

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS
TITLE 9. REHABILITATIVE AND DEVELOPMENTAL SERVICES
DIVISION 4. DEPARTMENT OF ALCOHOL AND DRUG PROGRAMS
CHAPTER 3. PROGRAMS FOR ALCOHOL AND DRUG IMPAIRED DRIVERS
SUBCHAPTER 3. PROGRAM STANDARDS
ARTICLE 1. GENERAL STANDARDS

This database is current through 4/3/09, Register 2009, No. 14
§ 9848. Participant Enrollment.

(a) The licensee may enroll any person who presents documentation from the court or the Department of Motor Vehicles verifying his/her arrest or conviction for one of the DUI violations specified in Health and Safety Code Section 11836 (a). Such documentation shall indicate whether the offense is a first, second or third DUI violation.

(b) The licensee may enroll and provide services to persons referred from another state for conviction of a DUI offense. The person must provide documentation from the state making the referral, indicating the requirement to attend and either the number of hours of program services or the program type required.

(c) The licensee may accept a participant for enrollment after the date specified by the court, provided that the licensee notifies the court of the enrollment through an established court referral and tracking system.

(d) Before a potential participant receives services from a DUI program, the licensee shall conduct an intake interview and enroll the participant in the program.

(e) The intake interview shall consist of a discussion of all of the following:

(1) Goals and objectives for participation in the program, including abstinence from the use of alcohol and/or illicit drugs as a goal during the duration of participation in the program. The licensee shall provide the participant with materials which describe how abstinence contributes to a healthy lifestyle;

(2) Counseling, education, and face-to-face interview requirements;

(3) Attendance requirements and procedure for requesting a leave of absence;

(4) Program fees and payment schedules;

(5) Location and schedule of program services;

(6) Reasons for dismissal from the program; and

(7) The program's participant rules. The participant shall sign and date a copy of the program rules and the licensee shall retain the signed copy in the participant's record.

(f) The licensee shall enroll a participant by completing:

(1) Intake forms required by the drinking driver program, the county, the Department, and the Department of Motor Vehicles;

(2) A participant contract, which shall list the services to be provided, program fees, payment schedule, attendance requirements, and reasons for dismissal from the program, as stated in Section 9886.

(A) The intake interviewer shall explain and date the contract.

(B) The intake interviewer and the participant shall sign the contract.

(C) The intake interviewer shall give one copy of the signed, dated, contract to the participant and shall retain one copy in the participant's record, pursuant to Section 9866.

(g) The licensee shall provide the contract, fee agreement, and all other documents that require participant signature in all languages in which the licensee provides services.

(h) Program staff who conduct the intake interview and explain the participant contract shall meet the qualification standards listed in Section 9846. Volunteers, interns, or clerical staff may complete forms and paperwork.

(i) At the time the participant enrolls, the licensee shall give the participant a written list of the date, time, and location of program activities the participant is scheduled to attend. The licensee shall begin providing services (i.e. face-to-face interviews, educational sessions, and group counseling sessions) within 21 days of the date that it enrolls a participant.

Note: Authority cited: Sections 11755 and 11836.15, Health and Safety Code. Reference: Sections 11836.15 and 11837.4, Health and Safety Code; and Sections 23161 and 23181, Vehicle Code.

HISTORY

1. Change without regulatory effect renumbering and amending former section 9826 to section 9848 filed 4-15-91 pursuant to section 100, title 1, California Code of Regulations (Register 91, No. 20). For prior history, see Register 82, No. 47.

2. Amendment filed 11-18-91 as an emergency; operative 1-1-92 (Register 92, No. 8). A Certificate of Compliance must be transmitted to OAL 4-29-92 or emergency language will be repealed by operation of law on the following day.

3. Amendment refiled 4-27-92 as an emergency; operative 4-28-92 (Register 92, No. 19). A Certificate of Compliance must be transmitted to OAL 8-26-92 or emergency language will be repealed by operation of law on the following day.

4. Certificate of Compliance as to 4-27-92 order including amendment of subsection (b) transmitted to OAL 7-16-92 and filed 8-25-92 (Register 92, No. 35).

5. Amendment of section heading, text and Note filed 6-7-93; operative 7-7-93 (Register 93, No. 24).

6. Amendment filed 9-22-95; operative 10-22-95 (Register 95, No. 38).

7. New subsections (a)-(b) and (g), subsection relettering and amendment of newly designated subsection (d) filed 12-6-2004; operative 1-5-2005 (Register 2004, No. 50).