



SAN DIEGO STATE UNIVERSITY

Center for Alcohol & Drug Studies & Services

Driving Under the Influence Program

RULES AND REGULATIONS

OPERATIONAL AUTHORITY

The San Diego State University's DUI Program is licensed by the State of California, is contracted with San Diego County, and is affiliated with the SDSU Center for Alcohol & Drug Studies and Services. Operations are in accordance with California Code of Regulations (CCR) Title 9 legislation and the California Health and Safety Code.

MISSION

The mission of SDSU DUI Program (DUIP) is to reduce the incidence and prevalence of driving under the influence and enhance the quality of life of our community members through superior education and counseling services in a safe, culturally sensitive, trauma-informed environment. Our goal is to provide community members an opportunity to explore their relationship with substance use and develop an understanding of the interplay between physical health, mental health, and trauma, with alcohol and drug use and related adverse consequences.

PARTICIPANT RIGHTS

SDSU DUIP honors participant rights regarding the quality of services rendered, respecting self-determination, cultural, psychosocial, spiritual, and personal values. Participants have the right to receive fair and considerate service delivery in a safe setting, free from mental, physical, sexual or verbal abuse, exploitation or harassment, without regard to race, ethnicity, national origin, religion, sex, age, mental or physical disability, marital status, sexual orientation, and gender identity or expression. To that end, DUIP employees maintain professionalism and adhere to certification standards of care, which prohibit entering into dual relationships with participants (e.g. having an intimate, sexual relationship, sponsoring a client in AA/NA, socializing, entering into business negotiations, accepting gifts, lending or borrowing money). Participants have the right to be informed and to refuse to participate in any research project related to service delivery. For deaf, hard of hearing, or speech impaired participants, interpreter services are available. Language assistance for non-English speaking participants may be facilitated via community-based agencies.

Participants have the right to voice concerns and complaints and to expect responses to reasonable requests made. Participants are encouraged to address concerns directly with staff. If resolution is not achieved, Oscar Almendarez, Counseling Manager: (858) 467-6810 x 133 is available to assist with problem resolution.

Any further concerns or grievances may be directed to: Melanie Barker, Executive/Clinical Director: (858) 467-6810 x 123

CONFIDENTIALITY

SDSU DUIP operates within Federal and State legislation protecting participant rights to confidentiality. The right to confidentiality is not absolute. This Program does not disclose program participation without a written authorization for release of information, unless as required by law, i.e. Court, Probation, other DUI Programs, Department of Motor Vehicles (DMV) reporting, mandated reporting of elder, dependent adult, or child maltreatment, or medical emergency. Our program requests that participants respect the right to privacy and confidentiality of other participants by not disclosing information to any person, agency or institution that may reveal a participant's identity. All counselors are certified and responsible for abiding by professional standards of care to ensure that participant rights, including confidentiality, are protected. The program will make every effort to notify a participant in those situations requiring disclosure under the exception to the confidentiality rule.

PARADIGM DEVELOPMENTAL MODEL OF TREATMENT (PDMT)

SDSU DUI Program utilizes a standardized curriculum, the PDMT, incorporating 12-Step Facilitation, Cognitive Behavioral Therapy, and Motivational Interviewing. PDMT interventions and group topics provide a framework for counselors to assist participants in identifying strategies to reduce risk, promote safety, and enhance coping skills, emotional regulation, and quality of life.

Twelve-step Facilitation encompasses awareness that addiction is a chronic, progressive disease in which one loses control, wherein will power alone may be inadequate to overcome the problem. Abstinence may be the only alternative. Accepting support from other recovering individuals, utilizing activities established by the 12-step program, may effect change.

Cognitive-Behavioral Therapy incorporates strategies developed to assist participants in identifying maladaptive behavioral patterns, such as substance use and high-risk behaviors, and to employ alternative behaviors or apply new skills to stop alcohol or drug abuse and to address a range of other problems that may co-occur with it. A critical component of CBT is anticipating likely problems and enhancing participants' self-efficacy by assisting them in developing effective coping strategies.

Motivational Interviewing is a collaborative approach in which the counselor assists the participant in addressing ambivalence about behaviors, including substance use. Motivational interviewing principles are used to strengthen motivation and build a plan for change. Coping strategies for high-risk situations are discussed and participants identify goals and motivators to facilitate change.

PROGRAM SOBRIETY

Abstinence is an optimal goal for those with substance addictions. In accordance with CCR Title 9, program sobriety, defined as not being under the influence of any amount of alcohol or drugs while present at the facility, or while driving, is an absolute requirement. If program sobriety is violated, the participant must be dismissed from the program. If an enrolled participant receives a subsequent DUI conviction, the participant must be dismissed. The SDSU DUIP will not dismiss any participant for using medication prescribed by, and in accordance with, a licensed physician unless the participant is unable to participate in program services due to medication effects (e.g. falling asleep, unable to pay attention). It is important that participants taking prescription (R) medications, or who have special needs requiring accommodation, inform the program at the earliest possible date to address accommodations. Documentation from an appropriate healthcare provider may be required.

