

## **Vermont Impaired Driver Rehabilitation Program Rule**

### **1.0 Authority**

This rule is adopted pursuant to 18 V.S.A. §4807(c).

### **2.0 Purpose**

This rule implements Vermont's Impaired Driver Rehabilitation Program, or IDRP, as outlined in 23 V.S.A. § 1209a. Successful completion of IDRP is required to regain an unrestricted driver's license for those individuals whose drivers' licenses have been suspended as a result of an alcohol or other drug-related driving conviction. Individuals ordered by a Vermont court, the Department of Corrections, or those charged with an alcohol or drug related driving offense may also participate. This rule specifies the requirements for participating in IDRP.

### **3.0 Definitions**

- 3.1    “ADAP” means the Division of Alcohol and Drug Abuse Programs in the Vermont Department of Health. ADAP is responsible for planning, operating and evaluating IDRP.
- 3.2    “Clinical Evaluation” means an initial interview with a Licensed Alcohol and Drug Abuse Counselor (LADC), referred to as a Clinical Evaluator, to assess potential treatment needs.
- 3.3    “Clinical Evaluator” means a LADC designated by the IDRP contractor to conduct Clinical Evaluations for the IDRP.
- 3.4    “Completion Report” means a written document issued from ADAP to the Vermont Department of Motor Vehicles verifying that an individual has satisfactorily completed IDRP.
- 3.5    “Conviction” means the final judgment by a court of law that an individual is guilty of the criminal offense of operating a vehicle under the influence of intoxicating liquor or other substance as defined by 23 V.S.A. § 1201.
- 3.6    “DMV” means the Vermont Department of Motor Vehicles.

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- 3.7    “Drug” means a regulated drug as defined in 18 V.S.A. § 4201; or any substance or combination of substances, other than alcohol, which affects the nervous system, brain, or muscles of a person so as to impair, noticeably and appreciably, a person’s ability to drive a vehicle safely.
- 3.8    “Educational Program” means the IDRP ten-hour curriculum, with classes held once a week for four consecutive weeks.
- 3.9    “Educational Program Completion Interview” means an interview with the clinical evaluator to review the results of clinical screening tests, participant history, and performance during the Educational Program to determine if reinstatement of an unrestricted driver’s license should be further conditioned on satisfactory completion of therapy.
- 3.10   “IDRP” means Vermont’s Impaired Driver Rehabilitation Program previously referred to as the Drinking Driver Rehabilitation Program or Project CRASH.
- 3.11   “IDRP Contractor” means the parties with whom ADAP contracts to deliver the components of the IDRP.
- 3.12   “IDRP Director” means the person designated by ADAP to direct and manage the Impaired Driver Rehabilitation Program.
- 3.13   “Impaired” means under the influence of intoxicating liquor or other drugs as provided in 23 V.S.A. §1201 (a).
- 3.14   “Licensed Alcohol and Drug Counselor” or LADC means licensed in accordance with 26 V.S.A. chapter 62.
- 3.15   “License Reinstate” means the action by the Department of Motor Vehicles to return to an individual the legal privilege of driving as provided in 23 V.S.A. § 1209a.
- 3.16   “License Suspension” means a suspension of a person’s driver’s license by DMV for violating 23 V.S.A. §1201 by operating a vehicle under the influence of intoxicating liquor or other substances.
- 3.17   “Participant” means an individual who is enrolled and attending the IDRP.

