation process.
- (d) Timetable for completion of investigation and notification of resolution.
- (e) Driver intervention program contact name, address and telephone number.

### (KK) 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 and/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.

### (LL) 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.

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- (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.

(MM) 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.

(NN) Assessment:

- (1) A driver intervention program may conduct client assessments. Assessments shall be conducted in accordance with rule 3793:2-1-08 of the Administrative Code.
- (2) The following individuals may supervise and provide assessment including diagnosis pursuant to the Revised Code:
  - (a) Physician who is licensed by the state of Ohio medical board and has demonstrated experience and/or training in psychoactive substance use disorder treatment;
  - (b) Psychologist who is licensed by the state of Ohio board of psychology and has demonstrated competence in psychoactive substance use disorder treatment;
  - (c) Professional clinical counselor licensed by the state of Ohio counselor, social worker, and marriage and family therapist board and whose declaration statement includes substance abuse assessment and counseling;
  - (d) Licensed independent social worker licensed by the state of Ohio counselor, social worker, and marriage and family therapist board and whose declaration statement includes substance abuse assessment and counseling;

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- (e) Licensed independent chemical dependency counselor licensed by the state of Ohio chemical dependency professionals board.
- (3) The following individuals may supervise and provide assessment excluding diagnosis pursuant to the Revised Code:
  - Licensed independent marriage and family therapist licensed by the state of Ohio counselor, social worker, and marriage and family therapist board.
- (4) The following individuals may provide assessment services including diagnosis under the appropriate supervision pursuant to the Revised Code:
  - (a) Licensed social worker licensed by the state of Ohio counselor and social worker board, and whose declaration statement includes substance abuse assessment and counseling;
  - (b) Professional counselor licensed by the state of Ohio counselor and social worker board and whose declaration statement includes substance abuse assessment and counseling.
  - (c) Licensed chemical dependency counselor III licensed by the state of Ohio chemical dependency professionals board.
- (5) The following individuals can provide assessment services excluding diagnosis pursuant to the Revised Code:
  - (a) Licensed chemical dependency counselor II.
  - (b) Licensed practical nurse licensed by the Ohio board of nursing in accordance with Chapter 4723. of the Revised Code to practice as a licensed practical nurse in Ohio who has demonstrated experience and/or education in substance use disorder treatment.
  - (c) School psychologist licensed to practice school psychology in accordance with Chapter 4732. of the Revised Code who has demonstrated competence in substance use disorder treatment.
  - (d) School psychologist who is certified in accordance with division (O) of section 3301.07 of the Revised Code and has demonstrated competence in substance use disorder treatment.
  - (e) Chemical dependency counselor assistants, who are supervised by an individual qualified to be an alcohol and drug addiction services supervisor pursuant to this rule.
  - (f) Students enrolled in an accredited educational institution in Ohio, performing an internship or field placement and supervised by an individual qualified to be an alcohol and drug treatment services supervisor pursuant to this rule.
  - (g) Individuals who are licensed with the state of Ohio counselor and social worker board, or nurses registered with the Ohio board of nursing who are supervised by an individual qualified to be and alcohol and drug treatment services supervisor pursuant to this rule.
  - (h) Psychology assistant who is practicing under the supervision of a psychologist licensed by the state of Ohio board of psychology and has demonstrated competence in substance use disorder treatment.
  - (i) Counselor trainee practicing under the supervision of a professional clinical counselor licensed by the state of Ohio counselor and social worker board and whose declaration statement includes substance

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abuse assessment and counseling.

(j) Licensed marriage and family therapist licensed by the state of Ohio counselor, social worker, and marriage and family therapist board.

(6) The following individuals can supervise and provide assessment services excluding diagnosis pursuant to the Revised Code:

(a) Nurse registered with the Ohio board of nursing who has demonstrated experience and/or education in substance use disorder treatment

(b) Licensed chemical dependency counselor III, licensed by the state of Ohio chemical dependency professionals board, under the appropriate supervision pursuant to the Revised Code . The licensed chemical dependency counselor III may supervise while under the supervision of one of the individuals in paragraph (N)(N)(4) of rule 3793:4-1-02 of the Administrative Code.

(OO) 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 and/or ordinances of the Ohio board of dietetics, Ohio department of health and/or local health department.

(PP) Pharmaceutical services:

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

(a) "Administer" means the direct application of a drug to a person, whether by injection, ingestion or any other means.

(b) "Dispense" means the final association of a drug with a particular client pursuant to the prescription, drug order or other lawful order of a prescriber and the professional judgment of and the responsibility for: interpreting, preparing, compounding, labeling and packaging a specific drug.

(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

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medication(s).

(QQ) 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.

(RR) 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.

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(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.

(SS) 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.

(TT) 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.

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

(3) Small group discussion topics.

(UU) 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.

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

(WW) 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.

(XX) 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:

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- (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.

(YY) Indigent clients:

- (1) A driver intervention program that receives funds that originate and/or pass through the Ohio department of alcohol and drug 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 alcohol and drug addiction services.
- (3) The client record of indigent individuals shall include a photocopy of the documentation that was used to verify indigent status.