STATE OF WEST VIRGINIA
DRIVING UNDER THE INFLUENCE
SAFETY AND TREATMENT PROGRAM:

STANDARDS FOR IMPLEMENTATION
AND QUALITY ASSURANCE

ADMINISTERED BY:
WV DEPARTMENT OF HEALTH AND HUMAN RESOURCES
BUREAU FOR BEHAVIORAL HEALTH AND HEALTH FACILITIES

IN COOPERATION WITH:
WV DEPARTMENT OF TRANSPORTATION
DIVISION OF MOTOR VEHICLES
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1. INTRODUCTION

The West Virginia Department of Health and Human Resources (DHHR) administers the DUI Safety and Treatment Program through its Bureau for Behavioral Health and Health Facilities (BBHHF). The BBHHF approves and monitors all West Virginia DUI Safety and Treatment Programs, establishes regulations, standards and approves participant fees and payment schedules, as well as provides technical assistance regarding the process.

The goals of the DUI Safety and Treatment program are to (1) reduce the number of repeat DUI offenses by drivers who successfully complete the program and (2) provide drivers an opportunity to address problems related to the misuse of alcohol and/or other substances. All approved DUI Safety and Treatment Providers must (1) demonstrate sound administrative, fiscal, and operational capabilities to operate the program, (2) provide program facilities that are clean, safe, and free of illegal or illicit substances and (3) adhere to all applicable statutes, regulations, standards and policies.

1.1 PURPOSE

The purpose of this document is to provide uniform standards for the administration and operation of the DUI Safety and Treatment Program as mandated by West Virginia Code § 17C-5A-3.

“Safety and treatment program; reissuance of license (a) The Department of Health and Human Resources, Division of Alcoholism and Drug Abuse shall administer a comprehensive safety and treatment program for persons whose licenses have been revoked under the provisions of this article or section seven, article five of this chapter or subsection (6), section five, article three, chapter seventeen-b of this code and shall also establish the minimum qualifications for mental health facilities, day report centers, community correction centers or other public agencies or private entities conducting the safety and treatment program...”

Furthermore, in accordance with requirements of and authority provided in West Virginia Code § 17C-5A-3, the West Virginia Department of Health and Human Resources proposed and filed West Virginia Legislative Rule Title 64 Series 98, Safety and Treatment Program for the purposes of establishing a comprehensive safety and treatment program for persons found in initial and subsequent violation of WV Code §17C-5-1 et seq. and §17C-5a-1 et seq. and which was legislatively authorized to become effective on May 4, 2012.

1.2 DEFINITIONS

- Accelerated Track - the Education Component (Level I) being offered in more rapid cessation than the Traditional Track
- **Assessment** - mandatory substance use clinical assessment required of all drivers completing the Treatment Component (Level II); the severity and scope of the driver’s misuse is determined in order to establish medical necessity

- **BAC** - driver’s blood alcohol concentration/content

- **BBHHF** - the West Virginia Department of Health and Human Resources’ Bureau for Behavioral Health and Health Facilities

- **BMS** - the West Virginia Department of Health and Human Resources’ Bureau for Medical Services

- **DMV** - the West Virginia Department of Transportation’s Division of Motor Vehicles

- **Driver** - as noted in Chapter 17C-5A-3 of the WV Code and 64 CSR 98, 3.5, individuals whose licenses have been revoked under the provisions of Chapter 17C-5-2 of the WV Code or a West Virginia resident whose has been charged with a DUI in another state

- **Driver’s Safety and Treatment Fund** - the legislatively mandated state revenue account directed and controlled by the Department of Health and Human Resources’ Cabinet Secretary for the purposes of recording and expending funds for the DUI Safety and Treatment Program

- **Driving Record** - DMV’s official account of the driver’s past offenses, including speeding tickets, moving violations, DUIs, and other incidents related to his or her driving career

- **Drug/Alcohol Test** - mandatory, biomedical test(s) administered to and completed by all drivers enrolled in DUI Safety and Treatment programming

- **DUI Coordinator** - a Masters-level, licensed professional social worker, psychologist and/or counselor who is responsible for the administrative and supervision of the contracted DUI Safety and Treatment programming

- **Prevention and Education Component (Level I)** - as referenced in 64 CSR 98, 5.3, a mandatory minimum of 18 hours of evidence-based, DUI educational instruction as determined by the BBHHF, inclusive of substance abuse education, of which at least one hour shall include an orientation to twelve-step programs, and, after the classroom instruction is completed, an evaluation of the driver’s need for further services

- **Intensive Care Component (Level III)** - as referenced in 64 CSR 98, 5.5, a minimum of 12 hours of substance use treatment services to be completed in addition to the Prevention and Education (Level I) and Intervention and Treatment (Level II) Components

- **Enrollment** - initial appointment wherein driver information is collected and program requirements and expectations are presented

- **Human Services Degree** - a Masters’ or Bachelors’ degree granted by an accredited college or university in one of the following human services fields: psychology, criminal justice, nursing, sociology, social work, counseling/therapy, teacher education, behavioral health, and other degrees approved by the West Virginia Board of Social Work

- **Provider** - as noted in 64 CSR 98, 3.7, an agency/organization which is regulated and approved by the BBHHF to provide the DUI Safety and Treatment Program pursuant to a grant agreement or a Memorandum of Understanding or an entity with an approved program operating in another state.