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- 3.18 "Offense" means the action of being charged and/or convicted of violating 23 V.S.A. §1201.
- 3.19 "Program" means the Vermont's Impaired Driver Rehabilitation Program, or IDRP, previously known as Drinking Driver Rehabilitation Program or Project CRASH.
- 3.20 "Registration" means the first step in the IDRP process. It is conducted by IDRP and involves the completion of registration forms, payment of program fees and an overview of the program requirements.
- 3.21 "Total Abstinence" means abstaining from any consumption of alcohol or drugs or both for a three-year period of time consistent with 23 V.S.A. § 1209a (b)(1).
- 3.22 "Total Abstinence Declaration Application" is a packet of forms which must be completed by the participant to apply for reinstatement of his or her driving privilege in accordance with 23 V.S.A. § 1209a (b).
- 3.23 "Treatment" means the recommended therapy program required by the clinical evaluator to satisfactorily complete IDRP. Treatment must be provided by an LADC, or a clinician with a master's degree who is actively pursuing licensure as an LADC as provided for in 26 V.S.A. § 3236 or other counselor approved by the Vermont Department of Health. Treatment may be required for a first conviction and is required for a second or third conviction.
- 3.24 "Treatment Exit Interview" means the meeting between the program participant and the clinical evaluator to assess whether the participant has satisfactorily completed any required therapy.
- 3.25 "Treatment Information Form" means a written document issued from the treatment provider to the Vermont Department health verifying that an individual has satisfactorily completed treatment.
- 3.26 "Treatment provider" means an LADC, or a clinician with a master's degree who is actively pursuing licensure as an LADC as provided for in 26 V.S.A. § 3236, or other counselor approved by the Vermont Department of Health.
- 3.27 "Under the Influence of Intoxicating Liquor or other Substances" means those circumstances defined in 23 V.S.A. § 1201 (a).

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3.28 “Weekend Program” means the weekend IDRP option designed to fulfill the requirements for Registration and Intake, Clinical Evaluation, referral to treatment, the Educational Program and the Educational Program Completion Interview in one weekend.

#### **4.0 Components of the Impaired Driver Rehabilitation Program**

The IDRP consists of the following components:

##### **4.1 Registration**

This is the first step for entry into the program. It involves registration for the program and payment of required fees.

##### **4.2 Clinical Evaluation**

This involves an interview with a designated LADC to gather personal and legal history, and to administer an evidence-based screen to determine if the individual needs treatment for a substance abuse disorder.

##### **4.3 Educational Program**

Consists of a total of ten-hours of classes that occur once a week over a 4-week period. The classes are sequential and cumulative. The Educational Program includes a workbook, homework and class participation.

##### **4.4 Educational Program Completion Interview**

This interview is conducted by the clinical evaluator following completion of the Educational Program. If no treatment is required and the participant has successfully completed the Educational Program, a Completion Report will be sent from ADAP to DMV.

##### **4.5 Treatment**

The requirements for participants to engage in treatment vary based on the level of offense, the results of the Clinical Evaluation and the Educational Program Completion Interview.

##### **4.6 Treatment Exit Interview**

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This involves the participant's interview with a clinical evaluator to determine if treatment requirements have been met or if additional treatment is needed. If the participant has successfully completed the Educational Program and treatment requirements have been met, a Completion Report will be sent from ADAP to the DMV.

#### **4.7 Optional Weekend Program**

Participants may opt to attend these intensive sessions when they are available. Information about these intensive sessions is available from ADAP.

### **5.0 Requirements for License Reinstatement for Individuals with a First Conviction**

#### **5.1 Registration for Program**

5.1.1 Individuals will receive a Notification of Suspension Letter from the DMV explaining the steps required to reinstate a suspended license.

5.1.2 Individuals shall register to attend an IDRP Registration session by contacting one of the IDRP sites listed on the DMV Notification of Suspension Letter or posted on the ADAP website.

5.1.3 Following completion of the Registration process, the individual shall schedule and attend a Clinical Evaluation session with a clinical evaluator.

5.1.4 The fee for Registration and the Clinical Evaluation is a combined fee that shall be paid in full prior to beginning the Education Program.

#### **5.2 Educational Program Attendance and Participation**

##### **5.2.1 Attendance**

5.2.1.1 The participant shall attend all four classes of the Educational Program and successfully participate in the program as determined by the instructor.

5.2.1.2 If a participant misses any of the four classes the participant shall begin a future Educational Program when it is offered, and attend

all four classes in order to successfully complete the course.

5.2.1.2.1 If a participant is unable to complete the IDRP in two sessions, the participant shall enroll in a third Education Program session and will be required to pay all related fees.

5.2.1.3 If a participant misses a class in a repeated Educational Program session due to extreme circumstances, and if the participant attended the same class during his or her first session, the participant may submit a request for an excused absence from the class to the Clinical Evaluator.

Participants may appeal the decision of the Clinical Evaluator in writing to the IDRP Director or designee. The criteria for extreme circumstances will be set out in the IDRP Policies and Procedures.

### 5.2.2 Class Cancellations

5.2.2.1 In the event of a circumstance that in the opinion of the IDRP Educational Program Instructor could jeopardize the health and safety of class participants, the Instructor may cancel a class. Methods of notifying participants will be explained during the Registration and Intake Session.

