

1.0 ADMINISTRATION

- 1.1 Authority: Section 1, 42-4-1202(5), 42-2-122(1)(i), 42-2-122(4), 42-2-124(2), 24-1-119(5)(b)(II), & 42-2-123(13) Colorado Revised Statutes, 1973, as amended.
- 1.2 Effective: November 17, 1982 as Emergency and Final Standards and Regulations for Certification and Licensure of Level I and Level II Alcohol and Drug Driving Safety Education/Treatment Programs.
- 1.3 Basis and Purpose: The purpose of these Standards and Regulations for Level I and Level II Alcohol/Drug Driving Safety Education/Treatment Program is:
- 1.3.1 To establish standards to be met for certification of Level I and Level II Alcohol/Drug Driving Safety Education/Treatment Programs and to insure delivery of beneficial program services.
 - 1.3.2 Certification does not constitute a commitment of financial support from any governmental source.
 - 1.3.3 A statement of the basis and purpose of these Rules and Regulations is also set out in the Economic Impact Statement submitted to the legislative drafting office.
- 1.4 Application: These Standards and Regulations are applicable to the programmatic aspects, staffing and operation of Level I and Level II Alcohol/Drug Driving Safety Education/Treatment Programs.

2.0 DEFINITIONS

- 2.1 Level I Programs: Short term, didactic, alcohol and drug driving education programs.
- 2.2 Level II Programs: Therapeutically oriented education or long-term outpatient, or comprehensive inpatient treatment programs, or any combination thereof.
- 2.2.1 Level II Education: Therapeutically oriented sessions which simultaneously combine cognitive education on alcohol and driving with group process so as to become affective in nature.
 - 2.2.2 Level II Treatment: Services above and beyond education on an inpatient and/or outpatient basis including diagnostic evaluation, medical, psychiatric, psychological, social services care, vocational rehabilitation and career counseling.
- 2.3 Social, Incipient and Problem Drinkers: Individuals so identified according to ADAD diagnostic criteria (See Appendix A).
- 2.4 Sponsoring Agency: Any agency or party that undertakes to establish and/or operate a Level I or Level II Alcohol and Drug Driving Safety Education/Treatment Program.
- 2.5 ADAD: Alcohol and Drug Abuse Division, Department of Health.
- 2.6 ADES: Alcohol and Drug Evaluation Specialist.
- 2.7 Certificate: The annual certificate issued by ADAD to indicate the acceptance of a Level I or Level II Alcohol and Drug Driving Safety Education/Treatment Program which has been found to be in full compliance with these Standards and Regulations at the time of issuance of the certificate.

- 2.8 License: A certificate issued by the ADAD and signed by the Director to indicate the approval of a Level II Alcohol and Drug Driving Safety Education/Treatment Program by the ADAD which has been found to be in compliance with these or other ADAD Standards and Regulations and applicable laws at the time of issuance thereof.
- 2.9 Provisional Certificate: A certificate issued by ADAD for a period not exceeding 90 days. Examples of conditions under which a provisional certificate may be issued include but are not limited to: newly certified programs, programs in violation of one or more areas required for certification/licensure.

3.0 GENERAL REQUIREMENTS

3.1 Level I Programs:

- 3.1.1 Agency Certification: Any sponsoring agency or party may establish and/or operate a Level I program after certification by ADAD.
- 3.1.2 Instructional Materials: The sponsor shall provide needed printed materials to each client as required by the program curricula.
- 3.1.3 Class Schedules: The sponsor shall establish and maintain a regular schedule of classes, a copy of which will be sent to ADAD.
- 3.1.4 Drinker Type Enrolled: Only Social Drinkers, according to ADAD criteria, shall be enrolled in a Level I program. The determination of drinker type shall be made in accordance with the procedures set forth in the ADAD Evaluation Manual. Incipient Problem Drinkers and Problem Drinkers must be immediately sent back to the referral source for proper disposition with appropriate documentation that the initial referral was incorrect. However, if the referral source or sentencing court does not change the order then the agency may accept the client upon second referral with appropriate documentation of the referral source review in the client's file.
- 3.1.5 Drug Clients: Anyone convicted of Driving Under the Influence of drugs shall be referred to an ADAD licensed drug treatment program for evaluation and any needed education or treatment.
- 3.1.6 Instructor Qualifications: Employed instructors shall have education, experience and/or training in one or more of the following: social science, psychology, counseling, alcohol/drug rehabilitation, education, traffic safety, or other related field, as well as ADAD counselor certification. New instructors shall obtain certification within 180 days of employment.
- 3.1.7 Volunteers: Volunteers may be utilized as adjunct instructors provided they are initially approved by the sponsoring agency program director and their performance is determined to be satisfactory.
- 3.1.8 Non English Language Programs: Agencies that wish to provide services in languages other than English shall have the curriculum, including all instructional materials in that language, approved by ADAD.

