

SECTION .3800 - SUBSTANCE ABUSE SERVICES FOR DWI OFFENDERS

10A NCAC 27G .3801 ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS (ADETS)

(a) An alcohol and drug education traffic school (ADETS) is a prevention and intervention service which provides an educational program primarily for first offenders convicted of driving while impaired as provided in G.S. 20-179(m).

(b) Provisions shall be made for family members and other non-students to attend classes if the instructor determines that their presence will not disrupt the class or result in class size exceeding the maximum.

History Note: Authority G.S. 20-179; 20-179.2; 143B-147; Eff. May 1, 1996.

10A NCAC 27G .3802 STAFF

(a) Certification. Each class shall have a designated instructor who is certified by DMH/DD/SAS. An individual seeking initial certification as an instructor shall:

~~(1) be a high school graduate or its equivalent;~~

(Superseded by G.S. 122C-142.1 (d1))

(2) have a working knowledge of alcohol, other drugs, and traffic safety issues;

(3) complete and submit the original and one copy of the application to the DWI/Criminal Justice Branch of DMH/DD/SAS;

(4) complete an initial in-service training program provided by DMH/DD/SAS; and

(5) demonstrate skills by teaching all classes.

(A Training Program on the new Prime for Life Curriculum will initially be offered to existing Instructors, along with Agencies located in areas where ADETS is not currently available. The Training will be offered to others at a later date.)

(b) Notice. DMH/DD/SAS shall notify the applicant of the decision regarding initial certification within 60 days after receipt of the application.

(c) Duration. The duration of full certification shall be for a maximum period of two years.

(d) Provisional certification. An applicant who does not obtain initial certification may be issued a provisional certification, and shall be:

- (1) informed as to the specific reasons why full certification was denied;
- (2) provided with eligibility requirements necessary to reapply for full certification; and
- (3) informed regarding the right to appeal the certification decision.

(e) Recertification:

(1) Individuals seeking recertification shall submit documentation of having received a minimum of 48 hours of training in alcohol and drug education traffic subjects during the previous two years. This training shall be provided by or subject to approval by DMH/DD/SAS. Documentation of having received this training shall be submitted to the DWI/Criminal Justice Branch at least 30 days prior to expiration of the current certification.

(2) An individual seeking recertification for each subsequent two-year cycle shall submit documentation of having received 30 hours of training in alcohol and drug education traffic subjects during the preceding two years;

(3) The training shall be provided or approved by DMH/DD/SAS; and

(4) Documentation of this training shall be submitted to the DWI/Criminal Justice Branch of DMH/DD/SAS at least 90 days prior to expiration of the existing certification.

(f) Revocation or suspension of certification may be issued for failure to:

- (1) cover the required subjects outlined in the prescribed curriculum;
- (2) maintain accurate student records;
- (3) comply with certification requirements;
- (4) report all students who complete the prescribed course to DMH/DD/SAS in a timely manner.

*History Note: Authority G.S. 20-179; 20-179.2; 143B-147;
Eff. May 1, 1996.*

10A NCAC 27G .3803 OPERATIONS

(a) Curriculum. School instructors shall follow the requirements in G.S. 122C-142.1.

- (b) The program of instruction shall consist of not less than ~~ten~~ 16 hours of classroom instruction.
- (c) Each school may provide up to three additional hours for classroom time and such activities as an initial student assessment, data gathering or a summary conference with students.
- (d) Class Schedule. Each school shall provide a written notice to each student referred by the court as to the time and location of all classes which the student is scheduled to attend.
- (e) Each student shall be scheduled to attend the first and the last class sessions in the order prescribed in the curriculum.
- (f) Classes shall be scheduled to avoid the majority of employment and educational conflicts.
- (g) Each school shall have a written policy which allows for students to be excused from assigned classes by the instructor provided that the excused absence is made up and does not conflict with Subparagraph (b)(1) of this Rule.
- (h) No class session shall be scheduled or held for more than three hours excluding breaks on any day or evening.
- (i) Class Size. Class size shall be limited to a maximum of ~~35~~ 20 persons.
- (j) Requirements contained in 10A NCAC 29D .0600 SUBSTANCE ABUSE ASSESSMENTS FOR INDIVIDUALS CHARGED WITH OR CONVICTED OF DRIVING WHILE IMPAIRED (DWI) shall be followed by anyone who provides DWI assessments.
- (k) DWI Services Certificates Of Completion. The original copy of the North Carolina Department of Human Resources DWI Services Certificates of Completion shall be forwarded to DMH/DD/SAS for review within two weeks of completion of all services.