WATSON ADVISEMENT (People vs. Watson)

A person can be prosecuted for murder in the State of California if he/she drives intoxicated and causes an accident that kills another person. DUI second degree murder (otherwise known as a "Watson Murder") is the most serious California DUI felony charge. Unlike Penal Code 191.5, Vehicular Manslaughter While Intoxicated, a Watson Murder charge involves allegations of implied malice, or malice aforethought (conscious disregard for human life). The elements of malice in a charge of murder may be implied when an individual has knowledge regarding the danger of conduct and the risk that such conduct poses to the public (People vs Watson 30 Cal 3d. 290, 179 Cal Rptr. 43). Such knowledge is presumed when an individual has participated in a DUI Program.

ENROLLMENT - CCR, Title 9, Section 9848, Wet Reckless (WR), First Conviction Program (FCP), Multiple Conviction Program (MCP): The DUIP will enroll persons convicted for driving under the influence violations:

- When ordered by a court as a condition of probation;
- When a person is transferred from another licensed DUIP within California;
- When a person needs program attendance to satisfy Department of Motor Vehicle (DMV) requirements;
- When a person is referred by a court or DMV of another state to attend a DUI Program (however, credits from an out-of-state program cannot be granted).

In accordance with County Regulations, when a program participant enrolled per court order or Administrative Per Se and actively participating in any program level, is required by the Department of Motor Vehicles (DMV) or the Court to complete a different program level for the same case, the case shall be transferred to the new program level with credit for completed program services and fees paid.

Further, when a participant, enrolled per a court order or a DMV Administrative Per Se completes a program and is issued a DMV Notice of Completion Certificate (DMV Form DL-101), the case is closed. If the individual later returns with a DMV or court requirement for a different program level for the same case, no credit for completed services or fees paid shall be granted unless it is demonstrated that the delay was created by a DMV or Court error. It is the participant's responsibility to:

- Determine which program the DMV or Court will require for a specific case;
- Inform this Program and provide documentation of additional DMV or Court requirements for a specific case, prior to completion of his or her First Offender Program.

Any participant transferring from a DUIP located in another county must adhere to San Diego County program standards. The DUIP does not enroll any individual who presents under the influence.

PROGRAM SERVICES: Specific guidelines for services to be delivered to the DUIP participants are established by the State of California and San Diego County DUIP Standards. Refer to: California Health & Safety Code, Chapter 9, Section 11837.4; CCR, Title 9 Sections 9847 thru 9862; San Diego County DUIP Standards; AB1916 and SB1176. Service specifications, such as size of groups and classes, number of allowable absences, session length, number of activities required and documentation of attendance, are in accordance with State and County regulations, and are not subject to grievance.

Education – CCR, Title 9, Section 9852: All participants complete six, two hour education classes, scheduled for six consecutive weeks. As State regulations prohibit including a break in the required two hours, classes are scheduled for 130 minutes to allow for a ten minute break between each hour. Each session must be completed in full. If a person completes half a session and leaves at the break, it will be considered an absence and the entire session will have to be repeated.

NOTE: Persons convicted of a "Wet Reckless" (SB 1176) or convicted in another state may only be required to complete this program portion.

Group – CCR, Title 9, Section 9854: Group counseling sessions, scheduled weekly, are 90 minutes and are facilitated in a manner that enable participants to share ideas and information so they may identify and resolve problems related to alcohol or drug use and driving under the influence. The total number of sessions is predicated on the program length:

FCP-3 Months	12 sessions (one per week)
FCP-6 Months	20 sessions (one per week)
FCP-9 Months	30 sessions (one per week)
FCP/MCP-12 Months	35 sessions (one per week)
MCP-18 Months	35 sessions (one per week)

Face-to-Face Sessions - CCR, Title 9, Section 9858: These scheduled bi-weekly counseling sessions are conducted for the purpose of identifying goals and benefits for participating in the program, addressing any barriers that may impede successful completion, facilitating referrals to needed or requested ancillary resources, monitoring fee payments, and facilitating financial assessments, when needed. The number of sessions may be increased until a participant has completed the requisite number of education, group, or self-help sessions and will incur additional fees. Additional activities and fees can be avoided by adhering to scheduled activities.

