

# **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.

If this Program cannot resolve your concern, you may contact: Danyte S. Mockus-Valenzuela, PhD, MPH, Prevention and Support Services, County of San Diego Health and Human Services Agency, C: 619-548-7697

Title 9, Chapter 3, Section 9823.1 of the California Code of Regulations, states that any person may request an investigation of a DUI program by contacting the Department in person, by telephone, in writing, or by any other automated or electronic means, in order to determine compliance with the provisions of Chapter 9 (commencing with Section 11836), Part 2, Division 10.5 of the Health and Safety Code and the requirements of this Chapter.

In accordance with Title 9, Chapter, Section 9823.1 of the California Code of Regulations, complaints should be directed to:

Department of Health Care Services  
Substance Use Disorder Compliance Division  
Driving-Under-the-Influence (DUI) Section  
P.O. Box 997413, MS 2602, Sacramento, California 95899-7413  
Phone: (916) 322-2964; Fax: (916) 440-5229; TOD: (916)  
445-1942 <http://www.dhcs.ca.gov>

## **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 the following driving under the influence violations:

- When ordered by a court as a condition of probation;
- When a person is transferred from another California licensed DUIP;
- When a person needs to satisfy Department of Motor Vehicle (DMV);
- When a person is referred by a court or DMV of another state.

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 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 delivery of service are established by the State of California and County of San Diego. Refer to: California Health & Safety Code, Chapter 9, Section 11837.4; CCR, Title 9 Sections 9847 thru 9862; San Diego County DUI Standards; AB1916 and SB1176. Service specifications, such as group and class sizes, session length, number of activities required, number of allowable absences, 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 provide an opportunity for 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 program participation, 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 number of sessions may be increased until a participant has completed the requisite number of sessions  
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. Sleeping, being inattentive, or disrupting an activity may result in removal from the session and will count as 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** to pre-arrange a scheduled activity. A pre-arranged absence will not count toward the allowable absence limit, although a rescheduling fee will be incurred. Note: 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. To reschedule an Education or Re-entry session, contact the administrative staff within seven days. To reschedule a Face-to Face, contact the group counselor. Exceeding the maximum number of allowable absences, which is predicated on program length, may result in dismissal. Allowable Absences:

- 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 (must be current with all activities and fees)
- Personal hardship or family emergency (e.g. bereavement).

Submit an LOA request form, with documentation (e.g. travel orders), and LOA fee payment to the administrative office at least seven days prior to the requested start date. 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;
- Contact the administrative office to verify the LOA status;
- Time in Program does not accrue while on LOA, hence the program completion date is extended;
- Self-help meeting attendance while on LOA does not count toward the Time in Program self-help requirement;
- Absences do not accrue during an LOA;
- Services may be resumed prior to the requested end or extended upon request;
- To resume services, contact the administrative office to set up a schedule, which is based on availability and may differ from prior schedules.

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.

**PROGRAM REINSTATEMENT:** The Program may refuse reinstatement for any individual presenting under the influence, or having been dismissed for threatening behavior (verbal or physical). To reinstate:

- Reinstate within 24 months of dismissal to receive credit for prior program participation;
- Return to Court (Court mandated participants) and obtain a referral to reinstate.

**PROGRAM RULES** to support the DUIP mission and create a safe environment:

- SDSU is a smoke-free campus; smoking (including e-cigarettes) is allowed in the designated area (rear parking lot);
- Weapons are not allowed on the premises;

- Clothing imprinted with alcohol, drugs, profanity, sexual connotations, or is distracting (e.g. sheer) is prohibited;
- Sunglasses may not be worn during activities, unless medically indicated and supported with documentation;
- Water in clear containers is allowed in classrooms; food and drinks may be consumed outside;
- Electronic devices and cell phones need to be turned off or on silent mode while in the building;
- Visitors, including children, are allowed in the reception area only. Minor children ( $\leq 18$  years old) need to be accompanied by an adult and may not be left unattended;
- Visitors serving as interpreters need to sign a confidentiality agreement and receive a visitor badge prior to accompanying a participant to their activity;
- Acts of vandalism or defacing property (e.g. graffiti) will not be tolerated and individuals engaging in such activities may be subject to dismissal from the DUIP and legal action.

**PAYMENTS:** May be paid by cash, money order, cashier's check, Visa, MasterCard, Discover, and debit cards. Any participant struggling to meet program fee requirements may request a Financial Assessment Interview as needed.

**COMPLETION CERTIFICATE:** Upon meeting all program requirements, including fee paid in full, SDSU DUIP will issue a Letter of Completion (Wet Reckless) or a numbered DMV Notice of Completion Certificate (DL101). Processing of completions requires seven to ten calendar days, including DMV notification. Participants will be mailed a Notice of Completion Certificate copy. To ensure timely DL101 processing, provide the following: full name, date of birth, California drivers license number, and date of violation.

For participants who have not applied for, or have not been issued a California Drivers License, the program will require a California DMV "X" number, identifying the case. To obtain the "X" number, contact the DMV or insurance carrier, and provide the SDSU DUIP with this number within ten (10) days of enrollment.

**NOTES:**


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(858) 467-6810 – Fax: (858) 467-6822  
[www.sdsduip.com](http://www.sdsduip.com)