*History Note: Authority G.S. 20-179; 20-179.2; 143B-147;
Eff. May 1, 1996;
Amended Eff. July 1, 1998.*

10A NCAC 27G .3804 PURPOSE AND SCOPE

(a) These Rules set forth procedures for providing, supervising and reporting DWI substance abuse assessments and the treatment and education (ADETS) provided to DWI offenders.

(b) Assessments may be sought either voluntarily on a pre-trial basis, by order of the presiding judge and as a condition for driver license reinstatement.

(c) These Rules apply to any facility that conducts DWI assessments and alcohol and drug education traffic schools (ADETS) or treatment.

(d) In order to perform DWI assessments, a facility shall be authorized by the Division of Mental Health, Developmental Disabilities and Substance Abuse Services to provide services to this population (See Rule .3806); and

- (1) be licensed by the State to provide services to individuals with substance abuse disorders; or
- (2) provide substance abuse services and be exempt from licensure under G.S. 122C-22; and
- (3) follow state DWI laws, administrative rules contained in this Section and the generic rules for substance abuse facilities contained in 10A NCAC 27G .0100 through .0700. The rules can be found in Division publication APSM 30-1, "RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE FACILITIES AND SERVICES", and include any subsequent editions and amendments. This publication may be obtained through the Division of MHDDSAS at a cost of five dollars and seventy-five cents (\$5.75).

*History Note: Authority G.S. 20-179(e)(6); 122C-142.1;
Eff. April 1, 2001.*

10A NCAC 27G .3805 DEFINITIONS

For the purpose of the rules in this Section, the following terms shall have the meanings indicated:

(1) "American Society of Addiction Medicine (ASAM) Placement Criteria" means the Patient Placement Criteria for the Treatment of Substance-Related Disorders, copyright 1996 by the American Society of Addiction Medicine.

(2) "Certified ADETS Instructor" means an individual who is certified by the Division in accordance with 10A NCAC 27G .3800 ALCOHOL AND DRUG EDUCATION TRAFFIC SCHOOLS (ADETS) contained in Division publication APSM 30-1 RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE FACILITIES AND SERVICES and available at the current printing cost.

(3) "Clinical Interview" means the face to face interview with a substance abuse counselor intended to gather information on the client, including, but not limited to the following; demographics, medical history, past and present driving offense record, alcohol concentration of current offense, social and family history, substance abuse history, vocational background and mental status.

(4) "Continuing Care" means an outpatient service designed to maximize the recovery experience begun in more intensive inpatient or outpatient treatment. As a continuation of the treatment experience this service is expected to begin upon the client's discharge from intensive treatment.

(5) "Division" means the same as defined in G.S. 122C-3 (hereafter referred to as DMH/DD/SAS).

(6) "DMH Form 508-R (DWI Services Certificate of Completion)" means the form which is used in documenting the offenders completion of the DWI substance abuse assessment and treatment or ADETS.

(7) "Driving Record" means a person's North Carolina complete driving history as maintained by the North Carolina Driver's License Division's history file, as well as records in other states in which the client has resided,

(8) "DSM" means the current edition of the Diagnostic and Statistical Manual of Mental Disorders of the American Psychiatric Association, 1400 K Street, N.W., Washington, D.C. 20005 at a cost of thirty nine dollars and ninety-five cents (\$39.95) for the soft cover edition and fifty four dollars and ninety-five cents (\$54.95) for the hard cover edition. Where used in these definitions, incorporation by reference of DSMIV includes subsequent amendments and editions of the referenced material.

(9) "DWI Facility Authorization Process" means the process specified in 10A NCAC 27G .3806, by which facilities are granted the privilege to serve this sanctioned population.

(10) "DWI Offenses" means impaired driving as described in G.S. 20-138.1, impaired driving in a commercial vehicle as described in G.S. 20-138.2 and/or driving by person less than 21 years old after consuming alcohol or drugs as described in G.S. 20-138.3.

(11) "DWI Categories of Service" means:
Level I Alcohol and Drug Education Traffic School (ADETS);
Level II Short Term Outpatient Treatment;
Level III Longer Term Outpatient Treatment;
Level IV Day or Intensive Outpatient Treatment;
Level V Inpatient and/or Residential Treatment.