5.2.2.2 In the event of a class being cancelled, a make-up date will be set by the IDRP Education Program Instructor and participants will be expected to attend class on the make-up date.

5.2.2.3 Any participant unable to attend the make-up class shall take the session the next time it is offered.

### 5.2.3 Participation

5.2.3.1 Participants must arrive on time for each class. Tardiness may result in dismissal from the class, requiring the participant to begin the Educational Program again during a subsequent session.

5.2.3.2 Participants shall not attend any Educational Program classes under the influence of intoxicating liquor or drugs. Doing so will result in dismissal from the session.

5.2.3.3 The Educational Program is open to anyone who wishes to attend. Spouses, significant others, relatives, or friends of mandated participants are encouraged to attend.

#### 5.2.4 Class Completion

Following completion of the Educational Program, the participant shall meet with the Clinical Evaluator for an Educational Program Completion Interview to determine if reinstatement of an unrestricted driver's license should be further conditioned on satisfactory completion of treatment. If no treatment is required a Completion Report will be sent from ADAP to the DMV.

### 5.3 Optional Weekend Program

5.3.1 Successful completion of an intensive weekend session will meet the criteria for completion of the Registration and Intake, Clinical Evaluation and the Educational Program components of the IDRP.

5.3.2 Any treatment requirements will be discussed with the participant during the Weekend Program.

5.3.3 Weekend Program participants who are required to attend treatment will not be required by IDRP to return to the weekend program for a treatment exit interview.

5.3.4 Any program components not successfully completed during the Weekend Program shall be completed before ADAP can verify completion and submit a Completion Report to DMV.

### 5.4 Treatment

5.4.1 The Clinical Evaluator will determine if, based on the results of the Clinical Evaluation, evidence-based screening, and performance in the Educational Program, the participant must participate in treatment in order to fulfill requirements of IDRP.

#### **5.4.2 Treatment Expectations**

5.4.2.1 Treatment shall involve an assessment and a **treatment plan** with goals signed by the treatment provider and the participant.

5.4.2.2 Treatment may include outpatient therapy, individual or group, or residential therapy.

#### **5.4.3 Treatment Length**

5.4.3.1 The treatment provider will determine the length and duration of treatment.

5.4.3.2 Treatment shall consist of a minimum of four (4) hours in no fewer than four (4) weeks.

5.4.3.3 If the treatment provider believes the participant needs additional treatment, he or she will notify the participant and they will revise the treatment plan.

#### **5.4.4 Treatment Completion**

5.4.4.1 The participant's last treatment session shall be no more than sixty (60) days from the date that ADAP receives the Treatment Information Form or the participant must attend and pay for an updated treatment session.

5.4.4.2 Following completion of the Educational Program and treatment, the participant shall schedule a Treatment Exit Interview with the Clinical Evaluator. If the Clinical Evaluator determines that the participant has successfully completed the Educational Program and treatment, a Completion Report will be sent from ADAP to the DMV.

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### **6.0 Requirements for License Reinstatement for Individuals with Two or More Convictions**

#### **6.1 Registration**

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Individuals with two or more convictions shall repeat the program Registration and payment requirements of the IDRP as set out in Section 5.1 of this rule.

**6.2 Clinical Evaluation**

Individuals with two or more convictions shall arrange for an interview with the Clinical Evaluator to review treatment requirements.

**6.3 Educational Program Attendance and Participation**

Individuals with two or more convictions shall repeat the Educational Program component of the IDRP as set out in Section 5.2 of this rule.

**6.4 Treatment Program**

6.4.1 Participants with two or more convictions must complete a treatment program consisting of a minimum of twenty (20) hours over a minimum of twenty-four (24) weeks.

6.4.2 Participants with two or more convictions must comply with all the treatment provisions in Sections 5.4.3 through 5.4.8 of this rule.

**7.0 Requirements for Individuals with Lifetime Suspensions**

An individual who seeks to have his or her driver's license reinstated after a lifetime suspension must comply with the three-year total abstinence provisions of 23 V.S.A. § 1209a (b) as well as the requirements of this section.

