

[Home](#) [Table of Contents](#)**§ 9848. Participant Enrollment.**

9 CA ADC § 9848

BARCLAYS OFFICIAL CALIFORNIA CODE OF REGULATIONS

Barclays Official California Code of Regulations [Currentness](#)  
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

9 CCR § 9848

**§ 9848. Participant Enrollment.**

(a) The DUI program 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 DUI program 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 DUI program may accept a participant for enrollment after the date specified by the court, provided that the DUI program 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 DUI program shall conduct an intake interview and enroll the participant in the program.

(1) DUI program counseling staff, who meet the requirements of Section 9846(c) and Section 9846(d) shall complete the intake interview, which shall consist of:

(A) A discussion of 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.

(B) Providing the participant with materials which describe how abstinence contributes to a healthy lifestyle.

(C) Explaining the counseling, education, and face-to-face interview requirements; attendance requirements; procedures for requesting a leave of absence; and reasons for dismissal from the program.

(D) Completing a participant contract listing the services to be provided, program rules, grievance procedures, program fees, additional fees, payment schedule and reasons for dismissal from the program, as stated in Section 9886. The contract shall include a statement that the participant may request the DUI program to conduct a financial assessment to determine the participant's ability to pay the program fee. The counselor shall:

1. Explain and date the contract;
2. Sign the contract and require the participant to sign the contract; and
3. Give a copy of the signed, dated contract to the participant and retain a copy in the participant's record.

(2) DUI program staff shall enroll the participant by:

(A) Completing administrative forms required by the DUI program, the Department, county, and Department of Motor Vehicles;

(B) Scheduling program services; and

(C) Providing the participant with a written list of the date, time, and location of program activities the participant is scheduled to attend.

(e) The DUI program shall provide the contract, and all documents that require participant signature in all languages in which the DUI program provides services.

(f) The DUI program 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 Section 23538, 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).

8. Amendment of section and Note filed 3-22-2012; operative 4-21-2012 (Register 2012, No. 12).

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9 CCR § 9848, 9 CA ADC § 9848

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