(12) "DWI Substance Abuse Assessment" means a service provided to persons charged with or convicted of a DWI offense to determine the presence or absence of a substance abuse handicap. The assessment involves a clinical interview as well as the use of an approved standardized test.

(13) "Facility" means the term as defined in G.S. 122C-3(14).

(14) "Interpreter" means a person who can accurately provide spoken exchange between languages including idiomatic differences.

(15) "Language Barrier" means the situation in which a client's primary and native language is not English, and staff available to the facility do not speak a language in which the client is proficient.

(16) "Licensure Rules" means the rules contained in 10A NCAC 27G .0100 through .0700; .0900 through .5200; and .5400 through .6900 of the North Carolina Administrative Code and published in Division publication APSM 30-1, RULES FOR MENTAL HEALTH, DEVELOPMENTAL DISABILITIES AND SUBSTANCE ABUSE FACILITIES AND SERVICES.

(17) "Minimal Program Content" means the required educational topics, learning experiences and counseling issues applicable to each level of treatment (See Rule .3817 of this Section - Minimal Program Content)

(18) "Notice of Intent" means the initial step in the process for a licensed substance abuse facility or exempt agency to be authorized to provide services to DWI offenders in accordance with Rule .3806 of this Section. This written notice shall declare the facility's intent to comply with applicable laws and rules and shall be copied to the designated area authority as provided in G.S. 122C-142.1 (a).

(19) "Special Service Plan" means a plan for persons who exhibit unusual circumstances, such as severe hearing impairment; other physical disabilities, and/or concurrent psychiatric illness.

(20) "Standardized Test" means an instrument approved by the Department of Health and Human Services with documented reliability and validity, which serves to assist the assessment agency or individual in determining if the client has a substance abuse handicap. A current listing of the approved standardized tests may be obtained at no cost by writing the DWI/Criminal Justice Branch, Division of MH/DD/SAS, 3008 Mail Service Center, Raleigh, NC 27699-3008.

(21) "Substance Abuse Handicap" means a degree of dysfunction directly related to the recurring use, abuse or dependence upon an impairing substance as described in the current edition of the DSM.

*History Note: Authority G.S. 122C-3; 122C-142.1; 143B-147;
Eff. April 1, 2001.*

10A NCAC 27G .3806 AUTHORIZATION: FACILITIES PROVIDING SA SERVICES TO DWI OFFENDERS

(a) Application Process: Facilities licensed to provide substance abuse services by the Division of Facility Services, or determined by DFS to be exempt from license under the provisions of G.S. 122C-22 are eligible to apply for Authorization to provide services to DWI offenders.

(b) The DWI/Criminal Justice Branch of the Substance Abuse Section of the DMHDDSAS will provide application materials to facilities within 10

business days of the receipt of the request. Requests may be made in writing to DWI Services, 3008 Mail Service Center, Raleigh, NC 27699-3008.

(c) The applicant facility shall submit the application form and required supportive documentation to DWI Services for review.

(d) When the review of the facility documents confirms that the applicant is in compliance with applicable Rules, Statutes and the Code of Facility Conduct, the facility will be authorized to begin services to DWI offenders.

(e) A decision on the application for Authorization shall be communicated to the facility within 20 business days of the receipt of the application by the DMH/DD/SAS. Upon approval, a five-digit Facility Code shall be issued to identify the facility as authorized to provide services to DWI offenders.

(f) Term of Authorization: Facility Authorization to provide DWI services shall be granted for a period not to exceed two years.

(g) A facility's Authorization shall expire at any time the facility license ceases to be in effect.

(h) Facility Monitoring of Authorized Facilities: Facility compliance reviews shall be conducted according to a schedule determined by DMH/DD/SAS. The interval between reviews for any facility shall be no greater than two years.

(i) Compliance problems and program deficiencies will be addressed in the review and correction plans developed with the facility. Each correction plan will have a follow-up plan.

(j) Refusal to complete a correction plan or persistent non-compliance will be grounds for suspension until correction or revocation of the Authorization.

(k) The DMH/DD/SAS will conduct reviews of reports and DWI Certificates of Completion Forms generated by facilities. Compliance and procedural problems will be addressed through communication with facilities and correction plans.