3.2 Level I Program Detail:

- 3.2.1 Time Frame: A Level I program shall range between 4 and 8 sessions of approximately 2 hours in length and 8-16 hours in duration.

3.2.2 Required Content/Topics:

- 3.2.2.a Pre-Post Test approved by ADAD.
- 3.2.2.b History, use and definition of alcohol.
- 3.2.2.c Alcohol as a drug.
- 3.2.2.d Physiological effects of alcohol.
- 3.2.2.e Other drugs - legal and illegal - and their effects on driving.
- 3.2.2.f Psychological and sociological consequences of use/abuse of alcohol or drugs.
- 3.2.2.g Blood alcohol concentration and effects on driving performance.
- 3.2.2.h Court penalties.
- 3.2.2.i Motor Vehicle Division laws and penalties.
- 3.2.2.j Review of treatment approaches and various programs.
- 3.2.2.k Alternatives to drinking and driving.

(For a model see DUI/DWAI Education Curricula which is available at ADAD, 4210 E. 11th Avenue, Denver, Colorado 80220.)

3.3 Reporting:

- 3.3.1 The program will report as appropriate to the courts, ADAD, Probation Department, ADES and Revenue Department Hearing Section concerning client cooperation, attendance, treatment progress, utilized modalities, fee payment, as required by ADAD, utilizing ADAD approved forms in order that the court may review its original sentence and/or the Revenue Department Hearing Section may consider cancelling a probationary drivers license. Clients are required to attend all sessions as described in Section 3.2.1. Clients shall not be reported as having completed a Level I Program unless all missed sessions are made up.
- 3.3.2 The program shall have a written policy describing the procedures to be followed in notifying the sentencing court and the Revenue Department Hearing Section when appropriate of:
 - 3.3.2.a Absences from alcohol and drug education or treatment sessions.
 - 3.3.2.b Failure to enroll in, and/or complete the appropriate alcohol and drug education or treatment program as ordered by the court, or required by the Revenue Department Hearing Section.
 - 3.3.2.c Failure to meet the financial obligations of the alcohol and drug education or treatment program.
- 3.3.3 The program shall have a written policy describing the procedures to be followed in providing regular reports of education/treatment progress to the sentencing court, or its agents.

3.3.4 The program shall have a written policy describing the procedures to be followed in providing proof to the Revenue Department Hearing Section that a driver who has been revoked, suspended, denied, has satisfactorily enrolled in or completed the appropriate Level I or Level II Program.

3.3.5 All reporting must be done in accordance with the Federal Confidentiality Regulations (42 CFR Part 2 especially paragraph 2.39).

3.4 Group Size: No more than 25 clients shall be present in a Level I Group.

3.5 Physical Requirements for Facilities: Level I Programs shall meet the requirements specified in Section 7.0 of ADAD Standards and Regulations for Alcoholism and Intoxication Treatment and Rehabilitation Programs.

3.6 Client Records: An individual record shall be maintained on each Level I client. Individual client records shall include:

3.6.1 Court documents.

3.6.2 Release(s) of Information.

3.6.3 Pre-Post test results.

3.6.4 Attendance/completion data.

3.6.5 Generalized group notes as to content/topics covered per session.

3.7 Procedure for Certification: Any sponsoring agency seeking certification to establish or operate a Level I program must submit:

3.7.1 A copy of the course curriculum including Pre-Post test.

3.7.2 Qualification of instructors as per 3.1.6.

3.7.3 Fee schedule.

After review of the above written information by ADAD, ADAD will schedule a certification site visit. If the requirements are met, certification as a Level I program will be granted. Certificates shall be issued for a period of one year from the date of issue; however, provisional certificates may be granted for a period not to exceed 90 days and shall state the specific terms under which they are granted. Written application for re-certification must be made 30 days prior to expiration of certification.