**7.1 Registration and Receipt of Total Abstinence Declaration Application**

7.1.1 Individuals will receive a Notification of Suspension Letter from the DMV explaining the steps required to reinstate a suspended license which shall include completion of three years of total abstinence from alcohol or drugs, or both. The beginning date for the period of abstinence shall be no sooner than the effective date of the suspension from which the person is requesting reinstatement and shall not include any period of incarceration or furlough.

7.1.2 During any point during the three years of total abstinence, the individual shall register to attend an IDRP Registration session by contacting one of

the IDRP sites listed on the DMV Notification of Suspension Letter or posted on the ADAP website.

7.1.2.1 During the Registration session, the participant will be given a Total Abstinence Declaration Application for demonstrating and declaring total abstinence.

7.1.2.2 Both the Registration interview and the Clinical Evaluation shall be completed prior to submitting a Total Abstinence Declaration Application.

7.1.2.3 The Total Abstinence Declaration cannot be submitted to ADAP sooner than completion of three years of total abstinence.

7.1.3 The fee for the Registration shall be paid in full prior to submitting the completed abstinence declaration and application packet.

## **7.2 Program Registration**

Individuals with a lifetime suspension shall repeat the program Registration component of the IDRP and pay associated fees as set out in Section 5.1 of this rule.

## **7.3 Treatment**

7.3.1 The participant must participate in treatment consisting of a minimum of twenty (20) hours over a minimum of twenty-four (24) weeks.

7.3.2 Participants with three or more convictions must comply with all the treatment provisions in Sections 5.4.3 through 5.4.8 of this rule.

7.3.3 Following completion of the treatment program, and completion of the Total Abstinence Declaration Application, the participant shall schedule a Treatment Exit Interview with the Clinical Evaluator to review their treatment and the Total Abstinence Declaration Application to determine if all treatment and documentation requirements have been met.

7.3.4 Following the Treatment Exit Interview, and not sooner than three years of abstinence following the offense, the participant may submit a completed

Total Abstinence Declaration Application to ADAP for approval and submission to DMV.

## **8.0 Participant Appeals**

Participants who disagree with the determinations of the Clinical Evaluator or the IDRP Director may seek review of those decisions as set out in this section.

### **8.1 Appeals**

8.1.1 A participant may appeal the decision of the Clinical Evaluator in writing to the IDRP Director or seek review of the decision in Superior Court pursuant to Rule 75 of the Vermont Rules of Civil Procedure.

8.1.2 A decision by the IDRP Director may be appealed to the ADAP Division Director.

8.1.2 If a participant and the IDRP Director cannot agree on the type of therapy required, the Criminal Division of the Superior Court shall make that determination in accordance with 23 V.S.A. § 1209 (e).

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Section I. Authority.

Title 33 Section 707

Title 33 Section 706

Title 23 Section 1209a

Section II. Responsibility.

Section II. Responsibility.

~~Project CRASH, a program of the Department of Health, Office of Alcohol and Drug Abuse Programs, is designated by the Secretary of the Agency of Human Services to operate the Alcohol Evaluation Program, the Driving Education Program (CRASH School) and to supervise and approve the alcohol therapy programs of those persons whose licenses have been suspended for violation of 23 VSA Sections 1201 or 1202. Project CRASH is responsible for the certification of completion of the educational programs and therapy, the content and curriculum of the educational programs, and the supervision of the schedules for the educational schools and the Evaluations.~~

Section III. Charges.

~~Evaluation charges and Educational Program charges will be used to cover the cost of operating the evaluation and educational programs. The charges will be set accordingly by the Office of Alcohol and Drug Abuse Programs. They will be reviewed annually and any adjustments will be stated in published procedures. No refund can be made for fees paid for services that have been provided. If the individual fails to complete the initial course for which they are registered, they may have the charge applied to a second registration. Failure to complete the second or subsequent courses for the same offense will result in forfeiture of the charge. If the individual fails to complete the initial Educational Program for which they are registered, and have not notified Project CRASH of their inability to attend the program prior to the beginning of that program, the individual will not be eligible to receive a refund. Any charges must be paid in full before any final paperwork is processed.~~

Section IV. Intake Evaluation.