(l) Written complaints of misconduct against facilities shall be forwarded to the DMH/DD/SAS. All written complaints will be reviewed and investigated. When non-compliance is confirmed, it will be addressed with the facility through communication, correction plans or the suspension/revocation process.

(m) Suspension and Revocation: DMHDDSAS may suspend or revoke a facility's authorization to provide services to DWI offenders at any time for failure to comply with applicable Statutes and Rules.

(n) Such suspension or revocation will apply to the Authorization to serve DWI offenders and will not directly affect the facility's license to serve the public at large. The DMH/DD/SAS will inform licensing and certification bodies of any such action against a facility and its staff.

(o) In circumstances in which the direct care of a client is compromised or when there is failure to comply with a specific statute or rule concerning services to clients, the suspension shall be immediate. Serious and persistent non-compliance will result in revocation of the approval.

(p) When the non-compliance involves procedural or programmatic issues and presents no immediate threat to clients, the facility will be afforded an opportunity to propose and complete a plan of correction to be monitored by the DMH/DD/SAS.

(q) Failure to complete the correction plans, which were the subject of a suspension, will result in revocation of the Authorization.

(r) A facility whose Authorization has been revoked may apply for Authorization after one year upon demonstration that all relevant problems have been corrected.

(s) Revocation Process: The Branch Head will initiate action affecting the Authorization of a facility. Such action shall be limited to the following:

(1) Revocation of the Authorization;

(2) Suspension of the Authorization until such time as the problem is corrected and the correction verified; or

(3) A Written Correction Plan shall be completed by the facility while continuing to operate under close monitoring.

(t) Appeal Process: A facility whose Authorization is revoked may appeal to the DWI Quality Improvement panel for a review of the revocation within 30 working days from the date of notification.

(u) An appeal hearing shall be scheduled and conducted by the DWI Quality Improvement Panel within 60 working days after the request.

(v) The facility owner shall be notified, in writing of the decision of the DWI Quality Improvement Panel within 30 working days after the hearing.

*History Note: Authority G.S. 20-17.6(c); 122C-22; 122C-142.1;
Eff. April 1, 2001.*

10A NCAC 27G .3807 DWI SUBSTANCE ABUSE ASSESSMENT ELEMENTS

(a) DWI substance abuse assessments shall only be provided by a facility licensed by the State as a substance abuse treatment facility as specified in 10A NCAC 27G .0400 LICENSING PROCEDURES or a facility which provides substance abuse services and is exempt from licensure under G.S. 122C-22.

(b) A face to face clinical interview shall be conducted, in a licensed facility, with the individual, ~~by a substance abuse counselor in accordance with the minimum qualifications specified in Rule .3808 of this Section.~~ The purpose of this interview is to formulate a DSM diagnosis and arrive at a service level recommendation consistent with the placement criteria accepted by ASAM. **(Clinical Interview must be conducted by an individual who meets one of the qualifications listed in 122C-142.1 (b1))**

(c) In addition to the clinical interview, the clinician performing the assessment shall administer to the individual, an approved standardized test and must review the complete driving record as defined in Rule .3805 in this Section, as well as verify the alcohol concentration reading at the time of arrest.

(d) The agency or individual performing the assessment shall have the individual execute the appropriate release of information form per 42 C.F.R., Part 2. This form provides permission for the assessing agency to communicate with and report its findings to the DMH/DD/SAS, the area authority, the Division of Motor Vehicles, the Court, the Department of

Correction, the agency providing the recommended treatment or education and any agency or individual the client requests to be so informed.

History Note: Authority G.S. 20-17.6(c); 122C-22; 122C-142.1; Eff. April 1, 2001.

10A NCAC 27G .3808 QUALIFICATIONS OF INDIVIDUALS PERFORMING ASSESSMENTS

Entire Section Superseded by G.S. 122C-142.1 (b1)

~~Individuals performing DWI substance abuse assessments shall have at least one of the following qualifications:~~

~~(1) certification/licensure or other credential issued by the North Carolina Substance Abuse Professional Certification Board that acknowledges an individual to be qualified to provide counseling for persons with substance abuse disorders; or~~

~~(2) graduation from a masters degree level program and one year of supervised experience in the profession of alcohol and drug abuse counseling; and be registered with the North Carolina Substance Abuse Professional Certification Board; or~~

~~(3) graduation from a four year college or university and two years of supervised experience in the profession of alcohol and drug abuse counseling, and be registered with the North Carolina Substance Abuse Professional Certification Board; or~~

~~(4) graduation from high school or equivalent and three years of supervised experience in the profession of alcohol and drug abuse counseling and be registered with the North Carolina Substance Abuse Professional Certification Board; or~~

~~(5) be licensed by the Board of Medical Examiners of the State of North Carolina or the North Carolina Psychology Board; or~~

~~(6) be a diplomat of the American Society of Addiction Medicine.~~

History Note: Authority G.S. 20-17.6(c); 122C-142.1; 143B-147; Eff. April 1, 2001.