3.8 Programmatic/Staff Changes: Any programmatic/staff changes must be reported in writing to ADAD within 30 days.

3.9 Program Monitoring: ADAD reserves the right to monitor the operation of the program including site visits as needed.

3.10 Revocation or Denial of Certification: In accordance with 24-4-104, CRS 1973, as amended, ADAD may revoke, suspend, deny, annul, limit, or modify any certification based upon:

3.10.1 Any willfully false or fraudulent statement in the application for certification.

3.10.2 Any violation of these regulations.

3.10.3 Reasonable grounds as set forth in 24-4-104, CRS 1973, as amended.

3.11 Appeal: Appeal of an action taken by ADAD under Section 3.10 shall be made to ADAD. An appeal of the decision of ADAD may be made in accordance with the Colorado Administrative Procedures Act, 24-4-101, et. seq., CRS 1973, as amended. The decision concerning ADAD certification shall constitute final agency action within the meaning of this statute.

4.0 LEVEL II PROGRAMS

4.1 General Requirements:

4.1.1 Agency Certification and Licensing: Any sponsoring agency may establish and/or operate the program provided that the agency has the appropriate certification and licensure from ADAD.

4.1.2 Counselor Certification: Within 90 days of employment, all counseling staff of newly certified agencies conducting a Level II program must meet ADAD counselor certification requirements established pursuant to 25-1-207 et. seq. and 25-1-208 et. seq., CRS 1973, as amended and Rules and Regulations established pursuant thereto. All uncertified counselors must be supervised by a Level III Counselor.

4.1.3 Drinker Type(s) Enrolled: Level II programs are for Incipient Problem Drinkers and Problem Drinkers. The determination of drinker type shall be made in accordance with the procedures set forth in the ADAD Evaluation Manual.

4.1.4 Drug Clients: Anyone convicted of Driving Under the Influence of drugs shall be referred to an ADAD licensed drug treatment program for evaluation and any needed education or treatment.

4.1.5 Intake Procedures: All clients must be processed at intake utilizing ADAD client management methodology and a differential diagnostic procedure. Programs shall have a standardized procedure for intake of all Level II clients.

4.1.6 Non English Language Programs: Agencies that wish to provide services in languages other than English shall have the curriculum, including all instructional materials in that language, approved by ADAD.

4.2 Educational Component:

4.2.1 Time Frame: The educational component of a Level II program shall range between 8 and 12 sessions in length and 20-30 hours in duration. No more than one 3 hour session shall be conducted within a 24 hour period, and no more than two sessions shall be conducted per week.

4.2.2 Required Content/Topics:

4.2.2.a All content/topics covered in Section 3.2.2, Level I program.

4.2.2.b Therapeutically oriented sessions with emphasis on group process.

4.2.3 Group Structure: A Level I Education group shall never be combined with a Level II Therapy group, nor shall a Level I Education group ever be combined with a Level II Therapeutic Education group unless granted a written waiver by the ADAD. (For a model see DUI/DWAI Education Curricula which is available at ADAD, 4210 E. 11th Avenue, Denver, CO 80220.)