- **Screen** - mandatory substance use screening required of all drivers completing only the Education Component (Level I)
• **Service** - the DUI Safety and Treatment programming as referenced in Chapter 17C-5A-3 of the West Virginia State Code and as referenced in Title 91, Code of State Rules, Series 15, entitled Safety and Treatment Program

• **Traditional Track** - the Educational Component (Level I) being offered in a six (6) weekly, three (3) hour course format or other format approved by the BBHHF

• **Intervention and Treatment Component (Level II)** - as referenced in 64 CSR 98, 5.4, a minimum of 6 hours of individual or group outpatient DUI-focused treatment services on a frequency correspondent to the determined need to be completed in addition to the Education Component (Level I)

### 1.3 APPLICABILITY

Admission of drivers to the DUI Safety and Treatment Program shall be made available, but not limited to, individuals whose licenses have been revoked for violation of Chapter 17, Section 5.2 and related sections of the West Virginia State Code and who are subject to loss of driving privileges. WV residents who violate these statutes are required to complete the DUI Safety and Treatment program. Requirements herein described for the DUI Safety and Treatment Program cannot be waived.

• In situations where a WV resident is found to be in violation of another state’s DUI statutes, the State of WV may recognize reciprocity with that state’s approved DUI education/treatment requirements. WV residents interested in pursuing this option for a DUI received in another state must visit the BBHHF website at http://www.dhhr.wv.gov/bhhf for information regarding the submission of Out-of-State DUI Education and Treatment verification.

• In situations where a non-WV resident is found to be in violation of West Virginia’s DUI statutes, the State of WV may recognize reciprocity of the state approved DUI education/treatment requirements where the driver’s residency is established, provided that state’s process is approved by the State Safety and Treatment program staff as being comparable to West Virginia’s safety and treatment program requirements. Non-WV residents interested in pursuing this option must visit the BBHHF website at http://www.dhhr.wv.gov/bhhf for information regarding the submission of Out-of-State DUI Education and Treatment verification.
Additionally, WV residents may be eligible to participate in WV’s DUI Safety and Treatment Program as a substitute for another state’s DUI education/treatment requirements. However, the driver shall maintain all responsibility for verifying these options with the state where they were found to be in violation of that state’s DUI statute.

As noted in 64 CSR 98, 8.4, the BBHHF is responsible for collecting the $125.00 per participant from West Virginia residents that participate in a Safety and Treatment Program in another state and from drivers that receive a DUI in West Virginia and participate in another state’s approved program.

1.4 DIVISION OF MOTOR VEHICLES

The DMV maintains responsibility for licensure to operate a motor vehicle. Any changes to licensure prior to and after the DUI Safety and Treatment Program remain the responsibility of the DMV.

- NOTIFICATION OF REVOCATION

The DMV is responsible for notifying all drivers of any order of license revocation. Upon such revocation the individual shall be advised of procedures for participation in the DUI Safety and Treatment Program and the conditions that must be met prior to a license reinstatement.

- REINSTATMENT OF LICENSE

The DMV shall not recommend reinstatement of any license until confirmation has been received that the driver has successfully completed the required components and paid all applicable costs related to DUI program participation.

2. ADMINISTRATIVE REQUIREMENTS

2.1 MEMORANDUM OF UNDERSTANDING (MOU)

For the purposes of providing the DUI Safety and Treatment Program, the Bureau for Behavioral Health and Health Facilities (BBHHF) establishes a Memorandum of Understanding (MOU) with approved Providers. In order to become an approved Provider and obtain a MOU, prospective providers for the DUI Safety and Treatment Program must submit an application that reflects their ability to adequately provide the DUI Safety and Treatment Program, including but not limited to demonstration of the need for the program in the proposed region, the proposed approach, as well as the proposed provider’s programmatic and fiscal capacity. The BBHHF will then review and approve or deny the application. For new Provider application guidelines and resources visit the Bureau’s website at: http://www.dhhr.wv.gov/bhhf
The awarding of a MOU does not obligate the BBHHF to utilize the provider on an exclusive or other basis. Any decision rendered by the BBHHF specific to review of applications, renewals, or denial of MOUs shall be considered final.

- **PROVIDER ELIGIBILITY**

  A MOU can be established with any Provider including a governmental subdivision or agency, corporation, partnership, firm, organization, or association acting individually or as a group which submits an application that is approved by the BBHHF and can meet all applicable standards. Each Provider must be capable of directly providing all aspects of the programming outlined in these standards, including but not limited to demonstration of the need for the program in the proposed region, the proposed approach, as well as the proposed provider’s programmatic and fiscal capacity.