10A NCAC 27G .3809 RESPONSIBILITIES OF ASSESSING AGENCY

(a) Following the completion of the assessment process, which may include a staffing conference and review of the assessment by the supervisor, the agency or clinician performing the assessment shall inform the individual of the service level required.

(b) If treatment is required the individual shall be informed, in writing, of any other available treatment facilities within the county, both private and public, which provide the level of required treatment.

(c) Facilities shall refer any individual who is required to attend ADETS to the area authority, or its designated agency. A DMH 508-R Form and documentation of the driving record, alcohol concentration and the DSM diagnosis shall accompany all referrals regardless of the level of service. There shall be no charge for providing these documents within the state.

(d) The agency or clinician performing the assessment shall inform the client of the possible consequences of failing to comply with required treatment or ADETS.

(e) All persons assessed shall be provided written documentation that explains the requirements for reinstatement of the drivers license, including the minimum hours and duration of service. If a level of treatment is required, this written documentation shall be in the form of a client contract that minimally addresses program requirements and fees.

(f) When a language barrier is identified the assessing agency shall arrange for the services of an interpreter to assist in the services provided as defined in Rule .3805(14) of this Section.

*History Note: Authority G.S. 20-17.6(c); 122C-142.1; 143B-147;
Eff. April 1, 2001.*

10A NCAC 27G .3810 RESPONSIBILITIES OF TREATMENT AND ADETS PROVIDERS

(a) All providers shall conduct an orientation/intake interview with every client being admitted to a level of treatment, in which the assessment,

diagnosis and placement shall be reviewed in the light of the client's current situation and an individual treatment plan shall be developed in compliance with 10A NCAC 27G .0203 located in the Licensure Rules as defined in Rule .3805(16) of this Section.

(b) Any facility accepting a transferred case shall provide the level of intervention required by the assessor, unless there is a subsequent negotiated agreement between the assessor and the service provider at which time a corrected DMH-508R shall be completed by assessor.

(c) The facility providing the recommended treatment or ADETS shall have the individual execute the appropriate release of information giving that facility permission to report the client's progress to the DMHDDSAS, Division of Motor Vehicles, Court, Department of Correction; and, assessing and treatment agencies, as appropriate.

(d) Identification of a substance abuse handicap shall be considered indicative of the need for treatment, when diagnostic criteria apply. In such instances, educationally-oriented and support group services shall only be provided as a supplement to a more extensive treatment plan.

(e) When the court determines that an individual shall receive services, such services shall be provided by a facility licensed by the State to provide services.

*History Note: Authority G.S. 20-17.6(c); 122C-142.1; 143B-147;
Eff. April 1, 2001*

10A NCAC 27G .3811 REPORTING REQUIREMENTS

(a) The assessment portion of the DMH Form 508-R shall be completed for each client who received a DWI Substance Abuse Assessment. An initial supply of this form may be obtained from the DWI/Criminal Justice Branch of the DMH/DD/SAS, 3008 Mail Service Center, Raleigh, NC 27699-3008 reviewed and signed by a substance abuse counselor who is credentialed by the North Carolina Professional Substance Abuse Certification Board or by an ASAM certified physician. ~~An initial supply of this form may be obtained from the DWI/Criminal Justice Branch of the DMH/DD/SAS, 3008 Mail Service Center Raleigh, NC 27699-3008 at no cost.~~

~~(b) The assessment portion of DMH Form 508-R shall be reviewed and signed, at the time of the review, by a certified alcoholism, drug abuse, substance abuse counselor. The date of expiration of that professional's certification and credentials shall be indicated on the client's Certificate of Completion and no assessment shall be signed after the expiration date.~~
(obsolete after October 1, 2008 per G.S. 122C-142.1 (b1))

(c) The facility providing the recommended treatment or education shall have the client sign the appropriate release of information, and provide periodic progress reports. That report shall be filed at intervals not to exceed six months, with the court and with the Department of Correction per their request.