~~Any individual whose license has been suspended for an alcohol related offense must submit to an Intake Evaluation that will be conducted by Approved Alcohol Counselors who have been designated by the Office of Alcohol and Drug Abuse Programs. Designated counselors will be available in all areas of the state and will conduct Intake Evaluations on a regular basis consistent with the need. The Intake Evaluation procedures will have standardized elements, which include standardized tests, to assure consistency statewide.~~

Section V. Educational Program Attendance.

Any individual whose license has been suspended for a first or second DWI offense, first or

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~~second DWI Refusal, or first or second civil suspension must satisfactorily complete the Educational Program. Some individuals convicted of other alcohol or drug related offenses may also be required to complete the Educational Program. The Educational Program is open to anyone who wishes basic facts about alcohol and other drugs and we strongly urge spouses, significant others, other relatives, or friends of mandated participants to attend. Project CRASH will determine costs for these non-mandated participants. Educational Programs are operated on a regular schedule in various locations throughout the State. Sites and schedules are adjusted to meet student load and to provide accessibility with minimum driving from any location.~~

#### **Section VI. Educational Program Completion Requirements.**

~~A. Attendance at and satisfactory participation in all consecutive sessions of an Educational Program. An unexcused absence at any session will require dismissal, and the individual will be required to start over in a new Educational Program. In extremely rare cases, absences for emergencies may be permitted at the discretion of the Educational Program manager.~~

~~B. Be in class on time. Tardiness may result in dismissal from the program and starting over in a new program.~~

~~C. Attend all sessions alcohol and drug free. Persons attending class under the influence of alcohol or drugs will be dismissed from the course and will need to start over again. Factors to be considered in determining whether a person is attending a class under the influence of alcohol or drugs include, but are not limited to, odor of alcohol on breath, bloodshot and/or watery eyes, swaying and rocking back and forth, and slurred speech.~~

~~D. Complete all assignments, written and otherwise. (NOTE: Help will be provided for those with reading, language, or hearing problems.)~~

#### **Section VII. Educational Program Completion.**

~~After completing the necessary requirements for the educational program, the individual will attend an exit interview with the counselor with whom they attended the Intake Evaluation. For first offenders, the counselor will determine if the individual is in need of treatment. An individual is found in need of treatment when, based on objective tests, individual interview, and consultation with the educational leader, that education alone regarding drinking and driving will not be sufficient to effect a change in the individual's drinking/driving behavior. For second offenders, successful completion of a treatment program is required.~~

~~If an individual has successfully completed a treatment program before the completion of the Educational Program, information about the treatment will be obtained and a determination of the necessity of further treatment will be made. Section IX, Certification of Therapy Completion, would apply.~~

~~If the counselor at the exist interview determines that no treatment is necessary at this time, a Completion Report will be issued in duplicate with the original going to the participant at the exit interview and the duplicate to Project CRASH, who in turn will forward it to the Department of~~

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~~Motor Vehicles (DMV). The Completion Report Form will be signed by the evaluator and the educational manager. DMV will accept either the original or the duplicate (not a photocopy) as certification of the satisfactory completion of the Alcohol and Driving Program.~~

Section VIII: Alcohol and Drug Therapy Completion Requirements.

~~All individuals who require alcohol or drug therapy as a condition of driver license reinstatement must receive treatment from state approved alcohol/drug treatment provider, psychologist with an APA Certificate of Proficiency in Treatment of Alcohol and other Psychoactive Substance Use Disorders, or other health care professionals approved by the Drinking Driver Rehabilitation Program director or his/her designee(s). Evaluators will provide all Vermont residents with state approved alcohol/drug treatment providers in their area. Out of state programs may be used if comparable to Vermont's and if approved by the Drinking Driver Rehabilitation Program Director of his/her designee. Such approval does not imply program approval under VSA Title 8, Section 4099, nor does it bind any funding agencies to cover the costs of the treatment. The following conditions must be met for all therapy:~~