- **RENEWAL**

  DUI Safety and Treatment Program MOUs will be negotiated and approved/denied on an annual basis for all current Providers seeking a renewal. Each MOU shall encompass one State Fiscal Year (July 1 through June 30). The option for solicitation of new Providers shall remain at the discretion of the BBHHF and announced by BBHHF as necessary.

  Renewals shall be administered in accordance with the terms and conditions of this document and original MOU. The BBHHF shall notify each current provider in writing of the renewal requirements for the subsequent year at least thirty (30) days prior to the end of the State Fiscal year.

  Inferred approval shall not be considered a guarantee until the completion, signature and filing of a valid MOU.

- **DENIAL**

  In the event that a provider fails to file a proper MOU form and/or a provider fails to meet the conditions where applicable, the BBHHF shall deny the application for a MOU in writing, and such decision shall be considered final. BBHHF staff shall provide a written explanation for all denials and, when deemed appropriate, a proposed time frame for MOU application resubmission.

- **MOU SUSPENSION/REVOCATION**

  At the discretion of the BBHHF, suspension or revocation of a Provider MOU may occur when there is sufficient evidence to suggest that the Provider has:

  - Failed to adhere to these standards and/or MOU
o Violated these standards and/or MOU as such that a delay in action could result in harm to drivers, staff members, and/or the public
o Knowingly falsified any information required under these standards and/or MOU
o Permitted unqualified staff members to perform any aspects of the program
o Interfered with or obstructed a BBHHF site review or investigation
o Concealed or attempted to conceal true ownership of the MOU

The BBHHF shall notify the provider in writing of the program suspension, effective date and request for a plan of correction. The provider shall have ten (10) business days from the date of notification in which to file its written plan of correction with the BBHHF. The plan of correction shall be reviewed by the BBHHF to determine further action up to and including program reinstatement or revocation. Written notification of the BBHHF’s decision will be issued to the Provider.

If such a determination is made to conduct further investigation, the BBHHF will create a review team to conduct the investigation. This team may consist of Bureau staff and DMV staff, as needed. The results of the investigation shall be reviewed by BBHHF and a final decision regarding the suspension of MOU shall be determined and served with written notification to the affected provider(s) within thirty (30) days.

Any provider that has its MOU suspended will be placed on probationary status for ninety (90) days to ensure compliance with these standards and the plan of correction. In the event that a Provider fails to file a plan of correction and/or fails to meet these conditions where applicable, the BBHHF shall revoke the MOU in writing, and such revocation shall be considered final.

2.2 STANDARDS, POLICIES AND PROCEDURES

Each provider shall maintain compliance with all DUI Safety and Treatment Program Standards, including but not limited to:

- WV State Code § 17C-5A-3 and related State Code and Legislative provisions referenced herein;
- Title 64, Code of State Rules, Department of Health and Human Resources, Series 98, entitled Safety and Treatment Program;
- Title 91, Code of State Rules, Division of Motor Vehicles, Series 15, entitled Safety and Treatment Program; Federal Confidentiality Regulations, 42 CFR Part II and HIPAA regulations; and,
- Site conduciveness for the provision of DUI Safety and Treatment programming.

It is the Provider’s responsibility to notify the BBHHF immediately if it is unable to comply with these standards, as well as any changes involving Provider ownership, program operation or the DUI Coordinator designation.

- APPEALS
Each provider shall establish a written appeals policy for the DUI Safety and Treatment Program which provides a mechanism to resolve driver complaints against the provider and/or related services of the provider. Appeals shall be processed according to written procedures that will result in a timely, complete, and impartial review and decision. This process must be made available to all drivers and is LIMITED to disagreements regarding related services and/or requirements of the DUI Safety and Treatment Program.

- **RELEASE OF INFORMATION**

Prior to conducting any facet of the DUI Safety and Treatment Program, the Provider shall require drivers to consent to the release of information referencing the outcome of services to BBHHF and the DMV, including completion or non-completion of program requirements. Additionally, as a condition of admission to the DUI Safety and Treatment Program, drivers will be required to sign a consent form for the Provider to release information to the appropriate judicial officials as related to the individual's progress in the program, if applicable.

- **DOCUMENTATION**

The BBHHF recognizes that some providers use an electronic system to create and store documentation while other providers choose to use a hard copy based system. When services require documentation the Bureau will accept both types of documentation. All requirements must be met no matter the modality of system choice. For all assessment and treatment services rendered, Providers will utilize the WV Bureau for Medical Service (BMS) documentation requirements for Clinic and Rehabilitation services as defined in Chapters 502 and 503 for the Provider Manuals. These manuals will describe all other documentation required.

Records retained by the Provider which contain driver information shall be stored in a secure area, preventing unauthorized access. Additionally those records should be filed systematically and be made available for inspection and review by BBHHF and its representatives. Driver records shall be maintained for a minimum of five (5) years.

- **UNDER AGE DRIVERS**

Providers shall use an age-appropriate assessment with drivers under the age of eighteen (18).