(d) The purpose of the rules of this Section is to establish specific procedures for conducting and reporting DWI substance abuse assessments, Alcohol and Drug Education Traffic Schools (ADETS), and treatment of DWI offenders.

(e) Upon completion of the recommended treatment or ADETS service, the agency shall forward the top page of the completed DMH 508-R to the DWI/Criminal Justice Branch, DMH/DD/SAS; and distribute any remaining copies to the offender and the court. ~~The agency shall retain a copy of the form for a minimum period of at least 5 years.~~

(Treatment Records Should be Retained for a Period of 11 Years After Last Contact for Adults. A Copy of the DMH 508-R Form Should be Included in the Record)

(ADETS Records: Transfer original records or security copy of microfilm to the State Records Center 5 years after completion of school.)

(f) In the event that an assessment or treatment agency ceases to provide DWI-related services, the agency shall notify, in writing, the DWI Criminal Justice Branch to assure that all DMH Form 508-R's and other related documents as specified in these Rules are properly processed, or transferred to another provider authorized by DMH/DD/SAS to conduct DWI Assessments. The licensing and certifying bodies shall be notified of violations of this Rule.

~~(g) By February 15 of each year, all assessing agencies shall forward, in writing, to the DWI Criminal Justice Branch of the Division the following information on the previous year's activities, which shall include but need not be limited to the number of:~~

- ~~(1) pre-trial assessments conducted;~~
- ~~(2) post-trial assessments conducted;~~
- ~~(3) individuals referred to ADETS; and~~
- ~~(4) substance abuse handicaps identified and the recommended levels of treatment.~~

History Note: Authority G.S. 20-17.6 (c); 122C-142.1; 143B-147; Eff. April 1, 2001..

10A NCAC 27G .3812 PRE-TRIAL ASSESSMENTS

- (a) A DMH Form 508-R shall be initiated for each individual who voluntarily refers himself or herself for a DWI assessment, under the provisions of G.S. 20-179(e)(6).
- (b) The DMH Form 508-R shall not be used to report the results of the pre-trial assessment to the court or attorney. The results shall be summarized in a concise, easy to interpret fashion on agency letterhead and signed by the individual who performed the assessment or the assessor's supervisor.

History Note: Authority G.S. 20-179(e)(6) and (m); 143B-147; Eff. April 1, 2001.

10A NCAC 27G .3813 PLACEMENT CRITERIA FOR ASSESSED DWI CLIENTS

- (a) Clients who have completed a DWI substance abuse assessment shall be placed in the appropriate service level.
- (b) Placement of clients in a specific category shall be based on the assessment outcome, diagnosis, and level of care determined to be necessary for treatment.
- (c) In addition to the terms defined in Rule .3805(10) of this Section for each of the following progressive categories, determination for placement shall be based on the criteria specified in this Paragraph.
 - (1) Alcohol and Drug Education Traffic School (ADETS):
 - (A) the assessment did not identify a substance abuse handicap;
 - (B) the person has no previous DWI offense conviction;
 - (C) the person had an alcohol concentration of 0.14% or less at the time of arrest;
 - (D) the person did not refuse to submit to a chemical test;

- (E) the person meets the admission criteria for Level 0.5 (Early Intervention) of ASAM PPC-2; and
- (F) ADETS shall be conducted in accordance with the rules established in this Section.

(2) Short-term Outpatient Treatment:

- (A) the assessment outcome suggests diagnosis of psychoactive substance abuse only;
- (B) the client does not fit all aspects of the diagnosis, but, under certain circumstances, the clinical impression provides reason to conclude that a treatment setting would be more appropriate than ADETS. Some of these circumstances include, but are not limited to:
 - (i) alcohol concentration is .15 or higher
 - (ii) refusal of chemical test at time of arrest;
 - (iii) problems relating to family history of substance abuse;
 - (iv) other problems which seem to be a contributing factor to DWI behavior, such as grief, loss; and
 - (v) the client meets the criteria for Level I of the ASAM Placement Criteria;
- (C) this category of service requires a minimum of 20 contact hours over a minimum of 30 days. Each client must have services scheduled weekly.