The number of sessions is predicated on the program length:

FCP-3 Months	3 sessions (beginning, middle, end)
FCP-6 Months	14 sessions
FCP-9 Months	20 sessions
FCP/MCP-12 Months	26 sessions
MCP-18 Months	26 sessions

RE-ENTRY – California Health & Safety Code, Section 11837.4 (b), (1) - 18 month program: The Re-entry phase is designed to facilitate engagement with self-help recovery, relapse prevention, skill building, employment, personal health and well being, family and community. To begin this phase, all program activities (including 52 self-help meetings) for the first twelve months (365 days in the program) must be completed. This phase consists of five monthly one hour group counseling sessions and a one hour exit face-face. In addition, the County requires continued, documented, weekly participation of self-help meetings. During the Re-entry phase, the 21-day non-attendance regulation is modified to 60 days. Without action, program dismissal may occur 60 days after the last attended activity. It is important to:

- Schedule the first Re-entry session within 48 hours of completing a final face-to-face session to avoid program dismissal for the 21-day non-attendance policy;
- Contact an administrative staff member within three days of any missed activity to reschedule;
- Remain current with self-help meeting attendance and provide documentation;
- Attend the make-up session no later than 60 calendar days after the last attendance to avoid program dismissal.

Additional County Requirements - CCR, Title 9, Section 9860: Self-help Meetings: While active in the program, the County requires participants to attend, and provide documentation of, self-help meetings from the County-approved list. Some meetings may request donations. The number of meetings required is predicated on program length:

FCP-3 Months	One per month: 3
FCP-6 Months	One per week: 26
FCP-9 Months	One per week: 39
FCP/MCP-12 Months	One per week: 52
MCP-18 Months	One per week: 78

PARTICIPANT ATTENDANCE - CCR, Title 9, Section 9876, Absences: Each participant is required to attend all scheduled activities, be on time (tardiness constitutes an absence), and remain for the full session. A participant sleeping, being inattentive during a session, or disrupting an activity and resulting in being asked by staff to leave, will result in an absence. Any missed activity must be made up prior to the issuance of the Notice of Completion Certificate, DL-101.

Pre-arranging/Rescheduling Absences: Contact the administrative office at **(858) 467-6810 ext. 669** or complete a pre-arrange/reschedule form available throughout the facility. A pre-arranged/rescheduled absence will not count toward the allowable absence limit, although a rescheduling fee will be incurred. Further, prearranging does not prevent dismissal for the 21-day violation (refer to LOA for extended leaves). A missed education or face-to-face session requires rescheduling. A missed group session is made-up by attending the next group. To re-schedule an Education session or Re-entry, contact the

administrative staff within seven days. To reschedule a Face-to-Face, contact the group counselor to schedule an appointment. Absences that are not pre-arranged/rescheduled are counted toward the allowable limit. Exceeding the limit will result in program dismissal. The number of allowable absences is predicated on program length:

WR 6-week Education:.....	2
FCP-3 Months	5
FCP-6 Months	7
FCP-9 Months	7
FCP/MCP-12 Months	7
MCP-18 Months	10

Leave of Absence (LOA) - CCR, Title 9, Section 9876.5: An LOA may be requested for an extended period of absence (typically, 15 days or longer) for the following circumstances:

- Military duty or work related travel for an extended period;
- Illness or medical treatment (self or family member), including mental health or alcohol/drug treatment;
- Incarceration;
- Scheduled vacation (requires that all activities and fees are current);
- Personal hardship or family emergency (e.g. bereavement).

Submit an LOA request form, with documentation (e.g. military orders, physician letter, travel itinerary, etc.) and LOA fee payment, to the administrative office at least seven days prior to the requested start date, to support the request. In case of an emergency (e.g. unanticipated departure date, hospitalization, etc.), the LOA request and documentation may be submitted, via facsimile or postal service, within seven days from the LOA start date: Fax: (858) 467-6822; mail to: SDSU Central District DUIP, Attn: LOA Clerk, 9245 Sky Park Court, Suite 101, San Diego, CA 92123-4311. Please be advised:

- LOA requests are not automatically granted and require approval;
- To verify LOA status, contact the administrative office at (858) 467-6810;
- Time in Program does not accrue while on LOA, hence the completion date is extended;
- Self-help meeting attendance while on LOA does not count toward the self-help requirement;
- Absences do not accrue during an LOA;
- Services may be resumed prior to the requested end date;
- To resume services, contact the administrative office in person within five days of the LOA end date;
- Schedules are based on availability and may differ from prior assignments;

In certain extreme situations (e.g. incarceration or medical emergency) management may initiate a retroactive LOA when notification and/or documentation is received.

DISMISSAL OF PARTICIPANTS - CCR, Title 9, Section 9886: Program dismissals result in DMV and Court notification.

To adhere to Title 9 requirements and avoid Program dismissal:

- Maintain program sobriety;
- Pay fees in accordance with program contract;
- Adhere to DUI Program rules;
- Attend scheduled program activities (Group, Education, FAI or Face-to-Face) within 21 days (or within 60 days while in Re-entry) from the last attended activity or request an LOA;
- Pre-arrange/reschedule absences to avoid exceeding the allowable number of absences;
- Attend Self-help meetings and provide documentation in accordance with County requirements;
- Attend scheduled financial assessment interviews;
- Attend scheduled program activities within 21 days of transfer to another licensed drinking driver program;
- Refrain from acting in a physically or verbally threatening manner to staff or other program participants.