- **DRUG/ALCOHOL TESTING**

Before beginning his or her first Safety and Treatment Class, a driver will receive written notice of the program’s drug testing requirements. Each Provider shall conduct one (1) announced drug/alcohol test on all drivers at time of enrollment and up to three (3) unannounced drug/alcohol tests while participating in programming if both clinically indicated and appropriately documented in the driver’s record. Refusal by any driver to
submit to a drug/alcohol test, as described in these standards, shall result in the driver’s IMMEDIATE withdrawal from all programming for three months until the drug/alcohol test can be completed. Drivers displaying signs and symptoms of active intoxication that result in distracting behavior and/or non-participation in programming must be dismissed from service activities until no longer exhibiting such behaviors; being dismissed is considered an absence. Providers may also administer the unannounced drug/alcohol test if it has not already been conducted.

Providers are encouraged to use at least a 12 panel urine drug screen, which includes testing for use of alcohol, nonprescription Opiates, Buprenorphine, Methadone, Amphetamines, Methamphetamines, Cocaine, Benzodiazepines, THC, PCP, Barbiturates, and Oxycodone.

Any positive results on tests performed (BAC reading above .000 or a positive drug test for illicit or non-prescribed substances), shall result in the drivers mandated participation in and completion of the next highest program component. A follow-up unannounced drug/alcohol test (1) may be conducted during completion of the next program component. Drivers must be informed of the appeals process after any positive drug/alcohol test.

3. STAFF REQUIREMENTS

3.1 DUI COORDINATOR

Each Provider shall designate a qualified DUI Coordinator. The DUI Coordinator shall be responsible for ensuring provider compliance with all performance, quality assurance and program standards, as well as working collaboratively with the BBHHF and DMV. This individual is the point of contact for the Provider organization’s DUI Safety and Treatment program. Providers are not permitted to operate the DUI Safety and Treatment programming in the absence of a qualified, DUI Coordinator. Failure to immediately notify the BBHHF will result in the MOU being suspended and possibly revoked. The DUI Coordinator must have a minimum of a master’s degree in a field of human services and licensed at the master’s level by the State of West Virginia in psychology, counseling and/or social work. An Alcohol and Drug Counselors (ADCs) certification or higher and supervisory experience are preferred but not required.

3.2 GRANDFATHERING EXISTING DUI COORDINATORS

Effective July 2016 all acting DUI Coordinators with a master’s degree in a human service field that are certified at the master’s-level by the West Virginia Board of Addiction and Prevention Professionals as an Advanced Alcohol and Drug Counselor (AADC) will satisfy the position requirements. However, any subsequent turnover within the DUI Coordinator position must then adhere to the requirements described in section 3.1: DUI Coordinator of these standards. This process will remain in effect until the existing DUI coordinators no longer serve in this capacity.
3.3 SUPERVISION

The purpose of supervision is to improve the quality of services while ensuring adherence to these standards. Therefore, the Provider must have a written policy for supervision of its staff and contract employees, including guidelines for the responsibilities of the supervisor (DUI Coordinator) and the minimum frequency for which supervision should occur.

Each agency shall have an up to date organization chart demonstrating the administrative and clinical chain of command and responsibility. Each Provider shall also have a documented process for ensuring all staff are aware of their administrative and clinical supervision. The supervisor shall have an equal or higher degree, credential, or clinical experience than those they supervise. If a supervisor is responsible for a Medicaid funded program, the supervisor should be able to demonstrate familiarity with Medicaid requirements and relevant manuals. This applies to all Medicaid services rendered.

Each Provider shall maintain a current copy of these standards at sites where programming is offered. All program staff shall be knowledgeable of and familiar with these standards, policies and procedures. A written record verifying review of these standards must be included in the staff personnel file as part of program supervision and be updated annually.

3.3 QUALIFICATIONS

<table>
<thead>
<tr>
<th>Enrollment</th>
<th>Minimum of a high school diploma or its recognized equivalent</th>
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<tr>
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<td>Trained to collect, input and process enrollment information gathered</td>
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<td>Trained to provide accurate enrollment information to drivers</td>
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<td></td>
<td>Supervision required</td>
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<tr>
<th>Screening</th>
<th>Minimum of a bachelor’s degree in a field of human services or a registered nurse</th>
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<tr>
<td></td>
<td>Trained to administer the identified screening instruments</td>
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<td></td>
<td>Trained to process screening results with driver and provide appropriate referral information based on results</td>
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<td></td>
<td>Supervision required</td>
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<td></td>
<td>Alcohol and Drug Counselors (ADCs) certification or higher preferred but not required</td>
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<tr>
<th>Assessment</th>
<th>Minimum of a bachelor’s degree in a field of human services or a registered nurse</th>
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<td>Properly credentialed by the agency’s internal credentialing committee</td>
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<tr>
<td></td>
<td>Trained to administer the identified assessment instrument</td>
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<tr>
<td></td>
<td>Trained to process assessment results with driver and provide appropriate referral information based on results</td>
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<td>Supervision required</td>
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<td></td>
<td>Alcohol and Drug Counselors (ADCs) certification or higher preferred but not required</td>
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<tr>
<th>Education Component (Level I)</th>
<th>Minimum of a bachelor’s degree in a field of human services or a registered nurse</th>
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<td>Trained to facilitate the Education Component (Level I) curriculum</td>
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• Trained to accurately address questions regarding curriculum, component expectations and provide appropriate referral information as needed
• Supervision required
• Alcohol and Drug Counselors (ADCs) certification or higher preferred but not required