(3) Longer –term Outpatient Treatment:

- (A) when a client meets minimal conditions for the diagnosis of "substance dependence";
- (B) the criteria for Level I of the ASAM placement criteria are met; and
- (C) this category of service requires a minimum of 40 contact hours over a minimum of 60 days. Each client must have services scheduled weekly.

(4) Day Treatment/Intensive Outpatient Treatment:

- (A) the assessment confirms a diagnosis of substance dependence, with or without physiological dependence;
- (B) the ASAM placement criteria for Level II Outpatient Treatment is met;
- (C) the program:
 - (i) offers additional continuing care, urging voluntary participation of the client and significant others; and
 - (ii) requires a minimum of 90 contact hours and participation of the client over a period of at least 90 days, for any client referred under G.S. 20-179(g - k), or G.S. 20-17.6; and
- (D) the program may be preceded by a brief inpatient admission for detoxification or stabilization of a medical or psychiatric condition.

- (5) Inpatient and Residential Treatment Services:
- (A) the level of care requires that the client meets the same diagnostic criteria as Day Treatment, as defined in this Rule;
 - (B) outpatient treatment of other associated problems has not been successful;
 - (C) the client meets the placement criteria for Levels III.5 or IV.7 (inpatient) of the ASAM Placement Criteria with regard to the "Criteria Dimensions" as set forth in ASAM Patient Placement Criteria, Adult Crosswalk:
 - (i) withdrawal risk;
 - (ii) need for medical monitoring;
 - (iii) emotional and behavioral problems requiring a structured setting;
 - (iv) high resistance to treatment;
 - (v) inability to abstain; and
 - (vi) lives in a negative and destructive environment;
 - (D) in order for the client to meet the required minimum 90-day time frame for treatment, the client, upon discharge, shall enroll in an approved continuing care or other outpatient program:
 - (i) these services shall be provided according to a written continuing care plan which shall address the needs of the client;
 - (ii) these services shall utilize individual, family and group counseling as required to meet the needs of the client; and
 - (iii) the plan shall include client participation.

- (6) Special Service Plan:
- (A) Documentation of the need for a special program to correspond with the recommendations of the DWI assessment;
 - (B) Conditions under which a Special Service Plan is implemented may include, but need not be limited to, the following:
 - (i) severe hearing impairment;
 - (ii) other physical disabilities;
 - (iii) concurrent psychiatric illness and; or
 - (iv) language differences and communication problems.

*History Note: Authority G.S. 20-17.6(c); 122C-142.1; 143B-147;
Eff. April 1, 2001.*

10A NCAC 27G .3814 DOCUMENTATION REQUIREMENTS

(a) When conducting the assessment for an individual charged with, or convicted of, offenses related to Driving While Impaired (DWI), a DMH Form 508-R shall be completed.

(b) If treatment is recommended, client record documentation shall include, but not be limited to the following minimum requirements for each DWI Category of Service listed in Rule .3805 of this Section, except for the ADETS category:

(1) all items specified in the "clinical interview", as defined in Rule .3805 of this Section;

(2) results of the administration of an approved "standardized test", as defined in Rule .3805 of this Section;

(3) release of information as set forth in Rules .3807 and .3810 of this Section; and

(4) release of information covering any collateral contacts, and documentation of the collateral information.

(c) Substance abuse facility policies and operational procedures shall be in writing and address and comply with each of the requirements in 10A NCAC 27G .0201.

(d) Substance abuse treatment records shall comply with the elements contained in 10A NCAC 27G .0203, .0204, .0206 of this Subchapter and 10A NCAC 27G .3807 and 10A NCAC 27G .3810.

History Note: Authority G.S. 20-179 (e)(6) and (m); 122C-142.1; 143B-147; Eff. April 1, 2001

10A NCAC 27G .3815 AUTHORIZATION TO PROVIDE DWI SUBSTANCE ABUSE ASSESSMENTS

Any facility that provides DWI assessments shall comply with 10A NCAC 27G .3801 through .3817 of this Subchapter.

History Note: Authority G.S. 20-17.6 (c); 122C-142.1; 143B-147; Eff. April 1, 2001.

10A NCAC 27G .3816 SERVICES FOR NON-ENGLISH SPEAKING OFFENDERS/CLIENTS

(a) Providers offering services to special populations/language groups shall inform DMHDDSAS in writing and include these services in facility monitoring activities.