- ~~A. A completed assessment and a treatment record opened.~~
- ~~B. An individualized treatment plan will be designed and agreed to by the treatment provider and the individual.~~
- ~~C. For first offenders, (suspension less than 18 months), a minimum of 6 hours of professional treatment, in no less than 4 sessions over a minimum period of 4 weeks is required. For multiple offenders a minimum of 20 professional treatment sessions over a minimum period of 6 months is required. Inpatient treatment is acceptable with an aftercare program that has included regular contact with an aftercare counselor. The offender will be required to have had contact with a professional counselor within 60 days of the submission of completion paperwork. In addition to the professional counseling sessions, individuals may be asked to participate in educational programs such as the Educational Program, self help groups such as AA, job counseling or training, family counseling, detoxification, and other activities as adjuncts to treatment.~~
- ~~D. Upon completion, or substantial progress in completion of the therapy, and after satisfactory arrangements have been made for payment for the therapy, a letter will be sent to the local ADAP designated counselor for approval. Substantial progress in the completion of the treatment program is defined to be that point at which the individual is assessed by his/her counselor to have met some of the agreed upon treatment goals, sufficient to assure that risk of further violation of the DWI statutes is minimal, and has agreed in writing to continue in treatment until all treatment goals have been reached. Minimal requirements must be met before progress can be deemed substantial.~~

Section IX. Certification of Therapy Completion.

~~Upon completion of a treatment program, the counselor will notify the Intake Evaluator of the treatment information by filling out a form designed by Project CRASH. The form will be mailed to the Intake Evaluator, and the individual will be required to contact the Evaluator to set~~

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up an exit interview.

The Intake Evaluator, in conjunction with the individual's therapist, will be initially responsible for determining when the person has completed, or made substantial progress in completing his/her therapy program and will so notify the Driver Rehabilitation Program Director (Project CRASH Director) by letter. The Project CRASH Director, or his/her designee(s), will notify the Department of Motor Vehicles, in writing, that the therapy requirements have been satisfied.

Section X. Appeals.

If there are disagreements between a client and the therapist and/or the designated counselor and/or the Project CRASH Director regarding the type of treatment required, the length of treatment required or whether or not the therapy program has been satisfactorily completed, and if no reasonable agreement can be reached, then the individual may appeal to the Chief of Treatment Services of the Office of Alcohol and Drug Abuse Programs for a decision. The Chief of Treatment Services, or his/her designee, will consider either written or oral presentations by both sides before making a judgment in the matter. In cases where the Chief of Treatment, or his/her designee, determines there is a clear conflict of interest demonstrated, the appeal should be submitted to the Director of the Office of Alcohol and Drug Abuse Programs. This appeal process does not preclude nor replace the judicial review that is available as per 23 VSA section 1209a(d).

Section XI. Abstinence.

An individual wishing to be relicensed under the provisions of 23 VSA 1209a(b) may apply to the Project CRASH Director and to the Commissioner of Motor Vehicles. The individual will need to contact the Intake Evaluator to notify the Evaluator of their intentions, and to obtain the necessary information and forms. All necessary information and forms should be dated within 60 days of the exit interview with the CRASH Evaluator. During the exit interview, once all the necessary paperwork has been received, if the evaluator finds the documentation to be sufficient, proper, and satisfactory, then all documentation will be forwarded to the Project CRASH Director. Upon review and approval of the documentation, the Project CRASH Director, or his/her designee, will forward the documentation to the Department of Motor Vehicles for review and action by the Commissioner. The documented evidence to be presented to the evaluator will include as a minimum:

A. A sworn statement in writing by the individual of complete abstinence from the use of all alcoholic beverages or drugs or both during the preceding prescribed period, the intent to remain abstinent, and an appreciation that he or she cannot drink any amount of alcohol, or take any drugs and drive safely.

B. Statements acknowledged before a notary public from at least four credible individuals supporting the sworn statement of abstinence. These individuals could include a spouse or other adult family member, an active AA member, the individual's physician, an employer or business associate, a member of the clergy, a friend who is reasonably familiar with the life style of the individual, or the chief law enforcement officer in the area where the individual resides. Only

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~~two of these statements may be completed by family members. These statements should include reference to:~~

- ~~1. Length of acquaintance with the applicant.~~
- ~~2. Type and frequency of contact (should be at least weekly) with the applicant.~~
- ~~3. The person's belief that the applicant has been abstinent from alcohol and/or drugs for the prescribed period.~~
- ~~4. The conditions, behaviors, changes, etc. which give rise to that belief.~~

~~C. A letter from an approved substance abuse counselor stating that the applicant has successfully completed a minimal therapy program as per section VIII of these rules.~~

**Section XII. Substitutions.**

~~Upon approval of the Project CRASH Director, or his/her designee(s), comparable out-of-state programs may be substituted for the Vermont program(s).~~