- 4.3 Group Size: Any Level II Group-Education and/or Therapy-should not exceed 12 clients. However, more than 12 may be scheduled to insure full groups.
- 4.4 Client Records: An individual client chart shall be maintained for each Level II client. In addition to the general record keeping and charting requirements specified in Section 4.0 and the modality specific record-keeping and charting requirements in Sections 10.0, 11.0, and 12.0 of the Standards and Regulations for Alcoholism and Intoxication Treatment and Rehabilitation Programs, all Level II client charts shall include:
- 4.4.1 Court documents, regarding referral and classification.
 - 4.4.2 Pre-post test results.
 - 4.4.3 Evidence of a differential diagnostic test and/or equivalent procedure.
 - 4.4.4 Attendance and completion data for all educational and treatment sessions.
 - 4.4.5 If the client is placed in Level II therapeutic education, there shall be a written service plan specifying the general problems, educational interventions planned, and goals to be achieved.
 - 4.4.5.a Individual problems and goals may be added during the course of the therapeutic education program.
 - 4.4.5.b If the client moves into Level II therapy, a complete individualized treatment plan must be developed at the time of transfer.
 - 4.4.5.c Education sessions may be charted similarly to group counseling sessions. Analysis of group dynamics should focus on the educational topics covered and member clients' grasp of content.
 - 4.4.6 Group counseling session notes.
 - 4.4.6.1 Group notes may be charted as individualized group notes for each client in the group or as combined notes for the entire group, with or without an individualized note when placed in the client's chart. The practice should be consistent and the rationale for the choice documented for each group.
 - 4.4.6.2 Group notes may be kept in a group file with a briefer note and reference in each client's chart or a copy placed in each client's chart.
 - 4.4.6.3 Group notes shall include:
 - 4.4.6.3.a Date of group.
 - 4.4.6.3.b Length of group (in hours).
 - 4.4.6.3.c Activity or interaction of group members.
 - 4.4.6.3.d Analysis of group dynamics and/or theme, including educational topics discussed during the session.
 - 4.4.6.3.e Description of the clients' participation.
 - 4.4.7 Signed Releases of Information for exchange of information with the referring court,

responsible alcohol/drug evaluation specialist(s) (ADES), and Revenue Department Hearing Section. These releases should comply with the Standards in Section 2.39 of the Federal Regulations on Confidentiality of Alcohol and Drug Abuse Regulations, 42 CFR, Part 2.

4.4.8 Copies of all written reports and correspondence submitted to the referring court, ADES, and Revenue Department Hearing Section.

4.4.9 Notes on all telephone contacts and information exchanged verbally with the referring courts, ADES, and Revenue Department Hearing Section.

4.5 Length of Therapy Program (outpatient, or outpatient-inpatient combined):

4.5.1 A client who has been identified as an Incipient Problem Drinker and is court ordered for therapy must complete a minimum of 26 hours of group and/or individual therapy conducted over a period of not less than 4 months.

4.5.2 A client who has been identified as a Problem Drinker and is court ordered for therapy must complete a minimum of 40 hours of group and/or individual therapy conducted over a period of not less than 4 months.

4.5.3 Group therapy sessions shall not be less than 90 minutes in length.

4.5.4 No part of the Level II education program shall be counted as part of the 26 or 40 hours of therapy.

4.6 Disulfiram: In the event that court or agency ordered monitored Disulfiram is required:

4.6.1 Its ingestion must be tightly monitored by a staff member and crushed in liquid before ingestion. Ingestion must be in the presence of the staff member.

4.6.2 Disulfiram must always be used conjointly with counseling described in the treatment plan.

4.6.3 All ADAD guidelines or regulations concerning the use of Disulfiram must be followed. Programs shall have written policies and procedures for the use of Disulfiram which are reviewed and approved by ADAD.

4.7 Reporting:

4.7.1 The program will report as appropriate to the courts, ADAD, Probation Department, ADES and Revenue Department Hearing Section concerning client cooperation, attendance, treatment progress, utilized modalities, fee payment, as required by ADAD, utilizing ADAD approved forms in order that the court may review its original sentence and/or the Revenue Department Hearing Section may consider cancelling a probationary license. Clients are required to attend all sessions as described in Section 4.2.1 and/or Section 4.5.1 or 4.5.2. Clients shall not be reported as having completed a Level II program unless all missed sessions are made up.

4.7.2 The program shall have a written policy describing the procedures to be followed in notifying the sentencing court and the Revenue Department Hearing Section of:

4.7.2.a Absences from alcohol and drug education or treatment sessions.

4.7.2.b Failure to enroll in, and/or complete the appropriate alcohol and drug education or treatment program as ordered by the court, or required by the Revenue

Department Hearing Section.

