

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 4. PARTICIPANT STANDARDS

This database is current through 4/3/09, Register 2009, No. 14
§ 9886. Dismissal of Participants.

(a) The DUI program shall dismiss from the program any participant who:

(1) Fails to participate in required program activities within 21 days of transfer to another DUI program licensed by the Department;

(2) Fails to maintain program sobriety in accordance with Section 9874;

(3) Fails to comply with DUI program rules;

(4) Fails to comply with additional county requirements which have been established by the county alcohol program administrator and approved by the Department in accordance with Section 9860;

(5) Fails to obtain a leave of absence, in accordance with Section 9876.5, when the participant is unable to attend any scheduled program services for 21 days or longer;

(6) Exceeds the number of absences allowed in Section 9876(d), without a leave of absence approved in accordance with Section 9876.5;

(7) Is physically or verbally abusive to program staff or other program participants; or

(b) The licensee may dismiss a participant who fails to pay his/her program fee assessed in accordance with the requirements of Section 9879 or fails to reschedule and attend a financial assessment interview in accordance with the provisions of Subsection 9879(j). However, the program shall not dismiss a participant, who has completed all required program services, for failure to pay program fees.

(c) If the participant was attending the program as a condition of probation, the licensee shall notify the court that the participant was dismissed from the program.

(d) If the participant is not on probation or attending a program in accordance with a court order, the licensee may reinstate the participant as shown below:

(1) Thirty (30) days after the date of first dismissal,

(2) Sixty (60) days after the date of second dismissal, and

(3) Ninety (90) days after the date of third or subsequent dismissal.

(e) The licensee may refuse to reinstate a participant if the participant was dismissed because he/she was physically or verbally abusive to program staff or other program participants. The licensee shall document in the participant's record the circumstances under which the participant was dismissed.

(f) The licensee shall not give credit for services attended prior to dismissal if the participant has not been enrolled in a licensed program for a period of two years or longer. The licensee shall give credit for services attended prior to dismissal if:

(1) The dismissal occurred less than two years prior to re-enrollment, and

(2) The licensee who provided the services verifies in writing that the services were provided to the participant.

Note: Authority cited: Sections 11755 and 11836.15, Health and Safety Code. Reference: Section 11837.1, Health and Safety Code; and Section 13352.5 of the Vehicle Code.

HISTORY

1. Change without regulatory effect renumbering and amending former section 9832 to section 9886 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 of section and Note filed 6-7-93; operative 7-7-93 (Register 93, No. 24).

3. Amendment of subsections (a)(3) and (a)(8) and new subsections (a)(9)-(a)(10) filed 7-13-94; operative 7-13-94 (Register 94, No. 28).

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

5. Redesignation and amendment of former subsections (a)(8) and (a)(9) to new subsection (b) and subsection relettering filed 12-10-97; operative 1-9-98 (Register 97, No. 50).

6. Amendment filed 7-31-2002; operative 8-30-2002 (Register 2002, No. 31).