Chapter 8 Alcohol and Drug Abuse
Subchapter 2

Vermont Impaired Driver Rehabilitation Program Rule

1.0 Authority

This rule is adopted pursuant to 18 V.S.A. §§ 102, 4807(c) and 3 V.S.A. §§ 801 (b) (11), 3003.

2.0 Purpose

The purpose of this rule is to establish the education, evaluation, and treatment components of and appeals process for 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 or revoked as a result of an alcohol or other drug-related impaired driving conviction. Individuals ordered by a Vermont court, the Vermont 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 “Alcohol” means any alcohol, malt beverages, spirits, fortified wines, and vinous beverages, as defined in 7 V.S.A. § 2, and any beverage or liquid containing any of them.

3.2 “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.

3.3 “Assessment” means an evaluation and documentation of an individual’s social, mental, and physical history, and status to determine whether reinstatement should be further conditioned on satisfactory completion of treatment.

3.4 “Clinical Evaluation” means an initial interview with a Clinical Evaluator, Licensed Alcohol and Drug Abuse Counselor (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, referred to as a Clinical Evaluator, to assess potential treatment needs.

3.43 “Clinical Evaluator” means a licensed clinician, or a clinician with a master’s degree who is actively pursuing licensure as provided for in 26 V.S.A. § 3236, or other counselor designated by the Department who administers the clinical evaluation for IDRP. A 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 designated by the IDRP contractor to conduct Clinical Evaluations for the IDRP.

3.54 “Completion Report” means a written document issued from Clinical Evaluator or the Facilitator to the Department, 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 or civil offense of operating a vehicle under the influence of intoxicating liquor or other substance as defined by Title 23 V.S.A. Chapter 13, Subchapter 13.

3.6 “Treatment provider Counselor” means an LADC a licensed clinician, 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 whose scope of practice includes substance use disorder treatment and is approved by the Vermont Department of Health.

3.7 “Department” means the Vermont Department of Health.

3.86 “DMV” means the Vermont Department of Motor Vehicles.

3.97 “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.

3.108 “Educational Program Component” means the IDRP ten-hour a curriculum focused on reducing impaired driving recidivism approved by the Department, 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.

3.11 “Exit Interview” means the meeting between the IDRP participant and the
Clinical Evaluator to assess whether the participant has satisfactorily completed
the IDRP.

3.12 “Facilitator” means the instructor of the IDRP Education Component.

3.13 “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.

3.14 “Impaired” means under the influence of intoxicating liquor or other drugs as
provided in 23 V.S.A. §1201 (a).

3.15 “Licensed Alcohol and Drug Counselor” or “LADC” means licensed in
accordance with 26 V.S.A. chapter 62.

3.16 “License Reinstatement” 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.

3.17 “License Suspension” means a suspension of a person’s driver’s license by the
DMV for violating 23 V.S.A. §§1201 and 1216 by operating a vehicle under
the influence of intoxicating liquor or other substances.

3.18 “Participant” means an individual who is enrolled and attending the IDRP.

3.18 “Offense” means the action of being charged and/or convicted of violating Title
23 V.S.A. Chapter 13, Subchapter 13.
3.19—“Program” means the Vermont’s Impaired Driver Rehabilitation Program, or IDR, previously known as Drinking Driver Rehabilitation Program or Project CRASH.

3.20—“Registration” means the first step in the IDR process. It is conducted by IDR and involves the completion of registration forms, payment of program fees, and an overview of the program requirements.

3.21—“Total Abstinence” means compliance with the total abstinence provisions of 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).

3.19—“Treatment” means the recommended counseling or therapy required by the Clinical Evaluator to satisfactorily complete IDR. Treatment must be provided by a licensed clinician 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 include without limitation outpatient therapy, intensive outpatient therapy and residential therapy. 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 of Health by the Clinical Evaluator or counselor verifying that an individual has satisfactorily completed treatment.

