

## **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) 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.
- 3.3 "Clinical Evaluator" means 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.
- 3.4 "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 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 “DMV” means the Vermont Department of Motor Vehicles.
- 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 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.

- 3.16 “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.
- 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 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 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).
- 3.23 “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).
- 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 Clinical Evaluator 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**

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 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 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.

##### **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.

## **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.

## **8.0 Participant Appeals**

Participants who disagree with the determinations of the Clinical Evaluator or the IDR 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 IDR 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 IDR Director may be appealed to the ADAP Division Director.
- 8.1.2 If a participant and the IDR 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).