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<tr>
<th>Treatment Component (Level II) and Enhanced Treatment Component (Level III)</th>
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| Minimum of a Master’s level therapist using generally accepted practice of therapies recognized by national accrediting bodies for psychology, psychiatry, counseling, and social work
• Supervision required
• Alcohol and Drug Counselors (ADCs) certification or higher preferred but not required |

All documentation for staff, including but not limited to college transcripts, certifications, credentials, background checks, proof of completion of training, and supervision, must be kept in the staff’s personnel file and may be reviewed at any time by BBHHF or the Bureau’s contractors or state and federal auditors.

4. PROGRAM REQUIREMENTS

4.1 CASE FILE (PER DRIVER)

- Driver record (requested by Driver, issued by DMV for a small fee)
- Financial/billing/accounting information
- Indigent determination form
- Release of information
- Driver participation agreement
- Screening documentation, as applicable
- Assessment documentation, as applicable
- Drug/Alcohol testing results and supporting documentation
- Component placement, associated fees and proof of payment
- Programming schedule and driver attendance
- Treatment/Enhanced Treatment progress notes, as applicable
- Education Pre/Post Test results
- Referrals, as applicable
- DMV 400SE form
- Appeals and supporting documentation, as applicable
- Driver information required for BBHHF data reporting

4.2 REFERRALS

Drivers who have a positive or at risk screen/assessment demonstrating the need for more intensive substance use, mental health and/or co-occurring services must be provided referral information for additional services in accordance with screening/assessment recommendations.
These recommendations are not considered binding and will not be required for successful completion of the DUI Safety and Treatment program.

4.3 EXIT INTERVIEWS

Exit interviews are the mandatory session and/or meeting wherein the driver’s Education Component (Level I) posttest is reviewed (for Level I only), evaluations are completed, and any outstanding requirements/information and/or a certificate of completion is issued (when applicable). Facilitators can host this event either one-on-one with each driver or as a group. Providers are encouraged to conduct one-on-one meetings if driver-specific information will be discussed. An exit interview will be conducted at program completion.

4.4 EVALUATION

Driver satisfaction surveys and/or evaluations will be conducted upon exit from the program to measure driver’s perception of services received. The results of these materials shall be used to improve the overall quality of the programming. Results of these evaluations will be compiled and kept on file with the Provider for review and/or submission to the BBHHF upon request.

4.5 ENROLLMENT

<table>
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<tr>
<th>Participants:</th>
<th>All drivers</th>
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<tr>
<td>Reimbursement:</td>
<td>Included in Enrollment Fee</td>
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<td>Procedures:</td>
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<tr>
<td>• A current driving record, provided by the DMV to the driver, must be available during the enrollment process to determine the proper level of care; enrollment cannot be completed unless this information is available</td>
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<tr>
<td>• Ensure that drivers who are referred to the DUI Safety and Treatment Program are enrolled in a timely manner and no later than two (2) weeks from initial contact</td>
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<td>• If necessary to schedule a separate appointment for the driver’s screening or assessment, Providers will schedule the session no later than ten (10) business days from the day of enrollment</td>
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<td>• In most instances, enrollment will occur on a date prior to the initiation of programming. However, same day enrollment and program initiation is permitted if enrollment documentation is present</td>
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<td>• The following administrative services must be performed at time of enrollment and prior to the delivery of services:</td>
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<td>o Collection of all financial, demographic, residency and driving record information</td>
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<td>o Discussion of financial requirements and expectations, including but not limited to:</td>
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<tr>
<td>▪ Indigent determination</td>
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<td>▪ Drug/Alcohol tests</td>
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<td>▪ Driver workbook</td>
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<td>▪ Level II and/or III fees, as applicable</td>
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**4.6 SCREENING**

**Participants:**
- Drivers with one (1) DUI on their driving record and a BAC less than 0.15 or a positive drug test for illicit or non-prescribed substances or refusal to submit to a test. Any delays in screening will be documented in the driver’s record.

**Reimbursement:** Included in Enrollment Fee

**Instruments:**
- Alcohol Use Disorders Identification Test (AUDIT)
- Drug Abuse Screening Test 10 (DAST-10)

**4.7 ASSESSMENT**

**Participants:**
- Drivers with two (2) or more DUIDs on their driving record;
- Drivers with one (1) DUI on their driving record with a BAC of 0.15 or higher;
- Drivers charged with knowingly permitting a DUI; or,
- No available BAC; or,
- Drivers under the age of 21.