3.27—"Under the Influence of Intoxicating Liquor or other Substances” means those circumstances defined in 23 V.S.A. §§ 1201 (a) and 1216.

3.28—“Weekend Program” means the weekend IDR 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. The participant shall register for the program by completing the registration forms, paying the program fees, and acquiring an overview of the program requirements and payment of required fees.

4.2 Clinical Evaluation

4.2.1 This involves The participant shall sit for an interview with a designated LADC-Clinical Evaluator who will gather a personal and legal history, and to administer an evidence-based screening tool to the participant to determine if the individual needs to be referred for any additional assessment(s) and whether the individual will be required to sit for an exit interview for treatment for a substance abuse disorder.

4.2.2 For participants with one license suspension, the treatment requirement will be determined in the Clinical Evaluation. For participants with more than one license suspension, treatment is required.

4.3 Educational Program Component

4.3.1 The participant shall complete the Department-approved education curriculum. 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.

4.3.2 For participants with a life suspension, completion of the Education Component is not required.

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.
4.54 Treatment

The requirements for participants to engage in treatment vary based on the level of license suspensions, the results of the Clinical Evaluation and the Educational Program Completion Interview Component. For participants with one license suspension, the treatment requirement will be determined in the Clinical Evaluation. For participants with more than one license suspension, treatment is required.

4.6 Treatment Exit Interview

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 and instructions 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
5.2.3 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 and may audit the class at no cost.

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.

4.4.15.4.2 Treatment Expectations Requirements

4.4.1.15.4.2.1 Treatment shall involve an assessment and a treatment plan, addressing all substance use diagnoses, with associated goals signed by the treatment provider counselor 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.

4.4.1.25.4.3.2 For individuals with one license suspension, treatment shall consist of a minimum of four (4) hours in no fewer than four (4) weeks if determined necessary by the Clinical Evaluator.

4.4.1.3 For individuals with two or more license suspensions, treatment shall consist of a minimum of twenty (20) hours in no fewer than twenty-four (24) weeks.

5.4.3.4.4.1.4 If the treatment provider counselor or the Clinical Evaluator may determine that believes the participant needs additional treatment in order to meet the requirements outlined in
the treatment plan, he or she will notify the participant and they will revise the treatment plan.

5.4.4.2 Treatment Completion

5.4.4.2.1 The participant’s last treatment session shall be no more than sixty (60) days from the date that the Department ADAP receives the Treatment Information Form from the counselor or Clinical Evaluator unless waived by the Department or the participant must attend and pay for an updated treatment session.

5.4.4.2.2 If the Clinical Evaluator’s initial evaluation requires an exit interview, an exit interview must be completed before the participant can complete IDRP.

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.

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

6.1 Registration

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 and instructions explaining the steps required to reinstate a suspended license. 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.

5.0 **Abandonment and Re-enrollment**

If a participant has not completed IDRP within five (5) years of the Clinical Evaluation they shall be required to complete all of the program requirements from the beginning and pay all associated fees.

6.0 **Out-of-State Programs**

6.1 An IDRP completed in another state may satisfy the requirements under this rule if it is comprised of at least the following:

6.1.1 A completed evaluation to determine if further treatment is required and the completion of that treatment; and

6.1.2 An educational component.
6.2 Unless approved prior to completion of a program, participants may only participate in another state’s IDRP if they are licensed in and/or currently residing in that state.

6.3 Participants of an out-of-state program must submit the following required documentation to IDRP to have their license or privilege to operate restored in Vermont:

6.3.1 Out-of-state Completion Form
6.3.2 IDRP Release

7.0 Participant Appeals
Participants who disagree with the treatment determinations of the counselor, Clinical Evaluator or the Department IDRP Director may seek review of those decisions as set out in this section. The treatment minimums cannot be appealed.

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

7.1.2 A participant may appeal the decision of the IDRP Director in writing may be appealed to the Commissioner or designee ADAP Division Director.

7.1.2 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).