(b) When a facility represents to the DMHDDSAS and to the public that it provides assessment and treatment services to DWI offenders of a certain language group, those services must be provided in compliance with applicable rules by staff who not only are qualified to provide the service, but are also fluent in the language of the target group. When such services are available in the county, facilities not able to provide them shall refer persons needing such services to facilities prepared to serve them.

(c) When services described in Paragraph (b) of this Rule are not available in the County:

(1) A facility may provide DWI assessments with the help of a competent interpreter. The facility must first attempt to locate a Certified Interpreter. If that is not possible, the facility may use an individual whose competence as an interpreter is recognized in the community and who can provide references from persons who are in a position to know, such as a leader in the language/cultural group represented. In no case shall a person of the offender's family or immediate social group be used to interpret.

(2) It is not acceptable to conduct group and individual treatments services via interpreter.

(3) When an offender presents for services and speaks only a language in which no Substance Abuse Services are available in the area, the facility must assist the offender in locating acceptable services. If the services of a competent interpreter are available, a Special Plan may be developed which will provide the offender basic information to proceed in resolving the DWI offense. Such special plans must be documented in detail.

(4) Clients who meet this criteria are clients whose primary/native language is not English and who can not communicate English fluently to complete an assessment or treatment.

*History Note: Authority G.S. 20-17.6(c); 122C-142.1; 143B-147;
Eff. April 1, 2001..*

10A NCAC 27G .3817 MINIMAL PROGRAM CONTENT

(a) All levels of Substance Abuse Services for DWI offenders shall include education for all clients on:

- (1) all items specified in the "clinical interview", as defined in Rule .3805 of this Section;
- (2) North Carolina DWI laws, penalties and requirements for driver license reinstatement;
- (3) the effects of alcohol and other psychoactive substances on the body, brain, judgment and emotions of individuals, with special attention to the systems and abilities used in the operation of a motor vehicle;
- (4) the measurement of alcohol in the system, Alcohol Concentration; and
- (5) the effects of fatigue, hunger, anger, depression and prolonged inattention on driving behavior, by themselves and in conjunction with mood altering drugs in the body.

(b) Short Term Outpatient Treatment shall include all of Paragraph (a) of this Rule and the following items:

- (1) responsible decision making concerning the use of alcoholic beverages;
- (2) indicators that a person is at increased risk for more serious alcohol/drug problems:
 - (A) family history of alcohol/drug problems;
 - (B) attachment to a peer group in which primary social activities center on alcohol or other drug use;
 - (C) strong need for approval and acceptance and a desire to alter feelings; and
 - (D) early signs of tolerance.
- (3) introduce coping skills appropriate to the problem level: to include skills for refusing to drink/use, planning and limit setting strategies and an abstinence contract as a learning experience.

(c) Longer Term Outpatient Treatment shall include all of Paragraph (a) of this Rule and the following items:

- (1) an explanation of alcohol/drug dependence, as a bio-psycho-social illness characterized by:
 - (A) general progression of dysfunction in body, emotions and social/family functioning;
 - (B) strong emotional defense patterns including denial, rationalization and deflecting blame;
 - (C) pronounced ambivalence, i.e. the individual wants to be different yet wants to continue in the present behavior; and
 - (D) difficulties in social and family systems of the individual.
- (2) The introduction of concepts, skills and resources for recovery:
 - (A) relapse Prevention concepts and skill building;

- (B) assistance in learning to address spiritual needs; and
- (C) resources for self-help, support and ongoing recovery.

(d) Day Treatment/Intensive Outpatient Treatment Provide (a) and (c), but in the context of the client's more advanced problems and greater need for intensive treatment (see ASAM Level II):

(1) The program shall take a thorough history of the client and address all relevant problems through further assessment and/or services provided by the program or referral. Problem areas shall include the following:

- (A) health and medical conditions;
- (B) family relationships;
- (C) manifestations of emotional problems or psychiatric illness;
- (D) legal issues; and
- (E) employment related issues.

(2) Training and Continued Education: Individuals who conduct and/or supervise DWI substance abuse services shall complete at least 12 hours of DWI-specific education within each two-year period, which must be documented in the personnel record of the employee and reported to DWI Services with the application for renewal of the approval process.

*History Note: Authority G.S. 20-17.6(c); 122C-142.1;
Eff. April 1, 2001.*