**Reimbursement:** Providers are expected to seek reimbursement via the driver’s insurance, as available:
- WV Medicaid/Charity Care Procedure: Mental Health Assessment by a Non-Physician; Providers must adhere to the WV Bureau for Medical Services (BMS) Provider Manual for additional service guidelines and information.
- Non-Medicaid/Charity Care providers may establish independent rates that are equal to or lesser than the rate established by WV Bureau for Medical Service (BMS) for like services.

**Instruments:** Addiction Severity Index (ASI)

**4.8 PREVENTION AND EDUCATION COMPONENT (LEVEL I)**

- Discussion of programmatic requirements and expectations, including but not limited to:
  - Mandatory drug/alcohol testing and appeal policy
  - Drug/Alcohol free expectations
  - Attendance expectations
  - Component levels, driver placement and appeal policy
- Completion of the following forms/processes:
  - Indigent determination form with driver’s signature
  - Driver participation agreement with the driver’s signature
  - A written schedule of all fees and payment terms applicable to the driver
  - A written schedule of all programming, policies/expectations and contact information applicable to the driver
  - Initial drug/alcohol test
  - Payment of applicable programmatic fees
| Participants: | • Drivers with one (1) DUI on their driving record with and a BAC less than 0.15 and/or no available BAC; or, or a positive drug test for illicit or non-prescribed substances. |
| Reimbursement: | Included in Enrollment Fee |
| Curriculum: | • All providers will utilize the curriculum identified by the BBHHF for exclusive use in the Education Component (Level I)  
• The curriculum must be implemented per the developer and BBHHF guidelines to ensure fidelity  
• Providers will receive training and/or instructional materials from the BBHHF when applicable  
• Details on the curriculum are available upon request to BBHHF |
| Materials | Driver workbook |
| Procedures: | • Mandatory 18 hours of evidence-based, DUI educational instruction  
• **Traditional Track:**  
  o Offered in six (6) weekly, three (3) hour classes  
  o Providers may schedule classes during business and/or non-traditional hours (evening and weekends)  
  o Staff facilitation or driver participation can be conducted face-to-face and/or via telehealth. Telehealth service delivery will utilize the WV Bureau for Medical Service Telehealth policy for Clinic and Rehabilitation services as defined in Chapters 502 and 503 for the provider manuals  
• **Optional Accelerated Track:**  
  o Offered in more rapid succession than the Traditional Track  
  o Classes must extend over a three (3) week period  
  o Drivers participating in the Treatment Component (Level II) or Enhanced Treatment Component (Level III) are not eligible to enroll in the Accelerated Track  
  o Providers may schedule classes during business and/or non-traditional hours (evening and weekends)  
  o Staff facilitation or driver participation can be conducted face-to-face and/or via telehealth. Telehealth service delivery will utilize the WV Bureau for Medical Services’ Telehealth policy for Clinic and Rehabilitation services as defined in Chapters 502 and 503 in the provider manuals  
• **Drug/Alcohol Test**  
  o One (1) test to be completed randomly prior to completion of the Education Component (Level I)  
  o An additional drug/alcohol test(s) may be administered if both clinically indicated and appropriately documented in the driver’s record  
  o Any driver with a positive test must have an assessment completed (due to active use) and should be enrolled in the Treatment Component (Level II)  
  o Any driver with a positive test will not be required to withdraw or restart the Education Component (Level I) unless the attendance expectations were violated  
• **Pre-Test/Post-Test** |
| o Evidence-based, testing instruments intended to gauge the drivers knowledge, understanding and practice of the material presented in this component  
| o Must be completed by all drivers and kept with the exit interview note as part of their record  
| o Results of the pre- and post- tests must be reviewed with the driver  |

### Attendance
- One (1) class absence: driver eligible to make up the missed class when next offered
- Two (2) or more class absences: driver must restart Education Component
- Accelerated Track - zero absences: driver must restart Education Component

## 4.9 INTERVENTION AND TREATMENT COMPONENT (LEVEL II)

| Participants: | Drivers who meet medical necessity for the Treatment Component (Level II) services |
| Reimbursement: | Providers are expected to seek reimbursement via the driver’s insurance, as available:  
| o WV Medicaid/Charity Care Procedure: Professional Group Therapy; Providers must adhere to the WV Bureau for Medical Services (BMS) Provider Manual for additional service guidelines and information.  
| o Non-Medicaid/Charity Care providers may establish independent rates that are equal to or lesser than the rate established by WV Bureau for Medical Service (BMS) for like services.  
| • Any driver denied authorization must first contact the insurance provider directly in attempts to gain authorization. |
| Curriculum: | All providers will make the clinically indicated level of outpatient treatment available to each driver )  
| • Sessions will support and clinically expand upon to the material presented in the Education Component (Level I)  
|  
| Procedures: | A minimum of 6 hours of DUI-focused SUD treatment services to be completed in addition to the Education Component (Level I)  
| • Offered in six (6) weekly, one (1) hour group, or individual or via Intensive Outpatient services if clinically indicated in the driver’s assessment, therapy sessions  
| • Providers may schedule sessions during business and/or non-traditional hours (evening and weekends)  
| • Staff facilitation or driver participation can be conducted face-to-face and/or via telehealth. Telehealth service delivery will utilize the WV Bureau for Medical Service Telehealth policy for Clinic and Rehabilitation services as defined in Chapters 502 and 503 for the provider manuals |
• One (1) drug/alcohol test to be completed randomly prior to completion of the Treatment Component (Level II)
• An additional drug/alcohol test(s) may be administered if both clinically indicated and appropriately documented in the driver’s record
  o Any driver with a positive test will result in enrollment in the Enhanced Treatment Component (Level III)
  o Any driver with a positive test will not be required to withdraw or restart the Education (Level I) unless the attendance expectations were violated, but the driver should be reassessed for his or need for a higher level of care.