4.7.2.c Failure to meet the financial obligations of the alcohol and drug education or treatment program.

4.7.3 The program shall have a written policy describing the procedures to be followed in providing regular reports of education/treatment progress to the sentencing court, or its agents.

4.7.4 The program shall have a written policy describing the procedures to be followed in providing proof to the Revenue Department Hearing Section that a driver who has been revoked, suspended, denied, etc., has satisfactorily enrolled in or completed the appropriate Level I or II program.

4.7.5 All reporting must be done in accordance with the Federal Confidentiality Regulations (42 CFR Part 2, especially paragraph 2.39).

4.8 Application for Certification: Any agency/party seeking certification of a Level II program must submit:

4.8.1 Proof of ability to meet ADAD counselor certification requirements.

4.8.2 A copy of the curriculum (if there is an educational component).

4.8.3 Program description.

4.8.4 Evidence that a differential diagnostic test and/or equivalent procedure is being utilized at intake for treatment planning.

4.8.5 Copy of pre-post test utilized.

4.8.6 Fee schedule.

4.9 Procedures for Certification: Following review of the written information required by Section 4.8, a certification site visit will be scheduled by ADAD. If the requirements are met, certification will be granted. A certificate shall be issued for a period of 1 year from the date of issue; however, a provisional certificate may be granted not to exceed 90 days and shall state the specific terms under which it is granted. Written application for recertification must be made 30 days prior to expiration of certification.

4.10 Previously Approved ADAD Programs: Agencies previously approved by ADAD (ADAD Emergency Standards and Regulations for Certification and Licensure of Level I and Level II Alcohol and Drug Driving Safety Education/Treatment Programs, pursuant to Section I, 42-4-1202(5), 42-2-122(1)(i), 42-2-122(4), 42-2-123(13), and 42-2-124(2), CRS 1973, as amended, effective July 1, 1982) may retain their approved status until expiration of their current certificate. Application for renewal must be made to ADAD.

4.11 Programmatic/Staff Changes: Any programmatic/staff changes must be reported in writing to ADAD within 30 days.

4.12 Program Monitoring: ADAD reserves the right to monitor the operation of the program including site visits as needed.

4.13 Revocation or Denial of Certification: In accordance with 24-4-104, CRS 1973, as amended, ADAD may revoke, suspend, deny, annul, limit, or modify any certification based upon:

4.13.1 Any willfully false or fraudulent statement in the application for certification.

4.13.2 Any violation of these regulations.

4.13.3 Reasonable grounds as set forth in 24-4-104, CRS 1973, as amended.

4.14 Appeal: Any appeal of an action taken by ADAD under Section 4.13 shall be made to ADAD. An appeal of the decision of ADAD may be made in accordance with the Colorado Administrative Procedures Act, 24-4-101 et. seq., CRS 1973, as amended. The decision of ADAD shall constitute final agency action within the meaning of this statute.

4.15 Revocation or Denial of Licensure: Shall be in accordance with the ADAD Standards and Regulations for Alcoholism and Intoxication Treatment and Rehabilitation Programs.

APPENDIX A CRITERIA FOR DRINKER TYPE CLASSIFICATION

I. Problem Drinker

A. Anyone who exhibits any one of the following:

1. Two or more previous alcohol related arrests
2. BAC of .25 or above
3. Loss of control of drinking
4. Self-admission of problem drinking
5. Prior diagnosis of problem drinking by a competent authority

B. Anyone who exhibits two or more of the following indicators:

1. One prior alcohol related arrest
2. M-F score 12 or above
3. BAC above .15
4. Employment problems due to drinking
5. Previous contact with social or medical facilities for problems where drinking was involved
6. Blackouts
7. Passed out because of drinking
8. D.T.s
9. Cirrhosis or fatty liver
10. Shaking - especially in the morning before a drink
11. Psychological dependence

12. Personality changes due to drinking

13. Family and/or social problems

II. Incipient Problem Drinker - anyone exhibiting just one of the indicators listed under "B" above.

III. Social Drinker - anyone whose evaluation reveals none of the indicators listed above.