Attendance
• One (1) group session absence: driver eligible to make up the missed session when next offered or as an individual session
• Two (2) or more session absences: driver must restart Treatment Component

4.10 INTENSIVE CARE COMPONENT (LEVEL III)

Participants: Drivers with a positive drug/alcohol test while enrolled in the Treatment Component (Level II)

Reimbursement:
• Providers are expected to seek reimbursement via the driver’s insurance, as available:
  o WV Medicaid/Charity Care Procedure: Professional Group and/or Individual Therapy; Providers must adhere to the WV Bureau for Medical Services (BMS) Provider Manual for additional service guidelines and information.
  o Non-Medicaid/Charity Care providers may establish independent rates that are equal to or lesser than the rate established by WV Bureau for Medical Services (BMS) for like services.
• Any driver denied authorization must first contact the insurance provider directly in attempts to gain authorization. If authorization is not granted contact the BBHHF for additional guidance.

Curriculum:
• Providers must utilize evidence-based, clinical practice (including other treatment levels or linkage with a 12-step program) modalities for substance use treatment services

Materials N/A

Procedures:
• A minimum of 12 hours of substance use treatment services to be completed in addition to the Education (Level I) and Treatment (Level II) Components and/or a higher level of care if clinically indicated in the driver’s assessment
• Services consist of professional group and/or individual therapy sessions based on each driver’s clinical needs
• Providers may schedule sessions during business and/or non-traditional hours (evening and weekends)
• Staff facilitation or driver participation can be conducted face-to-face and/or via telehealth. Telehealth service delivery will utilize the WV Bureau for Medical Service Telehealth policy for Clinic and
Rehabilitation services as defined in Chapters 502 and 503 for the provider manuals

- One (1) drug/alcohol test to be completed randomly prior to completion of the Enhanced Treatment Component (Level III)
  - Any driver with a positive test in this component should continue with Enhanced Treatment (Level III) services. The driver’s completion paperwork will not be submitted to the DMV as complete until the client can produce a negative drug/alcohol test.
  - Any driver with a positive test will not be required to withdraw from or restart any component unless the attendance expectations were violated

### Attendance

- One (1) session absence: driver eligible to make up the missed session when next offered
- Two (2) or more session absences: driver must restart Enhanced Treatment Component

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### 5. FISCAL REQUIREMENTS

#### 5.1 SERVICE PAYMENT AND FEE SUBMISSION

Fees associated with receipt of the DUI Safety and Treatment program as outlined herein are the responsibility of the driver unless a determination of indigent status has been made.

Each provider shall submit to BBHHF a portion of the fee for the Education Component (Level I) of the program in the amount as agreed in cooperation with BBHHF, as per Chapter 17C-5A-3 of the state code.

#### 5.2 FEES

At the time of enrollment and prior to the provision of any services, Providers are required to provide each driver a written schedule of all fees and payment terms and conditions for the DUI Safety and Treatment Programming exclusively. The fee schedule shall include charges for all three (3) components and highlight which fees are applicable to the driver, a timeline for payment and consequences for non-payment. Additional program costs must also be provided in writing, including the driver workbook ($10.00) and drug/alcohol tests (market value).

- **ENROLLMENT FEE**

The enrollment fee for the DUI Safety and Treatment program is $400.00. This fee shall cover the provision of the Education Component (Level I) services to include enrollment, screening, an exit interview and 18-hours of DUI education classes.
Payment of such fees is the responsibility of the driver and must be provided prior to or at the time of the enrollment in the DUI Safety and Treatment Program, unless indigent status has been established. Under no circumstances shall a driver be afforded payment or credit plans for the fee incurred for this portion of the program.

- **TREATMENT FEES**

Fees associated with receipt of any treatment components (those services extending beyond the enrollment fee) will be the responsibility of the driver unless determination of indigent status has been made. DRIVERS REQUIRING TREATMENT WILL NOT BE DENIED ACCESS TO THE TREATMENT COMPONENT OR ENHANCED TREATMENT COMPONENT BASED UPON THE INABILITY TO PAY. Providers are encouraged to seek reimbursement through the driver’s insurance when available. Providers may also refer uninsured drivers with an inability to pay and who may meet the criteria for indigent care services to the local comprehensive behavioral health center for completion of the treatment components. A sliding fee scale and payment plan option must be available for the Intervention and Treatment and Intensive Care Components (Level II and III).

5.3 PROVIDER REMITTANCE

As summarized in 64 CSR 98, 8.4, once a Provider has received the $400.00 enrollment fee, $125.00 shall be remitted to the BBHHF and the Provider shall retain the remaining $275.00. The remaining $125.00 shall be utilized by the Department of Health and Human Resources to support the Driver’s Safety and Treatment Fund and program administration.

5.4 INDIGENT STATUS DETERMINATION

As referenced herein drivers will not be denied access to the DUI Safety and Treatment programming due to their inability to pay. As per §17C-5A-3(e) of the West Virginia Code, BBHHF has established an indigent determination procedure setting forth fiscal procedures governing indigent determination for drivers. As referenced in 64 CSR 98, 8.3, a driver may request an indigent determination for a full waiver of enrollment fees for the provision of the Level I Prevention and Education component provided that the participant meets each of the criteria in the paragraph below. This determination should also make the driver eligible for charity care and/or a sliding fee scale for any treatment services not covered by the drivers insurance. For indigent status determination guidelines and resources visit the Bureau’s website at: http://www.dhhr.wv.gov/bhhf

Each Provider must utilize the criteria set forth by the annual Federal Poverty Guidelines for determining if fee waiver for the education component is available for drivers accessing the WV Safety and Treatment program. As referenced in 64 CSR 98, 8.3, for the purposes of the DUI Safety and Treatment Program a driver who is a West Virginia resident with family/household income equal to or below one hundred percent (100%) of the federal poverty standard, adjusted for
family/household size, and who enrolls in a program operated by a provider approved by BBHHF and operating within West Virginia, shall be determined to be indigent. This qualifies the driver for sponsorship for the full amount of fees related to enrollment in the Education Component (Level I). Drivers who are not eligible and/or not interested in receiving the indigent waiver must complete and sign a form indicating this information. Drivers may only qualify once for the indigent waiver for sponsorship of the Education Component (Level 1) of the DUI Safety and Treatment program, unless the driver’s provider determines that Level II or Level III services are needed first and upon receipt of Level II or Level III services such provider subsequently re-assesses the driver as being ready to re-enroll in the Level I program within 12 months of initial enrollment.

5.5 PROGRAMMING WITHDRAWAL

Drivers who withdraw from programming by either refusing or failing to complete the requirements outlined above must make-up or restart all programming according to the attendance expectations. After twelve (12) months with no DUI Safety and Treatment programming participation, the driver must be reassessed and re-enroll as a new driver and the provider shall then open a new file; this will include payment of all fees.

6. DATA REQUIREMENTS

Each Provider administering the DUI Safety and Treatment Program must collect, prepare and submit monthly reports to the BBHHF for purposes of monitoring outcomes, contract negotiation and renewal. For data collection and reporting guidelines visit the Bureau’s website at: http://www.dhhr.wv.gov/bhhf

7. QUALITY ASSURANCE

7.1 PROVIDER NETWORK

The DUI Safety and Treatment Provider Network is made up of representation from all DUI Safety and Treatment Provider agencies and will meet quarterly. DUI Coordinators or their designee is required to attend all Network meetings. These meetings serve to ensure that quality education and treatment services for the driver are provided under the standards of the program. The Network shall make recommendations for procedural refinement, policy and position development, and peer review.

The Network shall also assure the education of the Legislature, the judicial system, the public at large and other interested parties regarding the offense of driving under the influence and related issues. The BBHHF will provide facilitation to support the Network and work collaboratively with the Network to accomplish its mission.

7.2 MONITORING
As per state legislative rules, BBHHF is responsible for monitoring of the DUI Safety and Treatment Program. BBHHF, either directly or through its agents or representatives, may conduct record reviews, site reviews, or investigations of any provider currently or proposing to provide services for the purposes of ensuring compliance with these standards. The extent of those monitoring activities may include, but not be limited to: desk reviews, audit reviews, onsite monitoring, technical assistance and training activities.

Providers shall be subject to either announced or unannounced reviews. Failure to permit complete access to all records and facilities to a reviewer whose proper credentials or acting agent status has been verified shall subject the provider to revocation of MOU or the denial of contract to a potential provider.

Reports, including findings, conclusions, and subsequent recommendations by the reviewers shall be made available to the Provider being reviewed. Plans of correction and/or subsequent responses shall be submitted from the Provider to BBHHF in accordance with the prescribed timeframes.

7.3 INVESTIGATIONS

The BBHHF, either directly or through its agents, shall respond to allegations of violations of the standards promulgated herein, complaints regarding the operation of any services representative through the MOU under these standards, and suspicion of any unlawful activities related to Provider operation.

8. RESOURCES AND ADDITIONAL INFORMATION

Supplemental information, forms and resources related to these standards will be made available on the Bureau’s website: http://www.dhhr.wv.gov/bhhf

If the information being sought is not available in these standards and/or provided on the website please submit an inquiry via email to WVDUI@wv.gov.